

EMBRACE NI Information on Workplace Exploitation Jan. 2017

Since numbers of migrant workers increased in the Northern Ireland labour force in the early 2000s, researchers and advisers have reported exploitation.

'I met a guy not so long ago ... and when I added up what he had actually paid in terms of deductions, he'd paid £1,000 for his flight alone ... [I asked] "Do you not realise this?" and he said "No we never get a payslip".' *NGO representative*

'We had to do everything ourselves – the agency said we had to manage things ourselves. We were here a year with no documents.' *Female A2 national*

'I have not received a contract. No-one has a contract. No safety instructions, no induction, nothing.' *Male A8 national*

(All 3 quotations are from Les Allamby et al, *Forced Labour in Northern Ireland*, 2011.)

www.jrf.org.uk/publications/forced-labour-northern-ireland-exploiting-vulnerability

Employers

Trade unions report instances of abuse such as

- No written contracts
- No pay slips
- No paid holidays
- Excessive working hours
- People who object to their conditions are threatened with instant dismissal
- Women sacked because they were pregnant
- Less favourable conditions than local people
- Dismissal for minor disciplinary offences
- People sacked by text message
- No written reasons for dismissal
- Racism

Oral presentation to the Belfast Migrant Forum by Kasia Garbal and Kevin Doherty of the ICTUNI Migrant Worker Support Unit, November 2009.

Agencies

Agency workers are supplied by agencies and employment business to work for a third party. Most contracts are for short periods, increasing levels of anxiety about future employment and the fear of upsetting the agency. A literature review into the role of agencies by the Institute of Conflict Research found that agencies and employers had been reported to

- retain passports during the period of employment;
- deduct rent from wages and provide poor housing;
- withhold pay;
- pay unfair wages in comparison to rates paid to local workers;
- enforce long hours and bad working conditions;
- deny holiday entitlements;
- fail to fulfil the contracts promised before arrival here;

- impose disciplinary measures that are not applied to local people; and
- discriminate against people on grounds of gender.

John Bell, *A Modern Form of Slavery? A Literature Review of Forced Labour*, Institute for Conflict Research, 2009

(See also the Equality Commission publication, *The Role of the Recruitment Sector in the Employment of Migrant Workers* 2010. www.migrationni.org/DataEditorUploads/ECMigrantfullrpt.pdf)

The **Department for the Economy** has an **Employment Agency Inspectorate** www.economy-ni.gov.uk/eai with a multi-lingual advice leaflet www.economy-ni.gov.uk/publications/employment-agency-inspectorate-information-leaflet and a helpline **028 9025 7554** Also e-mail eai@delni.gov.uk/eai

The **Gangmasters Licensing Authority (GLA)** www.gla.gov.uk was set up in 2004, with the aim of stopping exploitation in agriculture, forestry, horticulture, and shellfish gathering and the processing and packaging businesses that go with these areas of work. Penalties include up to 10 years imprisonment and unlimited fines. They have uncovered the following

- forced labour
- threats and verbal abuse against workers
- workers forced to pay exorbitant deductions from wages for unsuitable or overcrowded accommodation
- workers forced to travel to work in 'death trap' vans
- workers being paid below the minimum wage
- workers whose health and safety have been put at risk
- the use of illegal workers
- the manipulation of workers' documents

Under the UK Immigration Act 2016 the GLA is to become the **Gangmasters and Labour Abuse Authority (GLAA)** with a broader, stronger remit to investigate all forms of labour exploitation, regardless of sector. The new Director of Labour Market Enforcement to set the strategic priorities for labour market enforcement bodies (the Employment Agencies Standard Inspectorate, Her Majesty's Revenue and Customs' National Minimum Wage team and the Gangmasters and Labour Abuse Authority) in an annual labour market enforcement strategy <http://gla.gov.uk/whats-new/latest-press-releases/16516-powers-and-remit-to-change-at-gla/>

Further Resources

See also the extreme forms of exploitation through human trafficking www.embraceni.org/category/information/trafficking/

The **Department of the Economy** web site gives advice on employment rights, including hours, holiday pay etc., and redress e.g. through the **Labour Relations Agency**, the **Equality Commission NI**. www.economy-ni.gov.uk/topics/employment-rights/advice-employment-rights

The **NI Direct** web site has specific information for migrant workers on employment matters. www.nidirect.gov.uk/information-and-services/understanding-your-work-status/migrant-workers

There is advice about the rights of agency workers on the **NI Direct** web site www.nidirect.gov.uk/articles/agency-workers

The **Law Centre NI** has published *Your Rights in Northern Ireland: A Guide for*

Migrant Workers (Fourth Edition 2016). This edition is only published in English.

www.lawcentreni.org/Publications/Migrant%20Workers/Your-Rights-in-NI-Migrant-Workers-July-16-English.pdf

The **Law Centre NI** *Problems at Work?* leaflet is multi-lingual
www.lawcentreni.org/Publications/Forced-labour-leaflet-2015.pdf

The **Irish Congress of Trade Unions (NI)** has a **Migrant Worker Support Unit (MWSU)** www.migrantworkersni.org/

If you want to find the appropriate organisation to assist someone who is being exploited you can also consult EMBRACE advice on supporting foreign nationals in difficulty. www.embraceni.org/category/christian-response/advice-for-churches/