Tackling Labour Exploitation Among Refugees And Asylum Seekers

A GUIDE

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Supported by

This guide was prepared by the Platform on Forced Labour and Asylum, a collaboration between Stuart Hodkinson, Hannah Lewis and Louise Waite in the School of Geography, University of Leeds, and Anti-Slavery International, Employability Forum, Henry Hyams Solicitors, Migration Yorkshire, Refugee Action, Refugee Council, Thompsons Solicitors, and Trades Union Congress Yorkshire & Humber with funding from the Economic and Social Research Council and the Joseph Rowntree Foundation. Thanks to all those consulted in the process of writing the guide and who commented on previous drafts.

How to cite this guide
About this guide

This guide is written to assist people working with refugees and asylum seekers in the UK to identify and respond to labour exploitation. It follows growing evidence that individuals who have an asylum claim in the UK are susceptible to forced labour.

Organisations working with refugees and asylum seekers do not often talk to them about work, employment and how they economically survive. But service providers can play a crucial role in communicating core UK employment rights, and in helping this particular group of workers make informed decisions about work by understanding the options for and outcomes of seeking support.

Ensuring all refugees and asylum seekers know about core UK employment rights is an important way to:

- empower those who might be in exploitation to make decisions that are right for them
- help prevent them from getting into situations of labour exploitation

Refugees and asylum seekers may be in labour situations where their safety is jeopardised or which contravene their basic human rights. Such working conditions may be the only means for some migrants to survive, even if these conditions breach employment and criminal law. There is also a need to carefully balance the possible benefits of taking action against the potential risks.

The guide is arranged in four sections to:

- identify labour exploitation
- respond and refer workers for support
- share information about basic employment rights
- find more detailed information and guidance

No one in the UK should be subjected to forced labour. We hope this guide will be useful in helping you to support refugees and individuals who have, or may go on to have, a claim for asylum affected by or at risk of labour exploitation.

We welcome feedback on any aspect of the guide for future development.

FORCED LABOUR AWARENESS

You can download this guide, posters and postcards as part of our forced labour and asylum awareness campaign from our website http://forcedlabourasylum.wordpress.com

This guide is illustrated with extracts from testimonies of forced labour experiences of asylum seekers and refugees, and practitioners who work with them, interviewed for the Universities of Leeds and Salford 'Precarious Lives' research project.

More information on refugee and asylum seeker forced labour experiences is contained in the research report available here: www.precariouslives.org.uk

DISCLAIMER

This guide is not intended to endorse employment by those without permission to work, or to condone those who employ them. The purpose of the guide is to assist in raising awareness of labour exploitation.
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IDENTIFYING LABOUR EXPLOITATION

1.1 What is the problem?

Several thousand workers in the UK were estimated to be in forced labour in 2013\(^1\). This means they were trapped in unlawful working conditions they had not freely entered or could not freely leave due to some form of threat or coercion.

Forced labour is the extreme tip of a much larger problem of severe labour exploitation that is often found in sectors with jobs that are low-skilled, low-paid and insecure including care, catering, cleaning, construction, domestic work, hospitality, manufacturing, retail and waste.

While people who have been trafficked are often exploited in forced labour, not all forced labour is a result of trafficking. Forced labour affects both UK citizens and migrants. Among migrants, domestic worker visa holders and new European (A8 and A2 accession country\(^4\)) nationals are considered particularly at risk\(^3\). However, this guide focuses on a group of migrants who are not always recognised as at risk of forced labour: those from outside Europe (non-EEA) who make claims for asylum in the UK.

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\(^2\) The A8 countries Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia joined the EU in 2004, and the A2 Romania and Bulgaria joined in 2007.

3500
IN FORCED LABOUR
IN THE UK

1
1.2 Why are refugees and asylum seekers at risk?

There are three main groups who may have a claim for asylum in the UK and may be susceptible to forced labour:

1) asylum seekers and refugees
2) undocumented migrants
3) trafficked migrants

The route of entry to the UK of these three groups, and their legal status at different points relating to stages of the asylum system, are linked to when they may be likely to enter employment and whether they have permission to work.

Asylum seekers make a claim for asylum on or soon after entry to the UK. They may enter work as asylum seekers or refused asylum seekers without permission to work. Many individuals who claim asylum do not seek work until their asylum claim is granted as refugees with the right to work and claim benefits.

The other two groups – undocumented and trafficked migrants – may not claim asylum until they have been in the UK for some time. They may have experienced labour exploitation before claiming asylum.

People who come to the UK in a range of visa categories may remain as undocumented migrants after the visa has expired. They may not have permission to work. If they are fleeing persecution, or face dangers if they go back to their country of origin, they may claim asylum after a period of time in the UK. This group may have experience of labour exploitation as documented migrants while they have the right to work and a valid visa, or may work without permission on a visa without work rights or when their visa expires and they become undocumented.

Trafficked migrants brought to the UK for the purposes of exploitation may make a claim for asylum after exiting from their trafficking situation. These groups may overlap. Trafficked or undocumented migrants who make a claim for asylum become ‘asylum seekers’. People who have been trafficked often have insecure immigration status or may not have control of their identity documents, so may be ‘undocumented’. If people in the asylum system or granted refugee status are moved around, recruited or ‘harboured’ for exploitation they may be ‘trafficked’.

CASE STUDY:
UNDOCUMENTED MIGRANTS

Jay had to leave his country because of threats relating to the political activities of his family. He entered the UK on a visitor visa hoping the situation at home would improve. He stayed with a relative but after two weeks they refused to support him. Jay found work through an agency in agricultural and construction jobs. He was told he would be paid £3 an hour, but shifts of 12–15 hours reduced this rate to £1 an hour which was sometimes not paid.

‘A big bloke who used to drive the van, if you complain, you get one slap you know... I was scared of the immigration and the police. Most of the time he say to me ‘You are a foreigner, there is nothing you can do here.’…What will I say? If I don’t work and money to pay my accommodation I’m going to end up living in the streets.’

Because it was not safe for Jay to return to his country of origin, after his visa expired he claimed asylum. Asylum support meant he could leave the exploitative jobs. But his case was refused and he returned to work in similar conditions.
Every day they would tell me that they are looking for the school for me and so be patient. I believe them because I don’t know that they are lying to me.

As a child, Ivy was offered the chance to come to the UK by a relative who offered her an education, but as soon as she arrived she was told to work cooking, cleaning and looking after children.

In the UK first of all I don’t know anywhere to go and secondly I don’t know anybody so only this man and his wife. I was looking after the children for them, I would clean the house.

Although she later started to attend college, she had to fit the same amount of work around her studies and was too scared to talk to anyone.

They told me that I should never tell anybody anything. So now I was so scared. I went to college. Sometimes, if someone be nice to me I say ‘everything ok, everything is fine’, I never talk because that threat is stuck in my heart.

Ivy did eventually escape, nine years after entering the UK. A woman she met at church put her in touch with a trafficking support organisation and she made a claim for asylum.

Understanding entry into forced labour: poverty, family pressures and immigration status

The reasons why certain individuals may be in forced labour at a particular time are complex. However, common background factors for both UK citizens and migrants include poverty and destitution, social isolation, reliance on limited social networks or contacts, and lack of knowledge about rights and alternative opportunities.

Asylum seekers, refused asylum seekers and undocumented migrants who do not have permission to work or recourse to public funds may feel compelled to accept any employment or transactional arrangement (where services are exchanged for food or shelter) in order to survive.

Refugees who have permission to work (as well as the small numbers of asylum seekers granted permission to work) experience significant barriers to decent employment including; low English language proficiency, lack of recent UK work experience, qualifications not being accepted and racism or prejudice in recruitment processes. This may also push them into informal or low-skilled sectors of the labour market with high levels of exploitation. If refugees are raising funds to be reunited with or to send money to support family members they may feel pushed to accept any work, however poor the conditions.

Both asylum seekers and refugees struggle to open bank accounts, which can further lead to exploitation, either due to the choice of jobs that they can take, or because of using someone else’s bank account to be paid wages.

Refugees applying for Indefinite Leave to Remain after the 5-year leave comes to an end may lose their job and be pushed into informal labour while their documentation is with the Home Office if employers will not call the Employers Checking Service to check their work status.

In these ways, entry into forced labour can result from having no real and acceptable alternative but to submit to the abuse involved in exploitation as a result of poverty, pressures to support family members, and lack of rights associated with their immigration status. Once in forced labour, threats and other forms of coercion can prevent exit.

Violence and threats may also be used to compel individuals to enter forced labour, including in situations of trafficking.
1.3 How do I identify labour exploitation?

In this guide, we identify three variants of exploitation: forced labour, trafficking and labour exploitation.

**Forced labour**

The International Labour Organisation (ILO) is a United Nations body comprised of representatives of governments, employers and workers. It has identified 11 indicators of forced labour† (these are summarised in Section 4.2):

- Withholding of wages
- Restriction of movement
- Excessive overtime
- Isolation
- Threats and intimidation
- Physical and sexual violence
- Debt bondage
- Retention of identity documents
- Abuse of vulnerability
- Abusive working and living conditions
- Deception

These indicators should not, however, be considered in isolation from each other as individuals who experience one or more of them are not automatically regarded as being in forced labour. Rather, the 11 indicators have to be considered against a wider set of processes in which individuals experience forms of coercion at one or more of three possible moments of forced labour:

- involuntary entry into work
- working and/or living under duress in degrading conditions
- the impossibility of exit

In short, forced labour is a process of power relations. This can make it difficult to draw a solid line between forms of exploitation and forced labour. Also, working conditions can begin as decent or less exploitative and deteriorate over time.

He was threatening me through the phone and telling me ‘I’m going to do this to your dad’ so I was so scared. I had to listen to him, because I thought he will definitely kill my dad if I don’t. I had to do whatever they wanted me to do or they asked me to do. I had to do. No matter how difficult.

Gallant

Trafficking

In England, Wales, Scotland and Northern Ireland, guidance from the National Referral Mechanism (NRM) is available to help professionals identify adults who may have been trafficked.

Trafficking involves force, coercion, abduction or deception in recruitment, holding, or movement for the purpose of exploitation. A list of 42 indicators of adult trafficking and 55 indicators of child trafficking are included in the NRM referral forms. This is not exhaustive, but it highlights common forced labour, domestic servitude, and sexual exploitation indicators which can assist in identifying a potential victim of trafficking.

Labour exploitation

While all forced labour involves labour exploitation, many labour situations involve conditions that may not meet legal definitions of forced labour but which are also far below standards of ‘decent work’.

These include:
- Unpaid wages or payment below National Minimum Wage
- Long or excessive working hours
- Health and safety breaches
- Lack of sick pay/holiday pay
- Lack of breaks or leave
- Physical or psychological harm at work

Tackling conditions that may not appear as severe as some ‘trafficking’ or ‘forced labour’ situations is extremely important because poor working conditions can deteriorate into a situation of forced labour.
FORCED TO WORK WITHOUT PAY?
No-one should be in forced labour in the UK. Even if an individual does not want to seek help or pursue legal redress, it is still important to provide them with information to make an informed choice about their options. All refugees and asylum seekers should be made aware that:

- severe labour exploitation, forced labour and trafficking should not be happening in the UK and are crimes;

Those with the right to work should have equivalent employment protection to a UK citizen.

Refugees and other migrants with permission to work can rely on various routes for support. These individuals include those with:

- refugee status
- humanitarian protection
- indefinite leave to remain
- discretionary leave to remain
- leave to enter outside of the normal immigration rules

Those without the right to work do not have the same level of employment protection. There may be some aspects of employment law (for example, protection against discrimination because of a protected characteristic including an individual’s race, sex, disability, sexual orientation, religion of belief, gender reassignment) which may help them seek redress from an exploitative employment relationship. In each case legal advice is likely to be necessary.

However, in exercising those rights, someone without permission to work or leave to remain is likely to lose their job and be at risk of being removed from the UK.

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**FORCED LABOUR INDICATOR: EXCESSIVE HOURS**

“I remember one day I refused completely to come [to work]. After four months I was feeling the body is finished, the body didn’t want to do it. When I tried to wake up I fell down, I was feeling faint and I didn’t have a doctor to treat me. They rang me...‘why you not coming to work? I say ‘I’m not feeling well’. ‘Oh, we are coming to pick you up.’ Then they start frightening me to be sacked, I was very stressed but the next day I went there.”

Pascual
If someone fears returning to their country it might be appropriate that they first speak to a legal advisor before considering referral to other agencies described in this section with labour exploitation issues.

For asylum seekers, refused asylum seekers and undocumented migrants without permission to work, there may be few options in practice. Working without permission leaves individuals with very few rights. But each individual case is different and depending on the precise facts there may be areas of employment law that provide some form of redress. It is helpful for service providers to be able to explain what options and risks there are in seeking help.

**Talking about work**

The indicators of forced labour (listed in Section 1.3 ‘Identifying labour exploitation’ and in Section 4.2) are a useful guide to talking about working and economic survival. Some key elements include:

- Being forced to work
- Not being paid
- Not being paid the agreed amount
- Being threatened with violence
- Being threatened with being reported to the police or immigration authorities
- Not being able to leave the place of work
- Having identity documents taken away
- Being deceived or misled about the type, conditions or nature of the work
- Being treated badly by the employer, agent or person arranging the work

**What if the worker does not want to be referred for support?**

Someone in an exploitative situation may reject referral for support, even if their working conditions are illegal and exploitative by UK standards. Even very low wages can be a vital form of support for asylum seekers or refused asylum seekers working without permission who would otherwise be destitute, or who are under pressure to support family.

Refugees with the right to work may also be in need of cash for survival or to support family members so may be reluctant to pursue redress for mistreatment in the workplace if they fear losing their job.

It is important for all refugees and asylum seekers who work to be able to make an informed choice about the options available and the possible consequences of different courses of action.

“Ask them ‘where do you live?’ I’m living in such and such a place, I am helping to look after my sister’s children, you can just go – ‘are you happy, are you sure you are happy of doing that? Because I don’t have anywhere to live’, and somehow you get talking through their stories. You can apply for NASS accommodation, can apply for some small amount of money from here, you can approach such and such an organisation to get you a solicitor. But suffering in silence really can, and does kill people.”

Lydia
2.2  Referral routes

This section lists some key agencies and ideas for referral for individuals experiencing labour exploitation, including forced labour and trafficking.

At present there are no clear referral options for someone wanting to get out of forced labour – there is no single telephone number to call.

As outlined in Section 1.3, being moved around, held or recruited for the purposes of exploitation is commonly understood as trafficking. There is a national framework for identifying and supporting potential victims of trafficking – the National Referral Mechanism (described below).

Labour exploitation can link with other areas of support – someone may stay in an exploitative job because of fears of destitution, problems with debt, to avoid homelessness, or because of violence including domestic violence. There may be a range of types of support that can help individuals in forced or severely exploitative labour that may not directly relate to their working situation.

Leaving a job may not always be possible or desirable. But learning about options for support with housing, welfare, money and debt, and relationship difficulties can help an individual make their own decision and plan if they decide later to leave their employment.

Anyone who has an experience of labour exploitation, and particularly those who may have some issue with their immigration status, should seek legal advice.

Understanding an individual’s immigration and employment status can help in thinking about what options are available for support.

- Do they have permission to work in the UK?
- Do they have a visa or leave to remain?
- Do they fit any of the indicators of forced labour?
- Are they in immediate danger?
- Did their job involve a written confirmation of the main terms and conditions of employment?
- Is their job informal ‘cash-in-hand’ work?
- Are they paid below the National Minimum Wage?

A good way to start a conversation is to ask about practices listed in the guidance on indicators of forced labour (see Section 4.2).

Here is a list of key agencies to consider contacting in the event of identifying a possible labour exploitation case.
Citizens Advice Bureaux

Citizens Advice Bureaux deliver advice services from over 3,300 community locations in England and Wales, run by 338 individual charities.

As each CAB is independent, you can find out what services are available at your local CAB. Some have specialist caseworkers who can help you with problems about pay, hours or working conditions. Everyone is offered a short session with an assessor, who will identify the most appropriate way for the CAB to give you the help that is needed. To find your local CAB: http://www.citizensadvice.org.uk/index/getadvice.htm

Advice by phone is available from all local CAB. In addition, a national phone service is being introduced. If it is not yet available in your area, you will hear options for recorded information:

- for Wales Telephone: 08444 77 20 20
- for England Telephone: 08444 111 444

You can also find information about your rights on http://www.adviceguide.org.uk

Employment Tribunal

If someone has a problem at work, it may be possible to make a claim to an employment tribunal. There are strict time limits for making any claim to an employment tribunal so it is important to seek advice early on. There is a fee to pay to bring a claim in the tribunal, though it may be possible to get some help with fees (this depends on your own finances).

ACAS: Advisory, Conciliation and Arbitration Service

To make an employment tribunal claim someone must contact ACAS first. ACAS stands for the Advisory, Conciliation and Arbitration Service. They are a government-funded organisation that helps sort out employment disputes. They cannot advise on whether the claim is likely to succeed, but they can help by explaining the law, and helping to see if it can be sorted out. If they can, they will try to help you sort out the issue. A CAB adviser can help someone find out if they have a good claim, and explain what ACAS can do to help. Settling your claim means coming to an agreement with the employer to stop the case before the tribunal hearing. A settlement usually involves the employer agreeing to pay some money and the person claiming agreeing not to continue with the case.

FORCED LABOUR INDICATOR: WITHHOLDING OF WAGES

“There is an employer who would say things like ‘this week you haven’t worked hard enough, I’ve got no money and because you haven’t worked hard enough I haven’t sold anything or I haven’t been able to do this’.”

Asanne
The National Referral Mechanism (NRM) for potential victims of trafficking

The NRM is the UK’s framework for locating and identifying ‘potential victims of trafficking’ and ensuring they receive the appropriate protection and support. If you uncover signs of trafficking or forced labour you can ask the individual involved whether they want to be referred into the NRM.

Referral is voluntary and can only happen if the individual gives their permission.


If at any point in the process the person referred into the NRM is considered not to be a victim of trafficking then they may be referred to the appropriate law enforcement agency – the relevant police force or the Home Office.

If there are no other circumstances that would give them a right to remain in the UK, they will be offered support to voluntarily return to their country of origin.

If an individual fears return to their country of origin it is appropriate that they first speak to a legal advisor before considering being referred through the NRM.

Children

Children do not need to consent to their referral to the NRM but the child should be informed why a referral is being made, and kept informed of decisions through an appointed representative.

The NRM guidance states that potentially trafficked children should also be referred to children’s services, who have primary responsibility for their care.

Guidance is also available from websites including the NSPCC, Stop the Traffik and ECPAT (see ‘Trafficked children’ in the Resources listed in Section 4.1).

If you think a child may have been trafficked into the UK you can contact the NSPCC’s Child Trafficking Advice Centre (CTAC) for specialist advice and information.

Telephone: 0808 800 5000

Monday to Friday 9.30am to 4.30pm or email: help@nspcc.org.uk
The NRM Process
The Salvation Army runs a 24-hour confidential Referral Helpline available 24 hours a day, seven days a week.

**Telephone: 0300 3038151**

Stage one of the referral process is a ‘reasonable grounds’ decision. Within a 5 working day target period, the NRM team will determine whether there are reasonable grounds to suggest the individual is a potential victim of trafficking.

If the decision is positive, the individual will be allocated safe house accommodation and granted a 45-day recovery and reflection period. During this time, additional information is gathered to make a ‘conclusive decision’ on whether or not the referred person is a victim of human trafficking.


Support for potential victims of trafficking
Support or accommodation is available from the moment of referral if the client is in urgent need. Depending on each individual’s needs and wishes, this may include accommodation, or outreach support for those who do not require accommodation. If a positive ‘reasonable grounds’ decision is made, this support can continue for the 45 day reflection period.

After the 45 day period the government guaranteed support stops in most cases and there are very few specialist support options after this period. However, some service providers will have the facility to provide further support on an outreach basis.

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UK Government Pay and Work Rights Helpline
Help and advice for workers and employers on workers’ rights at work is available from the UK Government Pay and Work Rights Helpline.

Telephone: 0800 917 2368

Advice on the National Minimum Wage, working for an employment agency, maximum weekly hours, agricultural workers’ rights and working for a gangmaster is available at the website: https://www.gov.uk/pay-and-work-rights-helpline

The Police
If someone is at risk of immediate harm call the Police. To report urgent information that requires an immediate response from a Police Officer call your local police force or dial 999.

It is an offence to hold another person in slavery or servitude or to require them to perform forced or compulsory labour under Section 71 of the Coroners and Justice Act, 2009.

Legal guidance is available from the Crown Prosecution Service: http://www.cps.gov.uk/legal/s_to_u/slavery_servitude_and_forced_or_compulsory_labour/

Trafficking for exploitation is recognised as an offence in Section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. The offences in Section 4 are intended to catch all those involved in the trafficking process. Section 4 specifically covers trafficking for non-sexual forms of exploitation. Criminal offences of trafficking for sexual exploitation are provided for in sections 57-59 of the Sexual Offences Act 2003.

The UK Human Trafficking Centre is part of the National Crime Agency working to prevent human trafficking.

Telephone: 0844 778 2406

The police has an obligation to act if an allegation of trafficking is brought to their attention: http://www.nationalcrimeagency.gov.uk/contact-us/contact-the-ukhtc

Forced labour is ‘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’.

International Labour Organisation Forced Labour Convention, 1930 (No. 29)

For more information see http://forcedlabour.org/home/what_is_forced_labour/
Criminal compensation
People who have been trafficked or kept in forced labour may be eligible to claim criminal compensation if they:

- suffer a physical and/or psychological injury sustained in Great Britain
- apply for compensation within two years of the crime occurring;
- report the crime to the Police; and
- co-operate with the Police and the Criminal Justice System.

People who have suffered very serious injuries that have left them with very limited or no capacity to work may also get compensation for loss of earnings. Additional awards can also be made for specific practical, medical and care costs.

An application can be made online at https://www.gov.uk/claim-compensation-criminal-injury. A person exiting from severe labour exploitation may need assistance with completing the application. For workers without access to online services or who need help to complete an application by telephone the Criminal Injuries Compensation Authority Customer Service Centre advisors can help.

Telephone: 0300 003 3601.

Domestic violence
In some cases, servitude or exploitation in a domestic space can be part of an unequal power relationship that involves violence. Referral to appropriate domestic violence or women’s aid services is important in these cases, especially if a man or a woman is at ongoing risk of partner violence.

The National Domestic Violence helpline is for professionals, friends or family, and victims, and has access to interpreters.

Telephone: 0808 2000 247

She had understood to an extent that cooperating with the police was part of the deal, so to speak, but she in no way wanted to be responsible for someone from her community, who was a well-respected member of her community, ending up in jail.”

Anti-trafficking advisor

CASE STUDY: DOMESTIC VIOLENCE AND FORCED LABOUR

Doreen arrived in the UK on a spouse visa with her new husband. She found work but had no bank account. Her wages were paid to her husband and she did not have access to her money. She had few clothes and sometimes not enough food to eat, but when she began to ask about her money he became violent.
Despite the huge challenges to eradicating severe labour exploitation, informing refugees and asylum seekers who work of their rights is vital in addressing and avoiding poor treatment at work that can become forced labour. It is important to ensure that all asylum seekers and refugees are aware of basic employment rights in the UK.

You and your organisation can help by taking the following actions:

**For organisations working with refugees and asylum seekers**

- Encourage refugees and asylum seekers to talk about work and economic survival mechanisms, allowing space for open questions, and avoiding judgement or suspicion that could stop someone from disclosing exploitation
- Work with trade unions to develop ‘employment awareness’ or ‘work preparation’ sessions to inform all migrants, including asylum seekers and refugees, of UK employment rights
- Encourage individuals to join a union

**For drop-ins, service providers, advice centres**

- Ensure staff and volunteers are aware of the indicators of forced labour and trafficking
- Display the poster and worker leaflet that comes with this guide at your organisation
  Download at: [http://forcedlabourasylum.wordpress.com](http://forcedlabourasylum.wordpress.com)
- Display and share information about the National Minimum Wage
  See [www.gov.uk/national-minimum-wage](http://www.gov.uk/national-minimum-wage)

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“I’m supposed to work 13 hours but I see it, I am working more. So I think next time, in order for the same thing not to happen I think, I may keep a record of my number of hours somewhere.”

Meudinto
For policy-makers, advocates, activists, community organisations

- Campaign for the right to work for asylum seekers
- Campaign for equal rights for all workers regardless of immigration status

For employers

If you come into contact with employers, make them aware of relevant guidance:


- Stronger Together aims to reduce the occurrence of forced labour and labour trafficking. The Stronger Together toolkit for employers and labour providers and posters, worker leaflets, induction slide decks and online video are available to download from [www.stronger2gether.org](http://www.stronger2gether.org)

- Gangmasters Licencing Authority. This public body aims to work in partnership to protect vulnerable and exploited workers in certain sectors. It does this by regulating businesses who provide workers to the fresh produce supply chain and horticulture industry to make sure they meet the employment standards required by law. [http://www.gla.defra.gov.uk](http://www.gla.defra.gov.uk)

“They should allow asylum seekers to work, that’s what I think.”

Ada

“Suffering in silence really can, and does kill people”

Lydia
CHEATED OUT OF YOUR WAGES?
This list includes some key resources with information and referral options relating to workers’ rights, forced labour and trafficking.

**Workers’ rights**
- Migrant workers – rights at work
- Migrant workers – tax and national insurance
- Migrant workers and Working Tax Credit
  - [http://www.adviceguide.org.uk/wales/work_w/work_factsheets.htm](http://www.adviceguide.org.uk/wales/work_w/work_factsheets.htm)
- Agency workers have rights too! Know your rights, TUC
  - [https://www.tuc.org.uk/sites/default/files/Agencyworkshaverights.pdf](https://www.tuc.org.uk/sites/default/files/Agencyworkshaverights.pdf)
- Safety & migrant workers. A practical guide for safety representatives, TUC
- Workers’ rights. A guide for full-time and part-time workers, USDAW
  - [http://www.usdawweb.rroom.net/adiceresources/resources/numberedleaflets116to376/211workersonworkersrights-aguide.aspx](http://www.usdawweb.rroom.net/adiceresources/resources/numberedleaflets116to376/211workersonworkersrights-aguide.aspx)
- Undocnet project: a helpful summary of the rights of documented and undocumented workers
  - [http://www.undocnet.org/material/](http://www.undocnet.org/material/)

**Employing refugees**
- Employing refugees, A guide for employers: documents providing evidence of entitlement to work, Refugee Council and the Equality and Human Rights Commission
- Full guide for employers on preventing illegal working in the UK
  - (see Chapter 6) Home Office
Forced labour
Indicators of forced labour, International Labour Organization
Crown Prosecution Legal Service legal guidance: Slavery, servitude and forced or compulsory labour
http://www.cps.gov.uk/legal/s_to_u/slavery_servitude_and_forced_or_compulsory_labour/
Stronger Together: tackling hidden labour exploitation. A toolkit for agencies and labour providers, and posters for workers.
www.stronger2gether.org
www.precariouslives.org.uk
Joseph Rowntree Foundation forced labour programme – research reports on forced labour in the UK and Europe
http://www.jrf.org.uk/work/workarea/forced-labour

Trafficking
National Referral Mechanism
UK Human Trafficking Centre Best Practice Guide for working with potential victims of trafficking
UNODC Indicators of trafficking
Stop the Traffik ‘The process of the NRM’ diagram
http://www.stopthetraffik.org/spot/how-does-it-work

Trafficked children
http://www.nspcc.org.uk/Inform/resourcesforprofessionals/childtrafficking/national_referral_mechanism_wda84858.html
Why should you refer a child through the NRM? Stop the Traffik
http://www.stopthetraffik.org/spot/cases-involving-children
London Safeguarding Children Board Trafficked Children Guidance
www.londonscb.gov.uk/trafficking/
ECPAT: Working against child trafficking. NRM guidance for children
Safeguarding children who may have been trafficked, Department for Education and Home Office
### 4.2 11 indicators of forced labour

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deception</td>
<td>Failure to deliver promised conditions of work (wages, hours, type, living conditions, location, acquiring migration status, employer identity, access to education) in a way that traps workers in abusive conditions not freely consented to and without the ability to escape.</td>
</tr>
<tr>
<td>Debt bondage</td>
<td>When a person is held as security against a debt or loan and must work partly or exclusively to pay off the debt which has been incurred.</td>
</tr>
<tr>
<td>Withholding of wages</td>
<td>Promised wages or other benefits withheld unreasonably and without just cause often as a ‘means to compel the worker to remain’, deny the opportunity to change employer, or induce a more subservient and compliant attitude by the worker.</td>
</tr>
<tr>
<td>Excessive overtime</td>
<td>Excessive working hours or days beyond the limits prescribed by national law or collective agreement imposed under some form of threat (e.g. of dismissal) or in order to earn at least the minimum wage.</td>
</tr>
<tr>
<td>Abusive working and living conditions</td>
<td>Workers endure working and/or living conditions they would never freely accept: work is degrading (humiliating or dirty), or hazardous (difficult or dangerous without adequate protective gear), and in severe breach of national labour law; living conditions might be substandard, overcrowded, unhealthy and without privacy.</td>
</tr>
<tr>
<td>Physical and sexual violence</td>
<td>Such violence will come within the scope of the criminal offence of assault usually meaning any act committed intentionally or recklessly that leads another person to fear immediate and unlawful personal violence.</td>
</tr>
</tbody>
</table>
### Intimidation and threats

Usually experienced in response to either workers’ complaints about their conditions or stated desire to leave their jobs. Includes threats of violence, denunciation to the authorities, loss of wages or access to housing, sacking of family members, worsening of working conditions or withdrawal of ‘privileges’. Constantly insulting and undermining workers also constitutes a form of psychological coercion, designed to increase their sense of vulnerability.

### Retention of documents

The retention by the employer of identity documents or other valuable personal possessions as a means of coercing them to stay or work under duress.

### Restriction of movement

Workers are locked into the workplace or their movement is restricted to a very limited area, often with the objectives of preventing contact with the host community, and extracting the maximum amount of labour from the individuals. Restriction of movement corresponds to the common law offence of false imprisonment, which is any restraint of liberty of one person under the custody of another.

### Isolation

Workers are often isolated in remote locations far from habitation, denied contact with the outside world, unaware of where they are, with no means of transportation available. They may equally be isolated even within populated areas, kept behind closed doors, their mobile phones or other means of communication confiscated to prevent them raising the alarm. Isolation can also be linked to business premises being informal and not registered, and thus difficult to find or regulate.

### Abuse of vulnerability

Involves taking advantage of a worker’s vulnerability or using threats and intimidation that target a particular known vulnerability, as a means of coercion to exact forced labour such as their ‘multiple dependency on the employer’ for job, housing, food and work for relatives, having an intellectual disability, threatening women workers with forced prostitution, threats of denunciation to the authorities, retention of passports or other identity papers, and the absence of alternative employment opportunities.
Endnote

The following documents were helpful in developing the guide: Stronger Together; Anti-Slavery International ‘Working in the UK?’; Citizen’s Advice, ‘Migrant workers – rights at work’ advice guide; Ministry of Justice Criminal Injuries Compensation Authority ‘Victims of human trafficking and the criminal compensation scheme’, trafficking and NRM guidance from ECPAT, The National Crime Agency, NSPCC, Stop the Traffik.

Disclaimer

The information in this guide is accurate at the time of writing, but legislation and policy in this area evolves rapidly. Always seek out up to date information in this regard.