JOSEPH ROWNTREE FOUNDATION

JRF Programme Paper
Forced labour

FORCED LABOUR IN THE UK

Alistair Geddes, Gary Craig and Sam Scott with Louise Ackers, Olivia Robinson and Dianne Scullion

June 2013

This paper:

- considers the definition of forced labour, the legal and policy developments around it and the often overstated relationship with human trafficking;
- looks at the scale and scope of forced labour in the UK, how it is tackled, and the pressures on regulatory and enforcement mechanism designed to help those who are exploited;
- identifies the need for a unified government strategy to combat forced labour and makes recommendations for national and local government, business and trades unions.

The Joseph Rowntree Foundation (JRF) commissioned this paper as part of its programme on forced labour, which aims to influence the development of policy and practice to reduce forced labour in the UK and support its victims.

ISBN 978 1 85935 980 8

Contents

Introduction

Until recently, forced labour was widely understood to be an issue of little relevance to the United Kingdom; it was associated with slavery-like conditions in poor countries and with the actions of authoritarian states. However a growing range of studies now points to the fact that there are many work situations in the UK which are not only poor and exploitative but which can also give rise to forced labour. This study of the scope of forced labour within the UK found it to be a significant, probably growing, though often invisible, problem.

The study has been wide-ranging, addressing the following questions:

- How should the causes of forced labour in the UK be understood?
- Are the legal, policy, and institutional frameworks for addressing forced labour in the UK adequate?
- Can the scale and extent of forced labour in the UK be estimated?
- What is the UK's response to forced labour?
- What are levels of awareness and understanding of forced labour among key stakeholders?

What is forced labour?

Forced labour is a decades old concern. Article 2 of the International Labour Organization (ILO) Convention No. 29 (1930) defines it as:

> "all work or service that is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily".

In addition, forced labour is also an infringement of fundamental human rights. The Universal Declaration of Human Rights prohibits holding someone in slavery or servitude and use or trade in slavery in any forms. The European Convention on Human Rights also prohibits holding someone in slavery or servitude or requiring them to perform forced or compulsory labour.

The ILO definition of forced labour points to two critical dimensions, namely coercion and the lack of freedom of choice. However there remains a lack of firm understanding of how these dimensions are constituted and how they may intersect, particularly in the context of forced labour used for private economic gain. Currently the ILO estimates that of the 20.9 million persons in forced labour globally 18.7 million (90 per cent) are exploited in the private economy by individuals or enterprises (ILO, 2012a). Included in this estimate is a range of exploitative work relationships which are referred to in various ways such as debt bondage, modern slavery and trafficking in human beings.

While forced labour has been linked with human trafficking in particular, it is also crucial to appreciate that it can develop in other ways. In the UK context recent work has attempted to situate both forced labour and trafficking into a broader 'exploitation continuum' (Skrivánková, 2010).

Forced labour and the UK legal and policy framework

The UK has ratified the ILO's Forced Labour Convention and is also party to the European Convention on Human Rights. As a result the UK must have legal and administrative frameworks to enforce these rights and to investigate allegations of forced labour in all its forms.

The UK's legal framework against forced labour is recognised as new and relatively strong (EHRC, 2012). The Immigration and Asylum (Treatment of Claimants etc.) Act 2004 makes trafficking of people for exploitation, including by way of forced labour, a criminal offence. The Protection of Freedoms Act expands this to cover offences committed by UK nationals abroad. In Scotland trafficking in human beings including for forced labour is covered by Section 46 of the Criminal Justice and Licensing (Scotland) Act 2010. In addition slavery, servitude and forced or compulsory labour are a criminal office under Section 71 of the Coroners and Justice Act 2009 in England, Wales and Northern Ireland, and Section 47 of the Criminal Justice and Licensing Act in Scotland. The maximum sentence for this offence is 14 years' imprisonment. Legal action could also be pursued through an employment tribunal.

As well as the police, the UK a number of enforcement agencies set up to monitor, investigate and enforce basic rights at work. These agencies include the Gangmasters Licensing Authority (GLA), HM Revenue and Customs, the Employment Agency Standards Inspectorate, and the Health and Safety Executive. Since 2009 there has also been a Pay and Work Rights Helpline receiving calls for all of these enforcement bodies. Indicators of forced labour are incorporated into the licensing standards of the Gangmasters Licensing Authority (GLA), which works in partnership with the police and other agencies. In addition the creation of the National Referral Mechanism (NRM), also in 2009, has added information on labour exploitation related to human trafficking.

These developments may go some way to combating forced labour in the UK, however further appraisal is necessary. It is vital that the legal framework is not simply 'paper-based' but can be used in practice to prosecute those who commit forced labour and to provide justice for those who have been subject to it. Furthermore, growing evidence shows that those vulnerable to forced labour include not only those trafficked, smuggled or otherwise working illegally in the UK, but also migrant workers (mainly from other EU states) with the right to work in the UK. Hence forced labour needs to be approached as an issue of worker rights and criminal justice rather than reduced to a trafficking or immigration issue. Current

evidence also points to exploitative work practices being used in a range of sectors, including some which are outside the remit of the GLA. It is therefore important that approaches to identifying and dealing with forced labour are consistent across the various different lines of responsibility.

Scale and extent of forced labour in the UK

Forced labour is difficult to detect. It is hidden by its perpetrators and workers may be reluctant or frightened to come forward. On top of this the definition and boundaries of forced labour remain contested issues, and there are differences regarding the choice of indicators with which it may be identified. For example the ILO originally proposed six key indicators for determining whether a worker was in forced labour, but in 2012 it expanded this to eleven indicators. No indicators are widely adopted and so data on which the scale or extent of forced labour in the UK may be assessed also remains limited.

Most of the evidence consists of academic studies, generally relatively small-scale, such as JRF studies pointing to forced labour in sectors including cleaning, construction, care work and domestic work (e.g. Dwyer *et al*., 2011), catering and hospitality (Allamby e*t al*., 2011, Kagan *et al.*, 2011, Scott *et al*., 2012), as well as in food production and processing (Allamby *et al*., 2011, Scott *et al*., 2012). Other one-off investigations have included the TUC-led Commission on Vulnerable Employment (TUC, 2008) and the EHRC's inquiry into conditions in meat and poultry processing in England and Wales (EHRC, 2010. However all of the above tend to suggest that the scale of forced labour may be significantly higher than the anticipated number of cases prosecuted as criminal offences. Data from enforcement agencies, from the National Referral Mechanism and from other sources also supports the view that there may be several thousand workers across the UK in work situations classifiable as forced labour.

Research methods

The research included interviews and focus groups with experts and other stakeholders, reviews of policy documents and earlier research, and close examination of a wide range of data sources. The research spanned the entire UK and the contents of this report are not strongly disaggregated for each nation.

During the consultation we sought to gauge perspectives both among stakeholders at national level and among field offers and service providers operating at more local and frontline levels. As well as individual interviews we ran a series of local stakeholder meetings in Boston in Lincolnshire, Bristol and Dundee. The choice of these locations was co-ordinated with work for our food industry report (Scott *et al*., 2012).

The National Referral Mechanism, designed to identify cases of trafficking, recorded more than 370 cases of adults and children who may have been trafficked for labour exploitation in 2012, plus a further 164 in which domestic servitude was involved. As well as looking further at these figures we also looked at the data available from the four main agencies enforcing workplace rights and from other sources, including employment tribunals and other support and advice organisations. None of these sources directly identifies forced labour situations. However they do serve to illustrate the scale of problems around basic rights at work, while the agency data shows that the overall number of active inspections is being substantially reduced in favour of a more risk-based and targeted approach to enforcement.

Report structure

Section 2 provides further review of current understandings of forced labour in the UK context. Section 3 assesses the UK's stance against forced labour, considering in more detail the legal and policy framework and their effectiveness. Section 4 provides the data review and details further what this tells us about the likely scale and scope of forced labour in the UK. Section 5 explores further the challenges of identifying and addressing forced labour among local stakeholders. Section 6 brings together our main conclusions and recommendations for improved identifying and tackling forced labour in the UK. These recommendations are directed to a range of stakeholders including national policy-makers, local government, business, unions and support organisations.

Forced labour in the UK: A literature review

Forced labour is a complex issue. While widely condemned it remains poorly understood. This chapter reviews relevant previous research spanning vulnerable and exploitative work and forced labour in the UK. It shows that although forced labour has been increasingly associated with victims of human trafficking, there are probably many others vulnerable or exploited people who have not been trafficked and who possess legal rights to work in the UK. It is more important to understand both trafficking and forced labour as part of a broader problem, within a continuum of labour exploitation.

Forced Labour in the UK context

The adoption of ILO Convention No. 29 as long ago as 1930 speaks to a very different world order, in which key concerns were abolition of slavery and abuses of native subjects by colonial powers (International Labour Organization, 2009). Now, however, the definition of forced labour in the Convention must be interpreted in a very different context and in particular used to address abusive uses of labour for private economic gain. The ILO estimates that 18.7 million people are exploited in the private economy, including 14.2 million in sectors including agriculture, construction, domestic work and manufacturing, among others. Another 4.5 million are estimated to be in forced sex work, i.e. sexual exploitation. The other 2.2 million of the global estimate are included in what the ILO calls 'state-imposed' forms of forced labour, such as working in prisons or state military forces. (International Labour Organization, 2012a). The ILO also includes those pressganged into non-state armed forces in this final grouping.

Given this balance of figures, it is particularly important to review the evidence of forced labour in the UK 'private economy'. As with the ILO's estimates this review also considers evidence beyond prosecuted cases of forced labour. The legal frameworks in the UK to prohibit and criminalise forced labour are relatively new and case law is limited (see Section 3). Moreover the difficulties of monitoring all private workplaces and the often hidden nature of forced labour make it doubtful that the criminal justice system could identify let alone prosecute all cases.

Nonetheless there are studies providing evidence of the likelihood of forced labour across different sectors. Starting with review work, key earlier studies include the following, in chronological order:

- The review by Anderson and Rogaly (2004) of 46 forced labour cases for the TUC. The study identified particular patterns of worker abuse in the agricultural sector, including excessively low wages and deductions from wages and threats

against workers. The study was one of the first to point out the sub-standard living accommodation being provided to workers.

- A review by Skrivánková (2006) of 27 UK forced labour cases for Anti-Slavery International. Problems among workers in the agriculture and food industry also featured prominently in this study. Key problems identified included withholding of identity documents, levels of worker debt and indications of debt bondage, and the use of threats.
- Dowling *et al.* (2007) reviewed the evidence on trafficking and forced labour for the Home Office. The review identified a number of abuses of workers' basic rights, including excessively reduced or no pay, excessive working hours, lack of provision of breaks or holiday or sick pay entitlements, poor health and safety provision and dangerous working conditions, discrimination, threats and physical and psychological abuse and intimidation, and isolation. Problems with poor accommodation were also identified.

Such reviews have been significant in terms of highlighting where abuse may be occurring in the UK economy and in what forms. Further studies and investigations include two particularly significant large-scale investigations:

- The Commission on Vulnerable Employment (COVE) established in 2007 by the Trades Union Congress. While not focused directly on forced labour the Commission's work provided a comprehensive assessment of vulnerable employment in the UK, defined as work 'that places people at risk of continuing poverty and injustice resulting from an imbalance of power in the employer-worker relationship' (TUC, 2008, p.12). Using primarily Labour Force Survey data it made a conservative estimate of two million vulnerable workers in the UK. Importantly the COVE report pointed to vulnerability being a product of the UK's approach to labour market and workplace regulation (TUC, 2008).

At the same time as the COVE work was being carried out the UK government also established a Vulnerable Workers Enforcement Forum to further examine workplace rights abuses and existing regulatory system. A key outcome from this forum was the establishment of the Pay and Work Rights Helpline, launched in 2009 (Department for Business, Enterprise and Regulatory Reform, 2008). However there has been relatively little analysis of the effectiveness of this Helpline (see Section 4).

- An inquiry by the Equality and Human Rights Commission (EHRC) into recruitment and employment conditions in the meat and poultry processing sector in England and Wales (EHRC, 2010). The EHRC used its statutory inquiry mechanism to collect several hundred responses from individual workers, employers and agencies and other stakeholders. This inquiry showed the meat and poultry processing sector's reliance on temporary agency workers, in

particular non-UK migrant workers. It also found widespread evidence of poor workplace practices, particularly among such workers. Most agency workers interviewed said they were treated worse than the permanent workforce, and received lower pay. Working time breaches, verbal and physical abuse, lack of work breaks, inadequate personal protective equipment and health and safety training, and being called in but then sent home were the issues highlighted. Levels of coercion, fear and unlawful wage deductions detected among agency workers were 'unanticipated' (EHRC, 2010, p.14). A subsequent review commended progress on reducing poor treatment of workers but identified continuing problems with equality, health and safety standards, pay, and coercive and threatening behaviour, and pay (EHRC, 2012).

The fact that the EHRC found the need to launch this inquiry after the work of COVE and the Vulnerable Workers Enforcement Forum suggests that existing regulatory arrangements were still failing to adequately prevent workers from exploitation.

Several of the above studies have identified work in food production as being a key area of concern. This has also been recognised in the setting up the Gangmasters Licensing Authority in 2005, following the death of several Chinese people, all working illegally in the UK, who drowned in February 2004 while cockle-picking in Morecambe Bay (Pieke, 2010). However other studies collecting firsthand evidence from workers have drawn attention to conditions in other sectors, including:

- A study commissioned by the Health and Safety Executive (McKay *et al*., 2006), assessing health and safety risks among migrant workers, involving 200 interviews in England and Wales with migrant workers in agriculture, cleaning, construction, healthcare, hotels and catering and processing and packaging work. It showed that migrants are more likely to be concentrated in sectors or worker in which there are already health and safety concerns. However it also highlighted a number of reasons why migrants may be at added risk, including lack of experience and knowledge, inadequate training and unclear lines of responsibility for their health and safety where they were employed as agency workers.
- A study for Oxfam (Poinasamy and Bance, 2009) focusing on the construction, hospitality and care sectors. In construction evidence of breaches of health and safety standards were found to be severe while threats of dismissal were being used to quell complaints. The research in the hospitality sector found that piece-rates set for hotel cleaners for cleaning rooms were so low that achieving National Minimum Wage was impossible. Meanwhile care workers were frequently required to work excessive hours for low pay, in some cases around 100 hours a week. Left with little money or spare time, workers were effectively trapped and unable to think of alternative employment.

The other worker-focused studies in the JRF forced labour programme were among the first to make use of forced labour indicators (see also Section 4). These include:

- A study of forced labour in the food industry in England and Scotland (Scott *et al.*, 2012), involving interviews with 62 non-UK workers in situations of work exploitation. As well as providing up-to-date evidence this study was also attempted to understand the precise form of coercive labour practices being used across the segments of food industry covered (agriculture, food processing, and minority ethnic restaurants and catering establishments). The workers interviewed were in a variety of employment relationships, including temporary workers supplied by agencies but also those directly employed as kitchen staff in ethnic restaurants.
- A study of forced labour among recent migrants to Northern Ireland (Allamby *et al*., 2011). This found the greatest concentrations of problems in the fishing and mushroom-growing industries respectively, involving EU accession state female workers and male Filipino migrants. Roma migrants in basic manual and street work in Belfast were identified as another category of concern.
- A JRF study gained better insight into exploitation of low-skilled Chinese migrant workers directly employed in Chinese restaurants and takeaways (Kagan *et al*., 2011). This study followed the ILO study of labour exploitation among Chinese migrants in a number of European countries, including in the UK (Pieke, 2010). Forced labour in Europe is also the focus of other ILO studies (e.g. Andrees, 2008a). A separate JRF study has examined responses to forced labour in Europe (Clark, 2013). Both the JRF and ILO studies, in contrast to the two previous ones, mostly interviewed workers in irregular immigration status. For the majority the journey from China had entailed employing the services of professional travel facilitators (colloquially 'snakeheads'). Snakehead fees were reported to range from around £9,500 to two or three times that amount (Kagan *et al.*, 2011; Pieke, 2010), but there was little evidence that any of interviewees had moved to the UK against their will. Nonetheless, both studies showed the high level of vulnerability to exploitation on arrival in the UK. Repayment of fees began on or soon after arrival, thus many started with sizeable debt and were under immediate pressure to find work to cover this repayment and to avoid interest and other reprisals. Most found work in Chinese-run restaurants, typically at low pay for very long hours and where bullying and intimidation were common. The impact of increased 'civil penalties' action against employers of irregular workers had made some interviewees more rather than less vulnerable, making it more risky to leave a problematic situation and less easy to find better work (Kagan *et al.*, 2011). Key findings from this study mirror those from the study by Bloch *et al*. (2009) of young undocumented migrants working in London.

From these studies the connections between exploitative use of labour – possibly amounting to forced labour in some situations – and an array of structural factors

affecting the UK labour market become more apparent. Key factors discussed in the literature are:

- General competitive pressures, driving the search for enhance cost-savings and flexibility, including increases in outsourcing/contracting out of work, in particular lower-skill work (TUC, 2008). Associated with this are the increased length and complexity of corporate supply chains (Anderson and Rogaly, 2005), with costs and other pressures being pushed down by major contractors near the top of these chains to the sub-contractors beneath. Other research in the JRF forced labour programme has suggested that labour subcontracting opens up the opportunity for more informal and exploitative employment relationships (Lalani and Metcalfe, 2012).
- High levels of temporary work supplied by agencies and a large and fragmented agency market, with the UK agency sector being relatively the largest in Europe (Demos, 2007; European Foundation for the Improvement of Living and Working Conditions, 2006). Crucially, agency employment tends to be focused on particular areas of the economy where subcontracting is prevalent including agriculture and food processing, hospitality, catering, cleaning and care work (Anderson and Rogaly, 2005; Dowling *et al*., 2007; Scott *et al*., 2007). However there has been a reluctance of very large agencies to engage strongly with some of these sectors, and as a result their controlling share of agency work in the UK is much lower compared with European neighbours, with many smaller agencies involved instead.
- The size of the cash-in-hand informal economy, with an estimated worth running into billions of pounds, the point being that work in this sphere is without employment rights and social protection as well as losses in terms of unpaid tax (TUC, 2008).
- A significant migrant workforce with which to fill low-end work – with increasing attention to the fact that the availability of migrant workers has not simply resulted in open work slots being filled readily, but more fundamentally that is has changed work and labour market dependencies (Rogaly, 2008, McDowell *et al*., 2009).
- Decreasing incentives for collective representation, with union membership levels having fallen consistently since the 1970s. In certain sectors union membership is approaching single figures: for example just 11 per cent of the workforce in agriculture and fishing and 11 per cent of the workforce in wholesale and retail are now unionised (even though the movement started in the former sector) (Wills, 2005). Union membership rates among recently arrived low-wage migrant workers have been put at just three per cent (TUC, 2007).
- Inequality in low wage work and in labour market access – the COVE report defined low wage work as that less than two-thirds of the median hourly wage

rate and cited data for 2006 showing that almost a quarter (23 per cent or 5.3 million) of all UK workers then were in this bracket (TUC, 2008).

- A significant increase in the association between being in low-paid work and living in a poor household with a low income – suggesting that households are unable to mitigate the consequences of low income and conversely that low household income may enhance vulnerability to precarious forms of work (TUC, 2008).

Attention to 'precarious work' has been taken on in other recent literature, in part to emphasise the erosion of more traditionally-held forms of employment security (e.g. Standing, 2011), and in addition to draw attention to the increased stratification of remaining securities based on race, nationality, visa status and gender (e.g. McDowell *et al.*, 2009). Similarly, as part of the JRF programme, Dwyer and colleagues have examined the links between the various different 'socio-legal' categories of non-UK nationals produced by current national immigration policy and the risks of labour exploitation (Dwyer *et al*., 2011), while another study has again highlighted the generally lower protection afforded to temporary agency workers compared to direct employees (Lalani and Metcalfe, 2012). However the multiple intersections of such categories, and their net effect in terms of amplifying or reducing vulnerability, bear much greater examination.

Lalani and Metcalfe (2012) also considered the effectiveness of business self-regulation in tackling exploitation – especially important given that large businesses favouring modes of self-policing over state regulation are the ones which also tend to have the largest, complex and most competitive supply chains. However the assessment showed that the favoured tools of corporate self-regulation, such as supply chain audits, have to date often failed to penetrate sufficiently down the supply chains into sub-contracting arrangements in order to identify exploitation or forced labour. As discussed earlier, however, the challenges to effective state enforcement of worker rights are also substantial (TUC, 2008; Balch, 2012).

Forced labour and human trafficking

The association between forced labour and trafficking in human beings (see also Section 3) can be confusing, with the terms sometimes used interchangeably. Trafficking is itself an old practice, but more recently has become widely regarded as a global problem. While it is not simply a cross-border phenomenon, international trafficking involving movements of people between countries has increased, linked particularly with developments in transportation, communication and transnational crime networks. Trafficking within Europe since the break-up of the former Eastern bloc has been a particular focus of concern, and there is evidence that many who are trafficked also become subject to exploitation that can be classed as forced labour (e.g. Andrees, 2008a).

The key points of the relationship between forced labour and trafficking have been summarised by the Equality and Human Rights Commission in relation to the obligations imposed on the UK under the European Convention on Human Rights. The Convention recognises the Universal Declaration of Human Rights, which stipulates that no one shall be held in slavery or servitude and prohibiting all slavery and slave trading. However Article 4 of the European Convention on Human Rights goes further, prohibiting the holding of any person in slavery or servitude as well as forced or compulsory labour. The European Court on Human Rights has used the definition of 'slavery' from the 1926 Slavery Convention. In addition 'slavery' under the European Convention is further considered to include forced and bonded labour, the worst forms of child labour and trafficking (Equality and Human Rights Commission, 2012). It should also be noted that currently some forms of work are exempted by Article 4 of the European Convention (including work performed while in lawful detention, while in military service or service following conscientious objection, in response to an emergency, or as part of normal civic obligations).

Furthermore, a definition of forced labour as included under Article 4 of the European Convention has been derived by the European Court of Human Rights from the ILO Forced Labour Convention No. 29. Meanwhile an internationally agreed definition of trafficking has existed since 2000, with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Article 3 of the UN Protocol on human trafficking links three elements: certain activities (including recruitment, transportation, transfer, harbouring or receipt of a person); via particular means (including force, deception, coercion, fraud, threats, abuse of power or position of vulnerability, and the giving of payments or benefits to a person in control of the victim); for the purpose of exploitation (including exploitation of the prostitution of others, sexual exploitation, forced labour, slavery or similar, or removal of organs). Thus forced labour is included as a type of exploitation for which trafficking is carried out according to Article 3 of the UN Protocol, while Article 4 of the European Convention of Human Rights includes both trafficking and forced labour as forms of slavery.

In addition forced labour is also related to 'servitude' under Article 4 of the European Convention on Human Rights. The latter is considered to consist of forced or compulsory labour in which there is also a requirement to live on another person's property without option for changing the situation (Equality and Human Rights Commission, 2012). This is also referred to commonly as 'domestic servitude'.

As well as ratifying the ILO Forced Labour Convention No. 29, the European Convention on Human Rights and the UN Trafficking Protocol, in 2007 the UK also ratified the Council of European Convention on Action Against Trafficking in Human Beings. This extends the obligations on the UK to prevent trafficking, support victims, investigate and prosecute perpetrators and to promote international co-operation against trafficking. It applies to all human beings, all types of trafficking whether or

not involving an international move, and irrespective of whether trafficking is linked with organised crime (Equality and Human Rights Commission, 2012).

These various international agreements have driven the development of national legislation criminalising trafficking, including forced labour linked with trafficking, as well as servitude or forced labour where there may be no trafficking or proof of trafficking cannot be established (see also Section 3). In addition the UK Human Trafficking Centre and the Child Exploitation and Online Protection Centre were set up in 2005 and 2006 respectively. These were followed by the creation of the National Referral Mechanism (NRM) in 2009 tied to implementation of the Council of Europe Convention and providing a framework for identifying and supporting trafficked persons. More recently the UK government published its own strategy on trafficking in 2011 and the Inter-departmental Ministerial Group on HumanTrafficking published its first report in 2012 (Inter-Departmental Ministerial Group on Human Trafficking, 2012). At the same time the Scottish government co-ordinated a summit on human trafficking in 2012, taking forward its own action plan, while the Welsh government announced a new anti-trafficking coordinator in 2011. In Northern Ireland there are also separate developments on combating trafficking, including an Immigration and Human Trafficking sub-group of the Organised Crime Task Force (Council of Europe Group of Experts on Action against Trafficking in Human Beings, 2012).

Progress in understanding the risks of trafficking in the UK and the implementation of measures to prohibit it and meet other human rights obligations have been considered in a number of recent reports. Some of the most significant assessments are:

- The Anti-trafficking Monitoring Group of nine non-governmental organisations (NGOs) published reports in 2010 and 2012 providing an independent assessment of the UK's response to human trafficking in relation to the requirements under the Council of Europe Convention. The reports have been deeply critical of implementation of the Convention, including the current NRM arrangements, as well of as the role of the UK Border Agency in leading the government's response to trafficking as a sign of continuing over-emphasis on treating trafficking as an immigration issue (ATMG, 2010, 2012; see also Balch, 2012).
- In 2010 the Scottish Parliament Equal Opportunities Committee carried out an inquiry into migration (Scottish Parliament, 2010). Evidence from Scottish law centres, Citizens Advice Scotland and unions indicated that significant numbers of migrant workers ended up doing low-paid work in order to pay off the debts from coming to the country in the first place and to pay rent, and mistreatment was common. Lack of awareness of employment rights, and also fear in coming

forward for advice to help address employment issues were noted, particularly associated with the extent of living in accommodation tied to employers.

- In 2011 the Equality and Human Rights Commission reported on a separate inquiry into human trafficking in Scotland. Findings from that Inquiry attributed the demand for trafficking in Scotland to the more general demand for exploitable labour, including in legitimate markets and businesses (Equality and Human Rights Commission, 2011).
- In 2012, the Council of Europe's Group of Expert's on Action against Trafficking in Human Beings (GRETA) published their report into the implementation of the Council of Europe's Convention on Action against Trafficking in Human Beings by the UK. This report provides a detailed assessment of the UK's progress in implementing the Convention. As with the Anti-Trafficking Monitoring Group (ATMG) it expressed concern with reports of trafficking persons being arrested, prosecuted and convicted in relation to immigration (or other) offences whereas the obligation under the Convention is to adopt a victim-centred approach. Another area of concern was the gap between the number of identified victims of trafficking and the number of convictions of traffickers. The report stresses the need for increased proactive investigations and more encouragement to the prosecution services across the UK to develop specialism in dealing with trafficking, including improving the collection of evidence to successfully prosecute more traffickers.
- The Inter-Departmental Ministerial Group on Human Trafficking's first annual report in 2012 reviewed the assessment and response to human trafficking in the UK from the government's perspective. It draws heavily on the UK Human Trafficking Centre's threat assessment document, as well as data provided via the NRM.
- In 2013, The Centre for Social Justice also published a major review into modern day slavery in the UK (Centre for Social Justice, 2013), covering sexual exploitation, exploitation of children and internal trafficking. This review makes more than 80 recommendations to a wide range of stakeholders. It is particularly critical of the NRM. Crucially the report emphasises the difficulty of coming up with statistics, the need for better data and for policy on human trafficking and slavery to be moved out of the responsibilities of the minister for immigration. Its strengths are in the individual testimonies of those who have experienced modern day slavery (and those who work with victims) and a focus on the needs of victims.

In short there has been extensive coverage of the UK's response to trafficking, centred primarily on the effectiveness of the measures implemented in relation to statutory obligations under the Council of Europe Convention. Trafficking for labour exploitation and forced labour is given varying degrees of attention in these reports but generally the coverage is not detailed and comes mainly from a criminal law

enforcement perspective. Somewhat less attention has been paid to the issue of state enforcement of worker rights in tackling exploitation or the role business can play. There has also been a failure to backtrack to the ILO definition of forced labour (see Section 1) to critically assess its key terms, including working under the 'menace of penalty' and 'involuntariness', i.e. working against one's free choice, and how these fit with measures currently being pursued.

However by drawing on case law from a range of jurisdictions the ILO has been considering the latter issues (see for example International Labour Organization, 2009). This has made the challenges in particular areas more apparent, such as assessing more psychological modes of coercion and whether pre-existing traits of vulnerability make coercion less necessary. The ILO has also clarified that use of deceptive means, such as false guarantees of wages or hours, also go against the principle of full and informed consent to be a in particular work relationship, i.e. that they render the notion of a voluntariness redundant. It has also emphasised that all types of work, employment or occupation are within scope of the definition provided by ILO Convention No. 29, irrespective of the formality or legality of the employment relationship. For instance prostitution or domestic work, respectively illegal and exempted from labour law in certain countries, are covered by the ILO definition where coercion is used. Likewise self-employed or own-account workers may potentially be covered where adoption of such status involves coercion and is used by the employer to evade responsibilities on wage and work conditions (International Labour Organization, 2005a; 2012b).

Forced labour and the continuum of labour exploitation

From the above it is apparent that the development of the anti-trafficking agenda also carries implications in terms of shaping the agenda on addressing forced labour. The ILO itself has accepted the potential positive impact that measures against trafficking including criminalisation could have on forced labour, but has qualified this by emphasising the need to do more to address coercive exploitation in its broadest sense. It has also pointed out that by no means all forced labour results from trafficking, and that provisions for both international (legal) migrants and non-migrants must be made (e.g. International Labour Organization, 2005). In addition, placing border control objectives against illegal immigration has been strongly criticised for inadequately addressing the root causes of the supply and demand of exploitable labour (e.g. ATMG, 2010; Balch 2012).

However the ILO also notes that while the concept of 'exploitation' has been introduced into international law (with the UN Protocol on trafficking – see above), there is no clear consensus on what constitutes exploitation, while there has also been a tendency to pay greater attention to sexual exploitation rather than labour exploitation (International Labour Organization, 2001; 2005b; 2007). Moreover, where there has been attention, it has tended to focus on the interface between

trafficking and forced labour, rather than considering forced labour in the broader context of exploitation. The ILO has called for a need to distinguish forced labour from other poor work conditions and situations in which there is a pure economic need to work, but has acknowledged the challenges in making such a distinction (e.g. Andrees, 2008b).

More recently a number of reports have discussed the notion of a 'continuum of exploitation'. To date this has been best mapped out in the UK context by Skrivánková (2010), who proposed three basic principles that should guide all assessments of, and possible interventions in, labour exploitation. These principles are:

1. The baseline for assessment all cases in which labour exploitation may be identified should be the standards and conditions associated with the notion of 'decent work' performed in the same or similar activities. 'Decent work' itself has a number of constituent characteristics, including: work which is productive and secure; ensures respect of labour rights; provides an adequate income; offers social protection; and which includes social dialogue, union freedom, collective bargaining and participation (International Labour Organization, 2006).

2. Across all employment regulations and legislation, a common principle should be to establish both human rights of workers and the obligations of employers.

3. There needs to be careful assessment of the ability that individuals affected by exploitation have to exercise their own self-agency to establish their rights. Importantly, this is a more positive framing than provided by the 'victim' label, which has strongest ties to criminal law enforcement. At the same time this third principle also recognises that workers possess different levels of agency, and also that agency open to workers varies between different work situations. Hence the capacity of a worker to use their own agency needs to be looked at carefully in any decision regarding the most appropriate mode of regulation or sanction to pursue.

Skrivánková (2010) sets out these principles to aid thinking about the most appropriate forms of intervention for dealing with specific situations of labour exploitation. In other words recognition of the continuum of labour exploitation needs to be paralleled by further attention to a continuum of most appropriate modes of intervention, avoiding reduction to a 'one size fits all' approach, and also addressing all instances of exploitation appropriately, rather than addressing in isolation only those situations deemed most severe to the point of being prosecutable as criminal offences. On this point, another basic message of this continuum perspective is that newer developments in law against forced labour and against trafficking need to be considered in the round, alongside other criminal offences and labour rights, to ensure an optimum enforcement strategy. The risk to avoid is of creating a more

simplistic division that divides those subject to labour exploitation into ‘deserving and undeserving’ groups’ (Skrivánková 2010, p.4).

Summary analysis

This chapter has reviewed a wide range of studies which point to forced labour existing or likely to exist in the contemporary UK. A range of studies and investigations broadly concerned with worker exploitation and vulnerable work have documented greater vulnerability among low wage, low skilled work among temporary agency workers, many of whom are recent labour migrants to the UK. Certain sectors have also been highlighted as being at greatest risk, including agriculture, food processing, construction, and hospitality, and more generally in certain types of basic manual service work, such as cleaning. Several of these studies have gathered information from workers working legally in the UK, and some research has also explored abuse among workers in non-legal status. All such studies face varying challenges in terms of accessing workers, and some groups, such as those directly employed in ethnic food establishments, remain harder to access.

The chapter has also considered the relationship between forced labour and human trafficking, and the implications of recent anti-trafficking developments. These developments, and attention paid to them, have tended to encourage forced labour to be understood primarily as an outcome of trafficking to the UK (and possibly reinforcing more stereotypical views that trafficking is about sexual exploitation). There is certainly mounting evidence from the NRM suggesting persons in the UK have been trafficked for labour exploitation or domestic servitude (see Section 4). However further encouragement needs to be given to understanding both trafficking and forced labour as forms of exploitation. Furthermore there needs to be attention not only to the interface between forced labour and trafficking, but also to the position of both in the broader continuum of labour exploitation. The recent development of domestic law criminalising forced labour should not simply result in attention to the most serious situations and whether to prosecute as trafficking or forced labour. Rather, it should be a catalyst for reviewing further how interventions on labour exploitation can be co-ordinated to uphold all workers’ rights not to be exploited.

The risks of vulnerability to labour exploitation may be linked with a number of fundamental more structural processes affecting the UK labour market. Generally speaking these have received less attention in assessments of the UK’s response to trafficking. Similarly such assessments have tended not to consider in much critical detail how the key dimensions of forced labour according to the definition of the latter provided by ILO Convention No. 29 apply to contemporary labour practices and relationships in the UK. This needs to be pushed further, for instance to provide better understanding of the extent to which vulnerabilities may offset or negate the

need to apply coercion, as well as the nature and magnitude of indirect, psychological coercion.

Forced labour: a law and legal case review

This section provides an overview of development in the law against forced labour in the UK (see also Appendix 1). It then focuses on relevant legal cases both at the European and UK level that provide additional understanding of what is and what is not forced labour. It also looks at the Gangmasters Licensing Authority (GLA), and breaches of its relevant licensing standards, and a selection of complaints heard by employment tribunals. The recent development of law means that the number of relevant criminal cases remains low, though it has been growing. Some case law has clarified the steps that the UK must take to prevent forced labour. However the small amount of experience that courts, the GLA, and employment tribunals have is a general issue in terms of assessing and providing a clear body of information on contemporary forces of forced labour in the UK private economy. In addition there are questions about whether workers most likely to be exploited can actually access legal remedies.

Key developments in forced labour law

The relevant legal frameworks in the UK are relatively strong (Equality and Human Rights Commission, 2012) but also reflecting a piecemeal approach to development (Council of Europe Group of Experts on Action against Trafficking in Human Beings, 2012). As noted in the previous section, domestic legislation has followed from the UK's ratification of a number of international instruments. However international legislative frameworks relating to forced labour are themselves complex and have a lengthy history. Table 1 in Appendix 1 charts the main developments in terms of international standard setting. Key milestones include the ILO Forced Labour Conventions, the European Convention on Human Rights, and the ILO Declaration on Fundamental Principles and Rights at Work. None of these alters the basic definition of forced labour provided in the first ILO Forced Labour Convention No. 29 of 1930. Moreover none provides an adequate working definition of forced labour, attuned to the contemporary complexity of forced labour in private economic work as well as in other contexts. It should further be noted that the ILO Conventions are for member states to ratify and then enforce as they see fit.

Alongside the above there are also other international instruments designed to protect migrant and agency workers (see Appendix 1 Table 2). Both the 1975 ILO Migrant Workers (Supplementary Provisions) Convention (143) and 1990 UN Convention on the Protection of the Rights of all Migrant Workers and their Families (Article 21) call for the equal protection of migrant workers (irrespective of their status). These have not yet been ratified by the UK, and this omission illustrates a larger tension in UK law between human rights (preventing worker abuse) and immigration policy (controlling foreign worker inflows). This has become more significant given large-scale migration since the 2004 enlargement of the EU, as

shown in the study of forced labour among migrant workers in the UK food industry (Scott *et al.*, 2012). This tension also impacts upon workers' willingness to raise employment grievances (see also Dwyer *et al.*, 2011). The ILO has also recently confirmed the adoption of Convention 189 on Decent Work for Domestic Workers, but this has not been adopted by the UK (International Labour Organization, 2011).

In addition, progress in the UK towards the prohibition of forced labour can be traced back to the 1807 Abolition of Slave Trade and 1833 Abolition of Slavery milestone legislations. Since then, a range of employment laws have been passed to tackle worker abuse (see Appendix1, Table 3). However, it was only very recently with the Coroners and Justice Act 2009 (Section 71) that a standalone forced labour offence was created, entering into force in April 2010 in England, Wales and Northern Ireland, and with a maximum penalty of 14 years imprisonment (see Appendix 1 Table 5). In parallel a separate forced labour offence has been introduced in the Scottish legal framework, with section 47 of the Criminal Justice and Licensing (Scotland) Act 2010, coming into force in March 2011. The establishment of this new offence was in direct response to a recognised breach in the UK's obligations under the European Convention on Human Rights: forced labour could previously only be prosecuted as an outcome of trafficking, under the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Forced labour is also an offence under the Human Rights Act 1998, which gives effect to the European Convention.

Forced labour is also an offence provided under the Gangmasters (Licensing) Act 2004, which also gave rise to the Gangmaster Licensing Authority. The Gangmasters (Licensing) Act 2004 was enacted following concerns about exploitation of workers and introduced compulsory licensing for labour providers supplying labour to agriculture, horticulture, shellfish gathering and associated processing and packaging industries against a set of enforced licensing standards. These standards cover UK legislation regulating the conduct of employers and their statutory obligations to their workers and also directly reflect the ILOs indicators of forced labour (Inter-Departmental Ministerial Group on Human Trafficking, 2012; see also discussion of indicators in Section 4). Thus forced labour is also an offence when the relevant GLA licensing standards are breached.

These developments mean that the UK now better meets its obligations to prevent slavery in all its forms, including both forced labour and trafficking. Furthermore it is also possible to prosecute the crimes associated with forced labour under other existing laws. This was noted in the impact assessment for the introduction of the Section 71 offence, which provided a list of relevant existing offences (see Appendix 1 Table 6). Comparison of the maximum penalties shows that there are some situations where the maximum penalty is the same or higher as the 14 years maximum for the Section 71 offence. These offences can also be prosecuted in addition to a charge of forced labour, allowing for the possibility of a consecutive sentence greater than 14 years. However the impact assessment also noted that it

was possible that there could be situations in which forced labour was involved, but where charges could not be brought or proven. In those cases alternative less serious offences may have to be pursued instead, not reflecting the full level of criminality involved and thus not providing an adequate penalty for perpetrators of forced labour (Ministry of Justice, 2010).

In addition to criminal cases, employment tribunals may also be involved, although perhaps less usually, in deciding cases. Employment tribunals have dealt with cases in particular in the domestic servitude area, with tribunal judges also using language such as forced labour and slavery in their judgements (Lalani, 2011).

There will, therefore, be both civil and criminal cases pertinent to our evolving understanding of forced labour in the UK.

European case law

The European Convention on Human Rights places a range of obligations on the state to uphold human rights, including refraining from action which would interfere with those rights, as well as positive action to protect rights and prevent them from being violated. In addition the case law of the European Court of Human Rights is directly relevant and binding on the UK. In relation to forced labour and the remedies available to individuals, two key cases heard by the European Court of Human Rights are of particular importance: *Siliadin v. France* and *Rantsev v. Cyprus and Russia ,* heard in 2005 and 2010 respectively. Both cases discussed slavery, forced labour and servitude.

Siliadin v. France was a landmark decision in terms of clarifying the obligations on the states under Article 4 of the ECHR in relation to the rights not to be held in slavery or servitude or being required to perform forced or compulsory labour. In particular it laid out the positive obligation on the state to adopt administrative and criminal law provisions to identify the victims of the practices referred to in Article 4 and to apply these measures and laws in practice. Harris *et al*. (2009) also viewed Siliadin as having 'signalled the relevance of Article 4 to what are sometimes called modern forms of slavery' as distinct from 'more traditional forms of ill-treatment' at the time Article 4 was written.

The *Rantsev v Cyprus and Russia* case confirmed the obligations with respect to Article 4 but also extended them. Where the state is or ought to have been aware of a real or immediate risk to an individual of being trafficked or exploited, it should take steps to protect that individual and remove them from the risk. In addition the state is also required to ensure effective regulation of businesses which may be used as a cover for human trafficking. States must also investigate potential cases of trafficking and exploitative situations and states of origin or transit have a duty to co-operate effectively in cross-border cases. In short the case sets out the obligation on the

state to investigate effectively allegations of Article 4 breaches (Equality and Human Rights Commission, 2012).

The case of *Kawogo v. the United Kingdom* [1], pending with the European Court, is also relevant. Ms Kawogo, a Tanzanian national, had entered the UK in 2006 legally on a domestic worker visa valid for three months. However her employer returned to Tanzania two weeks later leaving her with the employer's parents. Ms Kawogo's movements were restricted and initially she was not permitted to leave the house at all and later was only allowed to do so in order to go to church. She was told by her employer that she could not return home with her and that she needed to work to repay the cost of her flight (effectively bonded labour). However she did not receive any wages for the work she undertook and her passport was retained first by her employer and subsequently by her employer's parents. She was threatened that her illegal status would be reported to the authorities in order to have her removed from the UK before she could claim against them. She is also reported to have had to work regularly from 7am to 10.30pm, and to have slept on a mattress on the kitchen floor (Equality and Human Rights Commission, 2012).

Ms Kawogo made repeated reports to the police and her representatives corresponded with them over a two-year period. However the police initially refused to investigate her claim of forced labour, and only confirmed much later that a criminal investigation would be conducted. The Crown Prosecution Service deemed there was insufficient evidence to bring criminal charges under Section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, i.e. the offence of trafficking, involving forced labour. This was due to the fact that the parents of Ms Kawongo's employers had not been responsible for bringing her to the UK, and because her actual employer was out of jurisdiction outside the UK. Had Section 71 of the Coroners and Justice Act 2009 been in force at the time there would have been a different basis on which to consider a prosecution as there would have been no need to prove that Ms Kawogo had been trafficked.

Ms Kawogo made a racial discrimination complaint to an employment tribunal (see also Section 4) arguing that she had been treated less favourably than a British person would have been treated. Additionally, she claimed that she had not been paid any wages, had not received a written contract of employment or wage slips and that by working between 7am and 10.30pm each day there had been a breach of the Working Time Regulations. She was successful with her claims and was awarded £58,585. However she has not received any payment and it is believed that the parents of her employer have left the UK. In her application to the European Court of Human Rights she is claiming a violation of Article 4 of the European Convention of Human Rights on the grounds of being held in forced labour in the UK and a failure of the authorities to investigate her situation and to prosecute it as a criminal offence. She also claimed that she has no effective remedy available to her, itself a breach of Article 13 of the Convention.

The application of *C.N. v United Kingdom* [2] is another where a case of an individual (a Ugandan national) complaining of prolonged forced labour was investigated by the police but did not lead to a prosecution. The reason given was again that there was no evidence that trafficking had been involved, given the circumstances under which the individual concerned had entered the UK (voluntarily but with a false passport and documents). As with the Kawogo case this predated the introduction of the Section 71 forced labour offence, and prosecution could not brought under Section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004. The application made to the European Court complained that the UK government was in breach of the European Convention of Human Rights, in part because at the time there was no standalone criminal law penalising forced labour and servitude. In November 2012 the European Court upheld her claim, agreeing that a lack of specific legislation criminalising domestic servitude had made the investigation into the victim's allegations ineffective, and awarded her £25,000 damages, costs and expenses.

Another claim to the European Court alleging failure of authorities to undertake adequate investigation is that of *Lilyana Sahskova Milanova and Others v. Italy and Bulgaria.*[3] In addition in *L.R.* v. *United Kingdom*, workers involved claimed that returning them to their country of origin would expose them to a risk of being treated in way that would breach their rights under Article 4 of the European Convention. [4]

These decisions of the European Court have not only clarified obligations on states but may also impact on the UK's responses to forced labour in other ways, for example when considering whether criminal or civil proceedings are appropriate. The pending cases with the European Court involving claims against the UK appear to illustrate that the UK has ineffective procedures in place in terms of carrying out adequate investigations. However, even where a decision has been reached in favour of the victim, and damages have been awarded, the fact that these damages may not actually be paid is problematic. Finding in the victim's favour is not in itself an effective remedy and the UK needs to ensure that the various obligations that it carries under the European Convention are met.

UK case law: trafficking-related offences

As has been noted the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 carries the offence of trafficking for exploitation. This covers all forms of exploitation and slavery (consistent with Article 4 of the European Convention on Human Rights). The Ministry of Justice reported that in the first five years after the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 was implemented, there were 186 arrests for trafficking, with 20 prosecutions, 7 convictions and 58 cases still pending (Ministry of Justice, 2010). More recent figures are somewhat higher. Between 2009 and 2011, 49 convictions of trafficking were reported in England and Wales, 41 for sexual exploitation and 8 for other kinds of exploitation,

including forced labour and domestic servitude (Inter-Departmental Ministerial Group on Human Trafficking, 2012). Even smaller totals are reported for Northern Ireland and Scotland, and in both those cases there were no convictions for other kinds of exploitation. However it has also been acknowledged that these figures do not reflect the full extent of convictions of all traffickers, as some have been convicted under other offences carrying heavier penalties.

In short UK case law on convictions of trafficking for forced labour under the 2004 Act is quite limited. (It should also be added that information from the National Referral Mechanism (see Section 2) does not provide details of legal cases where trafficking victims have been confirmed). Nevertheless some noteworthy cases brought to court include the following:

- The case of Luri Stanciu from Romania, who was sentenced to four years imprisonment for trafficking. This was the first conviction secured under Section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Act. The case involved Stanciu exploiting his daughter Eva by sending her to the UK in order to beg on the streets. She was 13 years old at the time and was forced to beg six days a week in the freezing cold in Slough. Three of her cousins were also convicted of child trafficking and exploitation. During the same police operation that discovered Eva in one of the 17 premises raided, the police found children who had been trafficked to pickpocket, to assist and facilitate benefit fraud, and for the purpose of sexual exploitation.
- The first conviction for trafficking where the individual was exploited in domestic work involved a 68-year-old woman, Saeeda Khan. She exploited 47-year-old Mwanamisi Mruke from Tanzania after obtaining a domestic visa for her to enter the UK. On her arrival in the UK, Mruke's passport was taken by Khan who forced her to sleep on the kitchen floor. She experienced extremely poor conditions working 18 hours a day, seven days a week without a single day off in four years. She only received two slices of bread a day to eat. Mrs Khan received a nine-month prison sentence, suspended for two years and was also ordered to pay Mrs Mruke £25,000 in compensation and £15,000 costs. As one commentator noted, if paid, this would have been the equivalent of 90p for every hour that Mruke had worked.
- Shamila and Anbanaden Chellapermal, the owners of a Sussex care home, originally from Mauritius, were sentenced to two years imprisonment in 2008 for four counts of human trafficking and 12 months for three counts of employing illegal immigrants (which ran concurrently). The workers were recruited by an employment agency in Mauritius which provided them with fake invitation letters to show immigration officials on their arrival in the UK. They were forced to work excessive hours, often 12 hour shifts, seven days a week. They were not allowed to leave the care home unattended and were prevented from seeing doctors for fear that they would be discovered.

- Operation Keepnet, spearheaded by the UK Border Agency and the police, led to the case of *R. v Khan, Khan, Khan* in which three people were convicted of trafficking nine chefs from India and Pakistan in order to exploit them for financial gain in a UK restaurant. The nine men had been brought to the UK on their own passports but had then had their passports taken from them and were expected to work 14-hour days, often 7 days per week. No overtime was paid and there were times when even the basic wage was not paid. The men were told not to mix with the local community or go into the town and were subjected to threats and abuse if they questioned the conditions in which they lived and worked.

The *R v. Khan, Khan and Khan* case is especially significant as one of the first convictions for trafficking and exploitation of legal foreign nationals working outside the realm of domestic work. The judge in the case determined that, when sentencing offenders under Section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, the court was required to take the following factors into account:

- the nature and degree of deception or coercion exercised upon the incoming worker;
- the nature and degree of exploitation exercised upon the worker on arrival in the workplace
- the level and methods of control exercised
- the level of vulnerability of the incoming worker
- the degree of harm suffered by the worker
- the level of organisation and planning behind the scheme, the gain sought or achieved and the offender's role within the organisation
- the number of those exploited
- previous convictions for similar offences.

Operation Keepnet was one of two 'special operations' completed during the period of this study. The other, codenamed Operation Ruby, was led by Northamptonshire Police and was carried out in November 2008 and involved 200 staff from 9 organisations.[5] The operation uncovered evidence of:

- migrants paying arrangement fees in their home country for work in the UK which didn't materialise;
- harvesting machines being used to force workers to go faster;
- threats and intimidation;
- excessive working hours;
- overcrowded and dangerous transport;
- slum housing (21 houses were searched);
- deductions from wages and pay below the minimum wage;
- burns from chemicals due to lack of personal protective equipment;
- irregular migrant labour use.

The investigation also found that over a four-year period the defendants were paid more than £10 million by six farm companies to harvest their crops. A significant proportion of this money (£6 million) was paid to a network of six 'sham businesses' and withdrawn in cash almost immediately. The income declared to HM Revenue and Customs was less than 1 per cent of the total income.

Convictions from Operation Keepnet were also pursued under Section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. The prosecution argued that migrants were targeted because they could be made to work 'harder, longer and faster' than domestic workers and 'would have been homeless if they did not submit to appalling working conditions'. It also noted 'a culture of fear and threats' and that the defendants used to 'drive workers forward like cattle'. The court case lasted three months. The jury delivered its verdict in late March 2011 which was a unanimous decision to acquit.

One of the implications of the failure of Operation Ruby to secure any criminal convictions is the effect that it could have on confidence to pursue other similar cases. As a member of one of the organisations involved in the operation put it: '…law enforcement are gonna look at that and say a large amount of money, time and resources were spent without any kind of result. Will the next force be willing to put all that time, resource and money in?' (personal communication, 14 April 2011). In other words, Operation Ruby raised real doubts over the future willingness of law enforcers to engage in resource-intensive operations to attempt to secure convictions. Given the energy committed to this case, seen by them as cast-iron, these organisations were unclear as to what else they could have done to secure a prosecution.

A key factor in the decision not to convict in this case may have been the fact that the exploited workers did not have their movements confined by their employers. However it is difficult to judge the psychological pressures that prevent workers from leaving (see CSection2), or the level of dependence on both work and accommodation provided by the employer that had been built up. Moreover not all migrants saw them themselves as victims. Especially for migrants from poorer countries there is also ambiguity associated with the fact that work terms and conditions, though poor, may be on a par with those in the countries of origin.

While evidence of exploitation in Operation Ruby was in many ways starker than in Operation Keepnet similar issues are evident. The different outcomes of the two special operations may in part be linked to differences in nature of the relationship to the employer. The workers in Operation Keepnet were directly employed, and on a particular premises, whereas Operation Ruby found a more complex system of employment agencies, farm businesses, and migrant workers distributed across various work sites.

Nevertheless, all the cases discussed above illustrate the varied purposes of exploitation for which individuals are brought to the UK for exploitation. Additionally they show that the methods used to gain entry into the UK are varied. False documents are sometimes used. There are also a range of offences involved. The complexity involved in discovering, evidencing and dealing with forced labour is clear from these cases, as is the need for a much more substantial volume of clear case law to help judges and juries make decisions appropriately and consistently. The challenge involved in prosecuting successfully for trafficking involving forced labour or domestic servitude have also been acknowledged in the first report of the Inter-Departmental Ministerial Group on Human Trafficking (Inter-Departmental Ministerial Group on Human Trafficking, 2012).

UK case law on forced labour and gangmaster licensing authority cases

As discussed above enactment of the Coroners and Justice Act 2009 and the Criminal Justice and Licensing Act 2010 in Scotland have made it possible to prosecute forced labour and domestic servitude directly, without having to prove trafficking. However both Acts are still comparatively new and there has been an extremely limited number of prosecutions. According to the Inter-Departmental Ministerial Group report there were no prosecutions in 2009/10 or 2010/11 under Section 71 of the Coroners and Justice Act, but in 2011/12 there were 15 prosecutions. It is also noted that none of these were in Northern Ireland. Similarly in Scotland there were prosecutions for the aforementioned years under Section 47 of the Criminal Justice and Licensing Act (Inter-Departmental Ministerial Group on Human Trafficking, 2012).

One high profile prosecution brought in 2012 followed a police operation codenamed Operation Netwing. In September 2011 four people from the same family were charged with conspiring to require workers to perform forced labour in their block paving business in Bedfordshire. Twenty-four individuals, many of them having been picked up as destitute at soup kitchens, were identified as possible victims of exploitation in forced labour, working up to 19 hours a day six days a week. They were treated for malnutrition and other medical problems (one had scurvy). Workers were from a range of nationalities, including eight British men, three Polish, one Latvian and one Lithuanian with two unconfirmed nationalities (Topping, 2011a; 2011b). Six family members were sentenced to a total of 18 years imprisonment at the end of 2012. However nine of the workers involved were reported to have refused to help police with their enquiries.

Companies supplying labour in the agricultural, shellfish, and food processing and packaging sectors must be licensed by the GLA, and must meet the obligations towards their workers defined by the GLA licensing standards. Three of the GLA licensing standards relate to the prevention of forced labour: Licensing Standard 3.1 (on physical and mental mistreatment), 3.2 (on restricting of worker movements, debt

bondage and retaining ID), and 3.3 (on withholding wages). It is relevant to consider the GLA here because these standards are based on indicators developed by the ILO and which are also mirrored in the guidance issued by the Ministry of Justice on the use of Section 71 forced labour offences of the Coroners and Justice Act 2009.

The GLA also monitors compliance with licensing standards. In 2010/11 the GLA revoked or refused 33 licenses because of non-compliance. The businesses included Novair Ltd., OK Private Enterprises Ltd., and Plus Staff 24 Ltd., selected here because of the differences between them. A reason Novair was refused its license was because of clauses inserted into its worker contracts allowing for significant deductions from the wages of workers they supplied who left the business soon after starting work or without 'adequate notice' (defined in Novair's terms). Such clauses contravened the Licensing Standard 3.2 although it is not possible to tell from this alone if workers for Novair were necessarily subjected to forced labour.

In contrast the revocation of licenses from OK Private Enterprises and Plus Staff 24 appeared clearer cases of actual exploitation:

- OK Private Enterprises Ltd was deemed non-compliant with several of the GLA standards, including Licensing Standards 3.1 and 3.3 (also Standards 1.1, 2.5, 2.10, 6.1, 6.8 and 7.3). The most noteworthy breach concerned workers being disciplined for complaining by having their days/hours reduced – a practice that the GLA deems goes well beyond normal disciplinary procedures.
- Plus Staff 24 was also deemed non-compliant with several Licensing Standards (3.2 and 3.3, as well as 1.1, 1.2, 2.2, 2.3, 2.4, 4.1, 6.2, 6.4, and 7.3 – see also Appendix 1 Table 7). In this case workers supplied by Plus Staff 24 were found to be left with no money to live on after deductions from their already low pay.

In the case of OK Private Enterprises Limited the proprietor appealed against the GLA's decision to revoke her license. On appeal the revocation was upheld but the Appointed Person hearing the appeal also decided that Licensing Standard 3.1 had not been breached as the GLA had not sufficiently proved 'mental mistreatment'. He accepted that disciplining workers by denial of work constituted mistreatment but not enough 'to draw an inference of mental mistreatment in the absence of some medical evidence'. In addition the case also raised issues around workers in accommodation tied to their employer. At both the licence application and application inspection stages the proprietor of OK told the GLA she was not providing worker accommodation, but following complaints and subsequent interviews with workers, the GLA investigated and found that workers were in fact living in caravans and a house that she had arranged and were required to pay in cash to a manager. These undisclosed arrangements and the system of cash only payment to an intermediary rent collector highlighted the potential for worker exploitation linked through accommodation.

Late in 2012 the GLA also led a joint enforcement operation against a Kent-based gangmaster supplying workers to chicken farms. Thirty Lithuanian workers were discovered, many allegedly trafficked into the UK, and working in extreme conditions. At the time of writing the case against the gangmaster was being considered for criminal action. This case raises questions about forced labour in supply chains, since the eggs from the farms involved were supplied to a wide range of well-known companies including Tesco, Sainsbury's and Marks and Spencer.

Employment tribunals (civil law)

UK employment tribunals provide a means within civil law for resolving workplace grievances. Forced labour *per se* does not fall under the jurisdiction of employment tribunals although claims involving exploitation can be made via other complaints which are recognised by tribunals. The following cases focus in particular on tribunal claims made by migrant workers. It is not suggested that these specific cases constitute confirmed forced labour cases. However they provide indications of the array of alleged grievances that may have to be brought together in a claim to an employment tribunal in situations where there is forced labour.

The Urbanska-Kopowska, Karmazyn, Kowal and Obieglo, Nisbet, Camacho da Silva and Kalwak cases

Urbanska-Kopowska, a Polish female worker, made a successful claim after being subjected to serious sexual and racial harassment during her time working at a factory in Northern Ireland. She was required to carry out additional work cleaning toilets, the factory and the factory owner's house, which other local workers were not. She was sworn at by the production manager and also had to provide and pay for her own protective clothing unlike other workers. She was awarded £52,000 compensation after her employers ignored her complaints. [6]

Similarly in **Karmazyn**, four migrant workers from Europe were found to have been sexually harassed by their employer at the restaurant he owned. The tribunal found that the waitresses were instructed to wear very short skirts, were shown sexually explicit photographs and constantly had sexual comments made about them. The fact that they were migrant workers was deemed to be relevant, with the tribunal finding that they remained working for their employer due to the uncertainty of obtaining continued employment elsewhere. [7]

Tomasz Kowal and Michael Obieglo were two Polish students undertaking seasonal work fruit picking in Scotland. They lived in cramped metal cabins with 200 other workers where there was no running water or lockers for personal belongings. They asked for clarification of their rate of pay after it was discovered that workers were being paid various rates between £1 and £5 an hour. They were threatened and sacked by the employer but later reinstated when other workers threatened to

strike. They presented a petition containing 145 signatures asking for fair pay and the minimum wage for all workers. Their employer accused them of stealing; they were escorted from the premises by police and told to get a bus to either Glasgow or Edinburgh. Mr Obieglo caught a flight home, while Mr Kowal had to hitchhike due to having no money. They were awarded damages for unfair dismissal, for injury to feelings as a result of race discrimination and unlawful deductions from wages after being threatened, underpaid and forced to endure poor living conditions in substandard accommodation. [8] The employer was fined £500 for entering into an arrangement under which a gangmaster company with a place of business in Bulgaria supplied him with 250 workers and was acting in contravention of Section 6 of the Gangmasters (Licensing) Act 2004.[9]

In ***Camacho da Silva* v *Tushingham Stable Hire Ltd*** [10], the applicant successfully claimed for unlawful deduction from wages which it was found to be based on racial discrimination. He did 827 hours of work but was only paid £550. The tribunal awarded him £1,500 for injury to feelings and £3,460.95 for loss of wages which were calculated at the minimum wage of £4.85, the relevant minimum wage rate at the time.

Under the Equality Act 2010, workers have protection from discrimination on the basis of their gender, race and other characteristics.[11] Although the cases outlined above concerned direct harassment, there are situations where one employee may complain about discrimination against another and consequently be subjected to unfair treatment themselves. Under these circumstances, the employee also has protection from victimisation under the Equality Act 2010.

The cases above illustrate that there are various different aspects of behaviour which may be an indication of forced labour on which employment tribunals can adjudicate. It is important that those workers in forced labour have the ability to make claims against their employers for the treatment they have experienced, including, for example, for race or sex discrimination or unlawful deductions from wages. These are all elements regularly seen in cases of forced labour. Therefore employment tribunals could have an important role to play with those claiming they have been subjected to exploitative conditions. However, there is also evidence that the extent of the rights to make a claim to a employment tribunal are dependent on employment status and immigration status, and where workers are deemed to be ‘illegal’ or ‘irregular’, this continues to present a significant barrier to having grievances upheld. The GRETA report also noted that trafficked persons rarely pursue remedies through employment tribunals (or civil courts) and called in particular for steps to be taken to ensure that employment tribunals were accessible to victims of human trafficking for the purpose of labour exploitation (Council of Europe Group of Experts on Action against Trafficking in Human Beings, 2012).

Moreover, initiating an employment tribunal claim can be challenging for various reasons (see also Section 4). However the experience of Kalayaan, a London-based organisation helping domestic workers, shows that some of these challenges can be addressed. Over the past few years, it has successfully supported a number of cases in relation to aspects of exploitation such as unfair dismissal, unlawful deduction of wages and race discrimination (Duncan-Bosu, 2011).

However recent changes to UK employment law could erode rather than enhance the prospects of the most exploited workers bringing their cases before employment tribunals. Free legal aid for employment advice has been limited, and this, along with cuts in local government expenditure which will impact on their ability to support the voluntary legal advice sector (including both Citizens' Advice Bureaux and independent law centres) means that access to free legal support is becoming severely constrained. In addition employment tribunal fees are being introduced which are likely to be unaffordable for those in low-end work.

Analysis

It is important first of all to acknowledge that the UK legal framework to prevent forced labour is both relatively new and relatively strong (Equality and Human Rights Commission, 2012). Forced labour is a criminal offence both in relation to trafficking and as a standalone offence, the latter setting it apart from several other European countries (Skrivánková, 2010). Creation of the standalone offence fills a gap in the UK's obligations under the European Convention on Human Rights. The UK established the Gangmaster Licensing Authority to prevent workers from exploitation and has ratified all ILO fundamental forced labour Conventions, the UN Trafficking Protocol and the Council of Europe Convention on Action against Trafficking, requiring action against trafficking for all purposes. However having multiple Acts all ultimately dealing with the same legal phenomena – modern slavery – has also been criticised as confusing and unhelpful (Centre for Social Justice, 2013; Craig *et al*., 2007).

Thus, it is still 'early days'. Any virtues of the current legal framework on paper must be set against wide-ranging evidence of a 'justice gap' between law, enforcement, and justice for the individuals against whom offences are committed, which also shows that workers having employment problems often fail to find satisfactory outcomes (Pollert, 2006; Martin and Abimourched, 2009).

Case law from the European Court of Human Rights has been important in setting out the modern obligations that states must take in relation to Article 4 of the European Convention, including state sanctions against perpetrators and the application of these in practice, the duty to remove individuals from risk and co-operation between states to tackle forced labour. The European Court has also adjudicated in a few UK-based cases involving breaches of Article 4, ruling in some

cases in favour of applicants. However there are not enough cases yet to provide an adequate and definitive body of case law.

The same may be said of the cases heard within the UK's own legal framework. Evidence from the limited number of cases taken to court so far is rather contradictory. Operation Ruby failed to result in prosecutions, despite a substantial effort by law enforcers and partners, as evidence relating to coercion was judged by the court to be inadequate. On the other hand, the case following Operations Keepnet and Netwing achieved guilty verdicts. In other cases, what may be described as partial justice has been achieved (for example eventually convincing police to investigate allegations, or financial awards which have not then been paid).

Only when a sufficient number of cases have been brought before the courts and the offenders found guilty will there be a clear enough body of information for use by judges and juries new to this territory, on core issues such as the varied forms of coercive work and employment practices that may be involved, the use of deception, fraud and other psychological modes of control, and why some workers 'rescued' may be reluctant to co-operate with law enforcers. Naturally a prime concern of workers may be for their own welfare and safety as they see it, and a return to work as swiftly as possible, rather than helping with prosecutions. Moreover, because of the nature of the work, legal costs may be sizeable relative to wage losses claimed by victims, and even compensation claimed. Doubtless too, the freedom of movement that workers may appear to have, as evident in some of the above cases, will be drawn on by defendants to defend their actions. To level the playing field there needs to be more information on and awareness of forced labour, for responders and prosecutors, industry bodies (representatives of whom may serve on employment tribunal panels) as well as members of public (who may be called upon for jury service).

The 'justice gap' referred to above means that it is hazardous to estimate the scale of forced labour from prosecuted cases, especially given the very small number of cases so far prosecuted under Section 71 of the Coroners and Justice Act 2009. When the Act was introduced, the 'worst case scenario' was that 20 cases of forced labour and servitude would henceforth enter the criminal justice system every year. To date there have been 15 convictions, all in 2011/12 (Inter-Departmental Ministerial Group on Human Trafficking, 2012). The estimate was based on levels of cases brought under the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (Ministry of Justice, 2010). However further analysis has shown that a large proportion of traffickers known to the criminal justice system have been prosecuted using different laws and offences (Inter-Departmental Ministerial Group on Human Trafficking, 2012). This is also likely to apply to forced labour, and it raises a broader question regarding a co-ordinated approach to using different offences to prosecute what are in reality similar crimes. Cases reviewed also help to show the vulnerability of non-UK national migrant workers to exploitative situations. In some but not all

instances this is related to the processes by which they entered the UK. More generally migrants are susceptible because of their lack of experience and knowledge of their legal rights.

There are also questions hanging over the capacity of the employment tribunal system. Making a claim can be a significant undertaking and for many exploited workers it is one which is already challenging in terms of the speed of response and their own lack of resources, and may become even more so with recent further changes to limit the use of tribunals. For some non-UK nationals, notably from the EU, it has be remembered that another option in the face of exploitation may be simply to cut losses, quit, return home or relocate to other EU countries. However this is no guarantee of finding better conditions, as workers may carry problems such as debt and threats with them. In addition, evidence suggests illegal and irregular migrants are unlikely to come forward for fear of deportation or repatriation.

A more positive step has been is the integration of forced labour indicators into the GLA licensing standards (making the GLA the only UK state enforcement agency we are aware of that systematically looks for and collates evidence on forced labour). Understanding of forced labour may improve further as the GLA becomes involved in wide-ranging ‘sweeps’ involving a number of key players (such as Operation Safe Haven in South Lincolnshire in the summer of 2011 which was led by the Fire and Rescue Service and also involved representatives of the GLA, police, Health and Safety Executive and local authority housing departments) (Davey, 2011). Cuts to the scope and resources of the GLA appear to lack support in the light of this growing experience.

UK data sources on forced labour

This section is the culmination of our work to use existing data to further understand the scale and scope of forced labour in the UK. First we consider forced labour indicators and the need for them. National Referral Mechanism data on forced labour and domestic servitude are considered next, followed by records from the main workplace enforcement agencies, beginning with the Gangmaster Licensing Authority. Employment tribunal records and finally records from Citizens Advice, Migrant Help and Kalayaan are also explored. Although most of these sources do not directly measure forced labour they help to understand its likely contours. Also importantly they reveal areas of key weakness in the current data infrastructure and highlight further changes to deregulate the UK labour market via reliance on a more modest risk-based approach to inspection and enforcement. This plus other changes to the employment tribunal system and the budgetary pressures on other advice and support organisations may mean that workers in exploitation and forced labour have fewer places to turn in future in seeking assistance, protection and justice.

Indicators for identifying forced labour

A better data infrastructure is needed to help understand the scope and scale of forced labour in the UK. In turn, robust data relies on establishing a clear basis for identification and assessment. In reality however, forced labour 'in the private economy' is frequently hidden, or difficult to detect, because workers are scared or are being deceived. As a result there is a dependence on using various existing identifiable indicators of forced labour.

There is considerable uncertainty in the development of forced labour indicators. Some of the main issues in this regard are:

- conceptual significance – i.e. the relationship of an indicator to the definition of forced labour;
- reason – for example labour inspectors, law enforcers, support organisers, researchers and the judiciary may also have different requirements for using indicators to assess possible forced labour situations;
- consistency – the ability to apply the same indicators to multiple cases/situations;
- relevance – the relationship between indicators and the likely most common forms of forced labour in a given context (e.g. national, sectoral);
- number – the number of indicators to include in a set, and the number from whichever set is used that should apply to distinguish forced labour from other 'poor' terms and conditions.

To illustrate these issues three sets of indicators are compared (see Table 1). The first column outlines an initial set of six indicators proposed by the ILO (International

Labour Organization, 2005). These indicators reflect differing dimensions of the elements of the central dimensions of forced labour for the ILO Convention No. 29, i.e. 'menace of penalty' and 'involuntariness'. Also the final two of the six indicators in this list apply primarily to migrant workers and irregular migrant workers respectively. The second column shows the more recent set of 11 indicators the ILO has produced (International Labour Organization, 2012c). These incorporate most of the six earlier indicators but also other aspects of coercion and vulnerability, as well as a broader category of 'intimidation and threat' compared with the 'threat of denunciation' indicator in the earlier set. The final column shows other indicators included by the Ministry of Justice in guidance it has issued on the use of the Section 71 offence of the Coroners and Justice Act 2009. These indicators are provided 'as is' without further guidance on their interpretation and use.

Clear indicators are essential for identifying forced labour in a variety of contexts, and thus also provide the cornerstone for better data. However the simple comparison provided here suggests a lack of clarify both around the definition and application of forced labour indicators. The ILO has also suggested further versions of indicators specifically for statistical survey purposes (International Labour Organization, 2012b) but these do not yet appear to have been considered in the UK context. Moreover such indicators have also tended to develop separately from trafficking indicators.

Table 1: Forced labour indicators proposed by the ILO

ILO (2005) – 6 indicators	**ILO (2012) – 11 indicators**	**Ministry of Justice Circular 2010/7 – suggested additional indicators**
Physical or sexual violence	Physical and sexual violence	
Restriction of movement of the worker	Restriction of movement	
Debt bondage/bonded labour	Debt bondage	
Withholding wages or refusing to pay the worker at all	Withholding of wages	Unwarranted and perhaps unexplained deductions from wages
		The employer intentionally not paying the full tax or national insurance contributions for the worker
		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
Retention of passports	Retention of identity	

and identity documents:	documents	
Threat of denunciation to the authorities	Intimidation and threats	
	Excessive overtime	Excessive working hours being imposed by the employer
	Isolation	The person being isolated from contact with others
	Abusive working and living conditions	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
		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)
	Abuse of vulnerability	
	Deception	The worker being given false information about the law and their employment rights
		Intentionally poor or misleading information having been given about the nature of the employment (e.g. about the location or nature of the work)

Scope and scale of forced labour related to trafficking

Since 2009 the recording of trafficking in the UK has changed considerably following the creation of the National Referral Mechanism (NRM). The NRM has been developed as part of the UK's implementation of the Council of Europe Convention Against Trafficking in Human Beings. Referrals of potential victims of human trafficking must be made by one or more of 17 organisations which have designated 'first responder' status in the NRM. [12] Referred cases are then considered by staff of the two designated 'competent authorities' (UK Border Agency (UKBA) and the UK Human Trafficking Centre (UKHTC)).

The assessment process carried out by the competent authorities consists of a two-stage process beginning with an initial 'reasonable grounds' assessment. Potential victims whose claims receive a positive decision at this stage are entitled to support

during a ‘recovery and reflection’ of 45 days minimum, in which additional information may be gathered. At the ‘conclusive grounds’ stage, where a case receives a positive decision, the individual concerned may be entitled leave to remain in the UK, reflecting the fact that most claims are from non-UK nationals (see schematic illustration of this process in Appendix 2)

In theory the NRM framework means that all potential victims of trafficking which are made known to designated first responder organisations are referred on for further consideration. In practice it is known that a relatively small proportion of persons claiming trafficking actually use it, and some decide against giving consent to be referred (e.g. see Council of Europe Group of Experts on Action against Trafficking in Human Beings, 2012; Anti-Trafficking Monitoring Group, 2010, 2012; Equality and Human Rights Commission, 2012; Centre for Social Justice, 2013).

Quarterly NRM data

Aggregated data on referrals handled by the NRM are released by the United Kingdom Human Trafficking Centre (UKHTC), which claims to disseminate all aggregated data via its website. Data dissemination appears to have settled into a pattern of quarterly reporting. The UKHTC’s two initial data reports covered respectively the first 12 months and first 18 months of the NRM. (At points below we also refer to these reports as being part of the NRM ‘quarterly data’, for convenience).[13]

All NRM data reports released to date include aggregate numbers of referrals within the given period broken down by ‘exploitation type’ in the following main categories:

- sexual exploitation;
- labour exploitation;
- domestic servitude;
- ‘unknown’ – where type cannot be determined on the information available, and including also referrals where a decision on ‘exploitation type’ is still be reached.

In addition two cases of ‘organ harvesting’ in adult referrals have been recorded.

This quarterly data has recently been extensively analysed elsewhere (e.g. Inter-Departmental Ministerial Group on Human Trafficking, 2012). However from our own analysis, we identify the following issues:

- It should be noted the data reported made no distinction between exploitation which has actually occurred and the intent to exploit.
- There is a lack of transparency as to how the information collected through the referral process maps to the ‘exploitation type’ being recorded in the published data.

- A further issue concerns level of breakdown provided in the published data.

Lack of transparency

Regarding the second issue, we noted these points from the NRM data collection forms which are used to gather information on individual referrals:

- The Adult Referral Form actually includes, among various indicators, a section on 'Forced labour' indicators (Appendix 3). Given this it is unclear why the terminology of 'forced labour' is not also used in classifying cases of adult referrals in the published data. Furthermore the 'Forced labour' indicators are different from both the ILO's and those proposed by the Ministry of Justice (see Table 1).
- On the Minor Referral Form there are also various sets of indicators (see Appendix 4), but no set is labelled as 'forced labour' indicators.[14] This difference between the forms appears to contradict the forced labour definition in ILO Convention No. 29, that any person may be subject to forced labour, irrespective of their age. The Minor Referral Form does include three sets of 'exploitation' indicators. Some indicators in these sections are, however, similar to the forced labour indicators discussed earlier – e.g. 'Physical symptoms of exploitative abuse' and 'Limited freedom of movement'.

In practice the indicators included on both forms are to some degree likely to reflect the experience of the various organisations which are involved. However we could find no documentation that sets out in detail how these indicators were decided on, or how their fitness of purpose is being monitored.

Level of breakdown

There have been other calls to increase the range of breakdowns these reports provide (e.g. Equality and Human Rights Commission, 2011). From our own research we noted that:

- The more recent quarterly reports do contain some additional tables, including separate tables covering the devolved administrations. These add to the existing breakdowns for 'exploitation type' including adult/minor status, gender and age of minors (see below).
- However there are no cross-tabulations of type by country of origin of the persons referred, or by the first responder organisations making the referrals. Such additional cross-tabulations would be very useful as part of the analysis of patterns and trends of exploitation linked to trafficking, as well as in understanding pathways (and barriers) on seeking support.

- Also ‘labour exploitation’ is a particular wide category in the NRM classification. As well as exploitation involving direct use of labour it also includes other criminal forms of exploitation such as cannabis cultivation and exploitation of individuals for benefit claims (Inter-Departmental Ministerial Group on Human Trafficking, 2012). However there has been no additional detail on the make-up of this category beyond a baseline assessment report for 2011 (see below).

We now turn to actual data, starting with the overall breakdowns of recorded ‘exploitation type’ for each of the reporting periods (see Appendix 5, Table 1). The data shows that:

- In total there were 3,061 potential cases of trafficking between the start of April 2009 (when the NRM began) and the end of September 2012.
- Of these referrals 42 per cent were for sexual exploitation, making it the most prevalent exploitation type among referrals.
- However the corresponding figures for referrals for labour exploitation and domestic servitude are 31 per cent and 17 per cent respectively. Therefore more referrals in the period were deemed to be for reasons other than sexual exploitation.
- Overall 70 per cent of referrals made were for adults and 30 per cent were for minors.
- For each ‘known’ type of exploitation there were significantly greater numbers of adult referrals than minor referrals. However the reverse is true for cases in which exploitation type is classed as unknown, suggesting greater challenges involved in accurately assessing referrals of minors.
- Minor referrals made up a greater proportion of referrals classed as either labour exploitation or domestic servitude, at just under 30 per cent, than referrals for sexual exploitation at 20 per cent.

The separate data breakdowns for adults and minors (Appendix 5, Table 2) show that:

- Among the 2,151 adults referred to the NRM, sexual exploitation was most prevalent at 1,017 (47 per cent).
- There were 1,032 adult referrals for labour exploitation and domestic servitude combined, a total of 48 per cent (31 per cent and 17 per cent respectively).
- There were 100 (less than 5 per cent) adult referrals in which exploitation type is classed as unknown.

- Among the 910 minor referrals, labour exploitation was the most prevalent exploitation type, at 32 per cent. This was above the 29 per cent of minor referrals recorded as involving sexual exploitation.
- Together referrals for labour exploitation and domestic servitude made up 47 per cent of all minor referrals.
- For 25 per cent of minor referrals, exploitation was recorded as unknown.

Despite the caveats on quality, the signs from this data of the incidence of trafficking where sexual exploitation is not involved, and where labour exploitation or domestic servitude are, must be taken seriously. They provide one of best indications yet beyond the evidence provided by academic and 'one off' studies of the nature of the problem of labour exploitation and forced labour in the UK.

However it is also important to note the NRM is intended to be both an identification system and a support system, i.e. not all individuals referred to as being potentially trafficked are then confirmed as actually being trafficked. Low levels of confirmation among particular groups is a concern. The report of the Council of Europe Group of Experts on Action against Trafficking in Human Beings noted during its assessment of the initial 24 months of the NRM that there was a particularly low percentage of positive decisions for referrals of non-EU and non-EEA nationals (Council of Europe Group of Experts on Action against Trafficking in Human Beings, 2012).

In response the UK authorities claimed that non-EU and non-EEA nationals were more likely to claim they had been trafficked in the context of an asylum claim or another immigration issue, gave poorer information than other referrals, had little or no additional information on their situations established by the first responder organisations, and sometimes claim related to a past rather than present trafficking situation (Council of Europe Group of Experts on Action against Trafficking in Human Beings, 2012). However this particular issue requires monitoring – our own analysis suggests that just 15 per cent of non-EU/EEA citizens referred to the NRM between July 2011 and September 2012 received positive final 'conclusive grounds' decisions, much lower than the percentage for UK nationals or other EU/EEA citizens.

Using all the quarterly reports available (April 2009 to September 2012) we conducted a similar analysis of NRM decision outcomes by the reported type of exploitation involved. On average we found that:

- 75 per cent of referrals for labour exploitation received a positive initial ('reasonable grounds') decision, and 52 per cent received a positive final ('conclusive grounds') decision.

- 52 per cent of all referrals for domestic servitude received a positive reasonable grounds decision, whereas only 14 per cent received a positive conclusive grounds decision – the lowest average percentage, except for referrals where exploitation was unknown.
- For all referrals where sexual exploitation was involved an average 61 per cent received positive reasonable grounds decisions, and an average of 30 per cent of all referrals received a positive conclusive grounds decision.

These figures suggest important differences in outcomes of the NRM process by exploitation type. The comparatively low positive turnout rate for referrals involving domestic servitude bears further scrutiny to assess whether consistent decision-making is being applied across all types.

Other NRM data

Further aggregated data on NRM referrals has been released in two sources: in a baseline assessment of trafficking covering the 2011 calendar year (Serious Organised Crime Agency, 2012), and in a subsequent set of 'provisional' annual statistics for 2012 (Serious Organised Crime Agency, 2013). The 2011 baseline assessment also includes data gathered via additional 'intelligence' while the provisional annual figures for 2012 contain some rather different tabulations from the quarterly reports discussed above.

2011 baseline assessment

The baseline assessment was compiled by the UKHTC by drawing together NRM records with an 'intelligence requirement', providing additional information on potential cases of trafficking. The intelligence request was issued to all UK police forces, the GLA, UKBA and 25 other non-government organisations. It received returns from 21 police forces (seven of these being nil returns), from nine of the 25 non-government organisations, and from the UKBA and the GLA (Serious Organised Crime Agency, 2012).

It is not clear from the baseline assessment if all the individuals identified by the additional intelligence would meet the criteria to be confirmed as trafficking victims, or if exploitation had occurred during 2011 or earlier.[15] Nonetheless the additional data obtained provides some indication of the level of non-reporting of actual or potential victims of trafficking to the NRM:

- Comparison of the additional intelligence and the NRM records suggests that more than half (54 per cent) of 2,077 identified potential victims of trafficking identified in 2011 were not recorded on the NRM database at that time.

- This relates only to known and reported potential cases of trafficking. When non-response and undetected cases are factored in, the percentage of all potential trafficking cases presently recorded by the NRM may be considerably smaller still.

An earlier report by the Home Affairs Select Committee reported an Anti-Slavery International estimate that the fraction of cases of trafficking actually being detected could be as low as 10 or 15 per cent (House of Commons Home Affairs Committee, 2009, pp 14-15).

The baseline assessment confirms the significance of non-sexual forms of exploitation from the NRM data reports.

- While sexual exploitation remains the most prevalent of recorded exploitation type (in 639 of the 2,077 individual cases), labour exploitation was recorded in 461 cases, and in domestic servitude in 222 cases – a total of 683 cases.
- Cases in which exploitation was recorded as 'other' are noticeably high (753 of the 2,077 cases), and include various known forms (e.g. begging, theft and shoplifting, as well as drugs farming and benefit fraud) and others not recorded (Inter-Departmental Ministerial Group on Human Trafficking, 2012).

Of the 461 potential victims of trafficking for labour exploitation, 81 per cent were adults – a higher proportion than that reflected in the quarterly NRM reports. In addition 77 per cent of cases where labour exploitation was recorded were male. The most prevalent countries of origin for persons recorded in this category were Czech Republic (14 per cent), Romania (9 per cent), Slovakia (9 per cent), Hungary (8 per cent) and the UK (8 per cent). More specific information on the types of labour exploitation includes:

- 104 potential victims (23 per cent) reported they had been exploited for work tarmacking and doing block paving by members of the UK traveller community. Most of these were adult males, notably from the UK or Poland (together 44 per cent of these cases). However country of origin was unknown in almost as many cases recorded for this activity.
- 76 people (17 per cent) are reported to have been exploited in a factory, mainly adult males from Hungary and the Czech Republic. A smaller number were from Slovakia, mainly men and boys.
- 51 potential victims (11 per cent) are reported to have been forced to work in agriculture, with more than 50 per cent originating from Romania; around one-third of these were children.
- 38 potential victims (8 per cent) were reported to have been exploited in food processing industry, just under half being adult males from the Czech Republic.

- 23 potential victims (5 per cent) are reported to have been forced to work in restaurants. The most prevalent country of origin was China, with one male and six children. Around one-fifth were adult males from Bulgaria.
- 20 (4 per cent) were adult males from Lithuania reported to have been forced to work delivering leaflets.
- Nine potential victims (2 per cent) were forced to work in the construction industry. All were adult males, with Poles just under half of those identified.
- Six Vietnamese males (1 per cent), predominately children, stated they had been working in nail salons.

(Serious Organised Crime Agency, 2012; Inter-Departmental Ministerial Group on Human Trafficking, 2012)

Of the 222 recorded potential victims of trafficking for domestic servitude, 39 (18 per cent) originated from Nigeria. However for most victims in this category, world region of origin rather than a specific country of origin was recorded. The baseline assessment provides information on the most prevalent regions of origin. South Central Asia was the recorded origin for 43 (19 per cent), South East Asia for 37 (17 per cent) and West Africa for 12 (5 per cent). Of the 131 individuals from these world regions and Nigeria, most were adults (94 per cent). This is noticeably higher than the corresponding percentage of adult referrals recorded for domestic servitude in the NRM quarterly reports (see Appendix 5, Table 1). Most of these 131 individuals were female, of whom 105 were adults).

Irrespective of whether all cases would meet the criteria for identifying trafficking adopted by the NRM, this evidence provides additional information on the contours of exploitation and potential forced labour occurring with the UK. Moreover it would also appear that based on the country of origin information many of the individuals involved had or would appear to have rights to access and work in the UK. This would suggest a need for monitoring worker exploitation in the UK as well as for addressing the factors creating the demand for exploitable labour.

NRM provisional statistics 2012

The NRM provisional statistics report includes NRM data with a cut-off date of 2 January 2013 (Serious Organised Crime Agency, 2013) and thus has greater coverage of 2012 than the quarterly reports available at the time of writing. The overall number of referrals received in 2012 was 1,186 (see Appendix 5, Table 3). The breakdown of this total illustrates the following:

- 45 per cent were referrals in which labour exploitation or domestic servitude were recorded, whereas 40 per cent were referrals in which sexual exploitation was

recorded. Almost of third of referrals (31 per cent) alone were recorded to involve labour exploitation.

- In around 14 per cent of referrals the exploitation was not known based on the information obtained from the first responder organisation.
- There was one referral (of a minor) for organ harvesting.

Referrals of adults and minors divided as follows:

- For referrals for which labour exploitation was recorded, adults accounted for 73 per cent, slightly greater than the percentage from the earlier quarterly reports (Appendix 5, Table 1).
- Similarly 73 per cent of referrals where domestic servitude was recorded were adults.
- Almost 80 per cent of referrals where sexual exploitation was recorded were adults.
- In contrast minors accounted for 75 per cent of the cases in which the exploitation type remained unknown.

Changes between 2011 and 2012 are also compared:

- There was an increase of 25 per cent in the overall number of referrals compared with 2011.
- There were 27 per cent increases in adult referrals involving sexual exploitation and labour exploitation, whereas adult referrals for domestic servitude were more similar to the numbers in 2011.
- There were smaller changes in the number of referrals involving minors, with small increases in the number of minor referrals for domestic servitude and sexual exploitation and a decrease in the number of referrals for labour exploitation.
- Greatest changes were in the number of referrals in which exploitation remained unknown, both for adults and minors. However for at least some of these referrals, this reflects their being at an early stage in the NRM decision process, and it is likely that a decision on ‘exploitation’ type followed.

The 2012 provisional statistics report also includes breakdowns for the devolved administrations. The breakdowns by exploitation type can be looked at against figures derived for England to compare within-country profiles (Appendix 5, Table 4). Some key points from these comparisons are:

- Most referrals in 2012 were in England (88 per cent of the 1,186 total), followed by Scotland (8 per cent), Wales (3 per cent) and Northern Ireland (around 1 per cent) (see also Appendix 5, Table 5).
- Referrals in which sexual exploitation was recorded were around 40 per cent of the total within each country except in Northern Ireland where sexual exploitation was closer to 50 per cent.
- Referrals in which labour exploitation was recorded also accounted for around 30 per cent of all referrals in England, Wales and Northern Ireland. However for Scotland they constituted a larger proportion (47 per cent).
- There was greater variability in the percentages of referrals in which domestic servitude was recorded. There were no referrals for domestic servitude recorded in Northern Ireland, whereas in Wales they represented nearly a 25 per cent. Percentages for England and Scotland were similar at 14 per cent and 10 per cent respectively.
- The percentages of referrals where exploitation was recorded as unknown varied. The percentage was highest in Northern Ireland – at 27 per cent the same as the number of referrals recorded for labour exploitation in Northern Ireland – followed by England (15 per cent – above the percentage recorded for domestic servitude), then Wales (9 per cent), and Scotland (5 per cent).

It is also possible to use the 2012 data to compare the four UK countries in terms of the breakdown of referrals by the various different first responder organisations (see Appendix 5, Table 5).

The profiles in this case illustrate the following:

- For each country, upwards of 40 per cent of referrals were made by the UKBA, and, except for Northern Ireland, the UKBA was responsible for most referrals.
- Police authorities made the next greatest number of referrals in England (including the Metropolitan and provincial forces), Scotland and Wales, whereas in Northern Ireland the Northern Irish police service made more referrals than the UKBA.
- Non-government organisations designated as first responders made 20 per cent of referrals in England, and 18 per cent of referrals in Wales. NGO first responders made about 14 per cent of referrals in Scotland, whereas in Northern Ireland there were no referrals by NGOs. To an extent these figures reflect the limited number of NGOs which are designated as first responders.
- The GLA made 16 referrals or slightly more than 1 per cent. These were in England (12 referrals, 1 per cent) and Wales (4 referrals, 12 per cent). In contrast the GLA did not make any referrals in 2012 in either Northern Ireland or Scotland.

The strikingly high number of referrals by the UKBA is worth comment in light of other figures which shows that that the UKBA also received 74 per cent of all referrals made in 2012. This suggests that the UKBA is making most final decisions on trafficking status in the NRM, and hence also on recorded type of exploitation for most referrals. These figures also indicate that in effect the UKBA is referring a large number of cases to itself. Although the NRM is based on a co-operative model the degree of centralisation around the UKBA, and the latter's dual role both as a competent authority and the agency dealing with immigration and asylum matters has already proved grounds for concern (Council of Europe Group of Experts on Action against Trafficking in Human Beings, 2012). For example, it has emerged that there are situations where the same UKBA officer deals with parallel applications for asylum and NRM trafficking victim status from the same individual, placing them under pressure and in a conflict of interest (Equality and Human Rights Commission, 2011; Council of Europe Group of Experts on Action against Trafficking in Human Beings, 2012).

In addition the low percentage of referrals by the GLA may be commensurate with the size of the agency and its more limited focus on three industrial sectors (agricultural and horticulture, food preparation and packaging, and fish and shellfish), although further information is needed to assess this properly. However the GLA has been cited as a model of good practice, with for example GRETA experts adding to other calls for its scope to be extended to improve the response to labour exploitation in the UK (Council of Europe Group of Experts on Action against Trafficking in Human Beings, 2012). For the same reason they also recommended that the GLA should be given the status of an NRM competent authority (Council of Europe Group of Experts on Action against Trafficking in Human Beings, 2012).

State enforcement agencies and workplace exploitation

As discussed previously human trafficking is not a prerequisite for forced labour and forced labour can result from other poor exploitative work situations. State workplace enforcement bodies remain the main safeguard against the latter. Increasingly the size and scope of these agencies also reflects a targeted and 'risk-based' approach to monitoring and enforcement activity.

Below we look at aggregated records from these agencies. Broadly, the figures available from them span allegations/complaints received, inspections carried out, confirmed cases of non-compliance, and enforcement actions.

Non-compliance with Gangmasters Licensing Authority licensing standards

Prevention of forced labour is written into three of the GLA's gangmaster licensing standards. Data obtained from the GLA for this research counts the total annual

number of allegations made under these three standards for the five year period 2006–2010 (Table 2). This is the only data we are aware of that explicitly links worker abuse and exploitation to forced labour.

Table 2: Allegations recorded against GLA licensing standards on forced labour, 2006–2010

	Physical and mental mistreatment (Standard 3.1)	Restricting movement, debt bondage, retaining ID (Standard 3.2)	Withholding wages (Standard 3.3)	All forced labour allegations
2006	33	11	36	80
2007	52	39	70	161
2008	49	29	56	134
2009	27	15	62	104
2010	16	4	48	68
Total	**177**	**98**	**272**	**547**

Source: GLA database

Key points are:

- Combining allegations under all three standards the year total grew from 2006 to a peak in 2007. In subsequent years it has decreased.
- Within each year most allegations related to withholding wages, followed by allegations related to physical and mental mistreatment.
- The trends in numbers of allegations made under each licensing standard individually mirror the overall trend of a peak in 2007 and subsequent reductions.
- In 2010 the number of allegations under Standards 3.1 and 3.2 had fallen beneath the corresponding totals in 2006.
- In contrast the number of allegations under standard 3.3 saw a more modest reduction, and remained relatively high. As a result they constituted a larger percentage of all forced labour allegations in 2010 (70 per cent) than in any previous year.

The GLA has also made the point that some of its other licensing standards may provide indications of situations of forced labour (Gangmasters Licensing Authority, 2010). Allegations against such other standards in 2010 tend to confirm the same picture as above, namely that wage-related issues have been the most important type of allegation of forced labour made to the GLA (Table 3). Allegations of non-payment of minimum wages and of inaccurate amounts shown on payslips

accounted for more than 50 per cent of all allegations under these additional licensing standards.

Table 3: Allegations against other GLA licensing standards pertaining to forced labour, 2010

Licensing standard		2010 allegations
2.2	Minimum wage	45
2.4	Payslips	8
4.1	Quality of accommodation	14
4.2	Licensing of accommodation	2
5.2	Working hours	10
6.3	Safety at work	14
7.3	Contractual arrangements and records	11

Beyond these records of allegations made to the GLA, there is also data on cases it investigates and follows up via the revocation/refusal of a licence. In 2010, 49 companies had their license refused or revoked, though only three had their licenses revoked or refused because of non-compliance under licensing standards 3.1, 3.2, or 3.3 (see Section 3).

The decreasing trend in the allegations received in relation to the GLA licensing standards on forced labour may reflect the GLA's effect on deterring employers from exploiting their workers. The GLA's activity and its record of results in detecting problems, monitoring compliance and enforcing its standards have been widely recognised, and there have been calls for its scope to be extended further into other sectors where workers may be vulnerable to exploitation, including catering, hotel work and construction (e.g. Council of Europe Group of Experts on Action against Trafficking in Human Beings, 2012; Poinasamy and Bance, 2009; Allamby *et al*., 2011).

In 2011 the UK government embarked on a review of workplace rights and enforcement arrangements, and a parallel review of employment law. Following the its Red Tape Challenge it announced in May 2012 that the GLA's scope would not be extended, but rather that its mission was being redirected to target suspected serious and organised crime, in closer partnership with the Serious Organised Crime Authority (SOCA). To free up resources for this the GLA has had to streamline its activity, including its staff. It is now required to 'focus forensically on gross abuse of workers by unscrupulous gangmasters' (Department for Environment, Food and Rural Affairs, 2012). This implies that despite the GLA's apparent success against 'lesser' exploitation, it should no longer be concerning itself with such interventions.

In 2011/12 (by which time cuts in staffing at the GLA had begun to have some effect), 2,811 workers were identified as subject to exploitation and 27 licenses

revoked, with 18 enforcement operations and 10 successful convictions. The fact that the proportion of operations which led to convictions is relatively high is explained by the fact that the GLA is increasingly being required, both by its lack of resources and by government policy, to concentrate on a few high profile cases: the level of activity of the GLA and its apparent success rates gives no indication of the extent of forced labour activity within the UK. Cases brought before the courts by the GLA and its partners including the police may represent those identified through enforcement operations but are potentially a small fraction of the level of forced labour cases requiring investigation.

HM Revenue and Customs – compliance with and enforcement of the National Minimum Wage

Despite the overall lack of consensus around indicators, there is some consensus that withholding wages is a key indicator of forced labour (see Table 1). In the UK the National Minimum Wage (NMW) is already regarded as a means to protect low-income workers and there is already evidence that situations in which workers are being paid beneath the NMW may be associated with other problems (Department for Business Innovation and Skills, 2010a). Changes labelled as a new 'enforcement regime' were introduced in April 2009 and a NMW compliance strategy published in 2010. The strategy document states that since introduction of the NMW in 1999, arrears worth more than £38 million for more than 130,000 workers have been identified (Department for Business Innovation and Skills, 2010b).

HM Revenue and Customs (HMRC) enforces the NMW working with the Department of Business Innovation and Skills, and using intelligence obtained by both organisations. Records of NMW-related complaints received by HMRC average 2,700 received complaints per year (Appendix 5, Table 6). Other features from the regional breakdown are:

- London has consistently seen the greatest number of complaints received per year; 16 per cent of all complaints received over the four years for which data is available.
- The North West has seen around 11 per cent of all complaints, the South East 10 per cent, West Midlands, Yorkshire and Humberside and the East of England around 9 per cent each. The level of complaints received in Merseyside is noticeably low (around 2 per cent).
- There does not appear to be any clear pattern of variation. In most regions the highest number of complaints received was in 2006/07, followed by 2009/10. However in the North East there has been a large decrease in the number of complaints since 2006/07.

Most complaints related to payment of the NMW have been 'closed' by HMRC compliance officers although some more complex cases such as those involving multiple complaints are handled by an HMRC Central Intelligence Unit. HMRC closed-complaint figures by trade sector tend to suggest that complaints about the NMW are more likely from workers in the sectors with a history of low-pay work (Appendix 5, Table 7), with:

- Most complaints closed in the four years from 2006/07 to 2009/10 to do with a variety of hospitality work, and other services, together more than 40 per cent of all complaints closed over the period. (Coverage of 'other services' is not detailed in the HMRC work but it is likely a broad class including many types of work – e.g. warehouse-type work, baggage-handling, washing and dry-cleaning.)
- However almost another 40 per cent of closed complaints were linked to work in retail, hairdressing and market service. (Types of work included within 'market service' are not detailed but it points to lower-end service work.)
- Around 20 per cent of closed complaints were in the other sectors listed.

The NMW strategy published in 2010 lays greater emphasis on a more risk-based enforcement approach, in particular targeting larger and more complex cases (Department for Business Innovation and Skills, 2010b). Figures on risk-assessed cases closed in 2009/10 show that:

- For many sectors the percentage of risk-assessed cases closed is broadly in line with the percentages of closed complaints.
- One exception to this is hospitality – 31 per cent of risk-assessed cases closed in 2009/10 were related to work in this sector, compared with 22 per cent of all closed complaints. This difference may reflect good intelligence supporting the risk-based approach to NMW enforcement in this sector.
- The other exception was 'other services' – 11 per cent of risk-assessed closed cases were related to this category, about half the percentage of closed complaints that were associated with it – suggesting that it is a broader more diffuse category on which intelligence is not as good.

Other figures on NMW enforcement over the same four-year period (see Appendix 5, Table 8) show that:

- Almost 17,000 cases were closed – but the number of cases closed per year had been dropping.
- There were about 6,200 cases of non-compliance with the NMW, around one in three closed cases. The number of cases of non-compliance decreased in 2009/10.

- 76,000 workers were found to be underpaid and due NMW arrears –perhaps the most striking point. The number of workers involved has been higher in all years since 2006/07.
- Slightly more of the underpaid workers who were due arrears were women or girls, around 39,000 compared with around 37,000 males. There are notably large differences in male and female totals for 2096/07 and 2007/08.
- Overall arrears identified per year have been increasing: the £4.4 million identified in 2009/10 is also reported as being 44 per cent above target (Department for Business Innovation and Skills, 2010a).
- Average arrears per worker increased in 2009/10 after a low figure in the previous year, equating roughly to a standard working week at the NMW hourly rate for workers 21 years or older prevailing at the time (£5.93). However it is difficult to read too much from the crude average figures presented. In addition it is also reported that HMRC does not keep data on arrears identified which are actually paid (or not paid) to workers (Hansard, 2011a).
- New forms of notice have been issued since the inception of the new NMW enforcement regime in April 2009. The numbers of notices and penalties charged in 2009/10 was considerably higher than notices issued under the previous system.

Legislation provides powers to prosecute for failure to pay the NMW. However the HMRC policy on prosecutions established in 2006 is rather more recent than the NMW itself, and there have been only seven prosecutions in total (Department for Business Innovation and Skills, 2012a). Prosecution has been described as a 'deterrent' of non-compliance within the overall NMW compliance strategy, but the 'the high cost of prosecutions in resource terms' is also noted (Department for Business Innovation and Skills, 2010a, p. 30). It is questionable whether such a low figure of prosecutions constitutes a genuine deterrent. Indeed the Low Pay Commission which advises on the NMW continues to urge for more prosecutions to send out a clearer message that under-payment is not tolerated (Department for Business Innovation and Skills, 2012a).

Employment Agency Standards Inspectorate and the recruitment industry

The Employment Agency Standards Inspectorate (EAS) is responsible for enforcing employment agency legislation relating to private recruitment businesses, including both employment agencies and employment businesses. In broad terms employment agencies introduce work-seekers to client employers for direct employment by the latter while employment businesses engage work-seekers themselves and supply them to clients for temporary work (DTI/RECE, 2004). Regardless of these categories, agencies are prohibited from charging most types of

work-seekers a work-finding fee (we use the term ‘agency’ to refer to both employment agencies and employment businesses). In recent years EAS has also attempted to increase awareness of other basic rights and protections, including ensuring that:

- temporary agency workers are paid what they are entitled to;
- they do not have to pay a fee for being found work;
- they are not forced to paying for additional services;
- they receive written details about their terms and details of each job found for them;
- the worker is being supplied to a safe working environment.

(Department for Business Innovation and Skills, 2012b).

The relevant legislation includes the 1973 Employment Agencies Act and the Conduct of Employment Agencies and Employment Businesses Regulations 2003, certain amendments to which came into force in 2012. EAS aims to enforce compliance in a range of ways: by issuing warnings, seeking prosecution, and using employment tribunal orders to prohibit individuals from running agencies for up to 10 years (Department for Business Innovation and Skills, 2010c). It receives and follows up all complaints that indicate a possible breach of the legislation (Inter-Departmental Ministerial Group on Human Trafficking, 2012). In recent years it has also been developing ‘a more sophisticated risk matrix’ to support increased targeting of agencies most likely to be non-compliant (Department for Business Innovation and Skills, 2010c, p.11).

Some key points which emerge from recent EAS annual reports (see Appendix 5, Table 9) are:

- In 2008/09 more than 1,000 complaints were received, increasing to 1,700 complaints received in 2009/10.
- There were around 750 fewer complaints received in 2010/11, decreasing further to about 650 complaints received in 2011/12. The reduction in the complaints received directly by the EAS appears related to the Pay and Work Rights Helpline, which was formally launched in October 2009 (see discussion later in this report).
- EAS has conducted several hundred targeted inspections every year. The numbers of such inspections was lowest in 2009/10 but has been higher in recent years with more than 400 inspections in 2011/12.
- Since 2008/09 the annual total number of infringements has exceeded 2,000. (We presume ‘Total infringements’ includes both those following from complaints and from targeted inspection).

- However there has been a drop-off in the number of ‘complaint cases cleared’ since 2009/10, dropping to less than 800 in 2011/12.
- Since 2010/11 the number of warnings issued has been much closer to the number of complaints received, compared with earlier years.
- Sums recovered for workers reached a high level of £295,000 in 2010/11, more than 4.5 times the amount recovered in 2008/09. However in 2011/12 the total amount recovered was less than half this.

For 2011/12, the number of ‘complaint cases’ and targeted inspections – a combined total of 1,191 – is broken down by sector (meaning the sector in which the agency was recorded as operating). The total 2,146 infringements recorded for 2011/12 is also broken down by sector (see Appendix 5, Table 10).

The sector-level figures show that:

- 17 per cent of all complaint cases and inspections were related to agencies supplying both industrial and construction workers. However a higher percentage of infringements, 23 per cent, were related to agencies of this type.
- Agents for actors and extras were a focus for five per cent of all complaints and inspections. However 10 per cent of all infringements were identified with such agencies.
- A bigger difference is evident for agencies specialising in healthcare workers and professionals. Four per cent of complaints and inspections were against these agencies but three times that amount – 12 per cent – of infringements were identified with those agencies.
- For all other agency types the percentage of infringements was less than or equal to the complaints and inspections.

This examination of the 2011/12 data shows that infringements of recruitment business legislation are particularly associated with agencies specialising in healthcare, acting and supplying industrial and construction workers. However little further information is available on the sorts of infringements involved as EAS has a stated policy of not publishing details of investigations unless it leads to prosecution or prohibition (Department for Business Innovation and Skills, 2013). The number of prosecutions has been low, involving agencies supplying railway workers, construction workers, HGV drivers, and models and entertainment acts, including one case where 11 Filipino workers each paid £4,000 to an agency (Department for Business Innovation and Skills, 2012b).

Between 2007 and 2009 EAS was acknowledged to have been in a period of significant organisational change (Department for Business Innovation and Skills,

2010c). It saw its staff increase at that time (Appendix 5, Table 11), and the effect of change was evident in the terms of the increase in the number of infringements discovered and the financial amounts for workers which were recovered. However the most recent annual report also states that cases of infringements uncovered have become more complex and protracted (Department for Business Innovation and Skills, 2013). In light of this it is particularly concerning that the number of EAS enforcement staff fell in 2011/12, and indeed was lower than during the five preceding years. As of January 2013 the entire EAS staff complement was down to just 12, including 9 inspectors (Department for Business Innovation and Skills, 2013), around one-third of the number in 2009/10. As the recruitment industry itself expands it is hard to accept that this much-reduced version of the EAS can continue to deter, let alone disrupt, those who seek to flout the rules to scam or exploit others.

Health and Safety Executive data on worker harm

Harm at work is likely to be a main dimension of forced labour situations. Physical and/or sexual assault of workers may be used in a number of ways to enhance worker vulnerability to exploitation and to compel them to undertake and continue work against their free choice. Furthermore, as growing evidence suggests, harm may also result not just from the relation between employer and worker but from the nature of the work itself, as well as the quality of accommodation and living arrangements. 'Abuse of vulnerability' and 'abusive working and living conditions' are both included in the ILO's most recent set of forced labour indicators (see Table 1).

In Britain regulation of prevention of harm at work is the main responsibility of the Health and Safety Executive (HSE) (with similar functions performed by the Health and Safety Executive for Northern Ireland). The role of HSE includes ensuring that employers comply with their legal duties to ensure the health, safety and welfare at work of all their employees, primarily defined by the provisions of the Health and Safety at Work etc. Act 1974, also including the provisions of the EU Working Time Directive. Compliance and enforcement are undertaken by HSE in conjunction with its partners, primarily local authorities, which have lead responsibility for health and safety in offices, shops, retail and wholesale distribution, hotel and catering establishments, petrol filling stations, residential care homes and the leisure industry (House of Commons Work and Pensions Committee, 2008), while most other workplaces are regulated directly by the HSE. [16]

A wide range of data is published relating to different aspects of HSE's remit, and with differing quality of coverage. For example HSE in theory should be notified of all 'incidents' occurring under the 1995 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR). In practice a substantial under-reporting is known to affect the RIDDOR figures on non-fatal injuries. The extent of under-reporting for such incidents has been estimated by comparing RIDDOR figures with other data from the national Labour Force Survey (LFS). The estimated levels of

actual reporting suggest that reporting is highest among employees, but with just over half of all non-fatal injuries to employees estimated as actually having been reported in recent years. For other 'workers' – i.e. those outside a direct employment relationship – the estimated level of RIDDOR reporting of non-fatal injuries is even lower, at closer to 40 per cent. For self-employed people, reporting levels have not exceeded 10 per cent in recent years.

However there is also considerable industry-to-industry variability in those estimates. A low figure which stands out is for workers in agriculture, having an average level of reporting of just 16 per cent over the three year period between 2009/10 and 2011/12. This is substantially lower than the level for workers in other industries. [17] No further information is provided about the reasons for under-reporting. Our own concern would be that employees and workers have been actively discouraged from reporting problems by their employers.

A 2008 report by the House of Commons Work and Pensions Committee cited figures from the LFS for the three year period from 2003/04 to 2005/06, indicating that, compared against the average rate of reportable accidents for all workers, there was a higher average rate of reportable accidents for workers in low-skill work with few or no qualification requirements (House of Commons Work and Pensions Committee, 2008). More recent LFS data is available from the HSE website, including a breakdown of injury rates by occupation type. Although not directly comparable against the figures in the Work and Pensions Committee report, it suggests that the injury rates for those in lower and unskilled 'elementary' occupations continues to remain higher than average.

These figures are based on self-reporting of injuries to the LFS and may be affected by survey non-response. Temporary agency workers in fixed term and low-skill work might be the hardest to reach of all. In addition the Work and Pensions Committee report noted evidence obtained from unions and a manufacturing industry body representative that levels of illiteracy and innumeracy among low skilled workers posed a significant challenge to awareness, knowledge and provision of training of health and safety regulations. These factors may also reflect survey responses as well.

A further breakdown of average industry rates by industry (see Appendix 5, Table 12) shows that:

- The average rate of injury for work in agriculture was well above the all-industry average.
- The next highest rate was for work in sewerage waste management and remediation activities.

- There were also noticeably high rates for work in the construction and transportation and storage industries, manufacturing, and in wholesale and retail trade, vehicle repair and accommodation and food service.

The Work and Pensions Committee had also considered health and safety among migrant workers. The Committee drew on an earlier HSE-commissioned study from 2005 (McKay *et al*., 2006). That study indicated that migrant workers were more likely to be in work over which there were already concerns about the level of health and safety risks and that there were factors which could put migrants at added risk (see also Section 2). Citing data for 2006/07, the HSE stated migrant workers were not at greater risk of fatal or non-fatal accidents than other workers (House of Commons Work and Pensions Committee, 2008). However this was greeted with some scepticism with some questioning the quality of data available for the HSE's analysis. As well as the level of RIDDOR under-reporting noted earlier, there has also been no requirement to include the nationality of workers when reporting an incident.

The Committee's conclusion was that there was not enough reliable evidence and therefore no basis on which to draw up policies targeting these potentially vulnerable groups. It urged the HSE to increase its efforts to get data to measure the risk factors for migrant workers (House of Commons Work and Pensions Committee, 2008). However we note that the HSE's more recent strategy document does not explicitly refer to migrant worker issues (HSE, 2009). There are also separate strategies for 16 different industrial sectors. [19] The sector strategy for agriculture notes that migrant, casual and temporary workers may be more vulnerable to health and safety risks, but that protection of such workers 'is more likely to be achieved by effective joint working between different government departments and agencies' (HSE, undated).

The Work and Pensions Committee further identified inadequate responsibilities for ensuring safety of agency workers. The recruitment business supplying a worker has the responsibility to not place workers into work they not capable of doing, or for which they lack appropriate qualification or training, while the business the worker is placed with has the duties to provide appropriate health and safety information, training and supervision, as well as any necessary personal protective equipment and first aid provision. Some basic training or retraining may be in order, but a union representative had noted that there was also ambivalence as to whether the agency or the end user should provide it, and to what level (House of Commons Work and Pensions Committee, 2008).

Furthermore the Committee recognised that the HSE could work with the large players to improve the health and safety of vulnerable workers within the latter's supply chains. However it wanted additional detail about how to ensure that the HSE could influence what the Committee called the 'prime contractors' near the head of supply chains, to improve good practice throughout the supply chain. It went as far

as proposing the introduction of statutory duties on prime contractors (House of Commons Work and Pensions Committee, 2008, p,62).

Most important of all, the Work and Pensions Committee highlighted earlier research indicating a positive association between the number of inspections related to checking and enforcing health and safety regulations and levels of compliance. The Committee took the view (along with others) that inspections need to be better resourced if the HSE was to fulfil its remit (House of Commons Work and Pensions Committee, 2008).

In light of this it is important to establish the actual resources being devoted to health and safety inspections. However we were unable to ascertain any information on the number of inspections carried out either from the data on the HSE website or in its published reports. Based on data obtained on request from the HSE, the campaign network Hazards has estimated that in 2006/07 HSE inspections totalled 41,496 – equating to an inspection on average every 14.5 years for every workplace regulated by HSE – compared with 54,717 inspections in 2005/06, a 24 per cent decrease (House of Commons Work and Pensions Committee, 2008). Most recently it was stated that there were approximately 20,000 inspections a year covering around 900,000 HSE-regulated workplaces (O'Neill*,* 2013). The situation is confusing. There is bound to be uncertainty around knowing the precise number of workplaces at a specific point in time, but it is difficult to understand why a single clear set of figures on the number of inspections conducted of those workplaces is not available.

However numbers of HSE inspectors up to 2010 have been supplied in response to a parliamentary question (Appendix 5, Table 13). The figures show that the number of inspectors was greatest in 2003, and was beginning to increase again from the low level of 2008 in the final years of the previous government. Combining the figures available on the number of HSE inspectors with the estimated number of regulated workplaces mentioned earlier would suggest that, other things being equal, the average workload on inspectors in terms of the number of workplaces to cover had almost doubled by 2010 compared with 2001. In other words, regardless of whether assessed by the number of inspections or by numbers of inspectors, there is a clear downwards trend in inspection coverage. This may suggest that positive influence of inspections on compliance activity which was assessed previously may have become even further diluted in recent years.

Reflecting a desire to remove what it considers an unnecessary health and safety burden on businesses – rather than this growing workload – and to focus HSE's resources on major hazard industries, including chemicals and the offshore oil sectors (Department for Work and Pensions, 2011) the current government has mandated a reduction in the overall number of inspections. The plans, published in 2011, have been followed up more recently by new rules that make changes binding on both HSE and local authority regulators as of April 2013, including changes to

‘exempt hundreds of thousands of businesses from burdensome, regular health & safety inspections’ (Department for Business Innovation and Skills, 2012c).

A substantial reduction in proactive inspections of ‘non-major hazard’ businesses by around 11,000 per year was linked with plans for more effective targeting of inspections onto employers in areas of greatest risk. To support targeting, an initial grouping of industry sectors into different ‘risk categories’ was proposed.

i. Comparatively high risk areas where proactive intervention would be retained. The major areas for inclusion are currently considered to be construction, waste and recycling, and areas of manufacturing which are high risk e.g. molten and base metal manufacture.

ii. Areas of concern but where proactive inspection is unlikely to be effective and is not proposed e.g. agriculture, quarries, and health and social care.

iii. Lower risk areas where proactive inspection will no longer take place. These areas include low risk manufacturing (e.g. textiles, clothing, footwear, light engineering, electrical engineering), the transport sector (e.g. air, road haulage and docks), local authority administered education provision, electricity generation and the postal and courier services.

(Department for Work and Pensions, 2011, p.9)

The second grouping in this scheme is particular concerning: not only are proactive inspections to be ceased, but risks of and related to non-compliance with health and safety legislation are acknowledged to remain ‘comparatively high’.

Moreover, according to the same document, local authorities are responsible for around 50 per cent of all business premises – deemed to be mainly lower risk – with around 196,000 local authority inspections a year. This total was acknowledged to reflect the assistance local authorities can provide to local businesses, as well as overseeing compliance. Nevertheless, the document stated the intention of substantially reducing the number of inspections by local authorities, by at least a third (65,000 per annum) (Department for Work and Pensions, 2011, p.10).

Subsequently the Hazards Network O’Neill, 2013) drew attention to estimated figures reported at an HSE board meeting in December 2012 suggesting that in 2012/13 the volume of unannounced proactive inspections by local authorities will have reduced to 16,400, some 86 per cent fewer than the number in 2009/10 (HSE, 2012). However, according to the same board paper ‘statistics also indicate that there is still an issue with targeting.... a large percentage of the inspections are to lower risk premises’ (p.3). This statement is rather unclear but suggests that the principle of

effective risk-based targeting in a justifiable manner is rather more difficult to achieve in practice.

UK Border Agency 'civil penalties' regime

Since February 2008 the UK has operated a system of civil penalties against employers of non-UK workers without legal rights to work in the country, tied to Section 15 of the Immigration, Asylum and Nationality Act 2006. The system reinforces the obligations on employers to check that potential employees have the correct paperwork before they are employed and to ensure that any restrictions on the work which can be undertaken are maintained. The UK Border Agency enforces the system. [16]

Data on the operation of this civil penalties system may provide some indication of the extent of irregular migrant employment in the UK. While migrants generally may be more likely to be vulnerable to labour exploitation than other groups, irregular migrant workers may be at greatest risk of exploitation where threats of denunciation to authorities can be used effectively against them (see Flynn and Grove-White, 2008). Denunciation was included among the ILO's set of six original forced labour indicators (see Section 4).

The number of employers receiving a fine for employing workers in non-legal status was provided in a parliamentary answer in April 2013 (Table 4)

Table 4: Number of civil penalties served by the UK Borders Agency at visited businesses, 2008–2012

Period	Penalties issued to businesses
29 February to 31 December 2008	1,169
2009	2,269
2010	2,092
2011	1,424
2012	1,215
Total	**8,169**
Average	**1,634**

Source: UK Border Agency management information system, reported in Hansard 10 April 2013, Column 1147W

It may be seen from this that the number of penalties was highest in 2009 but that in 2012 the number was closer to the level in the first year of operation of the system. The decreases in the last two years correspond with a number of other changes,

including additional guidance for employers being issued via the UKBA website, the introduction of a new online checking system, debt recovery enforcement actions against non-compliant businesses, and Operation May Apple in the summer of 2012, which targeted non-UK nationals who 'overstayed' their rights to remain. However the effect of each of these on the level of non-compliance requires further investigation.

Further information was collated from a response to a Freedom of Information (FOI) request in April 2010 (Home Office, 2010) and more recent figures for 2010/11 from the UKBA's National Operations Database. The FOI release stated that there were more than 3,800 penalties issued in the first 24 months of the system's operation, totalling almost £38.2 million in gross penalty value, or in other words a crude average of around £9,800 gross value per penalty issued during the entire period. The more recent figures showed that in 2010/11 1,900 penalties were issued, with a gross value of £6.9 million, suggesting that average value of penalties issued had dropped to £3,600. The latter records also indicate that the number of investigations carried out in 2010/11 was more than three times the number of penalties issued, and that they also led to almost 4,200 arrests.

Pay and Work Rights Helpline usage

Recognising difficulties to workers by the number of agencies involved in employment regulation and their varying responsibilities, The Pay and Work Rights Helpline (PWR) was established in 2009 to provide workers with a single point of access. It provides information and advice on about the National Minimum Wage, the agricultural minimum wage, employment agency and gangmaster regulations and the 48 hour average working week. In publicity the PWR was billed as 'a powerful friend' (Department for Business Innovation and Skills, 2010a, p. 43).

Enquiries can made by phone (8am–8pm Monday to Friday, 9am–1pm on Saturdays), and online. It offers a free language translation service in more than 100 languages. The helpline acts as a gateway to the enforcement agencies behind it (see Appendix 5, Figure 1). They receive referrals from the helpline if further information or action is necessary. Referrals include complex queries and intelligence and complaints requiring investigation and are made via a secure link (Department for Business Innovation and Skills 2010a, p. 43).

Following the Red Tape Review the government identified the PWR as a key resource supporting its targeted and risk-based approach to enforcement (Hansard, 2012a). We could only get limited information related to the operation of the PWR from the following sources:

- An independent evaluation, published in September 2010. The main focus for this was a survey of helpline callers in September 2009 (around five months after its

creation but ahead of the official launch). Management information covering the period September 2009 to August 2010 is also included in the evaluation report (Rutherford and Achur, 2010).

- A limited amount of more up-to-date information in Hansard on helpline calls (Hansard, 2011b)

Table 5 illustrates the following points:

- A high level of calls to the PWR, with 73,500 calls during the 12 months following its official launch. At the time of the launch there was also a campaign to raise awareness of basic employment rights (Department for Business Innovation and Skills, 2010a, p. 43). In addition there were a further 66,500 calls during the ensuring six month period alone, from August 2010 to February 2011.
- The number of referrals also increased, but as a percentage of all calls referrals appear to have decreased, from 6 per cent during the first 12 months to closer to 3 per cent during the first 18 month period.

Table 5: Numbers of calls to the Pay and Work Rights helpline, and referrals to enforcement agencies between September 2009 and February 2011

	Sep 2009 – Aug 2010 (12 months)	**Sep 2009 – Feb 2011 (18 months)**
Calls	73,500	140,000
Referrals	4,500 (6.1%)	4,800 (3.4%

Source: Rutherford and Achur, 2010

Management information for the first 12 months also showed the following:

- Calls from workers dominated, constituting two-thirds of all calls, whereas only 16 per cent of calls were from employers;12 per cent were from third parties.
- The volume of calls from England, Wales, Northern Ireland and Scotland was broadly in proportion to their respective population sizes.
- There were roughly equal numbers of males and female callers.
- There was a low proportion of calls from agency workers (five per cent of all worker caller in the first 12 months).
- Many calls were out of scope of agencies involved, and so could not be allocated (53 per cent in the 12 months), although many such calls were recorded as resolved by the caller agent (48 per cent in the first 12 months);
- Most (68 per cent) of the allocated calls were to the HMRC alone.

- One-tenth of calls were from migrant workers, and 1 per cent of calls required the language translation service.
- The five most common industries involved were: administrative/office work (16 per cent); health, social work and child care (9 per cent); wholesale and retail trade (8 per cent); construction and related trades, e.g. decorators and electricians (8 per cent); and hospitality including hotel and bar work and catering (7 per cent).

(Rutherford and Achur, 2010)

The survey conducted in September 2009 was undertaken to gauge the benefits of the PWR. The survey included 754 caller respondents (response rate of 54 per cent), most of whom (89 per cent) were workers. The survey results indicated that most respondents, almost 90 per cent, were satisfied with how their call had been dealt with.

However the short timeframe since the inception of the PWR meant that final outcomes were unclear. Among the surveyed workers only 14 per cent indicated that the problem they had called about had been resolved. More caller respondents (63 per cent) indicated they were still seeking advice. A smaller number of respondents (28 per cent) had followed up by discussing the issue with their employer.

The responses to the PWR caller survey were also compared against the 2008 Fair Treatment at Work (FTW) Survey (Fevre *et al.*, 2009) (Appendix 5, Table 14). Comparison suggested that the PWR callers were:

- more likely to have spent less time in the jobs they were calling about;
- more likely to be working for smaller private sector employers, through an agency, or as a home worker, without a personnel or human resources section;
- more likely to be in routine and manual occupations and in jobs in distribution, restaurants and hotels, and manufacturing;
- more likely to hold more than one job.

(Rutherford and Achur, 2010)

These results suggest that the PWR was being used by key groups of workers who were likely to be most in need of advice and information. However the authors acknowledged that final outcomes for many callers to the PWR were not known and there does not appear to have been any more recent assessment (independent or otherwise) of PWR.

Without additional and more recent information, it remains unclear if the PWR provides a genuinely valuable resource, in particular for the workers most vulnerable

to exploitation and forced labour. For example the low volume of calls requiring the language translation service may mean that a language barrier (lack of English) hinders effective use of the service. Follow-up work thus also seems desirable (ideally including contacting those included in the initial survey). Similarly management information could be assessed in comparison with use of other services, such as calls and emails to the GLA's own intelligence team, to provide a proper picture of the used channels of contact with state agencies.

Furthermore, helpline call volumes need to be distinguished from actual enforcement activity. In a sense it is encouraging that employer calls were mainly from small businesses, as these may be both stretched and inadequately informed by workplace rights (Citizens Advice, 2004). The PWR may have changed this by helping such business to be law-abiding employers. On the other hand the self-reporting model of the PWR will have less or no impact on those employers who are deliberately exploitative and may be more capable of preventing whistle-blowing among their workers.

Employment tribunal records

Exploitation and forced labour stem well beyond employment disputes in the conventional sense of the term. Nevertheless employment tribunal records on claims brought by employees against employers may provide some perspective on the volume of work-related problems which are experienced each year in the UK, as well as how they are dealt with.

The Ministry of Justice publishes annual statistics on employment tribunals. These statistics afford a comparison of the number of claims received by employment tribunals in recent years and suggest a sharp increase in the overall number of claims received (Table 6).

Table 6: Total employment tribunal claims received between 2008/09 and 2011/12

Claims received	2008/09	2009/10	2010/11	2011/12
Single	62,400	71,314	60,600	59,200
Multiple	88,700	164,786	157,000	127,100
Total	151,100	23,6100	217,600	186,300

Source: Ministry of Justice employment tribunal statistics

However the difference between single and multiple claims must be noted. A single claim refers to a claim by a single employee against their (ex) employer, whereas a multiple claim involves multiple employees in the same or similar circumstances, usually seeking redress against the same employer (Ministry of Justice, 2012). The

figures for multiple claims in Table 6 include the total number of claimants in those cases. However counting only numbers of distinct claim cases – i.e. irrespective of the number of claimants involved in a multiple case – Citizens Advice has presented a very different picture of changes in the overall workload on the employment tribunal system, showing that the number of distinct multiple claim cases has been a small proportion of all employment tribunal claims in recent years, and has not changed much. As a result the change in overall claims received per annum has been more modest than suggested by the headline figures in Table 6.

In addition the published employment tribunal statistics include breakdowns by jurisdiction (nature) of claims and how they were disposed of (i.e. concluded). The terms 'labour exploitation' or 'forced labour' are not used to classify employment tribunal jurisdictions, thus no hard and fast conclusions can be drawn based on looking at the tribunal jurisdiction figures. Nevertheless exploitation is likely to be associated with problems associated with claims covering non-payment, low payment, and working hour problems. These were the most prevalent types of claims in 2009/10 to 2011/12. Combining the figures for the three years 2009/10, 2010/11, and 2011/12 shows the following (see Appendix 5, Table 15):

- Claims of contract breaches, unfair dismissal, and of various pay problems were most prevalent, followed by claims of breaches of working time. There were generally fewer claims to do with problems of discrimination, including (un)equal pay.
- However while there was a relatively large number of claims related to pay problems, there were only 1,530 claims to do with the National Minimum Wage, suggesting that, for whatever reason, those doing NMW work and experiencing pay problems were unlikely to submit a claim to the employment tribunal system.
- Around 30 per cent of all claims were withdrawn, but with considerable variation by claim jurisdiction. Higher percentages of claims of discrimination were withdrawn (perhaps because employers were more likely to agree a settlement outside the system). There were lower percentages of claims withdrawn for pay and NMW problems, unfair dismissal, working time, and contract breaches. Around 30 per cent of claims of unauthorised pay/wage deductions were withdrawn.
- Slightly more than 30 per cent of claims were concluded by the Advisory, Conciliation and Arbitration Service (ACAS) without the need for a hearing. However there was considerable variation by claim jurisdiction. Generally percentages of claims which were ACAS conciliated were higher for discrimination related claims than other types of claim, although claims of sexual discrimination were an exception to this. More than one-third of NMW claims were ACAS conciliated.

- Claims could be struck out where claimants were not present at the hearing – these may be good examples of what have, probably wrongly in many cases, been referred to as vexatious claims. Close to 20 per cent of claims of sexual discrimination were struck out, but for other jurisdictions the percentage of claims struck out was smaller, generally around 10 per cent. The lowest percentage of claims struck out was for NMW claims.
- About 12 per cent of claims for all jurisdictions were successful at a tribunal hearing. However it is noticeable that higher percentages of successful hearings were for contract, working time and pay problems, rather than for discrimination problems.
- Claims which went to a hearing could also be unsuccessful, or dismissed at a preliminary hearing. Overall, around 7 per cent of all claims from 2008/09 to 2011/12 were unsuccessful at hearing, while 2 per cent were dismissed at a preliminary hearing.
- For redundancy pay problems, working time problems, breaches of contract, and unclassified 'other' claims, more claims were successful at a hearing than unsuccessful or dismissed combined. Conversely, for all other claim jurisdictions, there were fewer successful claims than the numbers unsuccessful or dismissed, although the difference was relatively small for claims for equal pay and sexual discrimination, unfair dismissal and NMW problems.
- Overall 6 per cent of claims received the default judgement – when the respondent, i.e. the employer against whom the claim is lodged has not filed a response against the judgement made on the claim.[20] Claims for redundancy pay, working time problems, breaches of contract and unauthorised deductions had highest percentages of default judgements, followed by NMW problems and 'others'. A lower percentage of default judgements were made for claims for unfair dismissal and claims involving most kinds of discrimination.

To summarise, claims regarding non-payment, low payment, and working hour problems, perhaps more likely to indicate exploitation than claims involving other jurisdictions, also tended to be more likely to proceed to a tribunal hearing, to be successful, or have a default judgement, i.e. not contested by the employer, and less likely to be dismissed or unsuccessful.

Citizens Advice, drawing on its own records (see also below), has raised several concerns about the ability to use the employment tribunal system among lowest paid and more vulnerable classes of workers. These concerns have been articulated over a series of reports and briefing documents, and include the following issues:

- The adversarial nature of employment tribunals, and use of intimidation to deter workers. This has included threats of pursuing workers for tribunal costs awards made by some employers or their legal representatives (Citizens Advice, 2004)
- The fact that workers themselves must rely on initiating the claim against their employer, leading to stress and fears of job loss that prevent complaints from being pursued, and which can deepen divides among non-organised workforces (Citizens Advice, 2004). For example a 2004 survey of 500 vulnerable workers found that just 2 in 50 had sought to initiate an employment tribunal claim to redress work problems being experienced. Workers with concerns that their age, disability, lack of skills or immigration status make it difficult to find alternative employment or access welfare benefits may be particularly unlikely to consider a tribunal action (Citizens Advice,2007). A 2000/01 survey of workers in contact with the West Midlands Employment and Low Pay Unit found that around four in 10 workers chose not pursue concerns after taking advice on their rights for fear of dismissal or other reprisals (Citizens Advice, 2004).
- The uncertain status of homeworkers creating particular difficulties about enforcing rights via the employment tribunal system (Citizens Advice, 2007). Other low-skilled, low-paid and non-unionised agency workers may experience similar difficulties.
- Lack of powers of employment tribunals to enforce their own awards, i.e. to make employers pay compensation. In 2008 Citizens Advice had around 1,000 client cases in England and Wales involving pursuit of unpaid employment tribunal awards, mostly by clients in low-paid jobs, including those working as retail assistants, kitchen and catering assistants, cleaners, builders and construction workers, bar staff, waiters and waitresses, drivers and delivery workers, and care workers. Migrant workers made up more than 10 per cent of those cases. (The median award for those cases was roughly £2,300, with around one-third including an element for unfair dismissal, and two-thirds including an element for unpaid wages). Citizens Advice further estimated that 10 per cent of all 15,000 employment tribunal decisions making an award to claimants remained unpaid (Citizens Advice, 2008).
- More recently Citizens Advice has suggested that non-payment has remained a substantial problem, despite introduction of a new enforcement regime in 2010 (Citizens Advice, 2012a).[21] Ministry of Justice research in 2009 found an even greater level of non-payment of tribunal awards, at 40 per cent, while fewer than half of the awards had been paid in full (Citizens Advice, 2011).

The published employment tribunal statistics do not support further analysis of these issues. However the relatively high percentages of default judgements for certain types of tribunal claim cases may be a signifier of the non-payment issue – i.e. to the extent that non-response to a tribunal judgement reflects a higher propensity not to pay. Whether payment changes behaviour and leads to an end of the problems that

led to the claim is a different question. However it also highlights the distinction between an ‘employment dispute’ in the narrow sense and other sub-standard and exploitative work situations.

At the time of writing a substantial set of reforms to the employment tribunal system is being implemented, with a key objective being a reduction in the overall volume of claims. Citizens Advice, with the TUC and others, has expressed strong opposition to many elements of these reforms, including the introduction of tribunal fees from 2013, the doubling to two years of the qualification period for unfair dismissal claims, and the doubling to £20,000 of the cap of costs awards (Citizens Advice, 2011; TUC 2012). One effect of these changes may be that the employment tribunal system becomes even more a preserve for ‘resolving the minority of disputes between workers and generally law-abiding employers that cannot be resolved in the workplace’ (Citizens Advice, 2013).

Citizens Advice – records of advice

Given its history and presence across the UK, and the availability of services free of charge, the Citizens Advice network may often be a first point of contact for information and advice on work-related problems. CAB advisers interview clients to identify and prioritise problems, and can help or act on behalf of clients in negotiations with companies and service providers, and in claims for social security benefits. They can also represent clients in court and at tribunals. Clients with complex problems may be referred for attention by specialist CAB caseworkers or other agencies (Citizens Advice, 2007).

Evidence of client problems is recorded for use in policy campaigns and briefings. Published aggregate headline figures on the advice issues handled by the CAB provide limited insight, although they do show that:

- in recent years around half a million ‘employment issues’ per annum have been handled by bureaux in England and Wales, around 8 per cent of the total volume of all issues handled (see Appendix 5, Table 15).
- However 60 per cent of all issues were classified within the two advice categories of ‘Debt’ and ‘Benefits and Tax Credits’.
- The ‘regional share’ of employment issues has also varied, notably with more than 14 per cent of all employment issues in Eastern England (the region has 10.4 per cent of the population), and 22 per cent in the South East (population share 15.4 per cent) [22] (Appendix 5, Table 17). This may be a concern but requires further investigation incorporating further information on client characteristics.

- In Northern Ireland employment issues constituted six per cent of all advice issues, and in Scotland they amounted to over nine per cent of all recorded advice issues (Appendix 5, Table 18, 19).
- In addition the employment section of the www.adviceguide.org.uk resource is reported to have received more than four million views recently (Citizens Advice, 2012b).

However the published statistics on advice issues do not reflect the detail of client case information recorded by the CAB databases. This information is structured into a hierarchy of increasingly detailed issues. Information at the more detailed level can be compared against the remits of the main state regulatory agencies (Appendix 5, Table 20). This shows a high numbers of problems to do with holiday pay entitlement – an issue presently not handled by any existing agency, i.e. exposing a gap in the existing enforcement infrastructure (Citizens Advice, 2011).

However, there is no systematic recording of labour exploitation or forced labour in the CAB database system despite the fact that the detailed level of recording appears to lend itself to the application of forced labour indicators as discussed earlier.

Moreover, it is already known that the databases do contain information on workers who have been exploited, and may be in forced labour situations, as demonstrated by cases which have been excerpted for various documents (Appendix 6). Local bureaux are asked to select and supply illustrative cases to a central database (known as BERT), providing the latter with an approximately 1 per cent sample of employment cases handled from across the entire UK. Examples are summarised in Box 1.

Box 1: Summary of relevant employment cases from the CAB database

- A Hungarian woman employed in a pub has not been paid after two weeks. She was placed there by an agency and the pub is a local franchise of a national chain.
- A Chinese man has been underpaid whilst working in a restaurant. The restaurant disputes that he was paid below the NMW.
- A Pakistani woman worked for a firm for 10 days and was not paid. The firm argued that she had volunteered to work for them to get experience.
- A British woman is asked to work for a trial period and at the end of the trial does not get the job. She knows of three other people who have done the trial but not got a job at the end of it.
- A Romanian man is self-employed and is paid retrospectively through invoices. His final three invoices do not get paid.
- British apprentices are taken on to avoid employers paying the NMW; they do not receive the apprenticeship training and/or are given notice when the training ends.
- A Latvian woman does not get the holiday pay she is entitled to.
- An A8 national has her wages reduced below the NMW to pay into a 'holiday fund' to cover her income when she does take holiday.
- A Czech national working in a car wash has to pay a deposit in case of damage to cars and also gets a day's pay deducted if there is damage.
- A Polish waiter is expected to work 13 hour days, is not given sufficient breaks, and is not paid for all the time worked.
- A Lithuanian man pays an agency to come to the UK and then pays an agency in Liverpool for work. The work does not materialise.
- A Lithuanian woman uses a fellow migrant as a go-between with an agency to get work. The informal intermediary does not pay her.
- A British man is employed by one agency but paid by another and as a consequence does not get sick or holiday pay.
- A Polish woman works for a firm for 14-months and is then laid off with other established workers. New agency workers are brought in to replace them. The agency is paid by these workers for finding them work.
- A Polish man stops working for an agency but is not formally dismissed so does not get a P45 or pay in lieu of holiday.
- A Lithuanian woman finds that work dries up when the agency discovers she is pregnant.
- A British man is classed as self-employed but is in effect an employee.
- A British client on a 'zero-hours' contract is made aware that awkward employees will not get hours. The contract is used as a means of discipline.
- Fishing boats are employing undocumented migrant workers which are cheaper than legitimate employees.
- Undocumented car wash workers are underpaid, have excessive deductions, but have no payslips or records to prove this.

Beyond the published data the following points were obtained from various CAB documents:

- In evidence to the TUC's Commission on Vulnerable Employment, Citizens Advice estimated that 165,00 of the 285,000 workers (60 per cent) it gave advice to on employment issues in 2006/07 had been denied statutory workplace rights, deliberately or otherwise (TUC, 2008).
- In Scotland most employment-related advice enquiries have been from individuals in work, i.e. 'in work' rather than 'out of work' problems have been more prevalent, even during the recession (Dryburgh, 2011).
- While not directly related to employment issues Citizens Advice Scotland has reported even more recently an increasing complexity of client cases, with an increase in the average number of new issues brought per client. In addition there has been a significant increase in demand for its staff to provide tribunal/court representation for clients (Citizens Advice Scotland, 2013).

Other organisations

There are several other civil society organisations workers can turn to when they experience exploitation and forced labour. Two of the more experienced are Migrant Help and Kalayaan.

Migrant Help

Migrant Help started as the volunteer-run charity Migrant Helpline in the 1960s, working around the port of Dover. It now provides support for people who are trafficked, specialising in support for adult victims trafficked for purposes other than sexual exploitation, i.e. labour exploitation, as well as domestic servitude. Support provided by Migrant Help includes safe house type accommodation, a 24/7 response service, and other services, e.g. arranging health care (Council of Europe Group of Experts on Action against Trafficking in Human Beings, 2012). It is currently contracted to provide support to adults identified to the NRM.

Data supplied for this research shows the number of people helped, broken down by trafficking purpose (Table 7). Although Migrant Help does not specialise in support in cases of trafficking for sexual exploitation, the inclusion of this in the table is because it is an NRM first responder and it also works with people who are not included in the NRM. Table 7 shows that most people helped were recorded in situations of labour exploitation. Numbers in all categories have grown over the three-year period covered. For the 2010/11 total of 175 people in labour exploitation, a further breakdown shows that almost 90 per cent were from EU accession states, with more than 40 per cent from the Czech Republic or Romania.

Table 7: Migrant Helpline clients by type of exploitation, 2008/09 – 2010/11

Year	Labour exploitation	Sexual exploitation	Domestic servitude	Total
2008/09	65	3	4	**72**
2009/10	141	10	8	**159**
2010/11	175	50	12	**237**
Total	**381**	**63**	**24**	**468**

Source: Migrant Helpline

At the time of preparation of the GRETA report Migrant Help had helped 138 trafficking victims within the NRM (most of whom were male, three-quarters of whom had originated from the Czech Republic, Romania and Slovakia) (Council of Europe Group of Experts on Action against Trafficking in Human Beings, 2012). This figure is clearly below the annual figures in the table, and is another indication of the undercount of trafficking by the NRM mentioned earlier. According to the recent Equality and Human Rights Commission (EHRC) inquiry into trafficking in Scotland, Migrant Help knew of other 52 people who did not give consent to be referred to the NRM (Equality and Human Rights Commission, 2012).

Kalayaan

The London-based charity Kalayaan was established in 1987 to provide support for migrant domestic workers (MDWs) accompanying private or diplomatic households to the UK. Its primary focus has been MDWs entering the UK on an overseas domestic worker (ODW) visa. Since 2009 Kalayaan has also worked with those suspected of being trafficked for domestic servitude, and has first responder status within the NRM. It provides services to around 3,000 people from more than 30 countries, with around 300 new client registrations per year. Most of Kalayaan's clients are women MDWs aged between 19 and 59 (Kalayaan, 2009; 2010; 2011).

The numbers of MDWs in the UK is relatively small, but the demand for domestic workers has been recognised to be strong (e.g. Inter-Departmental Ministerial Group on Human Trafficking, 2012), with work providing a means to support workers' own families (Kalayaan, 2011). However domestic workers may have particular vulnerability to exploitation and abuse within the households they work for, constituting domestic servitude, because of a high dependency on their employers for both work and accommodation within the household. Vulnerability and isolation can be exacerbated with the private household also being the workplace for domestic workers, shielded from outside scrutiny (Kalayaan, 2011). Routes into abusive domestic work are varied, and the UK baseline assessment further reported that the majority of 119 adults who were referred into the NRM as potential victims of

domestic servitude did not enter the UK through the official routes for domestic workers (Serious Organised Crime Agency, 2012).

Kalayaan records provide evidence of actual exploitation and abuse among MDWs (Appendix 5, Table 21). Kalayaan categorises this information under headings of 'abuse', 'exploitation', and 'control'. These are similar but not identical to forced labour indicators discussed above.

The table shows that:

- Psychological abuse appears most prevalent of all forms of abuse, cited in more than 50 per cent of all client cases.
- Reports of physical abuse and sexual abuse are lower, although Kalayaan also acknowledges both are affected by a level of under-reporting owing to a reluctance to disclose this at the time of registration and/or through fears of other repercussions.
- Having no private personal space, living space or even a bed, were commonly reported.
- Around two-thirds of the clients reported having no day off or designated rest period and having to be available for work at any time of the day.
- Very low payment was also reported quite frequently, although while in the UK workers are entitled to NMW rates.
- A majority of clients reported they were not allowed out of their employer's house by themselves, and their passports were kept by their employers.

It should also be remembered that these records are based on a model of self-reporting and thus exclude MDWs who don't know about Kalayaan's or are unable to use its services.

Concerns over the vulnerability of MDWs have been heightened with changes to the ODW visa arrangements that came into effect in 2012, affecting all subsequent new ODW visa holders, and which are intended to limit the number of ODW visas (Mactaggart and Lawrence, 2011; Whitehouse *et al*., 2012). For MDWs in private households, these changes set a maximum stay length of six months and remove a range of rights that existed under the earlier arrangements, including the right to a visa renewal, to permanent settlement, to change employer, and to sponsor dependents. Moreover, visas are limited to those accompanying employers classed as overseas visitors, excluding employers on other visas. Under the new system workers in diplomatic households can stay for the shorter of five years or the duration of their employer's posting, and have no right to change employers or permanent settlement, although they may sponsor dependents (Gower, 2012).

Kalayaan and others have argued that the right to change employer under the previous rules has been crucial in reducing the vulnerability of MDWs, enabling them to escape from abusive and exploitative employers and to negotiate better terms and conditions. Moreover some of those who have exercised the right to change employers under the previous system have brought an employment tribunal claim against their former employer (Kalayaan, 2011). The government has confirmed that MDWs retain a statutory right to use an employment tribunal (Hansard, 2012b). However we have misgivings about the prospects of MDWs actually being able to make a claim in the future. Compounding the effect of the changes to the tribunal system discussed earlier, any tribunal claim by an MDW must be made within three months of leaving their UK employment. However, under the ODW visa changes, an MDW now loses their right to remain in the UK at the point they stop working for their employer.

The government line is that the 'option' to change employers affords insufficient worker protection, and instead it prefers other forms of action, including requiring more information to be collected from visa applications, linking permission to come to the UK with bilateral return agreements, workers using the Pay and Work Rights Helpline for reporting problems, use of the NRM where trafficking is suspected, and joint working with NGOS like Kalayaan itself, providing help to abused workers (Gower, 2012).

However, from the preceding considerations in this chapter of the NRM and PWR, we have questions about their positioning as main 'pillars' in this strategy. Regarding prospects for greater use of the NRM, we note:

- The claim from Kalayaan that of 157 MDWs it knew of in potential trafficking situations, in a period between May 2008 and December 2010, almost two-thirds (102) chose not consent to have their details forwarded to the NRM believing it would not improve their situation (Kalayaan, 2011). This suggests that under-recording has been particularly high for MDWs potentially affected by trafficking, and is despite the role that Kalayaan plays as an NRM first responder organisation.
- The NRM data shows that for referrals of potential victims of trafficking for domestic servitude, the percentage of referrals receiving positive decisions has been lowest of all main types of exploitation recorded by the NRM.
- Even where NRM support is granted, it is questionable whether this will always be the most appropriate response. Experience from Kalayaan suggests that for many MDWs the best way to leave behind trafficking is to gain new employment – precisely the right which is being removed by the ODW visa changes.

- Perhaps most important of all, many MDWs experiencing problems are *not* trafficked, and as result of the visa changes, are actually in a worse position than before.

In addition the level of control over the lives of MDW reflected in the Kalayaan client data raises questions over the ability to make use of the PWR, because many MDWs may not have access to information, let alone be able to make contact or have the means or time to document the array of problems which may be involved. Moreover none of agencies behind the PWR have specialist expertise in regulating domestic work and there may be differences of view as to which agency should play a lead role. There also appears to be no attempt by these agencies to map the problems of domestic servitude onto forced labour indicators.

Analysis

Indicators have a key role as forced labour may be hidden or difficult to detect. They must aid identification and interpretation of possible coercive exploitation and limits on freedom. Yet there remain considerable challenges around the definition and choice of indicators that have not yet been addressed.

Through the course of this section we have shown the very limited extent of use of forced labour indicators. The clearest application is by the Gangmasters Licensing Authority, with three of its gangmaster licensing standards drawing directly on the indicators proposed by the ILO. Other organisations – including both the GLA and the ILO themselves – should reflect on this and feed it into future practices. Forced labour indicators are used within the NRM in collecting data on potential victims of trafficking. However there is a lack of transparency regarding their use in that context. To assess the scale of forced labour properly it is vital that indicators are used consistently by all NRM assessors as well as between different organisations.

The application of indicators should also guide data collection. Some organisations like Citizens Advice, Kalayaan and Migrant Help are already used to recording very detailed information on the problems that workers experience. We encourage support for them to explore how forced labour indicators can be integrated into this existing activity to produce better data on forced labour. On this point we note the related recent exploratory work of the Crown Prosecution Service to flag up each case of human trafficking whether or not it was prosecuted with trafficking as the primary offence, to provide a better indication of the volume of trafficking crime (Inter-Departmental Ministerial Group on Human Trafficking, 2012). Other organisations may have to go further in terms of changing their data collecting and analysis activities. This will require resourcing and training.

One strand of further development might follow the ILO's proposed methodology for dedicated national surveys of forced labour among adults and children (International

Labour Organization, 2012b). The ILO also used a statistical 'capture-recapture' methodology to produce its revised estimate of the global scale of forced labour (International Labour Organization, 2012a). In addition there may be merit in further analysis of existing survey data. This was the approach taken by the TUC-led Commission on Vulnerable Employment (TUC, 2008). Primarily using the Labour Force Survey, the report estimated that approximately two million workers were in vulnerable employment situations in the UK.

The NRM data provides one of the best views of the likely size of problems associated with forced labour and domestic servitude. It is far from comprehensive but points to a rising trend in labour exploitation and domestic servitude associated with trafficking, mirrored also in recent levels of prosecutions of traffickers, at least in England and Wales (Inter-Departmental Ministerial Group on Human Trafficking, 2012). From the start of the NRM in April 2009 to the third quarter of 2012, more people referred to it were categorised as being in labour exploitation or domestic servitude than in sexual exploitation. This pattern has held more recently, according to the provisional annual statistics for 2012. The 2011 baseline figures show that more than three-quarters of those identified with labour exploitation were male. These facts should put paid to the notion that trafficking is primarily about female sexual exploitation. There are also signs that forced labour and domestic servitude are more sizeable problems than sexual exploitation among minors who may have been trafficked. However in a large proportion of minor cases exploitation is classed as unknown, suggesting particular challenges in being able to assess such cases.

The 2011 baseline assessment suggested that slightly more than half of the identified potential victims of trafficking were not recorded on the NRM database. Factoring in non-response to the baseline requirement, as well as cases remaining unknown, suggests that the NRM figures reflect an even lower proportion of all trafficking. It may even be as low as the 10 to 15 per cent figure which was re-stated in the Home Affairs Select Committee report from 2009 (House of Commons, 2009, pp. 14 –15). Applying this 15 per cent reckoning to the figures available from the NRM suggests, very crudely, that there may be in the region of 3,500 potential victims of trafficking for labour exploitation or domestic servitude. We stress this is not a robust estimate, yet it is one that underscores a need to re-appraise and monitor the means by which potential victims can be encouraged to come forward.

On this note, we have also highlighted the differences in NRM decisions by exploitation type. The quarterly data from 2009 to 2012 suggests that around one half of the those referred who are also classed as being in labour exploitation reach positive conclusive decisions, whereas only around 14 per cent of those classed in domestic servitude reach a similar outcome. As Kalayaan has pointed out, changes to the visa system for overseas domestic workers may increase vulnerability to domestic servitude. The government has suggested that this may be mitigated in various ways, including greater use of the NRM. However, given the low positive

turnout rate for referrals for domestic servitude there does not appear to be as much scope as the government has suggested.

More generally there needs to be a much clearer basis for dealing with cases which may not meet the NRM definition of trafficking yet which provide evidence of labour exploitation or domestic servitude. This appears to be a major deficiency, and one illustrated in other ways. For example figures from the Inter-Departmental Ministerial Group on Human Trafficking report (Inter-Departmental Ministerial Group on Human Trafficking, 2012) show that, for Scotland, from 2007 to 2012 inclusive, there were no prosecutions for forced labour or domestic servitude, or for trafficking for purposes other than sexual exploitation. There were small numbers of prosecutions for trafficking for sexual exploitation. (Northern Ireland showed a similar pattern). Yet the NRM provisional 2012 figures record 96 referrals for Scotland, more than half of which were for labour exploitation or domestic servitude.

It is also difficult to understand such differences without having more detailed information on the specific activities covered under the NRM 'exploitation type' reporting categories. To aid analysis and understanding, the UKHTC should be able to release a more detailed and more comparable set of breakdowns over time.

It must be remembered that there are other ways in which workers can be drawn into forced labour and domestic servitude without having been trafficked. With this in mind we turn to the main messages from analysing the figures produced by the main state enforcement agencies. They have various systems for workers to register 'complaints', in other words to draw attention to work-related problems the numbers of which run into the thousands each year.

The high level of calls to the Pay and Work Rights Helpline from its official launch in 2009 to early February 2011 is on the one hand positive, suggesting that publicity to raise awareness of its existence has been effective. Early analysis also suggested that the PWR was itself an effective mechanism in dealing with complaints. However, there have been substantial changes to the operations of the state agencies which are behind the PWR, and consequently even more rides on its effectiveness as a key conduit for advice and help. So far relatively little of the PWR management information has been put into the public domain. There should be further and more continuous assessment of the PWR's role in tackling situations in which vulnerable workers are being exploited. Central to its effectiveness is the model whereby workers are able and feel confident reporting their own problems, but there needs to be a critical assessment of levels of (under-)reporting in particular in relation to serious abuses of workplace rights. The HSE estimates that substantial numbers of non-fatal injuries that should be reported are not reported, with levels of under-reporting higher among workers than employees and in certain sectors, such as agriculture.

Some of the figures published by the workplace enforcement agencies indicate that work-related problems are concentrated in the sectors and types of work which other studies have identified as being the ones in which vulnerability to exploitation is greatest. This includes work in the food industries, agency work in the construction and other industrial sectors, and low-pay (below NMW) work in hospitality and a range of other basic service work. Problems with agency work are also evident in healthcare and in some form of entertainment work, in the latter case most likely around promises of work and pay. Rates of injury are estimated to be above average in agriculture, forestry and fishing, and construction, and in other jobs such as in waste management, and also in transportation and storage jobs. From the data available it is not possible to analyse how these problems interlock in specific situations. Users of the data seeking to conduct such cross-agency comparisons of worker problems must also contend with the differing classifications of occupation and industry the agencies use in their published records. Greater consistency in this regard would help further analysis.

A number of recent agency documents repeat the ministerial statement made following the government's red tape challenge Workplace Rights (Compliance and Enforcement Review): 'By having enforcement agencies focused on specific areas we have a well functioning, risk based system within the UK' (Hansard, 2012a). The understanding that risk is unevenly distributed has also been used to redefine agency resources, perhaps seen most starkly in the cutting back of health and safety inspections, by both the HSE and local authorities, and the low number of inspectors at the EAS. The government knows that it is taking risks in this regard, as evident from its strategy on health and safety which will entail removing proactive inspection from 'areas of concern' such as agriculture, quarries and health and social care, while removing them altogether from other 'lower risk' areas (Department for Work and Pensions, 2011). However it also views employers as being too burdened by regulation. Larger businesses and their representatives have urged and welcomed this more risk-focused strategy – less state regulation implies that such players will be relied on more to monitor and police their own performance. However techniques for business self-regulation are also challenged by complexity of supply chains, contractor and employment relationships (see also Section 2).

In taking these moves there is an apparent disregard for other evidence showing that proactive inspection can encourage compliance-related behaviour. [23] In addition there is more recent evidence that employers, including small employers, do not see regulation as burdensome, so long as there is effective enforcement (Down, 2013). Conversely reducing inspections may also send a message to non-compliant employers that they are less likely to be caught – especially if they are in an area which is lower down the 'risk matrix'. It is also not clear how these developments relate to the obligations on the UK to uphold human rights of all individuals, if workers in some sectors can expect a chance of their employers being inspected, while others may have no such chance.

Changes to the GLA merit particular comment. As discussed above the GLA is distinct in having been set up directly to curb worker exploitation and for operating on a higher profile model of proactive enforcement than other agencies, and is widely regarded for detecting and deterring exploitative practices. The results from this appear evident in the decrease in allegations received in relation to the GLA's licensing standards on forced labour. There have been a number of calls to extend the GLA model of working to other sectors. Instead however, the GLA has been redirected to prioritise action on serious and organised crime. We question whether this is the right move. Incidentally we also note that the changes to the GLA are diametrically opposed to the trajectory of efforts against human trafficking, which have been extended from trafficking by organised crime to all forms of trafficking.

The effectiveness of these agency changes needs to be kept under scrutiny. There should be greater information on the forms of intelligence being used to inform risk-based approaches, as well as on the other resources available to the agencies, including more basic data on the number of inspections carried out. Also the earlier Work and Pensions Committee review of the HSE in 2008 (House of Commons Word and Pensions Committee, 2008) highlighted the need for more reliable data for assessing risks on vulnerable migrant workers, but we were not able to find evidence of how far this agenda has been taken forward.

Published figures on employment tribunal claims do not support direct identification of situations of forced labour, domestic servitude or trafficking as the latter are criminal rather than civil offences. However our analysis of the aggregate figures for recent years shows that claims involving non-payment, low payment and working hour problems were more likely to proceed to a tribunal hearing and to be upheld than claims involving other types of problem. The analysis does not support the view that vulnerable workers tend to make 'weak' claims that should be dealt with elsewhere. Kalayaan has helped some migrant domestic workers to make an employment tribunal claim against their employer, but other evidence including from Citizens Advice shows that many vulnerable workers are rarely able pursue remedies either through employment tribunals or civil courts. Lack of enforcement of awards to successful claimants has also been a major part of the issue.

While there may be consensus that the tribunal system has to change, the reforms being pursued stand to make use of the system by exploited workers even less feasible than before. The reforms are intended to reduce the overall workload on the system, although analysis by Citizens Advice shows that changes in workload in recent years are smaller than suggested in reform proposals and consultation documents. However, rather than focusing on findings ways to increase and improve support for vulnerable workers, who may have valid claims, more emphasis is placed on earlier conciliation without having to go as far as a tribunal. There are situations where that strategy may be appropriate. However it patently fails to recognise the

highly unequal power relationships that may be involved in abusive and exploitative employer-worker relationships.

In sum, the ‘justice gap’ already identified with the tribunal system may actually be getting larger, for workers more vulnerable to exploitation. It seems likely that this will only further increase demands on Citizens Advice and other advice and support organisations already dealing with significant cutbacks.

Understandings of forced labour from the front line

The chapter explores the extent to which the forced labour agenda is understood and is influencing policies and practices on the ground in the UK. Overall, the evidence suggests that the forced labour agenda is poorly understood though there is awareness of key exploitative and abusive employment practices. Local stakeholders are usually the first to learn about exploitation and abuse and are also usually the first to be contacted by victims in need of advice and support. Crucially, though, they are not yet hardwired into the forced labour agenda. The extent to which anything can be done about this depends first upon the extent to which local stakeholders prioritise employment exploitation and abuse within their overall remit and second upon finding ways to make very modest budgets support the highly complex tasks of identifying and preventing forced labour and supporting and gaining justice for victims (who are often foreign nationals with poor English language skills living in fear of complaining).

Stakeholder consultation

This chapter draws upon interview and focus group evidence primarily from workers and service providers across the UK with an interest in identifying and preventing exploitation and forced labour at a local and regional level. Three case study areas were chosen for research, centred around Boston, Bristol and Dundee. A focus group was arranged in each of these three areas, as well as a supplementary consultation in London, with a total of 44 participants recruited from a broad range of organisations. Interviews were arranged with some of the local stakeholders, and also with other national-level stakeholders (31 in total) (see Appendix 7).

The constrained potential for local action

Local stakeholders expressed concern about the overall direction of travel for labour markets in the UK with a worry that insecure forms of employment were rising and that there was a growing gap between decent and exploitative work. Correspondingly, they also held reservations, although to different degrees, around: the complexity and diversity of the local support infrastructure potentially on hand to help victims of forced labour; the lack of specialist training in employment issues and forced labour at a local level; the uncertain funding climate both for civil society organisations and government field officers; and, related to all of the above, a lack of clarity over the relevance of the forced labour agenda for UK workers. In terms of the latter, there is clearly a need to educate local stakeholders (and the broader public) about the complex nature of workplace exploitation and abuse and, in particular, the ways in which force may involve manipulating, managing and controlling workers more than simple out-and-out violence or coercion.

The specifics of migrant and agency worker vulnerability

Forced labour appears more likely to occur among migrant workers because of their economic circumstances, their reliance on gangmasters (often from within their own community), their limited language ability, and their partial citizenship status. It is also likely to concentrate in areas of the economy based on sub-contracting and reliant on flexible low-wage labour.

Local stakeholders noted language ability and economic circumstance in particular. In terms of the former, a refugee worker with vast experience in the field told us that: 'The communities that have least language ability are the most vulnerable in our eyes' (Bristol focus group participant). Similarly one union migrant organiser simply felt that: 'Those who speak good English don't have all these problems', while another union official noted:

> "They're being treated like the lowest of low and really being ripped off...but they are in a position where they're better off than where they've come from...better off that they can survive here, and 'survive' is probably the right word, but they can still manage to send some money to the families back home. So it shows you the gap from where they are and where we are."

Migrant workers may be more likely to experience exploitation and abuse because of what they have been used to in their home country and/or because of the importance of earning money above protecting basic human rights. The fact that pay and/or conditions in the UK might be bad, but not as bad as back home, has an important implication. If exploitation is seen as a price worth paying and entered into apparently consensually then it becomes more difficult to pursue illegal employers and persuade juries that a criminal offence has been committed (see also Operation Ruby in Section 3). This in turn can have a detrimental impact on overall working conditions and even underpin indigenous racism and xenophobia.

Besides associations seen between migrant workers and forced labour, many local stakeholders felt that migrant workers were vulnerable precisely because they were concentrated in flexible agency-based labour markets. One interviewee called for gangmasters to be outlawed:

> "I would abolish the whole industry. I would not allow gangmasters to operate at all. I'd make it illegal and empower a job centre to be the place where migrant workers found work and I can't see why that shouldn't work at all…Just get rid of gangmasters."
> Lincolnshire focus group participant.

A local support organisation worker gave a critique of the flexibility mantra that has been dominant in the UK:

> "I can remember being at a conference and actually hearing employers talking about their flexible workforce and how wonderful it was to have a flexible workforce and the businessmen there were all nodding. And I said 'you see a flexible workforce and it saves you money and I see a society where half the people in it don't know from one day to the next whether there's going to be any work, whether they'll make enough money to pay the rent, whether they can service the mortgage if they've actually bought somewhere, and their lives are going to be chaotic'."
> Lincolnshire focus group participant.

Community cohesion and working conditions

The fact that some migrants appear willing to accept exploitative and abusive employment has implications for labour market standards and community cohesion. This is because employers may lower standards knowing that they can find willing foreign workers. This can lead to a downward spiral where everything is acceptable as long as those who are employed accept it. This is no basis for regulating labour markets and has the potential to lead to community tensions between established workers and new immigrants. A number of stakeholders, for example, gave us evidence of migrant agency labour being linked to falling pay and declining conditions. Some illustrative views from among the Lincolnshire focus group participants were as follows:

> "So English working class drivers were dismissed and replaced by cheaper foreign labour and that caused a lot of bad blood. There was one company, within a year they had replaced 50 per cent of their drivers with foreigners."

> "What I find on the workshop floor level is it's 'agency labour well are they going to take our jobs' and 'migrant agency labour, oh my goodness well they're going to be prepared to do it for nothing, aren't they.'"

> "The main thing is agency workers are being used to drive the race to the bottom regarding wages and terms and conditions. It's the purposeful creation of a two-tier workforce. Now a company will say 'well, we can use this amount of agency, we're only paying the minimum wage etc, but what we also need to do is take the terms and conditions of our full-time employees down to the agency level'.

> And if they can do that, and they are trying to do it in certain places that I'm working, it's happening, we've got to stop that."

The way in which the levels of migration into certain areas has contributed to local community tensions is perhaps most clearly demonstrated in the market town of Boston where, according to the 2011 census, approximately 10 per cent of the population now constitutes recent migrants from East and Central Europe. Boston, and South Lincolnshire more widely, is one of the two areas in England (Herefordshire being the other) which has seen the greatest concentration of migrant workers over the past few years. Although this has brought cultural assets, including a much wider range of shops, cafes and restaurants, many of which have helped to sustain declining streets in the city centre, and incidental benefits such as sustaining small vulnerable local schools which have seen their numbers increase, the sheer numbers of those arriving has generated a strong reaction in some parts of the community with the common myths being frequently repeated: 'They are taking our jobs', 'They are managed by criminal gangs',' They push up housing prices'.

This concern led the local authority to establish an enquiry – including public hearings – into the impacts of migration on the town. It reported late in 2012, addressing many of these myths and concluding that the town had not been given adequate financial and other support from government to help it deal with a very significant process of population change (Boston, 2012). It is, however, clear that the notion of community cohesion and the way it can be promoted by local authorities is an increasingly challenging issue which requires well-funded and multi-agency interventions (Lewis and Craig, forthcoming).

Stakeholder awareness of coercive labour practices

In our stakeholder focus groups we questioned various enforcement agency officers and staff of local service providers regarding coercive labour practices. The process highlighted several practices similar to those discussed by workers themselves (Scott *et al.*, 2012). Each of the main practices is discussed below, although it should be noted that use of varying combinations of practices together was often reported.

Threats

According to stakeholders workers can feel threatened and be discouraged from complaining in a number of ways. In a general sense, employers often underline the power and influence they have and the futility of making complaints. Threats can also more specifically relate to actual harm and be directed at a worker or a worker's family. Whatever the nature of the threat, implicit or explicit, the outcome is that workers become fearful of raising their head above the parapet in case harm comes to them or their families.

Undermining workers' dignity

More common than threatening behaviour was the way in which employers created cultures of work than eroded individual's dignity and sense of worth. For instance, local stakeholders told us that workers were often called names, or by a number, and were generally treated as machines rather than sentient human beings.

Debt bondage

Migrants in particular appear to amass debts during the course of moving to the UK that can then be used to tie them to particular forms of exploitative employment. Debts were not only amassed in travelling to the UK and securing work; there is also evidence of workers being purposefully kept in debt by employment agencies through low pay and deductions from wages. In other words debt was a strategy used to keep migrants vulnerable and to keep them tied to particular employers and employment agencies.

Underpaying and non-payment

A view widely held across all locations was that withholding of wages or excessive wage reductions was one of the most frequently encountered problems.

Absence of in-work benefits

According to local stakeholders, agencies were particularly keen to avoid paying maternity, holiday and sick pay. A CAB worker outlined how maternity pay was avoided:

> "When people are pregnant the agencies particularly are not giving them any work, they're saying 'there's no work available', because it gets them out of paying statutory maternity pay because t... that's based on the money that you've earned during your last 8 weeks."

Similarly, workers trying to take holiday pay are often not looked favourably upon:

> "Labour providers are saying well if you want your holiday, that's fine, but you know it might not be that your job is there when you come back …and it's not forced labour, but it's threatening." Lincolnshire focus group participant.

The same is true for those agency workers who take days off sick:

> "We are seeing people who take time off because they're sick, might only be two or three days, suddenly finding that they're told they're not wanted any more."
> Bristol focus group participant.

Long hours and lack of breaks

Despite the long hours, breaks in many workplaces were short or non-existent, and workers were too fearful to complain. One union organiser recalled a particularly shocking incident:

> "They try and get them to go to the loo while they're at their break. This particular man had had his tea break and then a bit later he wanted to go to the toilet ... they wouldn't let him go. He messed himself on the line. And this was a British worker, probably in his 50s, member of a union, too frightened to complain and do anything about it."

Underwork

A lack of employment can keep workers in debt and therefore vulnerable. A number of interviewees cited cases of workers being promised work before migrating to the UK that did not materialise, and/or turning up at work only to be told they were not required or that there was only part of a shift available. Crucially, many gangmasters are not concerned that a worker is only employed part-time as long as they can pay the charges. In fact many may regard it as better to get a larger number of part-time workers paying charges than a smaller number of full-time workers.

Visa tie-ins

Migrant workers can feel they are tied to a single employer because of their visa status (see also UK legal cases reviewed in Section 2), particularly domestic workers. Liberty identified an extreme case of this – the diplomatic domestic worker visa – where diplomats bringing domestic workers with them to the UK have diplomatic immunity from prosecution and it is almost impossible for the workers they bring in to change employer (Lalani, 2011; see also section on Kalayaan in Section 4).

Financial tie-ins

Employers hold back payment in order to keep workers tied to them in the hope that they will eventually receive the money owed. The CAB has particular experience of this tactic:

> "Often they're paid for the first couple of months perhaps, and then they carry on working and they're assured 'Oh yes, the lack of pay is just a glitch' and they don't get the money. And it depends on just how desperate they are whether they keep on working. And often I think they feel that 'well I can't claim benefits, you know so I'm sort of hanging on here in the hope that I will get paid at some point', you know some of them go quite a few months without pay."

Workers who have their wages retained are free to leave anytime but the very act of keeping wages makes their leaving much less likely.

Accommodation tie-ins

Migrant workers commonly obtain accommodation and employment as a 'package', especially those working in rural areas particularly in tourism and food production. Many find themselves in sub-standard accommodation but unable to do much about this for fear of losing both their home and their job. Basically, if you complain or try to leave '…you're out on the streets' (CAB Scotland). Moreover, because employment is irregular workers can build up rent arrears and this debt then ties them to an employer. The GLA also has experience of cash-only accommodation arrangements set up through informal letting agents, to avoid detection (see case of OK Private Enterprises, Section 3).

In addition stakeholders also reported their experience of handling a number of other employment issues:

- A2 migrants experiencing problems connected with their self-employed status (which is often bogus) and their tie-in to specific labour providers and employers (via the Seasonal Agricultural Workers Scheme);
- promises of regular and/or well-paid work being made in sending countries (deception);
- migrants having to pay agents to come to the UK and to access the jobs they have been promised (illegal charges);
- uncertain hours, often linked to a 'zero-hours contract', and having to be on-call all the time (extreme flexibility);
- going to work to find there is no work or that they are released after a few hours (in many cases workers must still pay for travel and/or wait until the shift formally ends to get taken home);
- excessive deductions (laundry, equipment, transport, accommodation) and/or pay below the minimum wage often underpinning prolonged and continual indebtedness;
- paying workers through expenses to avoid statutory contributions;
- withholding of wages;

- withholding of contracts and other documents (e.g. passport, P45);
- over-priced sub-standard and/or crowded accommodation, often linked to an employer or labour provider;
- remote accommodation adjacent to work with little opportunity for life outside of work;
- pregnant women trying to hiding their condition, to avoid dismissal.

Barriers

Limited worker collectivism

Traditionally in the UK, or at least since the development of the trades union movement in the mid-nineteenth century, workers have been protected, and victims of exploitation supported, by workplace collectivism. Unions have acted as a vital practical link between the theoretical human rights of individual workers and the ability of such workers to enforce these rights. However, local stakeholders recognised that union activity had declined and, ironically, had now become least evident where it was needed most. Some saw this as the unions' own fault, although others recognised the problems and barriers unions now faced in attracting and retaining a membership base. The traditional union model of organising depends upon limited labour turnover (eroded by flexibility), shared history and identity (eroded by immigration), and employer co-option (eroded by union-busting tactics). Local union organisers we spoke to explained some of the problems in creating and maintaining collective systems of worker support:

> "The companies use anti-union tactics. It's difficult for us to organise. They brought in the X Group. They were, for want of a better phrase, brainwashing and scaring, intimidating the workers to vote no (to union recognition). On top of this, they moved 70 agency workers into full-time positions. Now they said to these 70 agency workers 'Right, you're one of the agency workers, you vote no for union recognition, you've got your full-time job, keep your job'. Third, you would get threats from gangmasters. These would be something along the lines of 'you went against our wishes, talking to a union and so you are out of the house'."

> "There isn't union recognition. It's very, very difficult to apply a trade union model to extremely vulnerable, transient, temporary, exploited workers, because twos and threes, handfuls of people living in atrocious conditions, working for three months on very, very low wages, you're telling them to organise themselves and pay subscriptions and elect a shop steward and all that stuff that we take for granted, it's just not a model that would work. We're never gonna

> get away from the fact that in some of these labour markets, it's such that the trade union model is very difficult to apply."

Individual powerlessness and fear

Greater job mobility and insecurity, increasing workplace diversity, and the continued ant-collectivist stance of employers, not only undermines trade union activity but can also contribute to a sense of fear and powerlessness among workers. Individual workers are often simply fearful of the bureaucracy of the complaints process. For example a union organiser told us that: "The mechanisms for complaining are riddled with hurdles". More worryingly, however, local stakeholders felt workers were fearful of the repercussions of raising their head above the parapet:

> "I think people are very, very sensitive. Especially at this stage with the recession – people are worried about their jobs, they're willing to put up with the bad practices…and unfortunately the employees, they're so desperate, there's no other jobs...they will just take it."
> Dundee focus group participant.

Moreover, a number of stakeholders felt that employers at times manipulated this climate of fear and powerlessness. Most obviously, workers were disciplined through examples that were made of those who did complain:

> "You hear of some cases where somebody has tried to enforce their rights, you know, and gets dismissed on the spot ... and then you've got 200 other sort of fruit pickers who are never going to enforce their rights because they saw what happened to their colleague."
> CAB interviewee.

> "It is not unheard of for people who complain to us to say 'no, I haven't felt able to take this up with the management because the last person who did was threatened or sacked'. You know I've heard that quite a lot...it's certainly a comment that I've heard fairly regularly."
> HSE official.

One of the big issues facing victims of forced labour is that their work and accommodation is often linked and so complaining about exploitation can lead to the loss of one's home as well as one's job:

> "They're frightened to talk about work, because if they lose the work they lose the housing."
> CAB interviewee.

> “They would not want to disclose anything if they thought that it would get back in some way to their employer, who may be their landlord...and of course they can quickly find themselves out on the street. So consequently they don’t like to complain.”
> Lincolnshire focus group participant.

There was also a fear that complaining would jeopardise a worker’s chance of gaining a reference and therefore impact upon future job prospects:

> “Even if they change their job, they wouldn't make a fuss about it because their reference depends on their employer. They wouldn't make a fuss about it, fearing about their reference. It is inevitable as a new employer needs a reference. The second thing is, if the new employer came to know that a person made a fuss he would have a prejudicial view that they are a ‘problem-maker'. Whenever you ask an employee 'you were suffering with this problem for quite some time and why didn't you raise it with your employer?' one thing they would say 'Oh, because I fear losing my job' and the second thing they will say 'I thought I could solve it peacefully, I don't want to be portrayed as a, you know, problem-maker'."
> Bristol-based interviewee.

There is, in our view, a role for a stronger state, union and voluntary sector presence in addressing this climate of fear because it currently acts as the main barrier preventing individual workers both from taking collective action and from enforcing their basic human and employment rights.

Barriers: problems identifying and supporting victims

The sense of fear and powerlessness and associated lack of collectivism also undermines attempts to understand forced labour by gaining testimony evidence from workers and victims. A range of local stakeholders noted this issue of information and evidence gathering. First, it is unlikely that during an inspection workers will disclose information. The issue was identified by, among others, a staff member from one of the enforcement agencies:

> “It’s difficult for our inspectors to say ‘could I talk to your employees?’ Usually the answer is ‘I’m sorry they’re very busy’. And even at the end of that inspection if I’ve talked to a worker, even if I did have concerns, what could I say? Because then I would have made the worker even more vulnerable.”

Second, it takes time to build up trust with workers and persuade them to talk about their experiences. One CAB worker, for example, told us that it took a group of workers three months of visiting the Bureau before they opened up:

> "It took us ever such a long time to build up their confidence so that they could trust us. It took about three months. They were scared but they finally came and told me some of the things that were happening."

Third, even when stakeholders do persuade people to talk, they often do not want the issue to escalate to either an employment tribunal or court. The GLA explained a common frustration:

> "Very few will commit to a statement, very few. I mean we can take action as far as rescinding a licence, revoking a licence...but obviously as far as a criminal prosecution goes, that's a different kettle of fish."

Similarly, a worker for a migrant support charity noted:

> "The nature of the situation that many people have been in…all they want to do in the majority of the cases is to get away from their employer safely, find another job, start earning money to send home. We will want to bring to their attention that various employment laws have been breached. Therefore they have the right to take an employment case against their employer. Various criminal laws have been breached, so they have the right to report abuse to the police. But invariably somebody's just going to say 'no, I don't want to do that'."

Finally, local stakeholders reported that many victims remain with exploitative employers even when ostensibly not forced to be there. This acknowledgment is important, as it may be an issue in accounting for why forced labour is not seen by many as a relevant item on the policy agenda. Victims remain in abusive and exploitative employment situations for a variety of reasons: because they have debts; because they do not feel they have the necessary money to move jobs (and often home); because they feel unable to move because of poor language skills or irregular legal status; because conditions, while poor, are more economically lucrative than those back home; because they are unaware of their rights and where to turn for advice and support; because they are fearful of complaining; because the abuse they are experiencing is diffuse and difficult to identify and attribute; because they have been psychologically damaged by their abuser; and because employers have often promised them their missing wages and they are waiting for this promise to be realised. Thus aside from the challenge of gaining testimony evidence from

victims who identify as such and want a way out, there is the arguably greater challenge of reaching out to exploited and abused workers who appear complicit in and/ or rendered dependent by the forced labour process.

Progress

Some stakeholders thought there had been policy progress towards tackling forced labour in the UK. The setting up of the GLA, the introduction of the National Minimum Wage, the Agency Workers Directive, the Pay and Work Rights Helpline and increasing emphasis on corporate social responsibility were all cited as justification for this. Some also sense there was a change for the better:

> "A lot of really, really nasty stuff. In the last...I suppose in the last couple of years the scene I would say has very much changed. The kinds of issues that we're getting, while still serious, are not of that calibre."
> Lincolnshire focus group participant.

> "The criminal element has…is no longer, in any large scale, involved in the provision of labour to the agricultural and horticultural sectors."
> Lincolnshire interviewee.

> "The problems have eased really. And the time when you felt migrants fitted the description of forced labour has eased."
> Bristol interviewee.

Nevertheless, stakeholders viewed that local level enforcement activity was mainly limited to the sector-specific work of the GLA. The GLA was singled out by most for its successful work. However, future criminal trends and enforcement challenges were also highlighted and four gangmaster models were identified as posing future challenges for the GLA.

1 Foreign 'piggy-back' gangmasters

This is where intermediaries in a migrant's home country charge for travel, employment and accommodation. Such charges lead to often considerable indebtedness. Not only are many of these charges illegal but employment is often secured through 'piggy-backing'. One agency officer explained:

> "Migrants may end up eventually working for a UK agency, but what is happening is the agency abroad is bringing people over, telling them where to go, and telling them 'Okay if you go here they're having an induction on that day'. So they were kind of shown a way

> in to the legitimate agency, but there was no real connection between the two gangmasters."

The worker ends up paying an illegal fee for a threadbare 'introduction service'. The key point is that the fee can lead to debt bondage and forced labour further down the line.

2 Informal gangmasters

Often shopfloor workers will act as informal gangmasters sometimes at the behest of employers and in other cases independently. These businesses are very difficult to identify, or regulate. They tend to be fellow nationals and offer workers a network of employment and housing support. A local stakeholder explained:

> "Most of them start off as sidekicks doing the translation work and keeping the language groups in check for a larger English operator. Then they realise after a while 'well I could do that myself', and then they do. And they do that first on the side a bit and you know and take their cut, all that sort of stuff, using connections back home to certain villages."
> Churches Together, Lincolnshire.

Similarly, the GLA felt that such transitions were where opportunities for exploitation arose:

> "The big issue is not with agencies but within agencies. There's a natural tendency to get somebody that's been there quite long-established and they put them in as a supervisor, same nationality…but they're in a very powerful position because they're the conduit through which the workers, if their English is poor, have to access anything. And those people may be taking money off people, may be bullying people, and it's at the level below the formal agency."
> GLA – south-west.

3 Umbrella payroll companies

These work by taking over responsibility for paying workers from the gangmaster. Thus, if a worker has an issue with pay or wage slips, they cannot now resolve this through the employer or gangmaster but must take issue with yet another business level. The umbrella payroll company also, legitimately, deducts an administration fee from workers' wages for their service even if the worker has not signed up to the use of such a company.

4 Ghost companies

These appear legitimate, employ workers for a few weeks without pay, and then disappear when workers try to get what they are owed. This ephemeral business arrangement is apparently common where time-specific tasks are required. So, for example, there may be a field gang or a cleaning workforce who are needed to harvest a crop or clean an office block. The ghost company will exist for as long as the job takes and once paid will change phone number and disappear without paying the workers.

As a final point, the potential for there being geographical differences across the UK in terms of levels of, and policy approaches towards, forced labour was also assessed. We found no significant evidence of variation based on the material gathered from stakeholders. Broader sector-based trends and labour market developments, national policy instruments and regulatory approaches, and international business pressures are likely to exert considerable influence in shaping forced labour (see also Section 2), although we do not discount the possibility that devolved, regional and local variations may also influence the geography of forced labour across the UK.

Summary

The evidence illustrates that forced labour is not a priority among local and regional officers and service providers. We can identify a number of reasons for this:

- the current policy climate in the UK is not conducive to promoting worker rights and tackling employer abuse and exploitation;
- worker support networks are complex and diverse;
- much local support is non-specialist and has neither the training nor experience to recognise or respond to forced labour;
- there is a lack of dedicated or long-term funding directed at worker rights;
- there is poor understanding of the forced labour law and wider policy agenda.

Nevertheless, stakeholders were aware of signs of forced labour taking place in their locality. The majority linked this with the most severe forms of exploitation among migrant and agency workers they had encountered. A lengthy list of malpractice towards workers developed from our discussions with the local stakeholders. Similarly, stakeholders identified several barriers that prevent workers from raising a grievance. Although the work of the GLA was viewed positively by some, the current reliance on individual workers to take steps themselves to enforce their workplace rights was held to be inadequate. Workplace collectivism is low and vulnerable work was regarded as characterised by fear and insecurity which inhibits reporting of exploitation.

Conclusions and recommendations

This study has addressed a range of questions regarding the scope of forced labour in the UK. These questions have considered the conceptualisation of forced labour, legal and policy developments, and awareness of and practical action to tackle forced labour. In this final chapter we summarise key points from the analysis and make recommendations for action.

Conceptual foundations and the need for development

The general definition of forced labour from the ILO Convention No. 29 continues to provide a key starting point for contemporary discussions of forced labour. However, while the definition has endured, its coverage has broadened, reflecting new contexts and new dimensions of coercive exploitation. Original concerns over 'state-imposed' forced labour persist, but the concept has also been extended to include commercial sexual exploitation, child labour, and other forms of labour exploitation for private gain.

Our review suggests a number of complexities and challenges in the conceptions of forced labour that continue to accompany the ILO definition, including the following:

- Probably the greatest challenge to the salience of the forced labour concept is to demonstrate its applicability to what the ILO labels 'forced labour imposed by private agents for labour exploitation'. Globally, and in more specific contexts such as the UK, forced labour used for private economic gain is not easily defined by a single label or form.
- The connections and differences between forced labour, trafficking in human beings, slavery and exploitation can be confusing. All are used and linked in major international instruments on forced labour and human rights, as outlined in Section 2, but this may not be clear to those outside the legal field.
- Forced labour has become particularly closely linked to human trafficking. This reflects the global scale of trafficking and growing awareness that a substantial amount of trafficking is for forced labour and domestic servitude. In the UK trafficking for all purposes, including forced labour and domestic servitude, was made a criminal offence first, and a separate offence of forced labour and servitude has followed more recently. All of this has served to draw attention to forced labour. However, most attention appears to focus on the acts and means of trafficking, rather than on critically understanding the dimensions of coercion and involuntariness central to forced labour. Moreover because much, though not all, trafficking involves movement across national frontiers – some victims are British and trafficked within the UK – there is a

strong risk that forced labour is diagnosed over-simplistically as an issue of border security and immigration control.

- It has also been argued that all forced labour can be situated on a continuum of exploitation which takes the concept of 'decent work' as its baseline (Skrivánková, 2010). This continuum concept has been advanced with the intention of lifting the focus away from the interface between trafficking and forced labour and to open up a wider view on appropriate and co-ordinated approaches for dealing with all forms of worker exploitation.
- Some of the worker-focused studies covered in Section 2 underscore the importance of social networks and intermediaries as key channels of both information, mobility and access to labour markets. These networks can play a particularly important role in shaping transnational mobilities, as well as in amplifying or mitigating vulnerabilities, especially for new arrivals to the UK.
- The definition of forced labour in ILO Convention No. 29 tends to privilege a straightforward relationship between perpetrator and victim, employer and employee. Neither of these is adequate. The role of intermediaries results in a 'triangular employment relationship' (see for example ILO, 2005c) between workers, labour intermediaries and end users of labour within which rights and responsibilities are often more difficult to unravel. Evidence from Section 5 shows that on the ground things may be even more complex, for example with the involvement of umbrella payroll companies.
- Another very complicated area concerns the notion of abuse of power over an individual worker associated with forced labour, including how this can extend to psychological modes of control which may not be outwardly visible, and the factors which can shape freedom of choice to enter and remain in a work situation. Moreover some workers may knowingly accept conditions and/or risks associated with particular forms of work, at least initially, often motivated by pecuniary gain. It may also be that forced labour develops from situations in which both employers and workers knowingly engage in illegal activity – for example employing workers in irregular immigration status, or agreeing to pay less than the National Minimum Wage. Such examples challenge the application of a legalistic 'perpetrator-victim' framing. To be effective, measures to curb the likelihood of forced labour must pay attention to the calculation of risk that workers actually engage in, the information they base it on, and their specific vulnerabilities.
- The set of forced labour indicators provided by the ILO, both the original six and now the updated list of eleven, (International Labour Organization, 2012c) are partly intended to overcome the aforementioned complexity. However these are general indicators and the justification for using those indicators, or any other set, in the UK context, needs more critical attention.

The legal framework

The evolution of the UK's legal framework against forced labour was discussed in Section 3. To summarise, prior to the Asylum and Immigration (treatment of claimants etc) Act 2004 there was no criminal offence penalising forced labour in the UK. However the 2004 Act took the offence of trafficking people for exploitation beyond the purposes of sexual exploitation to include other purposes, including forced labour. Subsequently the 2009 Coroners and Justice Act filled a gap in the UK's positive obligations related to Article 4 of the European Convention of Human Rights. It introduced the standalone offence against holding someone in slavery and servitude or subjecting them to forced or compulsory labour. These offences carry maximum prison sentences of 14 years. There have been parallel developments within the Scottish legal framework.

These additions to the modern domestic legal framework reflect the steps the UK has taken to meet its obligations under international agreements. On the other hand, there is a world of difference between 'filling in' the legal gaps in a bureaucratic sense and a legal framework that is actually capable of penalising offenders and closing down the relative degree of impunity they have often had. Here it is worth remembering the Ministry of Justice estimates at the time the 2010 Act was introduced. It estimated a low volume of cases going to court under the 2010 Act, with a maximum of 20 per annum. This was based on the fact that while there had been 186 arrests for trafficking since the introduction of the 2004 Act, only 20 went to court and merely seven convictions were obtained (Ministry of Justice, 2010).

Taking these legal developments in the round, we make these concluding observations:

- Criminalising forced labour is not the same as having a clear strategy. A dedicated strategy against forced labour must integrate effective prevention and protection as well as the clear legal basis for punishing those who engage in forced labour (Andrees, 2008). Put simply, new laws themselves are unlikely to deter those who seek to exploit others.
- Case law is limited. However, the difference between levels of arrest and cases brought to court under the 2004 Act, let alone resulting in convictions, signify the challenges facing successful prosecution. Moreover, the differences in persons recorded by the National Referral Mechanism, discussed in Sections 3 and 4, in relation to labour exploitation or domestic servitude speak to a much broader problem that more often goes undetected, let alone prosecuted. The NRM relates to trafficking but there is no basis to think that the difficulties of prosecuting for forced labour alone are any less challenging.

- Low conviction rates may continue to deter law enforcers from pursuing cases of forced labour, if they remain unconvinced that successful prosecutions will result. Our stakeholder interviews demonstrate that local enforcement officers (whose numbers have been reduced by government cuts) and staff of other organisations providing advice remain uncertain about identifying and dealing with forced labour. In a context of growing pressures on resources, these agencies may decide that complex cases such as these cannot be a priority, however unpleasant the offences may be.
- Evidence discussed in Section 4 regarding the employment tribunal system suggests that this too is an inadequate means for exposing forced labour or for penalising offenders. In any event, current reforms are making employment tribunals less accessible – indeed effectively unavailable – to those who are most vulnerable.
- On top of this, indications from all research in this area, and regardless of their immigration status, (e.g. Scott *et al.*, 2012; Dwyer *et al*., forthcoming) suggest that workers may remain fearful, reluctant and uncertain about approaching any outside help, let alone the most relevant authorities such as the GLA and the police.

In short there is, in our view, a widening 'justice gap' in the legal framework for addressing forced labour in the UK.

Scope and scale of forced labour in the UK

Having argued that forced labour needs to be set within a continuum of exploitation (see above) we have then attempted to map this continuum. Inevitably this is uneven given the various sources of evidence available. The key points are:

- Every year thousands of alleged problems by workers against employers are made to the state workplace enforcement agencies and employment tribunals, and other organisations like Citizens Advice. In 2008 the COVE analysis estimated two million workers in vulnerable work (TUC, 2008). These are suggestive of the overall extent of departures from 'decent work', and for a smaller proportion of these, forced labour.
- However we can say with greater certainty that some cases of labour exploitation in the UK including forced labour and domestic servitude are definitely linked with trafficking. This is shown by the National Referral Mechanism. There were 3,061 potential cases of cases trafficking between the start of April 2009 (when the NRM began) and the end of September 2012, 48 per cent of which were classed as labour exploitation or domestic servitude. These figures are above the level of criminal prosecutions (and of course there may be more than one trafficking victim of the same trafficker).

However prosecutions for trafficking for reasons other than sexual exploitation, including forced labour and domestic servitude, have risen (Inter-Departmental Ministerial Group on Human Trafficking, 2012). Additional intelligence confirms other reports that the NRM does not record all people who may have been trafficked, for whatever reason, although the intelligence is affected by under-reporting. Crude reckoning would suggest that there may be a few thousand potential victims of trafficking for labour exploitation or domestic servitude. Far more precise estimates are needed, but the key point is that there is evidence that trafficking for labour exploitation needs to be recognised as an issue growing in scale.

- A range of studies has provided evidence of systematic worker exploitation where there is clearly no link to trafficking. There have been several smaller studies which have set out to highlight the issue, and to better understand why and how it occurs, who is at risk, and the experiences it brings. There have been somewhat large-scale studies too, although these have been more limited. A case in point was the EHRC's inquiry into exploitation in meat/poultry processing work in England and Wales, finding conditions of exploitation which were not anticipated. As with the situation with trafficking, the numbers of exploited workers identified by these studies is substantially above the number of prosecutions under the newer criminal offence of 'slavery, servitude or forced or compulsory labour'.
- Evidence collated in our report confirms that it is migrant workers which are mainly (but crucially not exclusively) the victims of forced labour, trafficking for labour exploitation and more extreme forms of labour exploitation. Therefore an understanding of recent migration trends, law and policy on immigration and migrant workers roles in the labour market and use of migrant labour by certain sectors and businesses is essential to our understanding of scope and scale. In particular we note the proportion of migrant workers from the EU who are victims. Becoming tougher on immigration will not address forced labour/trafficking for labour exploitation as many of these workers (and the UK victims as well) will not be affected by these changes.

The arrival of large numbers of migrant workers from the EU (mainly from the so-called A8 and A2 accession states) has become a highly sensitive political issue, and as Section 5 underscores, has stoked increased concerns in some local areas about UK nationals being displaced from jobs.

There is broad convergence between the findings from the studies covered in this report, and records from the workplace enforcement agencies, in terms of the sectors, types of work, and workers most likely to be most exploited. A core set of intersections is around low-skill manual and low-pay work; temporary agency work; long supply chains; in food production and processing, construction, and industrial work, and in hospitality; and involving non-UK nationals, regarded as

being a more flexible source of labour, less likely to know their rights, less likely to have good English communication; more likely to have been in the UK for a short time. However we stress that this is by no means a fixed grouping. There is a further set of intersections which involve a direct relationship between a victim of forced labour and their employer. This is perhaps most apparent in cases of domestic servitude and in cases involving so-called 'ethnic businesses' such as the cases involving take-aways and restaurants. The business models for forced labour are explored in a new piece of research for JRF (Allain *et al*., forthcoming).

Despite the detailed review we have carried out here of the different sources of data and reports on forced labour (as set out in Section 2–4), this report cannot provide an estimate of the scale of the problem of forced labour in the UK or in the four nations. What it does do is scope out the problem and map the policy, legal and regulatory landscape

The research does point to the need for more detailed studies – particularly to drill down into what it happening in the labour market in particular high-risk industries (see below).

Policy recommendations

One of the most important issues from this study is the reluctance to define labour exploitation as a significant policy issue and to tie the active agenda on human trafficking with wider labour market issues . Earlier government-led developments of relevance have been short-lived. Following the Vulnerable Workers Enforcement Forum which existed in 2007/08 the Fair Employment Enforcement Board was set up, but was disbanded not long after in March 2010 after five meetings (Department for Business Innovation and Skills, 2011). Obligations under the Council of Europe Convention Against Trafficking have given impetus to the Inter-Departmental Ministerial Group on Trafficking, and other groupings including the Anti-Trafficking Monitoring Group, the Human Trafficking Foundation and the All Party Parliamentary Group on Human Trafficking. However, the profile of trafficking for labour exploitation as opposed to other forms of trafficking is being raised.

Further action is required to advance the policy agenda on forced labour in the UK. We suggest the following as starting points:

- The government should develop a unified strategy on forced labour, with measures against forced labour linked not only to human trafficking but to labour exploitation more generally at its heart. Strategy development also needs to bring together multiple factors: provision of clearer information on what trafficking, forced labour and labour exploitation are; standards to maintain to avoid exploitation; support for employers who wish to comply with such standards; effective deterrents to encourage compliance, and sanctions

for those who operate outside the law. Further, this multi-threaded approach needs to set forced labour into the continuum of exploitation in which it can be addressed as an issue of both labour rights and criminal justice, i.e. as a basis for developing appropriate and proportionate interventions. Crucial to any such strategy will be to look at the role both the private sector and public authorities can and should play in monitoring their supply chains.

- Better data and making more data available on labour exploitation, forced labour and trafficking are also crucial to strategy development. This echoes the call from the Centre for Social Justice for better information and data on modern day slavery (Centre for Social Justice, 2013). Indicators of forced labour need to be further developed for the UK context, and more widely applied and publicised. Further work could be undertaken to assess existing data sources for their relevance to understanding labour exploitation and forced labour in the UK. A review of the ILO's proposed survey methodology for estimating forced labour at a national level is also desirable to examine the viability of undertaking a national survey.
- The UK Human Trafficking Centre should be encouraged to make more NRM data breakdowns available to aid analysis, as well as metadata clarifying the process used to make decisions regarding trafficking status and to classify labour exploitation. Similarly there should be more information available regarding the operation of the PWR to enable scrutiny of its effectiveness, as well as from the workplace enforcement agencies (see below).
- The government has embarked on a broad programme of reform to promote business via greater labour market flexibility. A general view has been that many aspects of labour market and workplace regulation have been burdensome on employers and business. Recent evidence suggests that business players including small businesses do not automatically reject regulation and instead can view it as positively shaping business environments and practices (Down, 2013). Such evidence should be heeded and could be used further to consult properly on views of businesses and employers on regulation to prevent labour exploitation.
- We are concerned that all state workplace enforcement agencies are moving towards 'risk-based' approaches. While this strategy accords with the evidence to date indicating that vulnerability to exploitation is not evenly distributed, it is also being used to cut back on former levels of proactive inspection, despite evidence that active inspection is correlated with compliance-related improvements (House of Commons Work and Pensions Committee, 2008). The intelligence used to identify at-risk workers and employers at-risk of non-compliance is not transparent. We thus call for more information to be made available so that the adequacy of the risk-based strategies can be independently scrutinised. We also call for more basic data to be made available, such as on the number of inspections and enforcement

staff, and for the enforcement agencies to adopt more consistent sectoral and occupational classifications to allow comparison of their activity. There should also be greater analysis and oversight of the approaches adopted by different agencies to ensure that they add up to an effective system overall.

- The changes to the GLA, refocusing it on serious crime, should be reconsidered. Before these changes the GLA was well-focused and effective at deterring and detecting exploitation in the sectors which it covers, fulfilling the remit for which it was established. Similarly the case remains for extending the GLA model (as was) to other sectors with greatest risks of exploitation.
- Another priority should be a clearer, less diffuse and more effective system for helping workers who have been severely exploited or abused. We do not think the NRM is appropriate for this as it risks forced labour and labour exploitation remaining caught up in trafficking and immigration policy. However the principle of a multiple partner approach including state and civil society organisations working together to identify and support those in need has merit. There are other more local examples of good practice of multi-agency care and support that could also be considered.
- If certain exploitative, abusive and harmful employer practices, or combinations of practices are to be meaningfully criminalised in the UK via forced labour law then law enforcers, state agencies and their respective partners need how to know how to identify these practices and what to do when they find them. This calls for dedicated training and systems.
- The law does not go beyond individual employers or criminal gangs to cover larger businesses and corporate actors further up the supply chain. Some exploration (including looking at practice in other states) needs to be done into how those towards the top of the supply chain can be made responsible. This issue has recently been explored in the (failed) Private Members' Bill Transparency in UK Company Supply Chains (Eradication of Slavery) Bill. There may be potential for the new role of Grocery Ombudsman to look at the impact of pressure on suppliers on their labour requirements.
- In parallel there should improvement in the guidance issued to the judiciary so that the law can be clearly interpreted. This calls for more rigorous and thorough analysis of labour exploitation relevant to the UK context, exemplified by real world employer practices and employment situations across the continuum of exploitation. There is also a need for better guidance on assessing evidence from workers.
- The difficulties vulnerable workers have using employment tribunals must be looked at in light of concerns that recent changes to the tribunal system may prevent them from using the system.

Recommendations for business and employers

- The horsemeat scandal of early 2013 has re-emphasised vulnerability of extensive and complex food supply chains, and also the potential to tarnish brand reputation in food retailing. This should be a message to businesses to continue to support the GLA activity to tackle labour exploitation in food chains.
- In addition this also lends weight to the evidence cited in Section 2 that the current tools of corporate self-regulation, such as ethical/social audits may not afford adequate regulation of complex supply chains and employment relationships (Lalani and Metcalfe, 2012). There is a need to move past these limitations and focus attention on self-governance strategies that are better able to identify and deter labour exploitation.
- We have marshalled significant evidence of risks of labour exploitation in sectors outside the food industry, such as construction and also hospitality, both including large corporate players, such as hotel chains (see also www.staff-wanted.org). The potential damage of labour exploitation in these chains to brand reputation should motivate the key players in these sectors to do more about regulation and enforcement against exploitation (especially if the GLA is not extended).
- Labour exploitation is not solely directed at temporary agency workers. A significant challenge exists around tackling exploitation in direct employment relationships in particular areas, such as in minority ethnic run businesses. There is an onus on business groups and leaders in these areas to lead awareness and vigilance against exploitation.

Recommendations for trades unions

- Unions in the UK have been acutely aware of worker vulnerability (TUC, 2008), while the international labour union movement has had an important part in the ILO agenda against forced labour. However many of the most affected workers are least likely to be part of the traditional union movement. Sustaining this action against labour exploitation and forced labour is a key challenge which unions have to address. There have been some good examples of supporting agency worker demonstrations against unfair work and conditions, and this should continue.
- A more tactical type of question we would also pose to unions is whether they can use the increased attention to human trafficking to show that labour exploitation is a more general problem, not necessarily the outcome of trafficking or limited to a few ‘rogue’ employers.

Recommendations for local authorities and non-government organisations

- For local government and many non-government organisations (as well as unions) the present funding landscape is bleak – we are aware that calls for additional action on labour exploitation runs against the current fiscally-driven tide of enforced reductions and scalebacks. It is not surprising that our research has shown that many such locally-focused stakeholders are not well-equipped in terms of experience and resources to contribute to tackling labour exploitation. We have also shown the dramatic reduction in health and safety inspections by local authorities. However local authorities retain their powers to protect vulnerable people. They also have a certain 'power in numbers', and experience of working in local partnerships on other multi-sectoral issues. Labour exploitation and forced labour in local businesses and communities needs to be approached as one such multi-sectoral issue by local authorities and their partners.
- There are examples among NGOs of alignment of interests to good effect – such as with the ATMG, where the independence of NGOs has been brought to bear and to highlight areas of weakness in the official anti-trafficking strategy. The ATMG reports have highlighted the need for more attention to labour exploitation in the UK, and we would urge the relevant NGOs to make the profiling of this a key next step in their joint agenda.
- The role of organisations that represent migrants is also important in developing campaigns, policy and support around this issue particularly as some of the most powerful evidence on forced labour comes from the testimonies of workers themselves.

Finally, we are aware of a number of MPs who are taking forced labour and labour exploitation more seriously. There needs to be a focal point for these interests – whether or not within the All-Party Parliamentary Group on Human Trafficking – which clearly separates the issue of forced labour from questions of immigration policy. The recently-launched Forced Labour Monitoring Group project (www.forced-labour.org) has been providing a focus outside Parliament but needs more profile and a longer-term timeframe after its initial year-long funding. Working with its partners the ILO too needs to keep up its efforts to promote awareness, understanding and action on all contemporary forms of forced labour.

Glossary and abbreviations

ASI	Anti-Slavery International
ALP	Association of Labour Providers
BERR	Department for Business, Enterprise and Regulatory Reform
BERT	Citizens Advice Bureaux detailed cases London database
BIS	Department for Business Innovation and Skills
CAB	Citizens Advice Bureaux
CSR	Corporate Social Responsibility
CPS	Crown Prosecution Service
DEFRA	Department for Environment, Fisheries and Rural Affairs
DWP	Department for Work and Pensions
DTI	Department for Trade and Industry
EASI	Employment Agencies Standards Inspectorate
EHRC	Equality and Human Rights Commission
ETI	Ethical Trading Initiative
ECHR	European Convention on Human Rights
EU	European Union
GLA	Gangmasters Licensing Authority
GMB	General UK Trade Union
HSE	Health and Safety Executive
HMRC	Her Majesties Customs and Revenue
ILO	International Labour Organisation
IOM	International Organisation for Migration
Kalayaan	London-based charity supporting exploited domestic workers
MRN	Migrants' Rights Network
NCA	National Crime Agency
NMW	National Minimum Wage
NRM	National Referral Mechanism
NexisUK	UK online searchable newspaper database
PWR	Pay and Work Rights (Helpline)
RIDDOR	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations Database
SEDEX	Not-for-profit supply-chain auditing membership organisation
SOCA	Serious Organised Crime Agency
SCD9	Metropolitan police Human Exploitation and Organised Crime Command (formerly the Vice Squad)
TUC	Trades Union Congress
UKBA	United Kingdom Border Agency
UKHTC	United Kingdom Human Trafficking Centre
UNISON	Public service trade union
UNITE	General UK trade union

Notes

1 Application no. 56921/09.

2 Application no. 4239/08.

3 Application no. 40020/03.

4 Application no. 49113/09.

5 UKHTC, SOCA, UKBA, the GLA, Kettering Borough Council, Northamptonshire Fire and Rescue, Migrant Helpline, and East Midlands Foreign National Crime Team.

6 Urbanska-Kopowska v McIlroy and another t/a Mac's Quality Foods NIIT/1376/08.

7 Munchkins Restaurant Ltd (2) Moss v Karmazyn and others EAT/0359/09.

8 *Tomasz Kowal & Michael Obieglo* v *Peter Leslie & Sons t/a David Leslie Fruits and David Leslie* (Case No: 113343/09 & 113344/09).

9 *Nisbet* v *David Leslie Ltd* (2010) G.W.D. 4-60.

10 31 May 2006; ET/2901585/05.

11 Some of the cases brought before employment tribunals by Kalayaan, a London-based organisation assisting domestic workers, have involved claims of racial and other forms of discrimination.

12 SOCA, Police forces, UK Border Agency, Gangmasters Licensing Authority, local authorities, Salvation Army, Poppy Project, Migrant Help, Medaille Trust, Kalayaan, Barnardos, Unseen, NSPCC (CTAC), New Pathways, BAWSO (Wales), TARA Project (Scotland), Northern Ireland Department for Health, Social Services and Public Safety.

13 A data report from the first 24 months of the NRM was released in mid-2011, and was later updated to cover the first 26 months from April 2009 to June 2011. At the time of writing there were five additional quarterly reports together with a provisional set of annual data for 2012. See www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism.

14 Persons referred to the NRM are classified as minor if less than 18 years old at the time of referral.

15 Though criteria for identifying trafficking in the NRM should be consistent with the Council of Europe Convention Against Trafficking and adopt the definition of trafficking set out in the UN Trafficking Protocol of 2000.

16 Enforcement of health and safety on railways has been the separate responsibility of the Office of Rail Regulation since April 2006.

17 Estimates are not possible for all industries because of small sample numbers. The industry breakdown is provided in Table REPIND1_3YR -

Averaged 2009/10 - 2011/12, available from www.hse.gov.uk/statistics/tables/index.htm.

18 Including the following: agriculture; beauty; chemicals; construction; electricity; explosives; gas and pipeline; leisure; logistics; low pressure domestic and commercial gas; manufacturing; mines; offshore oil and gas; public services; quarries; and waste and recycling.

19 In March 2013, the Home Secretary announced plans to split the UK Border Agency to create two new agencies, one to deal with immigration and visas, and the other taking responsibility for immigration law enforcement (see hwww.gov.uk/government/organisations/uk-border-agency).

20 To avoid a default judgement the employer's response should include reasons why the judgement should be varied or revoked as well as the response to the claim itself, and it should be made within the relevant time limit.

21 The new Fast Track ET and ACAS enforcement regime was introduced in April 2010, however uptake has been low, and in 2010/11 an award or settlement was fully or partially enforced in only around 40 per cent of 1,295 completed cases, while the rest were considered 'unenforceable'.

22 Population data used for this comparison are estimates from the Office for National Statistics' first release of results from the 2011 Censuses www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-270247.

23 In its 2009 report the House of Commons Work and Pensions Committee cited the study by Baldock R, James P, Smallbone D, Vickers I, (2006) 'Influences on small-firm compliance-related behaviour: the case of workplace health and safety' Environment and Planning C: Government and Policy 24 (6) 827–846.

References

Allain *et al*., (forthcoming). York: Joseph Rowntree Foundation.

Allamby, L., Bell, J., Hamilton, J., Hansson, U., Jarman, N., Potter, M. and Toma, S. (2011) *Forced labour in Northern Ireland: exploiting vulnerability*. York: Joseph Rowntree Foundation.

Anderson, B. and Rogaly, B. (2004) *Forced labour and migration to the UK*. Available at: www.tuc.org.uk/international/tuc-9317-f0.cfm (accessed 14. May 2010).

Andrees, B. (2008a) *Forced labour and trafficking in Europe: how people are trapped in, live through and come out (Working Paper: 57)*. Geneva: International Labour Organization.

Andrees, B. (2008b) *Forced labour and human trafficking: a handbook for labour inspectors*. International Labour Office. Geneva: International Labour Organization.

Anti-Trafficking Monitoring Group (ATMG) (2012) *All change – preventing trafficking in the UK.* London: Anti-Slavery International

Anti-Trafficking Monitoring Group (ATMG) (2010) *Wrong kind of victim? One year on: an analysis of UK measures to protect trafficked persons.* Available at: www.antislavery.org/includes/documents/cm_docs/2010/a/1_atmg_report_for_web.pdf (accessed 9 August 2012).

Balch, A. (2012) *Regulation and enforcement to tackle forced labour in the UK: a systematic response?* York: Joseph Rowntree Foundation

Bloch A., Sigona, N. and Zetter, R. (2009) *'No right to dream': the social and economic lives of young undocumented migrants in Britain*. London: Paul Hamlyn Foundation.

Boston Borough Council (2012) *The social impact of population change*. Boston: Boston Borough Council.

Centre for Social Justice (2013) *It happens here: equipping the United Kingdom to fight modern slavery.* London: Centre for Social Justice.

Citizens Advice (2013) *Enterprise & Regulatory Reform Bill Part 2 (Employment), & clauses 56, 58 & 59 Report stage, House of Lords* (starting on 26 February 2013). Available at: www.citizensadvice.org.uk/pb_err_briefing_lords_report_stage_02_13.pdf (accessed 19 March 2013).

Citizens Advice (2012a) *Enterprise & Regulatory Reform Bill Part 2 (Employment) Second Reading, House of Commons 11 June 2012*. Available at: www.citizensadvice.org.uk/enterprise___regulatory_reform_bill_second_reading_hoc_01_06_12.pdf (accessed 19 November 2012)

Citizens Advice (2012b) *Employment tribunals and Equality Act 2010*. *Government Equalities Office consultation paper. Response by Citizens Advice*. Available at: www.citizensadvice.org.uk/geo_consultation_on_ets_citizens_advice_response.pdf (accessed 17 March 2013).

Citizens Advice (2011) *CAB evidence briefing: Give us a break! The CAB service's case for a Fair Employment Agency.* Available at: www.citizensadvice.org.uk/give_us_a_break.pdf (accessed 19 November 2012).

Citizens Advice (2008) *Justice denied*. London: Citizens Advice Bureau.

Citizens Advice (2007) *Rooting out the rogues: Why vulnerable workers and good employers need a fair employment commission.* London: Citizens Advice Bureau.

Citizens Advice (2004) *Somewhere to turn – the case for a fair employment commission*. Available at: www.citizensadvice.org.uk/index/policy/policy_publications/ev-somewheretoturn.htm (accessed 19 November 2012).

Citizens Advice Scotland (2013) The work of Scotland's Citizens Advice service Short Briefing. Available at: www.cas.org.uk/system/files/publications/The%20work%20of%20Scotland%27s%20CA%20service%20march%202013.pdf (accessed 20 March 2013).

Clark, N. (2013) *Detecting and tackling forced labour in Europe*. York: Joseph Rowntree Foundation.

Council of Europe Group of Experts on Action against Trafficking in Human Beings (2012) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom First evaluation round. Strasbourg: Council of Europe.

Craig, G. Gaus, A., Wilkinson, M., Skrivánková, K. and McQuade, A. (2007) *Contemporary slavery in the UK: overview and key issues.* York: Joseph Rowntree Foundation.

Davey, K. (2011) Operation Safe Haven: operating notes. Lincolnshire: Lincolnshire Fire and Rescue Service.

Demos (2007) *Recruitment 2020: how recruitment is changing and why it matters*. London: Demos.

Department for Business, Enterprise and Regulatory Reform (2008)*Vulnerable workers enforcement forum – final report and government conclusions.* Available at: www.bis.gov.uk/files/file47317.pdf (accessed 14 July 2011).

Department for Business Innovation and Skills (2013) *Employment Agency Standards (EAS) Inspectorate: Annual report 2011–2012.* Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/82819/13-498-employment-agency-standards-inspectorate-annual-report-2011-to-2012.pdf. (accessed 26 April 2013).

Department for Business Innovation and Skills (2012a) *National Minimum Wage Low Pay Commission Report 2012.* (CM 8302) London: The Stationery Office.

Department for Business Innovation and Skills (2012b) *Employment Agency Standards (EAS) Inspectorate: Annual report 2010–2011*. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/32144/12-498-employment-agency-standards-report-2010-11.pdf (accessed 13 May 2013).

Department for Business Innovation and Skills (2012c) 'Government red tape blitz to boost business growth'. Press statement 10 September. Available at: http://news.bis.gov.uk/Press-Releases/Government-red-tape-blitz-to-boost-business-growth-67fc9.aspx (accessed 14 April 2013).

Department for Business Innovation and Skills (2011) *Response to Freedom of Information Request* (Ref: BIS 11/0702).Available at: www.whatdotheyknow.com/request/fair_employment_enforcement_boar#incoming-184635 (accessed 31 August 2012).

Department for Business Innovation and Skills (2010a) *National Minimum Wage: Government non-economic evidence to the Low Pay Commission 2010.* Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/32162/10-1153-national-minimum-wage-non-economic-evidence-2010.pdf (accessed 2 August 2011).

Department for Business Innovation and Skills (2010b) *National Minimum Wage Compliance Strategy*. Available at www.gov.uk/government/publications/national-minimum-wage-compliance-strategy (accessed 2 August 2011).

Department for Business Innovation and Skills (2010c) *Employment Agency Standards (EAS) Inspectorate: Annual report 2009-2010.* Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/32142/10-498-employment-agency-standards-report-2009-2010.pdf. (accessed 26 April 2013).

Department for Environment, Food and Rural Affairs (2012) *Written ministerial statement. Gangmasters Licensing Authority: outcome of the red tape challenge*.

Available at www.parliament.uk/documents/commons-vote-office/May_2012/24-05-12/11-DEFRA-Outcome-of-Red-Tape-Challenge.pdf (accessed 7 May 2013).

Department of Trade and Industry in association with Recruitment and Employers Confederation and Equity (2004) *Guidance on the conduct of employment agencies and employment businesses regulations 2003*. Available at: www.berr.gov.uk/files/file24248.pdf (accessed 26 April 2013).

Department for Work and Pensions (2011) *Good health and safety, good for everyone. The next steps in the Government's plans for reform of the health and safety system in Britain*. London: Department for Work and Pensions. Available at: webarchive.nationalarchives.gov.uk/+/http://www.dwp.gov.uk/docs/good-health-and-safety.pdf (accessed 14 May 2013).

Dowling, S., Moreton, K. and Wright, L. (2007) *Trafficking for the purposes of labour exploitation: a literature review.* London: The Home Office.

Down S. (2013) 'Re-regulation not de-regulation required.' *Society Now*, Spring (15). Available at: www.esrc.ac.uk/_images/Society_Now_15_tcm8-25645.pdf, p.8. See also www.esrc.ac.uk/my-esrc/grants/RES-062-23-1916/read (accessed 18 May 2013).

Dryburgh, K. (2011) *Advice in detail: employment*. Available at: www.cas.org.uk/system/files/publications/Advice-in-Detail-Employment.pdf (accessed 20 March 2013).

Duncan-Bosu, J. (2011) 'Taking cases for victims of domestic servitude to the employment tribunal.' In: Chandran, P. (ed) *The human trafficking handbook.* London: Butterworths.

Dwyer, P., Hodkinson, S., Lewis, H., and Waite, L. (forthcoming) *Refugees and asylum seekers experiences of forced labour.* Leeds: University of Leeds.

Equality and Human Rights Commission (2012) H*uman rights review 2012: How fair is Britain? An assessment of how well public authorities protect human rights.* Available at: www.equalityhumanrights.com/human-rights/our-human-rights-work/human-rights-review/the-review/ (accessed 9 July 2012).

Equality and Human Rights Commission (2011) *Inquiry into human trafficking in Scotland.* Report of the Equality and Human Rights Commission. Available at: www.equalityhumanrights.com/scotland/human-rights-in-scotland/inquiry-into-human-trafficking-in-scotland/ (accessed 20 August 2012)

Equality and Human Rights Commission (2010) *Inquiry into recruitment and employment in the meat and poultry processing sector*. Equality and Human Rights Commission: Manchester. Available at: www.equalityhumanrights.com/legal-and-

policy/inquiries-and-assessments/inquiry-into-the-meat-and-poultry-processing-sectors/ (accessed 11 May 2010).

European Foundation for the Improvement of Living and Working Conditions (2006) T*emporary agency work in an enlarged European Union.* Dublin: European Foundation for the Improvement of Living and Working Conditions.

Fevre, R., Nichols, T., Prior, G. and Rutherford, I. (2009) *Fair treatment at work report: findings from the 2008 survey (BIS Employment Relations Research Series No. 103).* Available at: hwww.gov.uk/government/uploads/system/uploads/attachment_data/file/192191/09-P85-fair-treatment-at-work-report-2008-survey-errs-103.pdf (accessed 22 March 2013)

Flynn, D. and Grove-White, R. (eds) (2008) *Papers please: the impact of the civil penalty regime on the employment rights of migrants in the UK*. London: Migrants' Rights Network.

Gangmasters Licensing Authority (2010) *GLA brief: issue 9 forced labour*. Gangmasters Licensing Authority: Nottingham.

Gower, M. (2012) *Immigration: migrant domestic workers*. Standard note SN/HA/4786, House of Commons Library. Available at www.parliament.uk/briefing-papers/SN04786.pdf (accessed 24 March 2013).

Hansard (2012a) (House of Commons Debates) 10 July 2012, col. 11WS. Available at: www.publications.parliament.uk/pa/cm201213/cmhansrd/cm120710/wmstext/120710m0001.htm (accessed 22 March 2013).

Hansard (2012b) (House of Commons Debates) 12 March 2012, col. 15W. Available at: www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120312/text/120312w0001.htm (accessed 10 May 2013).

Hansard (2011a) Hansard (House of Commons Debates) 6 July 2011, col. 1246W. Available at: www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110706/text/110706w0002.htm (accessed 10 May 2013).

Hansard (2011b) (House of Commons Debates) 22 March 2011, col. 1096W. Available at: www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110322/text/110322w0009.htm (accessed 22 March 2013).

Harris, D., O'Boyle, M., Bates, E.and Buckley, C. (2009) *Law of the European Convention on Human Rights*. Oxford: Oxford University Press.

Home Office (2010) 'Civil penalties for illegal working'. Freedom of Information release. Available at: www.gov.uk/government/publications/civil-penalties-for-illegal-working (accessed 10 April 2013).

House of Commons Home Affairs Committee (2009) *The trade in human beings: human trafficking in the UK.* (HC 23-I, Sixth Report of Session 2008–09). London: The Stationery Office.

House of Commons Work and Pensions Committee (2008) *The role of the Health and Safety Commission and the Health and Safety Executive in regulating workplace health and safety.* (HC 246, Third Report of Session 2007–08). London: The Stationery Office Limited.

Health and Safety Executive (2012) *Health and Safety Executive board paper HSE/12/90, chief executive's report to the board*. Available at: www.hse.gov.uk/aboutus/meetings/hseboard/2012/051212/pdecb1290.pdf (accessed 14 May 2013).

Health and Safety Executive (2009) *The health and safety of Great Britain: Be part of the solution*. Available at: www.hse.gov.uk/strategy/ (accessed 25 April 2013).

Health and Safety Executive (undated) *Agriculture sector strategy 2012–15.* Available at www.hse.gov.uk/aboutus/strategiesandplans/sector-strategies/agriculture.htm (accessed 25 April 2013).

Inter-Departmental Ministerial Group on Human Trafficking (2012) First annual report of the Inter-Departmental Ministerial Group on Human Trafficking (Cm. 8421). London: The Stationery Office.

International Labour Organization (2012a) *ILO global estimate of forced labour, results and methodology*. Geneva: International Labour Organization

International Labour Organization (2012b) H*ard to see, harder to count: survey guidelines to estimate forced labour of adults and children.* Geneva: International Labour Organization

International Labour Organization (2012c) *ILO indicators of forced labour.* Geneva: International Labour Organization.

International Labour Organization (2011) *Decent work for domestic workers.* Geneva: International Labour Organization.

International Labour Organization (2009) *Forced labour and human trafficking: casebook of court decisions. A training manual for judges, prosecutors and legal practitioners.* Geneva: International Labour Organization.

International Labour Organization (2007) General survey concerning the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105). International Labour Conference, 96th Session, 2007. Report III (Part 1B). Geneva: International Labour Organization..

International Labour Organization (2006) T*rafficking for forced labour.* Geneva: International Labour Organization.

International Labour Organization (2005a) H*uman trafficking and forced labour exploitation: guidance for legislation and law enforcement.* Geneva: International Labour Organization.

International Labour Organization (2005b) 'A global alliance against forced labour.' Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. International Labour Conference, 93rd Session 2005, Report I (B). Geneva: International Labour Organization.

International Labour Organization (2005c) 'The employment relationship.' Report V(1), International Labour Conference, 95th Session 2006. Geneva: International Labour Organization.

International Labour Organization (2001) Stopping forced labour. Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. International Labour Conference 89th Session 2001, Report I (B). Geneva: International Labour Organization.

Kagan, C., Lo, S., Mok, L., Lawthom, R., Sham, S., Greenwood, M. and Baines, S. (2011) *Experiences of forced labour among Chinese migrant workers.* York: Joseph Rowntree Foundation.

Kalayaan (2009) *Annual report and financial statements April 2008–March 2009.* Available at www.kalayaan.org.uk/documents/Kalayaan%20Annual%20Report%2008-09.pdf (accessed 23 March 2013).

Kalayaan (2010) Annual report and financial statements April 2009–March 2010. Available at: www.kalayaan.org.uk/documents/Kalayaan%20ANNUAL%20REPORT%2009-10.pdf (accessed 24 March 2013).

Kalayaan (2011) *Annual report and financial statements April 2010–March 2011.* Available at: www.kalayaan.org.uk/documents/ANNUAL%20REPORT%2010-11.pdf (accessed 24 March 2013).

Lalani, M. (2011) *Ending the abuse*. London: Kalayaan

Lalani, M. and Metcalf, H. (2012) *Forced labour in the UK: the business angle*. York: Joseph Rowntree Foundation.

Lewis, H.J. and Craig, G. (forthcoming) *Multiculturalism is never talked about: community cohesion and local policy contradictions in England*. Policy & Politics. Available at: http://dx.doi.org/10.1332/030557312X655512.

Mactaggart, F. and Lawrence, M. (2011) *Service not servitude: protecting the rights of domestic workers*. Available at: www.fionamactaggart.org.uk/uploads/d1b4992c-e69e-3784-b9c2-8c43818fbd3d.pdf (accessed 9 August 2012).

Martin, S. and Abimourched, R. (2009) 'Migrant rights: international law and national action.' *International Migration*, Vol. 47, No. 5, pp.115–138.

McDowell, L., Batnitzky, A. and Dyer, S. (2009) 'Precarious work and economic migration: emerging immigrant divisions of labour in Greater London's service sector.' *International Journal of Urban and Regional Research, Vol.* 33, No. 1, pp. 3–25.

McKay, S., Craw, M. and Chopra, D. (2006) *Migrant workers in England and Wales: an assessment of migrant worker health and safety risks.* Report for the Health and Safety Executive. London: Health and Safety Executive.

Migrants' Rights Network (2009) *Irregular migrants: the urgent need for a new approach.* London: Migrants' Rights Network.

Ministry of Justice (2012) Employment tribunals and EAT statistics, 2011–12. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/163472/employment-trib-stats-april-march-2011-12.pdf.pdf (accessed 12 March 2013).

Ministry of Justice (2010) *Impact assessment of new offence of holding someone in slavery or servitude or requiring them to perform forced or compulsory labour.* London: Ministry of Justice.

O'Neill, R.(2013) 'Low life: How the government has put a low price on your life.' Hazards Magazine (special online report, January). Available at: www.hazards.org/votetodie/lowlife.htm (accessed 26 April 2013).

Pieke, F. (2010) 'Migrant journeys and working conditions of Chinese irregular immigrants in the United Kingdom.' In: Yun, G. (ed.) *Concealed chains: Labour*

exploitation and Chinese migrants in Europe. Geneva: International Labour Organization.

Poinasamy, K. and Bance, A. (2009) *Turning the tide: how best to protect workers employed by gangmasters, five years after Morecambe Bay*. Oxford: Oxfam GB.

Pollert, A. (2006) *The unorganised worker. Working Paper 6: Working Lives.* London: London Metropolitan University.

Rogaly, B. (2008) 'Intensification of workplace regimes in British horticulture: the role of migrant workers.' *Population, Space and Place,* Vol. 14, pp. 497–510.

Rutherford, I. and Achur, J. (2010) 'Survey of pay & work rights helpline callers.' BIS Employment Relations Research Series 113. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/32140/10-1128-employment-relations-research-series-survey-pay-work-rights.pdf (accessed 20 November 2012).

Ryan B. (2006) 'The evolving legal regime on unauthorized work by migrants in Britain'. *Comparative Labor Law and Policy Journal*, Vol.27, pp. 27–58.

Scott, S., Craig, G. and Geddes, A. (2012) *Experiences of forced labour in the UK food industry.* York: Joseph Rowntree Foundation.

Scott, S., Geddes, A., Nielsen, K. and Brindley, P. (2007) *Gangmasters Licensing Authority: Annual Review.* Nottingham: Gangmasters Licensing Authority.

Scottish Parliament (2010) Equal Opportunities Committee 5th Report, 2010 (Session 3) Inquiry into Migration and Trafficking Report (SP Paper 543). Available at: http://archive.scottish.parliament.uk/s3/committees/equal/reports-10/eor10-05-00.htm (accessed 07 July 2011).

Serious Organised Crime Agency (2013) United Kingdom National Referral Mechanism Provisional Statistics 2012. Available at: www.soca.gov.uk/about-soca/library/doc_download/474-nrm-provisional-statistics-2012 (accessed 28 February 2013)

Serious Organised Crime Agency (2012) UKHTC: A Baseline Assessment on the Nature and Scale of Human Trafficking in 2011. Available at: www.soca.gov.uk/about-soca/library/doc_download/400-soca-ukhtc-baseline-assessment (accessed 19 September 2012).

Skrivánková, K. (2010) *Between decent work and forced labour: examining the continuum of exploitation.* York: Joseph Rowntree Foundation.

Skrivánková, K. (2006) *Trafficking for forced labour: UK country report*. London: Anti-Slavery International.

Standing, G. (2011) *The precariat: the new dangerous class*. London and New York: Bloomsbury Academic.

Topping, A. (2011a) 'Leighton Buzzard 'slave' empire uncovered in major police raid.' *The Observer*, Sunday September 11.

Topping, A. (2011b) 'Rescued 'slave' criticises police raid at Bedfordshire caravan site.' *The Guardian*, Monday September 12.

Trades Union Congress (2012) *Priced out: the impact of employment tribunal fees on access to justice*. TUC response to Ministry of Justice consultation. Available at: www.tuc.org.uk/tucfiles/249/PricedOutMoJfeesconsultation.pdf (accessed 20 November 2012).

Trades Union Congress (2008) *Hard work, hidden lives: the full report of the Commission on Vulnerable Employment.* London: Trades Union Congress.

Trades Union Congress (2007) *New EU members?* London: Trades Union Congress.

Whitehouse, P., Cooney, F., Begonia, M. and Barber, B. (2012) Joint letter to Secretary of State for Business, Innovation and Skills, 12 December. Available at: www.tuc.org.uk/international/tuc-21755-f0.pdf (accessed 24 February 2013).

Wills, J. (2005) 'The geography of union organisation in low-paid service industries in the UK'. *Antipode,* Vol. 7, pp.139–159.

Appendix 1: Forced labour and the law

Table 1: International law addressing forced labour

Year	Law	Details
1890	Brussels Act to abolish slavery	• This was signed by 18 European States.
1926	League of Nations Slavery Convention	• This outlawed slavery amongst members.
1930	ILO Forced Labour Convention (C29)	• Article 1(1) puts a duty on States to 'suppress the use of forced or compulsory labour in all its forms within the shortest possible period' • Article 2(1) defines forced labour as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.' • Article 25 calls for States to ensure that penalties imposed by law are adequate and strictly enforced. • Convention No.29 is the most widely ratified of all ILO instruments with 175 ratifications as of July 2011.
1948	UN Universal Declaration of Human Rights	• Article 4 and 5 make slavery and inhumane treatment a human rights violation.
1950	Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No.5)	• Article 4 States: 'No one shall be held in slavery or servitude' and 'No one shall be required to perform forced or compulsory labour'.
1957	ILO Abolition of Forced Labour Convention (C105)	• Compliments ILO Convention No.29 • Requires States to suppress and not make use of any form of forced or compulsory labour 1) as a means of political coercion or education or as a punishment for holding or expressing political views; 2) as a means of mobilizing and using labour for purposes of economic development as a means of labour discipline; 3) as a punishment for having participated in strikes; 4)as a means of racial, social, national or religious discrimination.

1966	UN International Covenant on Civil and Political Rights	• Prohibits: slavery and the slave trade in all forms (Art. 8(1)); servitude (Art. 8(2)); forced or compulsory labour (Art.8(3)).
1998	ILO Declaration on Fundamental Principles and Rights at Work	• The Declaration covers four areas: 1) elimination of forced or compulsory labour; 2) abolition of child labour; 3) elimination of discrimination in respect of employment and occupation; 4) freedom of association and the effective recognition of the right to collective bargaining • All ILO Member States have an obligation, even if they have not ratified the relevant ILO Conventions, to respect, promote and realize the principle of the four fundamental rights above. • This applies to all workers irrespective of citizenship status.
1999	ILO Worst Forms of Child Labour Convention C182	• To prohibit and eliminate the worst forms of child labour as a matter of urgency, particularly: • all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; • the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; • the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; • work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.
2000	UN Convention against Transnational Organised Crime	• The basis for the Palermo Protocol (to Prevent, Suppress and Punish Trafficking in Persons, which entered into force in 2003.

	(Palermo Convention) and UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol)	• Article 2 states its Purpose is to: 1) prevent and combat trafficking; 2) protect and assist victims of trafficking; 3) promote state co-operation. • Article 3 defines trafficking. • Article 6 contains optional provisions to: provide for, protect, rehabilitate and reintegrate victims. • Under the Protocol consent of a migrant to exploitation is irrelevant where he/she has either been trafficked or where he/she is under 18 years old.
2002	ILO 'Special Action Programme to Combat Forced Labour' (SAP-FL)	• Beginning of a concerted attempt at ILO to tackle forced labour around the world. • SAP-FL responsible for key policy texts on forced labour.
2005	Benchmark ILO Report 'Human Trafficking and Forced Labour Exploitation'	• ILO identifies 6 elements which may indicate a situation of forced labour.
2005	European Convention on Action against Trafficking in Human Beings	• Ratified by the UK in 2008. • Led to the establishment of the NRM.

Table 2: International law protecting migrant and agency workers

Year	Law	Details
1947	ILO Labour Inspection Convention (C81)	• This provides guidance on workplace inspection. • It empowers inspectors to enter a workplace without prior notice and defines the function and organization of labour inspectorates.
1949	ILO Migration for Employment Convention (C97)	• This applies to all regular migrant workers: hence ILO Convention 143 (1975).
1975	ILO Migrant Workers (Supplementary Provisions) Convention (C143)	• This specifies equality for all workers irrespective of immigration status. • Article 9(1): 'The migrant worker

		shall, in cases in which these laws and regulations have not been respected and in which his position cannot be regularised, enjoy equality of treatment for himself and his family in respect of rights arising out of past employment as regards remuneration, social security and other benefits.' • Not ratified by the UK.
1990	UN Convention on the Protection of the Rights of all Migrant Workers and their Families	• The most comprehensive international standard dealing with migrant workers. • Prohibits forced labour and cruel or inhuman treatment (Article 11(2)). • For 'all' migrant workers, irrespective of immigration status. • It also makes it unlawful for anyone other than a public official to confiscate or destroy identity documents. (Article 21). • Not ratified by the UK.
1997	ILO Private Employment Agencies Convention (C181)	• This Convention signalled a change in stance by the ILO from favouring state-owned monopolies to accepting private recruitment agencies. • It established the principle that employment agencies shall not charge, directly or indirectly, in whole or in part, any fees or costs to workers (though some exemptions when in the interest of workers). • Private Employment Agencies Recommendation (R188) Supplements the Convention • Not ratified by the UK

Table 3: UK Laws Tackling Abuse Of Workers

Year	Law	Details
1807	Abolition of the Slave Trade Act	• Abolished the slave trade in the British Empire, although not slavery *per se*.
1824	Slave Trade Act	• Prohibited British ships from being involved in the slave trade.
1833	Slavery Abolition Act	• Abolished Slavery in most British colonies.

1843	Slave Trade Act	• Increased the penalties for those involved in the slave trade.
1970	Equal Pay Act c.41	• An Act to prevent discrimination, as regards terms and conditions of employment, between men and women. • Repealed on 1 October 2010 by Equality Act 2010 c.15.
1973	Employment Agencies Act c.35	• An Act to regulate employment agencies and businesses in general.
1974	Health and Safety at Work etc. Act c.37	• Significantly, this gives undocumented migrant workers the right to H&S protection.
1975	Sex Discrimination Act c.65	• Repealed 5 April 2011 by Equality Act 2010 c.15.
1976	Race Relations Act c.74	• Applied to race, colour, ethnicity, and nationality. • Repealed on 5 April 2011 by Equality Act 2010 c.15.
1995	Disability Discrimination Act c.50	• Repealed on 5 April 2011 by Equality Act 2010 c.15.
1998	Human Rights Act c.42	• Based on the European Convention on Human Rights. • Incorporates: Article 2 (Right to Life), Article 3 (Prohibition of Torture), Article 4 (Prohibition of Slavery and Forced Labour), Article 5 (Right t Liberty and Security), Article 6 (Right to a Fair Trial), Article 7 (No Punishment without Law), Article 8 (Right to Respect for Private and Family Life), Article 9 (Freedom of thought, conscience and religion), Article 10 (Freedom of Expression), Article 11 (Freedom of Assembly and Association), Article 12 (Right to Marry and Found a Family), Article 14 (Prohibition of Discrimination), and Articles 1 to 3 of the First Protocol, and Article 1 of the Thirteenth Protocol. • Excludes: Articles 1 and 13. • Article 4 is most relevant: 4(1) No one shall be held in slavery or servitude; 4(2) No one shall be required to perform forced or compulsory labour; 4(3) For the

		purpose of this article the term "forced or compulsory labour" shall not include; 4(3)(a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention; 4(3)(b)any service of a military character or, in case of conscientious objections in countries where they are recognized, service exacted instead of compulsory military service; 4(3)(C)any service exacted in case of an emergency or calamity threatening the life or well-being of the community; 4(3)(d)any work or service which forms part of normal civic obligations.
2002	Employment Act c.22	• Made employment advisors liable to employment tribunal costs.
2002	Nationality, Immigration and Asylum Act	• First legislation making trafficking an offence
2002	Proceeds of Crime Act c.29	• Allows authorities to confiscate criminal assets of abusive employers.
2003	Employment Equality (Sexual Orientation) Regulations SI 2003/1661	• Repealed 1 October 2010 by Equality Act 2010 c.15.
2003	Employment Equality (Religion or Belief) Regulations SI 2003/1660	• Repealed 1 October 2010 by Equality Act 2010 c.15.
2003	Conduct of Employment Agencies and Employment Businesses Regulations SI 2003/3319	
2003	Sexual Offences Act c.42	• Sections 57-59 covers trafficking for sexual exploitation.
2004	Asylum and Immigration (Treatment of Claimants, etc) Act c.19	• Section 4 creates an offence of 'trafficking people for exploitation' with a maximum sentence on conviction of 14 years in prison. • The trafficking offence may be committed in one of three ways: arranging or facilitating an individual's arrival into the UK with the intention to exploit him/her, or believing that exploitation by

		another person is likely in the UK or elsewhere; arranging or facilitating travel within the UK of an individual with the intention to exploit them or believing that another person is likely to exploit them in the UK or elsewhere; and arranging or facilitating the individual's departure from the UK, again with an intention to exploit, or a belief that exploitation by another person is likely outside the UK. • 'Exploitation' is defined as including behaviour which contravenes Article 4 of the European Convention on Human Rights (ECHR), as well as subjecting someone to force, or using threats or deception designed to induce him or her to provide or acquire services or benefits of any kind.
2004	Employment Tribunals (Constitution and Rules of Procedure) Regulations SI 2004/1861	• Schedule 1, para. 41 increased the maximum costs that an employment tribunal can award from £500 to £10,000 (though costs up to this date were rarely impose. • This had implications for employment advisors due to the 2002 Employment Act.
2004	The Gangmasters (Licensing) Act c.11	• The offence of supplying labour by an unlicensed gangmaster came into force in October 2006. • The offence of using an unlicensed gangmaster came into force in December 2006. • The 2004 Act amended the Police & Criminal Evidence Act 1984 to make operating without a licence and/or possession of a false licence/false documentation arrestable offences. • The maximum sentence is 12 months in prison for operating without a valid licence (with a two year and ten year maximum sentence for second and third offences respectively).

		• The 2004 Act also amended the Proceeds of Crime Act 2002 to enable the assets of convicted gangmasters to be seized. • Licenses are issued provided that operators meet basic standards. These standards are designed to prevent worker exploitation and business fraud. • There are 8 licensing standards. • Forced labour covered in licensing standard 3 (came into force in April 2009) and relates to: physical and mental mistreatment (3.1); restricting a workers' movement, debt bondage and retaining id documents (3.2); withholding wages (3.3) • The Act exists alongside other pieces of economy-wide employment agency legislation affecting EASI (within BIS): Employment Agencies Act (1973); Conduct of Employment Agencies and Employment Businesses Regulations (2003); Employment Act (2008).
2006	Equality Act c.3	• Created EHRC.. • People must pay due regard to EHRC (but the EHRC has no legal sanctions).
2006	Employment Equality (Age) Regulations SI 2006/1031	• Mainly repealed by the Equality Act 2010 c.15.
2006	Immigration, Asylum and Nationality Act	• Civil penalties for employers hiring illegal migrants. • Up to 2 years imprisonment and up to a £10,000 per worker fine.
2007	Equality Act (Sexual Orientation) Regulations SI 2007/1263	• Repealed 1 October 2010 by Equality Act 2010 c.15.
2008	Employment Act c.24	• Amended the powers of EASI. • The Act made infringements of NMW legislation and employment agency regulations indictable offences so that they can be tried in a crown court. • It also introduced automatic penalties for non-compliance with

		the NMW (from April 2009) as well as a new way of calculating NMW arrears to take account of the length of time arrears have been outstanding.
2008	UK Ratification of the Council of Europe Convention Against Human Trafficking CETs No.197	• This entered into force for the UK on 1st April 2009.
2009	Coroners and Justice Act c.25	• Forced Labour offence included within this Act (Part 2, Chapter 3, Section 71). • Section 71 came into force in 6 April 2010. • Uses Article 4 of the 1950 ECHR (mainly incorporated into UK law by the Human Rights Act 1998). • Those guilty of forced labour offence will face a maximum of 14-years in prison. • Covers foreign and British-born workers. • Covers people and companies (in sub-contracting, principle commissioning company may be liable for 'aiding and abetting' contractor). • Will apply irrespective of whether the victim has been trafficked and irrespective of immigration status. • The Act does not extend to Scotland.
2010	Criminal Justice and Licensing (Scotland) Act	• Section 47 makes forced labour a standalone offence under Scottish law. • Once again, based on Article 4 of the 1950 ECHR (mainly incorporated into UK law by the Human Rights Act 1998). • Section 47 came into force 28 March 2011.
2010	Equality Act c.15	• Combines 116 separate pieces of legislation. • The nine main pieces of legislation it combines are: Equal Pay Act, Sex Discrimination Act, Race Relations Act, Disability Discrimination Act, Employment Equality Regulations (Religion), Employment Equality Regulations

		(Sexuality), Employment Equality Regulations (Age), Equality Act, Equality Act Regulations (Sexuality). • It identifies nine 'protected characteristics': age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. • Brings in new areas of discrimination (e.g. depression included under disability) • Protects people from discrimination who are not necessarily 'employees' e.g. contract workers and volunteers. • Has notion of 'third party harassment': employer is liable in cases of harassment by third parties unless the employer has taken all reasonable steps to prevent this harassment. This would cover contractors and posted volunteers on placements.
2010	Agency Worker Regulations SI 2010/93	• It implements EU Directive 2008/104/EC on 'Temporary Agency Work' OJ L 327/9 into UK Law. • It relates to the equal treatment of temporary and permanent workers in the same job. • After a temporary worker has been employed for 12 weeks he/ she will receive the same basic working and employment rights as directly employed staff (i.e. related to pay and working time). • The agreement does not cover occupational social security schemes. And preserves the distinction between temporary workers and permanent employees (i.e. it does not affect employment status). • Due to come into force 1 October 2011.

Table 4: UK laws relevant to irregular migrant workers

Year	Law	Details
1996	Asylum and Immigration Act c.49	• Introduced employer sanctions from January 2007. • Section 8 makes employers who hire someone ineligible for employment liable for a fine of up to £5,000 (s.8 repealed 29 February 2008 by Immigration, Asylum and Nationality Act2006 c.13). • Employer sanctions were introduced later in the UK than in comparable countries: France, Germany and the US introduced sanctions in 1972, 1972 and 1986 respectively. • The period 1998-2004 saw limited use of Section 8: 35 prosecutions and 17 convictions of employers.
1999	Immigration and Asylum Act c.33	• This allowed immigration officers to raid workplaces without the police using the 1996 Section 8 offence. • Enforcement activity by immigration staff increased by 50% between 2002-2004 as a result (Ryan, 2006: 33).
2004	Asylum and Immigration (Treatment of Claimants etc) Act c.19	• This made it possible for immigration officers to arrest irregular workers for document offences coming to light during a raid. • It also removed the £5,000 limit on employer fines and 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. • Further, the Act created a new offence in trafficking people for exploitation with a maximum sentence on conviction of 14 years in prison. • The trafficking offence may be committed in one of three ways: arranging or facilitating an individual's arrival into the UK with

		the intention to exploit him/her, or believing that exploitation by another person is likely in the UK or elsewhere; arranging or facilitating travel within the UK of an individual with the intention to exploit them or believing that another person is likely to exploit them in the UK or elsewhere; arranging or facilitating the individual's departure from the UK, again with an intention to exploit, or a belief that exploitation by another person is likely outside the UK
2006	Immigration, Asylum and Nationality Act c.13	• This built on provisions in the 2004 Asylum and Immigration (Treatment of Claimants) Act. • First, it put emphasis on employers to check the status of workers and brought in (civil) provisions to fine employers for failing to show due diligence: with a fine of up to £10,000 for each undocumented worker (though if employers reports worker and/ or cooperates during a raid then the fine will be reduced). • Second, it amended 1996 Section 8, by making it a prison (criminal) offence to knowingly employ irregular workers: with a sentence of up to 2 years. • The Act specifies 'knowingly employ' so excludes: self-employed; contract for services; and agency workers. • The civil and criminal employer sanctions came into force in 2008.

Table 5: Section 71 of the Coroners and Justice Act 2009, 'Slavery, Servitude and Forced or Compulsory Labour'

(1) A person commits an offence if: (a) they hold another person in slavery or servitude, and the circumstances are such that they know or ought to know that the other person is so held, or (b) they require another person to perform forced or compulsory labour, and the circumstances are such that they know or ought to know that the other person is being required to perform such labour. (2) Holding a person in slavery or servitude or requiring a person to perform forced or compulsory labour accords with Article 4 of the Human Rights Convention (which prohibits a person from being held in slavery or servitude or being required to perform forced or compulsory labour). (3) A person guilty of the offence is liable: (a) on summary conviction, to imprisonment for a term not exceeding the relevant period or a fine not exceeding the statutory maximum, or both; (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years or a fine, or both. (4) 'Human Rights Convention' means the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4 November 1950; 'The relevant period' means: (a) in relation to England and Wales, 12 months; (b) in relation to Northern Ireland, 6 months.

Table 6: Ministry of Justice list of pre-existing offences under UK law relevant to forced labour

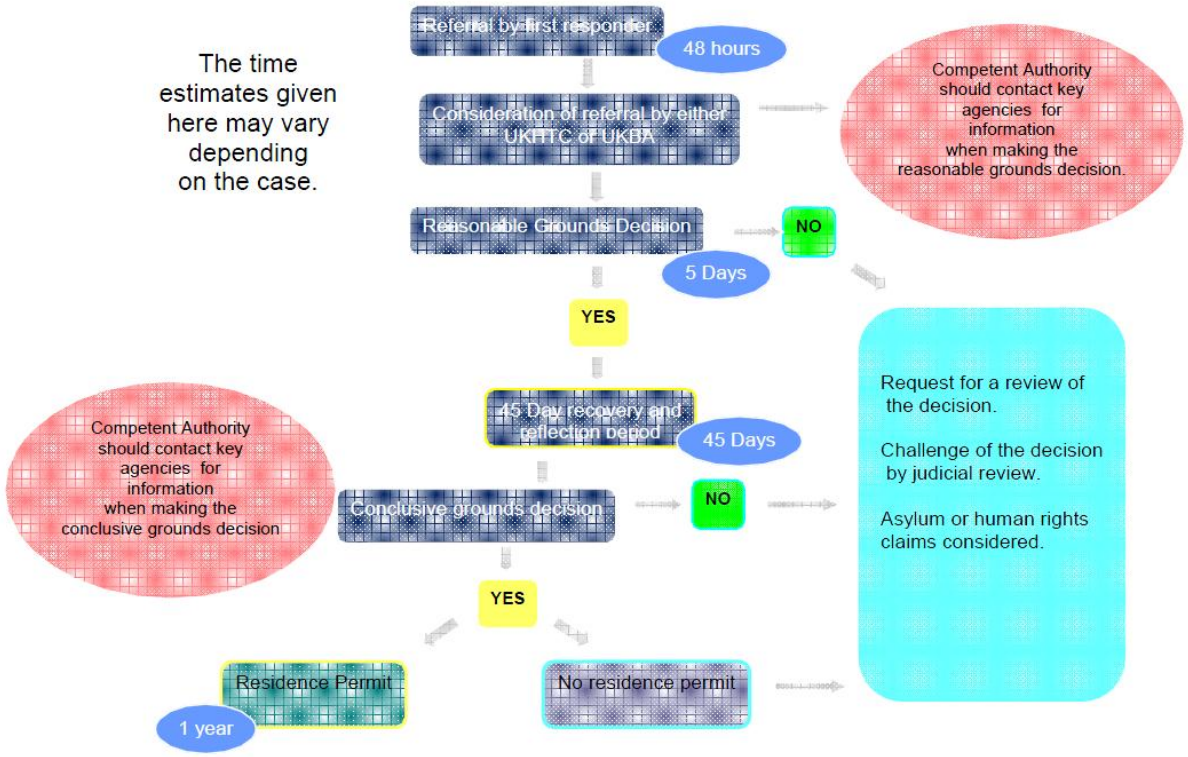
OFFENCE	LEGISLATION	MAXIMUM PENALTY
Trafficking for labour exploitation	s.4 Asylum and Immigration (Treatment of Claimants, etc.) Act 2004	14 years
Trafficking for sexual exploitation	s57-s59 Sexual Offences Act 2003	14 years
Kidnapping	Common law	Life
False imprisonment	Common law	Life
Blackmail	s.21 Theft Act 1968	14 years
Theft	s.1 Theft Act 1968	7 years
Operating as an unlicensed gangmaster	s.12 Gangmasters (Licensing) Act 2004	10 years
Sexual assault	Sexual Offences Act 2003, section 3	10 years
More serious wounding or other act endangering life	Offences Against the Person Act 1861 section 18 and section 20 respectively	Grievous bodily harm with intent – Life Unlawful wounding – 5 years If racially aggravated 7 years
Less serious wounding	Offences against the person Act 1861, section 47	Actual bodily harm – 5 years
Common Assault	s.39 Criminal Justice Act 1988	6 months
Harassment	s.2 and s.4 Protection from Harassment Act 1997	Prohibition of harassment – 6 months If racially aggravated 2 years Putting people in fear of violence – 5 years If racially aggravated 7 years

Source: Ministry of Justice (2010) Impact assessment of new offence of holding someone in slavery or servitude or requiring t hem to perform forced or compulsory labour.

Table 7: Licence revocation for forced labour (case of Plus Staff 24 Ltd*)*

Licensing standard		Details
2.2	Minimum wage	Workers were not paid the national minimum wage due to charges for transport, registration with the Worker Registration Scheme and accommodation.
2.4	Payslips	Workers reported that deductions were not recorded on payslips but on a separate document. The amount of money actually paid to workers did not reflect what the payslip stated. It was clearly inaccurate.
3.2	Restricting a worker's movement, debt bondage and retaining ID documents	GLA inspectors found one worker who had worked for a month but had so much money deducted that he still owed money to the business. This left the worker with no money to live on.
3.3	Withholding wages	Workers were not paid holiday pay and records were not kept. There was no indication that the company ever intended to pay the workers holiday pay for either annual leave or bank holidays.
4.1	Quality of accommodation	The property was not furnished with suitable bedding. The toilet cistern was covered in mould. There was no electrical safety documentation.
7.3	Contractual arrangements and records	The holiday entitlement listed on the workers contract was factually incorrect. The document indicated that workers were entitled to 24 days paid annual leave; the minimum legal requirement is 28 days.

Appendix 2: Flowchart of the National Referral Mechanism



Source: *Women's Asylum News*, 2010, Issue 96. Available at: www.asylumaid.org.uk/data/files/publications/143/WAN_October.pdf (accessed 26 April 2013).

Appendix 3: Trafficking indicators – NRM adult referral form

Section B: general indicators

1. Distrustful of authorities □
2. Expression of fear or anxiety □
3. Signs of psychological trauma (including post traumatic stress disorder) □
4. Person acts as if instructed by another □
5. Injuries apparently a result of assault or controlling measures □
6. Evidence of control over movement, either as an individual or as a group □
7. Found in or connected to a type of location likely to be used for exploitation □
8. Restriction of movement and confinement to the workplace or to a limited area □
9. Passport or documents held by someone else □
10. Lack of access to medical care □
11. Limited social contact □
12. Limited contact with family □
13. Doesn't know home or work address □
14. Perception of being bonded by debt □
15. Money is deducted from salary for food or accommodation □
16. Threat of being handed over to authorities □
17. Threats against the individual or their family members □*
18. Being placed in a dependency situation □
19. No or limited access to bathroom or hygiene facilities □
20. Any other, please provide details in section F □

Section C: Indicators of forced labour

1. Employer or manager unable to produce documents required when employing migrant labour □
2. Employer or manager unable to provide record of wages paid to workers □
3. Poor or non existent health and safety equipment or no health and safety notices □
4. Any other evidence of labour laws being breached □
5. No or limited access to earnings or labour contract □
6. Excessive wage reductions □
7. Dependence on employer for a number of services for example work, transport and accommodation □
8. Any evidence workers are required to pay for tools, food or accommodation via deductions from their pay □
9. Imposed place of accommodation □
10. Any other, please provide details in section F □

Section D: Indicators of domestic servitude

1. Living with and working for a family in a private home □
2. Not eating with the rest of the family or being given only leftovers to eat □
3. No proper sleeping place or sleeping in shared space for example the living room □
4. No private space □
5. Forced to work in excess of normal working hours or being 'on-call' 24 hours per day □
6. Employer reports them as a missing person □
7. Employer accuses person of theft or other crime related to the escape □
8. Never leaving the house without employer □
9. Any other, please provide details in section F □

Section E: Indicators of sexual exploitation

1. Adverts for sexual services offering women from particular ethnic or national groups □
2. Sleeping on work premises □
3. Movement of women between brothels or working in alternate locations □
4. Women with very limited amounts of clothing or a large proportion of their clothing is 'sexual' □
5. Only being able to speak sexual words in local language or language of client group □
6. Having tattoos or other marks indicating 'ownership' by their exploiters □
7. Person forced, intimidated or coerced into providing services of a sexual nature □
8. Person subjected to crimes such as abduction, assault or rape □
9. Someone other than the potential victim receives the money from clients □
10. Health symptoms (including sexual health issues) □
11. Signs of ritual abuse and witchcraft (juju) □
12. Substance misuse □
13. Any other, please provide details in section F

Source: www.soca.gov.uk/about-soca/library/doc_download/496-adult-referral-form (accessed 28 February 2013)

Appendix 4: Trafficking indicators on the NRM child referral form

Child development

Exploitation	Y	S
1. Claims to have been exploited through sexual exploitation, criminality, labour exploitation, domestic servitude, drug dealing by another person.		
2. Physical symptoms of exploitative abuse (sexual, physical etc)		
3. Underage marriage		
4. Physical indications of working (overly tired in school, indications of		
5. manual labour – condition of hands/skin, backaches etc)		
6. Sexually transmitted infection or unwanted pregnancy		
7. Story very similar to those given by others, perhaps hinting they have		
8. been coached		
9. Significantly older boyfriend		
10. Harbours excessive fears / anxieties (e.g. about an individual, of deportation, disclosing information etc)		
Movement into, within or out of the UK	**Y**	**S**
11. Returning after missing, looking well cared for despite no known base		
12. Claims to have been in the UK for years but hasn't learnt local language or culture		
Other risk factors	**Y**	**S**
13. Withdrawn and refuses to talk / appears afraid to talk to a person in authority		
14. Shows signs of physical neglect – basic care, malnourishment, lack of attention to health needs		
15. Shows signs of emotional neglect		
16. Socially isolated – lack of positive, meaningful relationships in child's life		
17. Behavioural - poor concentration or memory, irritable / unsociable / aggressive behaviour		
18. Psychological – indications of trauma or numbing		
19. Exhibits self assurance, maturity and self confidence not expected in a child of such age		
20. Evidence of drug, alcohol or substance misuse		
21. Low self image, low self esteem, self harming behaviour including cutting, overdosing, eating disorder, promiscuity		
22. Sexually active		
23. Not registered with or attended a GP practice		
24. Not enrolled in school		
25. Has money, expensive clothes, mobile phones or other possessions without plausible explanation		

Source: www.soca.gov.uk/about-soca/library/doc_download/497-child-referral-form (accessed 5 March 2013)

Parenting capacity

Exploitation	Y	S
26. Required to earn a minimum amount of money every day		
27. Involved in criminality highlighting involvement of adults (e.g. recovered from cannabis farm / factory, street crime, petty theft, pick pocketing, begging etc)		
28. Performs excessive housework chores and rarely leaves the residence		
29. Reports from reliable sources suggest likelihood of sexual exploitation, including being seen in places known to be used for sexual exploitation		
30. Unusual hours / regular patterns of child leaving or returning to placement which indicates probable working		
31. Accompanied by an adult who may not be the legal guardian and insists on remaining with the child at all times		
32. Limited freedom of movement		
Movement into, within or out of the UK	**Y**	**S**
33. Gone missing from local authority care		
34. Unable to confirm name or address of person meeting them on arrival		
35. Accompanying adult previously made multiple visa applications for other children / acted as the guarantor for other children's visa applications		
36. Accompanying adult known to have acted as guarantor on visa applications for other visitors who have not returned to their countries of origin on visa expiry		
37. History with missing links or unexplained moves		
38. Pattern of street homelessness		
Other risk factors	**Y**	**S**
39. Unregistered private fostering arrangement		
40. Cared for by adult/s who are not their parents and quality of relationship is not good		
41. Placement breakdown		
42. Persistently missing, staying out overnight or returning late with no plausible explanation		
43. Truancy / disengagement with education		
44. Appropriate adult is not an immediate family member (parent / sibling)		
45. Appropriate adult cannot provide photographic ID for the child		

Family / environment

Exploitation	Y	S
46. Located / recovered from a place of exploitation (brothel, cannabis farm, involved in criminality etc)		
47. Deprived of earnings by another person		
48. Claims to be in debt bondage or "owes" money to other persons (e.g. for travel costs, before having control over own earnings)		
49. Receives unexplained / unidentified phone calls whilst in placement / temporary accommodation		
50. No passport or other means of identity		
51. Unable or reluctant to give accommodation or other personal details		
52. False documentation or genuine documentation that has been altered or fraudulently obtained; or the child claims that their details (name, DOB) on the documentation are incorrect		
Movement into, within or out of the UK	**Y**	**S**
53. Entered country illegally		
54. Journey or visa arranged by someone other than themselves or their family		
55. Registered at multiple addresses		
Other risk factors	**Y**	**S**
1. Possible inappropriate use of the internet and forming online relationships, particularly with adults		
2. Accounts of social activities with no plausible explanation of the source of necessary funding		
3. Entering or leaving vehicles driven by unknown adults		
4. Adults loitering outside the child's usual place of residence		
5. Leaving home / care setting in clothing unusual for the individual child (inappropriate for age, borrowing clothing from older people etc)		
6. Works in various locations		
7. One among a number of unrelated children found at one address		
8. Having keys to premises other than those known about		
9. Going missing and being found in areas where they have no known links		

Appendix 5

Table 1: All NRM referrals by published type

	Total referrals	Sexual exploitation	Labour exploitation	Domestic servitude	Unknown exploitation
Apr09–Jun11	1664	707	522	283	152
Jul11–Sep11	294	134	96	48	15
Oct11–Dec11	249	94	82	51	21
Jan12–Mar12	238	106	62	33	37
Apr12–Jun12	292	100	98	46	48
Jul12–Sep12	324	136	90	46	52
Totals	3061	1277	950	507	325
Percentage of total referrals	99.93	41.7	31.0	16.6	10.6
Percentages which were adults	70.3	79.6	69.3	73.8	30.8
Percentages which were minors	29.7	20.4	30.7	26.2	69.2

Source: Serious Organised Crime Agency National Referral Mechanism data. Available at: www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism/statistics (accessed 28 February 2013).

Table 2: NRM referrals by published type for adults and minors

	Sexual exploitation	Labour exploitation	Domestic servitude	Unknown exploitation	Total referrals
Adults					
Percentage of all adult referrals	47.3	30.6	17.4	4.6	2151
Total referrals of adults	1017	658	374	100	2149
Minors					
Percentage of all minor referrals	28.6	32.1	14.6	24.7	910
Total referrals of minors	260	292	133	225	910

Source: Serious Organised Crime Agency National Referral Mechanism data. Available at: www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism/statistics (accessed 28 February 2013).

Table 3: NRM referrals in 2012 and comparison to 2011 totals

Claimed exploitation Type[3]	Female	Male	Total	2011 - 2012 % Change
Adult - Domestic Servitude	112	8	120	1%
Adult - Labour Exploitation	54	217	271	27%
Adult - Sexual Exploitation	373	6	379	27%
Adult - Unknown exploitation[4]	35	8	43	153%
Minor - Domestic Servitude	34	10	44	5%
Minor - Labour Exploitation	24	75	99	-17%
Minor - Organ Harvesting	1	0	1	N/A[5]
Minor - Sexual Exploitation (non-UK national)	74	5	79	
Minor - Sexual Exploitation (UK national)	21	1	22	5%[6]
Minor - Unknown exploitation type	57	70	127	218%
Unknown age & Unknown exploitation type	1	0	1	N/A
Total	786	400	1186	

Table 4: Percentages of referrals during 2012 broken down country and exploitation type

Claimed exploitation type	England	Northern Ireland	Scotland	Wales
Adult – sexual exploitation	32.2	46.7	28.1	29.4
Minor – sexual exploitation (non-UK national)	6.5	0.0	9.4	5.9
Minor – sexual exploitation (UK national)	2.1	0.0	0.0	0.0
Sexual exploitation - total	*40.8*	*46.7*	*37.5*	*35.3*
Adult – labour exploitation	21.7	26.7	35.4	20.6
Minor – labour exploitation	8.1	0.0	11.5	11.8
Labour exploitation - total	*29.8*	*26.7*	*46.9*	*32.4*
Adult – domestic servitude	10.5	0.0	5.2	17.6
Minor – domestic servitude	3.6	0.0	5.2	5.9
Domestic servitude - total	*14.0*	*0.0*	*10.4*	*23.5*
Adult – unknown exploitation	3.7	20.0	1.0	2.9
Minor – unknown exploitation type	11.5	6.7	4.2	5.9
Unknown - total	*15.2*	*26.7*	*5.2*	*8.8*
Minor – organ harvesting	0.1	0.0	0.0	0.0
Unknown age & unknown exploitation type	0.1	0.0	0.0	0.0
No. of referrals	1041	15	96	34

Table 5: Percentages of referrals during 2012 broken down country and first responder

First responder	England	Northern Ireland	Scotland	Wales
UKBA	43.1	40.0	44.8	41.2
SOCA	2.4	-	5.2	-
Police	14.9	60.0	24.0	20.6
Metropolitan Police	5.8	-	-	-
GLA	1.2	-	-	11.8
Local authorities	12.2	-	12.5	8.8
NGOs	20.5	-	13.5	17.6
No. of referrals	1041	15	96	34
Percentage of all UK referrals in 2012 (n=1186)	87.8	1.3	8.1	2.9

Tables 3,4,5 source: Serious Organised Crime Agency (2012) UKHTC: A baseline assessment on the nature and scale of human trafficking in 2011. Available at: www.soca.gov.uk/about-soca/library/doc_download/400-soca-ukhtc-baseline-assessment (accessed 19 September 2012).

Table 6: NMW-related complaints received by HMRC 2006/07 to 2009/10

Region	**2006-07**	**2007-08**	**2008-09**	**2009-10**	**Total**
London	334	523	434	462	**1753**
North West	221	345	259	334	**1159**
South East	230	309	228	323	**1090**
West Midlands	183	305	267	236	**991**
Yorks/Humberside	176	302	222	258	**958**
East	160	267	226	270	**923**
South West	137	222	175	261	**795**
East Midlands	129	215	157	154	**655**
North East	256	172	108	116	**652**
Merseyside	39	68	44	36	**187**
Wales	91	154	134	119	**498**
Scotland	149	245	187	215	**796**
Northern Ireland	105	104	80	63	**352**
Anon	0	1	0	3	**4**
Total	**2,210**	**3,232**	**2,521**	**2,850**	**10,813**

Source: Department for Business Innovation and Skills (2010) National Minimum Wage: Government non-economic evidence to the Low Pay Commission 2010. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/32162/10-1153-national-minimum-wage-non-economic-evidence-2010.pdf (accessed 2 August 2011).

Table 7: Sectoral breakdown of 'complaints closed', 2006/07 to 2009/10, and 'risk-assessed cases closed', 2009/10

Trade sector	2006/07	2007/08	2008/09	2009/0	Total	*Risk assessed cases closed 2009/10*
Other services	401	636	607	575	**2,219**	*183*
Hospitality	416	558	578	590	**2,142**	*528*
Retail	266	381	408	301	**1,356**	*182*
Hairdressing	291	367	358	269	**1,285**	*234*
Market service	285	312	336	345	**1,278**	*188*
Production/construction	175	261	219	210	**865**	*163*
Social care	129	163	168	132	**592**	*164*
Security/cleaning	78	113	111	146	**448**	*53*
Public service	31	56	35	22	**144**	*6*
Clothing/footwear	37	39	35	23	**134**	*16*
Total	**2,109**	**2,886**	**2,855**	**2,613**	**10,463**	***1,717***

Source: Department for Business Innovation and Skills (2010) National Minimum Wage: Government non-economic evidence to the Low Pay Commission 2010. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/32162/10-1153-national-minimum-wage-non-economic-evidence-2010.pdf (accessed 2 August 2011).

Table 8: Statistics on non-compliance with NMW and enforcement, 2006/07 to 2009/10

	2006/07	2007/08	2008/09	2009/10	Total
Total cases closed by HMRC compliance officers (including cases following complaints and cases identified by risk-assessment)	4,500	4,524	4,317	3,643	16,984
Cases of non-compliance	1,523	1,650	1,746*	1,256*	6,175
'Strike rate'	34%	36%	40%*	34%*	36%
Workers involved	14,189	19,264	23,247	19,245	75,945
Male workers	*4,989*	*10,475*	*11,757*	*9,811*	*37,032*
Female workers	*9,200*	*8,789*	*11,490*	*9,434*	*38,913*
Total arrears	£3.04 million	£3.90 million	£4.48 million	£4.39 million	15,805,562
Additional arrears since April 2009**	n/a	n/a	n/a	£94,075	£94,075
Average arrears per worker	£214	£202	£193	£228	£209
Enforcement notices issued	71	59	96	n/a	226
Penalty notices issued	2	25	30	n/a	57
Penalties charged since April 2009	n/a	n/a	n/a	480	480
Underpayment notices since April 2009)	n/a	n/a	n/a	591	591

*Does not include cases closed by HMRC Central Intelligence Unit

**Taking into account the length of time a worker has been underpaid

Source: Department for Business Innovation and Skills (2010) National Minimum Wage: Government non-economic evidence to the Low Pay Commission 2010. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/32162/10-1153-national-minimum-wage-non-economic-evidence-2010.pdf (accessed 2 August 2011).

Table 9: EAS case statistics, 2006/07 to 2011/12

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	**Total**
Complaints received	1,103	1,244	1,567	1,714	958	643	**7,229**
Complaint cases cleared	1,302	1,273	1,450	1,932	1,101	784	**7,842**
Cases still in progress	291	299	547	371	202	225	**1,935**
Targeted inspections	330	221	311	164	243	407	**1,676**
Total infringements found on all cases	1,892	1,128	2,393	2,236	2,065	2,146	**11,860**
Warning letters sent	558	518	692	647	917	602	**3,934**
Total recovered for workers (£, rounded to nearest hundred)	£30,000	£26,000	£63,300	£204,000	£295,000	£128,500	**£746,900**

Source: Employment Agency Standards (EAS) Inspectorate: Annual report 2011-2012. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/82819/13-498-employment-agency-standards-inspectorate-annual-report-2011-to-2012.pdf (accessed 26 April 2013).

Employment Agency Standards (EAS) Inspectorate: Annual report 2009-2010. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/32142/10-498-employment-agency-standards-report-2009-2010.pdf (accessed 26 April 2013).

Table10: Breakdown of EAS complaint cases, investigations and infringements found, 1 April 2011 to 31 March 201

Types of agencies	Complaints cases cleared and targeted inspections	% of cases	Infringements	% of cases
Industrial/construction	205	17%	494	23%
Construction	72	6%	90	4%
Drivers	58	5%	112	5%
Total	*335*	*28%*	*696*	*32%*
Professional/executive (engineering and technical)	179	15%	145	7%
Secretarial/commercial/admin (office workers)	178	15%	299	14%
IT/online	53	4%	65	3%
Total	*410*	*34%*	*509*	*24%*
Teachers/tutors	84	7%	139	7%
Nannies/au pairs/childcare (domestic workers)	65	6%	64	3%
Total	*149*	*13%*	*203*	*10%*
Entertainment (actors/extras)	64	5%	209	10%
Models (promotional workers)	58	5%	113	5%
Total	*122*	*10%*	*322*	*15%*
Healthcare (carers/nurses/doctors)	47	4%	268	12%
Hotel/Catering/Hospitality	128	11%	148	7%
Total	1,191	100%	2,146	100%

Source: Employment Agency Standards (EAS) Inspectorate: Annual report 2011-2012. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/82819/13-498-employment-agency-standards-inspectorate-annual-report-2011-to-2012.pdf (accessed 26 April 2013).

Table 11: Numbers of EAS enforcement staff, 2006/07 to 2011/12

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
EAS enforcement and protection staff at 1 April	19	19	19	30	28	16

Source: Hansard (House of Commons Debates) 30 March 2011, col. 349W. Available at: www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110330/text/110330w0001.htm (accessed 24 March 2013

Table 12: Estimated incidence and rates of all self-reported workplace non-fatal injuries sustained in current or most recent job, by industry, for people working in the last 12 months, averaged 2009/10–2011/12

Industry (SIC 2007 Division)	**Injury sustained in their current/most recent job**					
	Averaged estimated incidence (thousands)			**Averaged rate per 100,000 workers**		
	Central	95% C.I.		Central	95% C.I.	
		lower	upper		lower	upper
Agriculture, forestry and fishing	16	12	20	4660	3510	5810
Mining and quarrying	*	*	*	*	*	*
Manufacturing	73	64	81	2660	2360	2960
Electricity, gas, steam and air conditioning supply	*	*	*	*	*	*
Water supply; sewerage, waste management and remediation activities	8	5	11	3780	2460	5100
Construction	67	59	75	3210	2820	3610
Wholesale and retail trade; repair of motor vehicles and motorcycles; accommodation and food service activities	123	111	135	2350	2130	2570
Transportation and storage	45	38	51	3200	2750	3660
Information and communication; financial and insurance activities; real estate activities; professional, scientific and technical activities; administrative and support service activities	54	47	62	960	830	1090

Public administration and defence; compulsory social security; education; human health and social work activities	183	169	196	2130	1980	2290
Arts, entertainment and recreation; other service activities; activities of households as employers; undifferentiated goods-and services-producing activities of households for own use; activities of extraterritorial organisations and bodies	29	23	34	1850	1510	2190
All industries (injury sustained in current or most recent job)#	**604**	**579**	**629**	**2150**	**2060**	**2240**
Injury sustained in other job	34	29	40	..	..	..
Total (injury sustained in any job)	**638**	**613**	**664**	**2270**	**2180**	**2360**

* Sample numbers too small to provide reliable estimates. # Includes those who did not answer the LFS question asking the job in which their injury was sustained, and those indicating that their injury was sustained in a job other than their current or most recent in the last 12 months.

Source: Labour Force Survey data, provided in Table INJOCC3_3YR, available at www.hse.gov.uk/statistics/lfs/index.htm (accessed 22 February 2012).

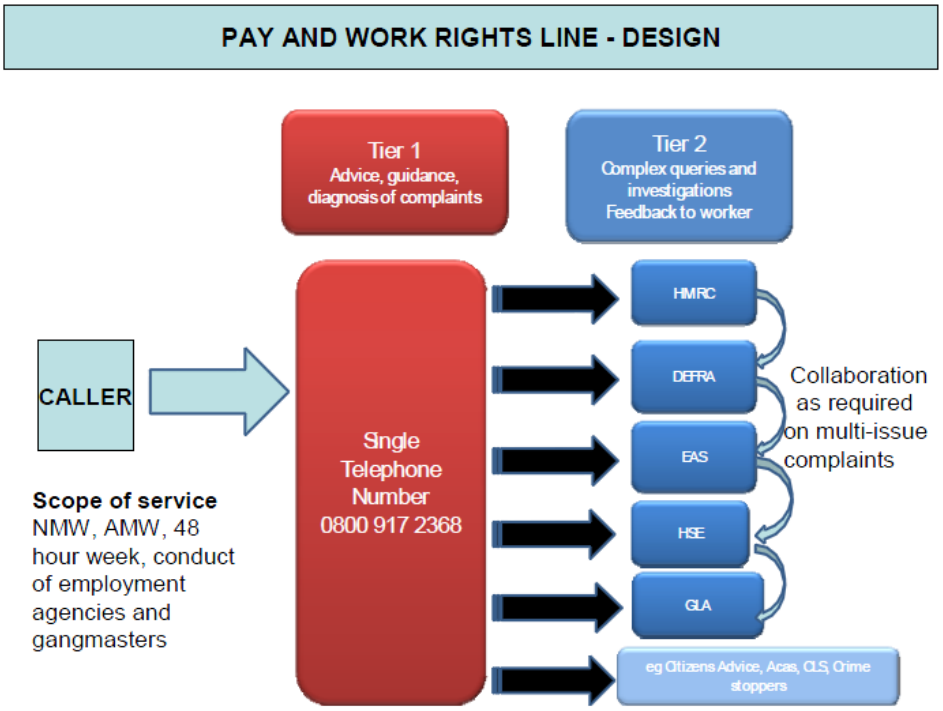
Table 13: Number of inspectors employed by the HSE, 1997–2010

At 1 April	Number of inspectors (full-time equivalents, rounded)
1997	1,442
1998	1,437
1999	1,497
2000	1,508
2001	1,534
2002	1,625
2003	1,651
2004	1,605
2005	1,530
2006	1,444*
2007	1,440
2008	1,366
2009	1,469
2010	1,517

* For 2006 onwards figures excludes 95 inspector FTEs who moved to the Office of Rail Regulation.

Source: Hansard (House of Commons Debates) 14 July 2010, col. 725W. Available at: www.publications.parliament.uk/pa/cm201011/cmhansrd/cm100714/text/100714w0001.htm (accessed 25 April 2013).

Figure 1: Illustration of the structure of the Pay and Work Rights Helpline



Source: Department for Business Innovation and Skills (2010a) National Minimum Wage: Government non-economic evidence to the Low Pay Commission 2010. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/32162/10-1153-national-minimum-wage-non-economic-evidence-2010.pdf (accessed 2 August 2011).

Table 14: Prevalence of characteristics among sampled PWR helpline callers compared with Fair Treatment at Work Survey 2008 respondents

Characteristic		PWR	FTWS
Ethnicity	White	88.5	92.3
	BME	11.5	7.7
English proficiency	Yes	92.6	97.4
	No	7.4	2.6
Occupation	Managerial and professional occupations	16.7	34.4
	Intermediate occupations	24	20.6
	Routine and manual occupations	59.3	45
Employment status	Employed	79.3	84.4
	An agency worker	6.2	3.7
	Unemployed	14.5	11.9
Number of jobs	One job	90.7	94.6
	More than one	9.3	5.4
Home worker	No	92.7	95.7
	Yes	7.3	4.3
Years of service	Up to 1	32.7	18.7
	1 to 2	15.6	21.2
	3 to 5	24.3	18.5
	Over 5	27.5	41.6
Workplace size	Less than 50 workers	67.7	48.7
	More than 50 workers	32.3	51.3
Personnel or HR department	Yes	50.9	72.4
	No	49.1	27.6
Equal Opportunities policy	Yes	71.2	85.5
	No	28.8	14.5
Industry (SIC)	Agriculture and fishing	2.1	1.2
	Banking, finance and insurance	16.6	20.9
	Construction	6.3	4.3
	Distribution, hotels and restaurants	22.8	17.4
	Energy and water	2.1	2.9
	Manufacturing	10.6	5.3
	Public administration, education and health	18.6	28.1
	Transport and communication	10.8	10.7
	Other services	10.1	9.2
Ownership	Private	72.1	68.2
	Public	25.6	27.5
	Third sector	2.4	4.3

Source: Rutherford, I. and Achur, J. (2010) Survey of Pay & Work Rights Helpline callers. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/32140/10-1128-employment-relations-research-series-survey-pay-work-rights.pdf (accessed 20 November 2012).

Table 15: All employment tribunal claims disposed of between 2009/10 and 2011/2012 by jurisdiction

			Percentages within claim type							
Claim jurisdiction/nature	Disposed	*Percentage of all claims*	Withdrawn	ACAS conciliated	Struck out (not at hearing)	Successful at hearing	Dismissed at a preliminary hearing	Unsuccessful at hearing	*Difference (successful less dismissed and unsuccessful)*	Default judgement
Redundancy pay	39,700	*5.7*	22.9	18.1	11.2	22.9	1.6	5.1	*16.2*	17.6
Working time	68,200	*9.7*	23.8	31.2	7.9	17.7	1.9	5.9	*10.0*	11.9
Breach of contract	96,100	*13.7*	21.9	32.0	9.8	16.9	2.1	7.2	*7.6*	10.2
Unauthorised deductions	109,600	*15.6*	30.3	27.0	10.8	14.1	2.3	5.7	*6.1*	9.8
Others	71,600	*10.2*	26.1	27.5	7.1	20.0	2.4	12.0	*5.6*	5.0
Equal pay	69,500	*9.9*	57.4	20.3	18.6	0.7	0.3	2.6	*-2.1*	0.0
Sex discrimination	47,800	*6.8*	47.3	25.9	19.7	1.9	1.2	3.6	*-2.9*	0.5
Unfair dismissal	146,600	*20.9*	24.4	42.6	9.1	9.1	2.7	9.6	*-3.2*	2.7
National minimum wage	1,530	*0.2*	23.5	34.6	6.9	13.1	2.2	15.2	*-4.2*	5.4
Age discrimination	11,400	*1.6*	40.4	35.1	9.8	2.0	2.9	8.2	*-9.1*	0.7
Disability discrimination	20,200	*2.9*	31.7	45.5	7.1	2.9	3.1	9.5	*-9.7*	0.7
Sexual orientation discrimination	1,790	*0.3*	30.2	40.8	9.8	3.9	4.3	9.4	*-9.9*	1.1
Religious belief discrimination	2,460	*0.4*	30.9	33.7	10.6	2.8	6.6	14.2	*-17.9*	0.9
Race discrimination	14,100	*2.0*	29.8	36.2	8.7	3.0	5.2	16.4	*-18.7*	0.9
Total (Actual)	700,580	*100.0*	30.5	31.1	10.9	11.9	2.1	7.3	*2.5*	6.3

Source: Ministry of Justice, Employment Tribunal and EAT statistics 2009/10 to 2011/12. Available at www.gov.uk/government/publications/employment-tribunal-and-employment-appeal-tribunal-statistics-gb (accessed 14 August 2012).

Table 16: Advice issues recorded by Citizens Advice bureaux in England and Wales, 2007/08 to 2011/12

Advice category	2007/08	2008/09	2009/10	2010/11	2011/12	Total
Debt	1,735,882	1,926,723	2,374,273	2,268,031	2,137,810	10,442,719
Benefits & tax credits	1,515,293	1,710,581	2,074,208	2,167,999	2,252,853	9,720,934
Employment	475,512	554,509	586,185	568,192	523,598	2,707,996
Housing	398,221	408,985	467,854	504,535	489,125	2,268,720
Relationships & family	293,964	288,690	330,312	341,948	319,841	1,574,755
Legal	274,156	264,143	298,226	301,252	268,135	1,405,912
Signposting & referral	174,648	174,267	195,418	168,990	144,485	857,808
Consumer goods & services	130,098	122,623	139,107	134,270	120,014	646,112
Financial products & services	115,685	118,019	140,574	132,019	129,092	635,389
Utilities & communications	95,345	98,477	103,813	90,177	82,135	469,947
Immigration, asylum & nationality	79,343	80,726	94,480	96,078	83,270	433,897
Other	63,031	73,839	84,842	90,690	100,140	412,542
Health & community care	73,689	69,162	77,520	78,060	74,338	372,769
Tax	47,588	48,840	53,493	66,094	58,957	274,972
Travel, Transport & holidays	38,852	42,209	47,846	51,345	46,744	226,996
Education	22,094	23,155	29,772	31,032	26,313	132,366

Source: Citizens Advice 'Advice trends data available at www.citizensadvice.org.uk/index/aboutus/publications/advice_trends.htm (accessed 4 February 2013)

Note: Figures are of number of issues handled, and not individual clients.

Table 17: Regional shares of all employment related issues handled by to CAB in England and Wales, 2008/09 to 2011/12

Region	2008/09	2009/10	2010/11	2011/12	Average
South East	22.6	21.9	21.1	21.4	21.8
Eastern	15.6	14.7	14.1	14.4	14.7
West Midlands	10.8	10.4	10.8	10.9	10.7
South West	10.4	10.6	10.3	10.2	10.4
North West	9.8	10.3	10.2	9.8	10.0
London	8.9	9.7	9.7	9.2	9.4
East Midlands	7.1	7.5	7.9	7.6	7.5
Yorkshire and Humber	7.1	6.9	6.4	6.5	6.7
Wales	4.0	4.0	5.0	5.5	4.6
North East	3.7	4.0	4.4	4.5	4.1
Total	100	100	100	100	100

Source: Citizens Advice 'Advice Trends' data www.citizensadvice.org.uk/index/aboutus/publications/advice_trends.htm (accessed 4 February 2013)

Table 18: **Advice issues – Citizens Advice Northern Ireland**

	2008/09	2009/10	2010/11	2011/12
Employment	21,089	18,732	19,612	17,605
Total	324,227	317,492	326,875	305,337

Source: Citizens Advice Northern Ireland, Annual Report and Accounts, 2008/2009 – 2011/12. Available at: www.citizensadvice.co.uk/en/Publications/Annual-Reports/ (accessed 20 March 2013).

Table 19: Advice issues – Citizens Advice Scotland

	20008/09	2009/10	2010/11	2011/12
Employment	52,207	56,363	50,756	39,000*
Total	500,910	545,715	560,603	503,367

* Rounded figure drawn from CAS 2013 report

Source: Citizens Advice Scotland (2009) Citizens Advice Bureaux in Scotland: Client Issues 2008/09. Available at: www.cas.org.uk/system/files/publications/social-policy-stats-2008-09.pdf (accessed 20 March 2013).

Dryburgh K. (2011) Advice in Scotland 2010-11. Available at: www.cas.org.uk/system/files/publications/Advice-in-Scotland-2010-11.pdf (accessed 20 March 2013).

CAS (2013). The work of Scotland's Citizens Advice service Short Briefing March 2013) Available at: www.cas.org.uk/system/files/publications/The%20work%20of%20Scotland%27s%20CA%20service%20march%202013.pdf (accessed 20 March 2013).

Table 20: CAB workload on workplace right issues

Employment right issue as recorded in CAB database (and corresponding agency responsible for enforcing the right)	2007/08	2008/09	2009/10	2010/11	2011/12	Total
Paid holiday (none)	18,702	17,424	15,804	12,870	9,647	74,447
48 hours/breaks (HSE)	7,448	6,475	6,585	5,554	4,084	30,146
National Minimum Wage (HMRC)	4,936	3,627	3,268	2,546	2,004	16,381
Agency workers (EAS)	1,300	755	1,193	1,130	1,119	5,497
Gangmasters (GLA)	41	137	30	17	28	253
Total	32,427	28,418	26,880	22,117	16,882	126,724

Source: Citizens Advice (2011) CAB evidence briefing: Give us a break! The CAB service's case for a Fair Employment Agency. Available at: www.citizensadvice.org.uk/give_us_a_break.pdf (accessed 19 November 2012); R.Dunstan (Social Policy Officer, Citizens Advice), personal communication, 22 March 2013.

Table 21: Prevalence of indicators of MDW problems recorded by Kalayaan

		Count			Per cent		
	Type of abuse/exploitation	1/4/08 – 31/3/09	1/4/09 – 31/3/10	1/4/10 – 31/3/11	1/4/08 – 31/3/09	1/4/09 – 31/3/10	1/4/10 – 31/3/11
Abuse	Psychological abuse (threats, insults, intimidation etc.)	206	191	153 (N=277)	58%	56%	55%
	Physical assault	61	53	45 (N=270)	17%	15%	17%
	Sexual abuse reported by women	21	10	10 (N=196)	6%	3%	5%
	Did not get regular food	75	86	64(N=269)	21%	25%	24%
	No room or personal space in the house (slept in hall/lounge/kitchen/children's room)	203	138	141 (N=277)	57%	40%	51%
	Did not have a bed (slept on floor / with children)	89	91	94 (N=274)	25%	27%	34%
Exploitation	No day off	214	211	195 (N=281)	60%	62%	69%
	Worked 'on call' –available to work any time	242	182	171 (N=236)	68%	53%	72%
	Worked 15 or more hours a day	171	172	147 (N=244)	48%	50%	60%
	Paid less than £50 a week	185	130	97 (N=228)	52%	38%	43%
	Paid less than £100 a week	n/a	41	59 (N=228)	n/a	12%	26%
	Received no salary	n/a	n/a	30 (N=228)	n/a	n/a	13%
Control	Not allowed out of the house without employer/ supervision from family	210	211	171 (N=277)	59%	62%	62%
	Passport kept from them by their employer	206	218	79(N=298)	58%	64%	27%
New clients registered		356	343	298			

Source: Kalayaan Annual Reports 2008/09, 2009/10, 2010/11

Appendix 6: Evidence of individual cases of exploitation from published CAB reports

2004 Report Nowhere to turn – CAB evidence on the exploitation of migrant workers

Cases of evidence that had been submitted to CAB since January 2003

Care home sector

A Macedonian man who sought advice from Farnham CAB in Surrey in June 2003 had entered the UK on a work permit to work as a nurse at a local care home, on an annual salary of £17,000. However, upon arrival in the UK he had been required to sign a new contract, to work as a care assistant on an annual salary of £10,000. According to the client, the same had happened to a number of his colleagues at the care home.

Two Phillipino women who sought advice from King's Lynn & District CAB in Norfolk in October 2003 had entered the UK on two-year work permits to work as care assistants in a local care home. In practice, they were required to work 80 hours per week, including 40 hours in a second care home not listed on the work permits, for a total of £75 per week plus accommodation in one of the care homes. The clients received no paid holiday, and on several occasions had been ordered out of bed in the middle of the night to undertake domestic tasks for the owner. In its report to Citizens Advice, the bureau notes that the clients were 'angry and distressed that they can be exploited like this … but are too afraid to do anything as they are sending money back home to pay for their children's education' and so did not want to risk being dismissed.

Cleaning

Petersfield CAB in Hampshire reports being approached in May 2003 by a Portuguese man who had been brought to the UK by a London-based contract cleaning company to work as a cleaner in a local hotel, where he had also been provided with accommodation. Earlier that day the client had developed severe back pain and, saw a local GP, who had advised him to rest for one week and issued him with a medical certificate. However, upon returning to the hotel his supervisor had told him that, if he couldn't work, then he had to leave the accommodation immediately.

Oxford CAB reports being approached in July 2003 by three post-graduate students – two of them Chinese, the other Korean - who had all been employed as part-time cleaners by a local contract cleaning company. All three clients had been told that they

would be paid fortnightly, at a rate of £6 per hour (with double pay on Sundays and bank holidays). However, despite having worked for the company for one, three and three months respectively, none of the clients had received any pay. In its report to Citizens Advice, the bureau notes that 'it seems the company promises the wages, then uses delaying tactics to avoid paying any monies, and waits for the students to resign'.

Similarly, a Swedish man of Somali origin who sought advice from Bristol CAB in August 2003 had worked full-time as a cleaner for a local contract cleaning company for two months without receiving any pay. And two Korean students who sought advice from Eastbourne CAB in June 2003 had worked as part-time cleaners for a local contract cleaning company for nine weeks without receiving any pay.

Hospitality

A Spanish woman and her husband who sought advice from Bicester CAB in Oxfordshire in March 2003 had been recruited in Spain, by an employment agency, to work at a local hotel. Despite having worked at the hotel for six months, they had received no contract of employment and no pay slips, and were being paid less than the National Minimum Wage.

Bristol CAB reports being approached in August 2003 by a Thai man who had entered the UK on a five-year work permit two years previously to work as a chef in a local Thai restaurant. Although the client's work permit cited an annual salary of £11,000, he was being paid only £150 for a 60-hour week (equating to £9,000 per year and just £2.50 per hour – i.e. £1.70 less than the then National Minimum Wage of £4.20 per hour). The client had received only two weeks' paid holiday per year (two weeks less than the statutory minimum), and had not received statutory sick pay in respect of a recent two-week period of (certificated) illness.

Newark & District CAB in Nottinghamshire reports being approached in September 2003 by a Portuguese man who had been working as manager of a local fish and chip shop for the past seven months. The client had not received a contract of employment, pay slips or paid holiday, and was being paid £200 for a 60-hour week (i.e. £1.20 per hour less than the then National Minimum Wage). The client was unwilling to take any action for fear of losing his job.

Agriculture

Boston CAB reports being approached in November 2003 by a young Portuguese man and his 17-year-old, heavily pregnant wife. The couple had been brought to the UK by an employment agency to work on local farms and had been provided with

accommodation consisting of one double bedroom in a house shared with up to 17 other Portuguese workers. The couple had no tenancy agreement and, after deductions from the husband's wages of £90 per week for the accommodation and £11 per week for transport, they were left with just £6 per week on which to live. In its report to Citizens Advice, the CAB describes the couple as 'penniless, short of food, and living on charitable handouts'.

Chichester & District CAB in West Sussex reports being approached in August 2003 by a Portuguese man who had been brought to the UK by an employment agency to work at a local horticultural firm. The client was expected to work 10 hours per day, seven days per week, and had been provided with a shared room in a former convent for which £45 per week was deducted from his wages. A further £18 per week was deducted for provision of an evening meal of 'poor quality', more than £3 per week for electricity and £1.14 per week for 'administration'. A notice displayed at the place of work warned that workers faced immediate dismissal if they complained about their terms and conditions to 'outside organisations'. The client first approached the CAB after not being given any work for a week as 'punishment' for taking one day off sick. Despite the warning notice at his workplace, the client was determined to make a complaint to the employer. He returned to the CAB the following day, having been summarily dismissed. In its report to Citizens Advice, the CAB concludes that 'firms like this should be more effectively policed'.

A Zimbabwean man who sought advice from Haywards Heath CAB in West Sussex in June 2003 had been employed by a national food produce company on various local farms for the past 15 months. He had never received a contract of employment, and was unsure of the terms of his employment. He had been provided with accommodation consisting of a caravan, which had no electricity or running water. Along with fellow workers, the client was expected to work seven days per week, and he had not had a single day off in the previous three months. He approached the CAB after being given one week's notice of the termination of his employment, which would also leave him homeless.

Food processing

Telford & Wrekin CAB in the West Midlands reports being approached by a Portuguese man working as a meat packer in a local meat processing plant. The client had recently suffered an injury requiring hospitalisation, and had been unable to work since that time. Since stopping work, the client had not received wages or statutory sick pay, and the CAB also established that his previous wages were below the National Minimum Wage. However, as he hoped to return to work after recovering from his injury, he did not wish to take any action against his employer for fear of losing the job.

An Indian man who approached Bridgend CAB in Wales had entered the UK on a work permit to work as a manager in a local food processing plant. Although too nervous about jeopardising his work permit to talk about his personal situation, the client described to the CAB how Indian workers are recruited to come to the UK, with the promise of good working conditions and housing, but were then required to work many more hours, and for less pay, than promised. The client further stated that such workers are 'too frightened to stand up for themselves'.

A Portuguese woman who sought advice from King's Lynn & District CAB in Norfolk in June 2003 had been brought to the UK with her husband eight months previously by an employment agency to work in a local yoghurt factory. Since arriving in the UK, both the client and her husband had regularly been required to work 12 hours per day. A few weeks before approaching the CAB, the client had realised that she was pregnant, and so had asked to work fewer hours. She was then moved, within the factory, to a job lifting heavy wooden pallets, but when she had protested about this she had been summarily dismissed, and the employment agency had then told her to leave her accommodation within three days.

CAB evidence briefing December 2007 'Rooting out the rogues: Why vulnerable workers and good employers need a "fair employment commission"'

Tomasina, a young Polish woman in Manchester, has been employed as a night cleaner by a London-based contract cleaning company for the past 18 months, working seven nights per week. She has not had any paid holiday during this time, and when she recently asked her manager about this he falsely stated that she has no legal right to paid holiday. Tomasina fears that, if she 'makes a fuss', she will be sacked, as she has seen happen to fellow workers who complained.

Donna, a lone parent of three teenage children living in the West of Scotland, works 15 hours per week and is paid £5.00 per hour – below the National Minimum Wage of £5.52 per hour. However, even after being advised of her rights, she is too fearful of losing her job to complain to her employer.

Harry, a young man from the Czech Republic, has just been summarily dismissed from his job as a chef at a small hotel in Kent. He had been working 55 hours per week, without any rest breaks, and was sacked when he asked his employer for proper rest breaks and paid holiday.

Sam, a man with a young family, sought advice in May 2007. He had been employed as a full-time chef by the same local food-processing company as Matthew for five weeks in early 2007. He had never received a written statement of terms and conditions, or itemised pay slips. After five weeks Sam was summarily dismissed, for no apparent reason, and did not receive his final fortnight's wages or notice pay. When Sam approached the owner/ manager to ask for this money, he was abusive and threatened violence. Sam wrote to the company, but received no response. With the assistance of the CAB, Sam brought an employment tribunal claim for unpaid wages and notice pay, and in early August 2007 won an award of more than £700. However, the company did not attend the tribunal hearing or otherwise contest the claim, and has so far not paid any of the award. As a result, Sam was left two months in arrears on his mortgage, which he has since had to refinance

CAB evidence briefing October 2008 'Justice denied: The deliberate non-payment of Employment Tribunal awards by rogue employers'

Marilyn sought advice from her local CAB in Hampshire, in November 2007. Two months previously, Marilyn had won a tribunal award of £1,800 for unpaid wages and notice pay. Her former employer had not attended the tribunal hearing, or otherwise contested the tribunal claim, and had since failed to pay the award. Reporting her case to Citizens Advice, the CAB notes that 'having been through the stressful, time-consuming tribunal procedure, Marilyn is now faced with negotiating a whole new set of hurdles in the county court enforcement system, with fees payable at each stage and no guarantee that she will be able to recover the money to which she is entitled'.

Sarah was dismissed from her administrative job with a skip hire company in October 2006, simply because she was pregnant and had asked her employer about her legal right to paid maternity leave. Despite the pressures of late pregnancy, Sarah sought advice from her local CAB and, with their assistance, brought an employment tribunal claim against her former employer. In March 2007, the tribunal awarded Sarah just over £4,500 for pregnancy-related unfair dismissal. However, the employer – a subsidiary of a company with a turnover of £52 million in 2006 – did not pay the award, and offered only to pay it at a rate of £10 per week. At such a rate, it would have taken nine years to pay the award in full. Reporting Sarah's case to Citizens Advice, the CAB notes that 'Sarah is distressed that, having endured the ordeal of a tribunal hearing when her baby was just eight weeks old, and being busy looking after two young children, she now faces having to go through enforcement action in the county court to get the money to which she is entitled'.

Magda, a heavily pregnant Polish woman, sought advice from her local CAB, in London, in June 2008. Magda had won a tribunal award of £1,900 for unpaid wages and holiday pay in June 2007. Despite having already paid £35 to register the unpaid award in the local county court, and a further £55 fee to obtain a warrant of execution, Magda had still not received any of the award. Magda had now learnt that her former employer had obtained a county court hearing to contest the warrant of execution – something not provided for in the court rules and procedures. Reporting her case to Citizens Advice, the CAB notes that 'Magda is distressed at having to attend an unwarranted court hearing when she is seven months pregnant', and suggests that 'this whole process makes a mockery of the Employment Tribunal award'.

TUC 2008 'Hard work, hidden lives: the full report of the commission on vulnerable employment'

Tina's story

Tina is in her late 60s, white British and educated to O level. For 25 years she worked for a large publishing company as a 'home delivery agent'. Working from home, Tina had to insert leaflets into newspapers and manage their delivery. For this she received minimal piece-rate pay and no benefits. After the minimum wage and other new employment rights came in, Tina's employers sought to protect themselves by issuing new employment contracts to agents implying self-employed status and responsibility for the recruitment of newspaper distributors. When Tina queried the validity of this she was sacked.

Tina's role required considerable responsibility. She was assigned an area of 2,500 households to whom she was to ensure that papers were delivered with advertising leaflets inserted. After they were delivered to her home, Tina would spend three days – working around eight hours a day – inserting leaflets. She would then drive the papers to the distributors (often children doing paper rounds in their spare time). As an agent she was also responsible for recruiting and paying distributors and checking whether customers received their deliveries.

Although the job required agents to make three or four car journeys a week, there was no reimbursement for petrol or car maintenance. Pay was unreliable – varying according to size and number of leaflets – but was always very low: 'The most I ever got paid was £70 per week… You couldn't have lived on our wages'.Tina was able to get by only through doing other part-time work and because her husband worked full-time. She reports that most other agents (all of whom were women) had partners in work, had other jobs or had multiple delivery areas. While all home delivery agents were casual workers, supervisors were permanent members of staff on full employment entitlements and travel expenses.

Tina says she was concerned about the new contracts because they essentially mean 'that I'd become a sub-contractor and all the employment liabilities that an employer would have were all being sort of piled on to the delivery agent'. As well as implying self-employed status and responsibility for suppliers' recruitment and wages, they also stipulated further responsibilities such as taking out public liability insurance.

Tina's complaints to her managers about these developments, and about the low (sub-minimum wage) pay of her distributors, were ignored. After gaining advice from her local CAB, who agreed that Tina was not 'self-employed' and should not sign the contract, she confronted her managers again: 'I told the company that I wasn't going to sign it [the contract] and gave them all the details that the Citizens Advice Bureau had given me and asked them what were their reasons for saying I was self-employed. Well all I got back about a month later was just a thing to say that my contract was terminated forthwith'. Tina eventually gained an out-of-court settlement from her employer with 'gagging' conditions. She also reported the situation to the Minimum Wage Compliance Unit but it took no action.

Tina was hurt by the fact that the company she had been loyal to for so many years had sacked her by letter. Until she went to the CAB, Tina was unaware that the minimum wage could apply to casual workers. She would like to see more done to raise awareness about minimum wage entitlement and for unions to pay more attention to atypical workers: 'I mean, there are probably masses of people who don't know anything about that they should get the minimum wage and [think that] just because they work from home or only work for a few hours they're not entitled to it'.

Sources:

Citizens Advice (2004) *Nowhere to turn. CAB evidence on the exploitation of migrant workers*. Available at www.citizensadvice.org.uk/nowhere-to-turn.pdf (accessed 17 March 2013).

Citizens Advice (2007) *CAB evidence briefing. Rooting out the rogues: Why vulnerable workers and good employers need a 'fair employment commission'*. Available at: www.citizensadvice.org.uk/rooting_out_the_rogues.pdf (accessed 17 March 2013).

Citizens Advice (2008) *CAB evidence briefing Justice denied: The deliberate non-payment of Employment Tribunal awards by rogue employers*. Available at: www.citizensadvice.org.uk/justice_denied_final_pdf_-_oct08.pdf (accessed 17 March 2013).

TUC (2008) '*Hard work, hidden lives: the full report of the commission on vulnerable employment'.* London: TUC.

Appendix 7: Research participant organisations

Bristol and South-West

University of West of England
Bristol Defend Asylum Seekers Campaign
Pierian Centre
Bristol City Council
Equality South-West
Bristol Refugee Action
Pax Pontis Ltd
Bristol Citizens Advice Bureau
Gangmasters Licensing Authority
International Organisation for Migration
Bristol Counter Trafficking Coalition
African and Caribbean Chamber of Commerce and Enterprise
African Voices Forum
Bristol Refugee Action
Anglo-Polish Society
Gangmasters Licensing Authority
Exeter Citizens Advice Bureau
Trades Union Congress
Refugee Action
Health and Safety Executive
Avon and Bristol Law Centre
North Somerset Citizens Advice Bureau

Boston/Lincolnshire

Integration Lincolnshire
Boston Citizens Advice Bureau
Spalding Citizens Advice Bureau
South Holland District Council
Gangmasters Licensing Authority
Centrepoint Outreach
Jobcentre Plus
Parish Priest
Boston Borough Council (Housing)
Local MP
Spalding Citizens Advice Bureau
Unite the Union
Churches Together
Trades Union Congress

Dundee/East Scotland

Dundee City Council
Angus Council
Fife Council
Fife Polish Association
Bulgarian Consulate
Slavic and Eastern European Institute
Scottish Bulgarian Association
Perth and Kinross Council
Dundee Citizens Advice Bureau
Making Money Work Dundee
Dundee International Womens' Centre
Dundee Voluntary Action
Minority Ethnic Access Development
Gangmasters Licencing Authority
Scottish Migrants Network
Perth Citizens Advice Bureau
East to West Recruitment Ltd

London

Ukrainian Migrants Network
RMT union
Gangmaster Licensing Authority
Health and Safety Executive
Latin American Workers Association

National-level / specialist

Citizens Advice
Gangmasters Licensing Authority
Trades Union Congress
Unite the Union
GMB union
Unison
Anti Slavery International
Equality and Human Rights Commission
Health and Safety Executive
International Organisation for Migration
Department for Business Innovation and Skills (Employment Agency Standards Inspectorate)
BIS (Pay and Work Rights Helpline)
Association of Labour Providers
Migrant Rights Network
Kalayaan
Freelance researcher/ author

Scottish Parliament Equal Opportunities Committee
Liberty
Low Pay Commission
Citizens Advice Scotland
Rankin-Kinsella Associates
UK Human Trafficking Centire
Migrant Helpline
Ethical Trading Initiative
Metropolitan Police Human Exploitation and Organised Crime Command
SEDEX
Leicestershire Police
HMRC National Minimum Wage

Acknowledgements

We are grateful to all those who either agreed to be interviewed for the research and/or provided us with relevant statistics and contextual information.

At the University of Bristol, in particular, the following staff have given ethical guidance or administrative support to the project: Dr Emma Williamson, Emily Thomas, Astra Lewis, Kerri Headworth, Jane Bakowski, Zaheda Tariq, Rachel Evans, Keith Feeney, Neil Buttery, Androula Freke. We are also grateful to Professor Alex Marsh for his various inputs.

Finally, the research has been supported throughout by the Joseph Rowntree Foundation, Louise Woodruff, and the forced labour steering group and we are very appreciative of the guidance given by them and Klara Skrivánková of Anti-Slavery International.

About the authors

Alistair Geddes is a lecturer in human geography in the College of Arts and Social Sciences at the University of Dundee, specialising in social data analysis. In recent years he has completed research on international mobility of UK students and on population vulnerability and mobility related to climate change. He was a co-author of the 2012 JRF report *Experiences of Forced Labour in the UK Food Industry*.

Gary Craig is Professor of Community Development and Social Justice at Durham University and Emeritus Professor of Social Justice at the Wilberforce Institute for the Study of Slavery and Emancipation, Hull. He researches mainly in the area of 'race' and ethnicity and forms of modern slavery and is currently working on an EU-funded project to develop anti-trafficking legislation across the EU. His most recent book is *Understanding 'Race' and Ethnicity* (edited with others), Policy Press (2012)

Sam Scott is a research and teaching fellow. His main research interests centre on labour migration and work-based harm. Recently he has been awarded ESRC funding to establish a forced labour monitoring group (forcedlabour.org). This builds upon the two forced labour studies he led for the Joseph Rowntree Foundation and the three Gangmasters Licensing Authority evaluations he has carried out for the Department for Environment, Food and Rural Affairs.

This paper was commissioned as part of the JRF programme on forced labour, which aims to contribute to a reduction in forced labour in the UK (www.jrf.org.uk/work/workarea/forced-labour).

The Joseph Rowntree Foundation has funded this research paper as part of its programme of research and innovative development projects, which it hopes will be of value to policy-makers, practitioners and service users. The facts presented and views expressed in this paper are, however, those of the author and not necessarily those of JRF.

Joseph Rowntree Foundation
The Homestead
40 Water End
York YO30 6WP
www.jrf.org.uk

This paper, or any other JRF publication, can be downloaded free from the JRF website (www.jrf.org.uk/publications/).

First published 2013 by the Joseph Rowntree Foundation

ISBN: 978 1 85935 980 8 (pdf)

Ref: 2900

Contact:
Louise Woodruff
louise.woodruff@jrf.org.uk