Briefing

From exploitation as a problem to migration as an opportunity

Migration continues to dominate political discourse in the UK. It is a key area of debate in the lead up to the General Election in May 2015. Media and political attention has focused on two main areas of debate: migration patterns and trends (the numbers of migrants in the UK); and welfare and entitlements for migrants.

Unfortunately, migration tends to be characterised as a ‘problem’ to be tackled through an increasingly restrictive welfare system and tighter immigration controls.

There has been less interest in understanding the social and economic experiences of migrants, their experiences in the workplace and community.

This briefing seeks to redress this imbalance by shifting the focus of attention towards:

- the experiences of migrants in the UK in relation to immigration status, work, welfare, and community/union organisation;
- responses – both actual and those required at public policy, workplace, and community levels.

Evidence is drawn from research on migration in the UK, conducted by researchers at the University of Leeds over the last decade.

Four key areas interact to shape the experience of migrants and risks of exploitation in the UK:

Immigration status
Welfare
Work experience
Community & unions

M=migrant

This briefing considers the experiences of migrants in these four areas:
1. the effects of immigration status;
2. migrants’ work experiences;
3. migrants’ interaction with the welfare system;
4. the roles of communities, organised labour and grass roots services.
1. Immigration status and the effects of changes in status

Key points:
- Immigration status structures access to residence, work and welfare.
- Constrained rights limit access to support services, especially for irregular migrants.
- Changes in immigration status create particular risks of being exposed to exploitation.

Immigration policy plays a key role in increasing the vulnerability of migrants to poverty and exploitation when their basic rights are compromised or non-existent. Different groups of migrants are granted or denied rights to residence, work and welfare according to entry into the UK and permission to stay in different citizenship or visa categories. This means many migrants have limited options for meeting their basic needs. These constraints can produce insecurity, particularly when statuses change, affecting access to welfare support or services. Current policies provide limited, highly conditional support for some, while promoting the destitution of others including refused asylum seekers and irregular migrants. Migrants with limited rights to residence, welfare or work may be left with few choices than to engage in exploitative work to survive.

Who is a ‘migrant’?
A broad definition of a migrant is anyone who is living outside of their country of birth. It is also possible to define migrants by their rights to enter or stay in the UK, resulting in five primary categories: students, migrant workers (EU and non-EU), family joiners, asylum seekers & refugees and irregular migrants. Irregular migrants may enter clandestinely without permission, but the majority become irregular when they remain in the UK after their right to remain has expired.
2. Migrant experiences in the workplace

Key points:

- Migrants are more likely to be concentrated in low-paid, precarious work.
- Their skills are often under-utilised in the labour market.
- Intermediaries act as a key mechanism through which migrants can access work.
- Migrants are more likely than the non-migrant workforce to work long hours.

a) Paid employment

Migrants often arrive with a range of qualifications and experience. However, jobs undertaken in the UK show that migrants frequently work below their skill levels. This means their skills are underutilised. Migrants in lower skilled jobs often view this as a trade-off – higher wages, compared with those in home countries, in exchange for occupational downgrading (see MacKenzie and Forde, 2008, MacKenzie et al., 2010; Ciupijus, 2014).

Wages for many migrant workers tend to be clustered around the level of the minimum wage. Migrants are concentrated in low-paid occupations, notably assembly line work, food preparation, care work and housekeeping. Contractual fragmentation is commonplace, where migrants are employed under a variety of contracts: part-time, agency, fixed-term or casual contracts.

Voices of migrants in precarious work

‘(I am doing) a course, a computer course. I am trying to do something, to learn something... I think about doing more (study). I hope to do more. I was studying in university. I finished my degree in engineering electrician... I was working, just for a short time, after finishing my degree... my work was regarding my profession... I would like to learn here again, maybe there are different standards to know.’

‘I am not liking the work, I am looking for something else. Too much travelling – 50 miles a day. I am doing 18 hour days, 14 hours work and then travel. I get home for an hour then I am into bed. I get no time to spend with my family. No time for other activities, I was involved with a lot of other things, but I have had no time for them. The job is killing me. I’m killing myself.’

‘I’m now a domestic cleaner. I have had jobs only in hospitals. I started my career as a carer, then an auxiliary nurse, then staff nurse, then manager – senior Medical Sister. This is my second year as a cleaner. Just not connected with patients at all, just with a mop and bucket, so no way to progress and my English does not improve.’

Respondents, Northtown study, Mackenzie and Forde (2008)

Long hours of work are a common issue for many migrant workers. Such working hours, as well as being physically and mentally draining, also impact upon people’s ability to engage in non-work activities. These act as a constraint both in terms of developing a social life and also in terms of the ability to access support services such as English language training or community groups. As migrants become more settled in the receiving community aspirations change, and the trade-off between occupational down-grading for higher earning potential is
replaced by a desire to seek better standard employment (MacKenzie et al, 2010).

More recent migrants are often employed under casual and agency contracts. A significant proportion of migrants in our research reported having experienced problems in the workplace such as issues with wages, bad treatment by colleagues or superiors, or unexpected termination of employment (Alberti, 2011; Ciupijus, 2014).

**Actions:**

- **Migrants need to be made aware of their employment rights, particularly working hours and the minimum wage.**
- **Support services need to recognise that migrants may be limited in their ability to access services during working hours.**
- **Accreditation of prior skills is important for migrants, to maximise their opportunities for occupational upgrading.**

**The role of labour market intermediaries**

The presence of labour market intermediaries has a great effect on the experiences of migrants. Alberti’s (2011) study of the hospitality industry found that intermediaries such as temp agencies represent a key labour market entry point for migrants but their employment practices also appear to entail poor treatment and working conditions: illegal fees for agency training; wage deduction; unpredictable working hours; bullying and harassment; easy disposal of workers according to fluctuating demand; pay around the minimum wage or below; lack of union recognition, regular opting out of Working Time regulations (which limits the weekly workload to 48 hours). Long and anti-social hours were a common practice in the hotel sector. Temporary migrants in particular appeared in need to combine different shifts in different places in order to obtain a sufficient income to survive.

The problem of unpaid overtime appeared as a consequence of the relatively more insecure status of migrant agency workers and their fear of being dismissed by the agency they worked for. As highlighted in this interview with an agency worker from Brazil there was simply no alternative but to finish the amount of work assigned in the Food and Beverage department, even when this implied longer working hours:

‘... there are times when I am forced to stay until late in the evening... I mean I am not forced but in practice, even if it means to stay two or four hours over time... it is better to stay if you want to keep the job.’

(Fabio, Brazil, 3 years in London, casual worker, Food and Beverage)
b) Forced labour

Key points:

- Forced labour remains a feature of work in the UK in the 21st century.
- Forced labour is not an exceptional event, but linked to the prevalence of precarious employment.

Based on international law, forced labour involves a situation in which a person is forced to work or provide a service under the ‘menace of any penalty’ and for which they have not offered themselves ‘voluntarily’. Forced labour cases are deemed to be distinguishable from more generalised forms of labour exploitation by the existence of various forms of coercion by one or more persons on the worker who at the same time lacks a ‘real and acceptable alternative’ to the abuse involved.

The International Labour Organisation estimates there are 21 million people trapped in forced labour across the globe with the overwhelming majority exploited in the private economy. Although mostly concentrated in the so-called ‘slavery super centres’ of India, Pakistan and Brazil, modern-day slavery in the UK was brought dramatically to public and political attention by tragedies such as Morecambe Bay in 2004 when 23 Chinese migrants drowned in treacherous tides as they picked cockles under the supervision of their Chinese ‘gangmaster’.

Actions

- Encourage migrants to talk about work and economic survival mechanisms, allowing space for open questions, and avoiding judgement.
- Work with trade unions to develop ‘employment awareness’ or ‘work preparation’ sessions for all migrants to build awareness of UK employment rights.

Forced labour

The research of Lewis et al (2014) focuses on understanding the forced labour experiences of refugees and asylum seekers in the UK. Headline findings include:

- Forced labour is experienced by three particular groups who interact with the asylum system at different points: asylum seekers at entry, trafficked migrants and undocumented migrants.
- Such groups find themselves on the margins of the labour market or in transactional exchange in catering/hospitality, care, domestic work, food processing, cleaning, manufacturing, retail, construction and security.
- The most common experiences were of ‘employers’ and/or ‘intermediaries’ abusing workers’ diminished rights to welfare, work and residence to withhold promised wages, enforce excessive overtime and subject them to abusive working and living conditions.
- Payment below the National Minimum Wage is a normalised reality for asylum seekers and refugees, including those with permission to work.

‘My last payment I didn’t receive it. Because when I called for them to pay, they say …we need to check your papers before we can pay you. So that was the way for them to lay hands on me. So I just forget about the money.’ Frank, male, refused asylum seeker, Precarious Lives
3. Welfare: access and restrictions

Key points:
• Migrants are net contributors to the economy and not very likely to be claiming in or out of work benefits.
• More information and resources are needed at a local level to respond to increases on public service demand.
• Uncertainties over immigration status and changes in employment status have a profound effect on the ability of migrants to access support services.
• The shortage of specialised information and outreach services undermine migrants’ access to public assistance, healthcare and education.

Contemporary migration debates pay a great deal of attention to the supposed ‘benefits and health tourism’ that may accompany EEA (European Economic Area) migration to the UK. However, there is little factual evidence that the UK’s welfare system works as an attraction for EEA migrants. Less than 5% of EU migrants are claiming jobseekers allowance, while less than 10% are claiming other DWP working age benefits (The Migration Observatory, 2014, 2). In addition, EEA migrants who have arrived in the UK since 2000 have paid more in taxes than they have received in benefits, therefore making a net contribution to the financing of public services (Dustmann and Frattini, 2014).

However, the arrival of significant numbers of new residents in short periods of time may increase pressure on public services in particular localities and have impacts for the wellbeing of both old and new residents. Mas Giralt’s (2012) consultation with statutory services and migrant organisations in Yorkshire and the Humber found that there were difficulties in planning for changes in demand. This was partly due to a lack of comprehensive and up-to-date statistical data (e.g. poverty indicators) and information gaps (i.e. which socio-demographic factors explain why certain neighbourhoods attract more migrants). Local Authorities have little recourse to funds to cope with increases on service demand, or to resources to address the lack of appropriate information needed for planning purposes.

Reforms in services and restrictions on the rights of migrants are increasingly being used to attempt to ‘discourage’ migrants from coming to the UK. EEA migrants’ rights are becoming more limited than for other jobseekers in the UK. EEA migrants are now only able to claim Job Seeker Allowance for three months before undergoing a ‘genuine prospect of work’ interview, to continue receiving their income support. These measures are a key contributor to labour market vulnerability for many migrants.
Austerity measures have greatly affected the delivery of outreach, information and interpretation services for migrants. Despite third sector organisations compensating for a lack of specialised services, it is often the case that migrants do not have access to basic information about healthcare, school enrolment and housing assistance. Migrants may be left without access to health or social provisions after they cease to be able to use services in their country of origin and prior to qualifying for access to services in the UK. There is also some evidence that front line staff at GP surgeries and other services may not be fully aware of migrants' entitlements. These circumstances lead to 'practical exclusion' of migrants from services (Ciupijus, 2012).

Limitations in language abilities mean some migrants have difficulties expressing concerns in English. Limited English language competency is one of the key barriers to their social integration, access to services and to employment, and a source of vulnerability. Despite the introduction of charges for almost all migrants, English for Speakers of Other Languages (ESOL) training is taken up by many migrants. The cost and timing of training (limited evening classes and crèche facilities) provide obstacles to accessing this training.

These difficulties have greater negative impacts for migrants working in low-paid, insecure and fragmented jobs who find themselves unable to access in-work or housing benefits which can assist them to reach a minimum standard of living.

**Service exclusion**

‘Parents are not aware of how the system works, I suppose that the [financial] cuts in the area of education have meant that there isn’t enough support for the whole process of school admission. (...) Then the educational problem has been important, it is daily, then they arrive and have to be placed wherever they are told, where there is capacity. There is no choice for the parents or for the children.’ Outreach worker from a charity supporting migrants.

‘And the housing market is impossible (...) they are asking for six or seven weeks deposit and one month rent in advance, then migrants (...) have to pay all these amounts, and then they have family elsewhere, and their very low salaries. Many times as they are working so many hours, they do not realise how little they are being paid, and for the amount of hours they work [officially] they are not entitled to housing benefit or other benefits’. Coordinator of a charity supporting migrants.

Mas Giralt (2014)

**Actions:**

- **Partnerships between public service, faith, cultural and migrant groups can help meet information gaps.**
- **Local Authorities need to be supported in accessing the information and financial resources necessary to address fluctuation in public services demand.**
- **There is a need for more transparency in service guidelines towards migrants’ entitlements.**
- **ESOL provision needs to be made more affordable and accessible so migrants can integrate and contribute to local economies.**
4. Organising workers, unions and community engagement

Key points:

- Migrants are often found in sectors where trade unions are weak or absent.
- Uncertain migration and employment status increase vulnerability and reduce migrants’ propensity to join unions.
- Organising via unions and community groups can help with migrants’ integration and improve their working conditions.

Migrants are concentrated in low-paid work, often in non-unionised workplaces. Even in those workplaces where unions are present, traditional approaches to organising may not work effectively for migrant workers, who are often on casual contracts, or working through employment agencies.

The combination of migrants’ precarious employment status and their limited access to social security decreases their bargaining power. Alberti’s study of the hospitality sector (2011) found that migrant and agency workers are victimised if they join collective grievances, and are pressurised by managers not to join a union. Migrants’ precariousness is increased because their right to stay and enjoy social rights often depends directly on a particular employer, and retaining a job.

Traditional workplace-based organising strategies (based on long-term employment with a single firm) may be less suitable for organising migrants. Organising involving faith and community groups provides a viable alternative. Successful Living Wage Campaigns show that these forms of organising can be effective (Alberti 2014b; Mas Giralt, 2014).

Supporting migrants to become union members

Mas Giralt’s (2013) consultation in Manchester found that unions can improve conditions for migrants. The Independent Workers of Great Britain union (IWGB), has worked to reach outsourced cleaning (migrant) workers at the University of London. IWGB has been conducting a campaign to claim sick pay, pensions and holiday pay on the same terms as directly employed staff. A Unison representative reported that they are working to develop stronger links with migrant workers by increasing the number of languages used by the union in educational/information material.

‘A main issue affecting migrant workers is the use of zero hour contracts. These contracts are legal but there are reports that they are being used in an abusive way by employers in the care and cleaning services sectors.’ Caseworker organiser for UNISON.

Actions:

- Increase union involvement in non-workplace-based issues, e.g. support migrants’ access to benefits and ESOL.
- Develop tailored strategies to involve migrant workers, particularly on agency and temporary contracts, in collective grievances and Living Wage campaigns.
- Campaign for the right to work for asylum seekers to decrease vulnerability linked to immigration status.
Taking the debate forward

The balance of evidence from a range of independent studies is that migration has a broadly positive effect on economies and communities.

However, the research reported in this briefing has highlighted how exploitation in the labour market and an increasingly restrictive welfare system can undermine the possibilities and potential for migrants to contribute. The four areas that we have looked at – status, work, welfare and community/union engagement – all highlight challenges and potential action points to improve experiences for migrants, and maximise their contribution.

**What contribution can local and regional stakeholders make to help ensure that migration benefits the Leeds and Yorkshire region?**

The following questions are critically important to consider:

**The role of migrants in the local and regional economy**

- What local and regional initiatives are needed to address popular misconceptions about migrants and their contribution?

- What local and regional policies can help facilitating the integration of migrants in communities?

**Migrants, work and collective organisation**

- What actions need to be taken within local and regional labour markets to capitalise on the full potential of migrants?

- What role do all employers need to play to ensure labour supply chains do not become exploitative?

- What are the best ways to ensure that the requirements of the NMW and Working Time Regulations are enforced effectively?

- What is the potential for Living Wage Campaigns to improve the experience of migrants at work?

- How can unions and community organisations work together to support the rights of migrant workers?

**Migrants and the welfare system**

- How can stakeholders collaborate to decrease the barriers migrants face in accessing services?

- Does benefit sanctioning disproportionately affect non-UK nationals?

**Migrants and access to services**

- What actions are needed by stakeholders at local and regional levels to improve information provision for migrants?

- Is the best way to address the impact of migration on services to reintroduce the Migration Impact Fund?
References


Further useful resources


Precarious Lives: www.precariouslives.org.uk

Platform on Forced Labour and Asylum: www.forcedlabourasylum.org.uk

About this briefing: A team of University of Leeds scholars who specialise in migration and labour prepared this briefing to encourage dialogue between key stakeholders to discuss the issue: Gabriella Alberti, Zinojijus Ciupijus, Chris Forde, Robert MacKenzie (Centre for Employment Relations Innovation and Change-CERIC), Hannah Lewis, Louise Waite (School of Geography) and Rosa Mas Giralt (Centre for International Research on Care, Labour and Equalities-CIRCLE).

This event is organised by University of Leeds Care-Connect as part of a series of influencing events to discuss policy options in the run up to the General Election 2015. Care-Connect is one of University of Leeds’ ground breaking sector innovation hubs which aims to use research to inform policy and practice, with the ultimate objective of supporting the creation and sustainability of caring, connected communities. www.care-connect.leeds.ac.uk Email care-connect@leeds.ac.uk