

Open consultation – Response

Labour Market Enforcement Strategy 2023 to 2024: call for evidence

31 May 2022

About Focus on Labour Exploitation (FLEX)

Focus on Labour Exploitation (FLEX) is a United Kingdom based charity that works to end human trafficking for labour exploitation, both in the UK and worldwide. To achieve this, FLEX conducts research and policy advocacy to prevent labour abuses, protect the rights of trafficked persons and promote best practice responses to human trafficking for labour exploitation.

FLEX considers the enforcement of labour market regulations to be of utmost importance to prevent exploitation. Labour conditions exist on a continuum, from decent work at one end, through forms of abuse such as underpayment of wages, to the most severe types of exploitation at the other end.

The continuum understanding recognises not only that someone's workplace experience may be plotted in a variety of places between decent work and forced labour at either extreme, but also that an individual's work situation may change and evolve over time, for example escalating from labour abuse to severe exploitation and forced labour. As such, effective labour market enforcement is vital for: i) identifying abuses before they escalate to the most extreme forms; ii) acting as a deterrent to employers who may seek to exploit, and; iii) reducing risk of exploitation in high-risk sectors.

For further information, please visit our website at:
<http://www.labourexploitation.org/>.

Contact information:

Peter Wieltschnig
Policy & Networks Officer
peter.wieltschnig@labourexploitation.org

Table of Contents

Labour Market Enforcement Strategy 2023 to 2024: call for evidence	1
1. Recent changes in how UK labour market is operating	3
a. What changes have you observed or experienced?	3
<i>Impacts of the Coronavirus Pandemic.....</i>	<i>5</i>
<i>Access to key social security measures during the pandemic.....</i>	<i>6</i>
<i>Links Between Access to Social Protections and Risk of Exploitation</i>	<i>8</i>
b. How might these changes impact non-compliance and is this likely to grow or subside over the coming year (2022 to 2023)?	9
<i>Employment Bill</i>	<i>12</i>
c. What response have you observed by the enforcement bodies to identify and address these issues?	12
<i>Labour Market Enforcement and Covid-19</i>	<i>12</i>
2. Workforce	14
a. What has been the experience of workers arising from changes to the labour market? Please provide specific evidence.	14
b. Have changes in the immigration rules in 2021 impacted on workers' experience and has this differed between migrant or domestic workers?	14
c. Are these impacts consistent across the board or do they vary by sector? If the latter, then how?	14
<i>Workers experiences, evidence by sector</i>	<i>15</i>
d. Is there any evidence to suggest additional threats to workers associated with labour shortages?	21
<i>Impact of the war in Ukraine on the SWV.....</i>	<i>22</i>
3. Workforce Engagement	25
a. What examples can you share of initiatives that have assisted workers to understand and enforce their rights – particularly as regards harder to reach workers?	25
<i>Barriers to worker engagement</i>	<i>25</i>
<i>Involving workers in developing knowledge by adopting a Feminist Participatory Action Research approach</i>	<i>27</i>
<i>Worker-Driven Social Responsibility</i>	<i>28</i>
<i>Overseas Domestic Workers</i>	<i>32</i>
4. Business Engagement	33
a. What impact do you think these interventions have had? i.e., are they effective?..	33
4b. Why? What would make them more effective?.....	33
<i>Meaningful Worker Engagement</i>	<i>33</i>
5. Recruitment.....	34
a. What changes have you observed to recruitment patterns and practices. For example, online recruitment and offshore recruitment.	34
b. Do any of these trends you observe raise concerns about compliance?.....	34
c. Do you have any evidence to share in respect of recruitment fraud?.....	35
6. Employment models	37
a. Do you have evidence of these being associated with worker exploitation?.....	37
<i>The Gig Economy & Zero-Hour Contracts</i>	<i>37</i>
<i>Short-term Visas</i>	<i>38</i>
b. Do you have evidence of other employment models that might give rise to compliance concerns?	40
<i>Out-Sourcing</i>	<i>40</i>

7. Enforcement resourcing.....	41
a. What assessment do you make of how these 3 bodies operate?	41
b. Provide evidence and examples of best practice to address labour market non-compliance that you would like to highlight to the Director?	44
<i>Secure Reporting</i>	<i>44</i>
<i>Gendered approach to labour market inspection</i>	<i>48</i>

Responses to Questions

1. Recent changes in how UK labour market is operating

a. What changes have you observed or experienced?

As recognised previously by the Office of the Director of Labour Market Enforcement (DLME),¹ the end of free movement, and linked developments in the UK's immigration policy, has propelled a series of *ad hoc* changes with little consultation or proper evaluation from the government regarding the risks and their mitigation. workers are being treated as commodities who cannot access legal rights or safeguards, brought in to fill gaps in the labour market and then sent away.² In this environment, the government opens and closes routes without proper scrutiny or consideration of the risks of exploitation caused by such policies. In responding to the reduced number of workers from the EU, the UK has introduced a new Points Based System, expanded the Shortage Occupation List (SOL) and introduced new short-term visas focused on specific sectors. These have included a number of low-paid jobs low-paid jobs in high-risk sectors.

Underlying these concerns is the fact that restrictive immigration routes, such as temporary migration programmes, are associated with increased risks for workers.³ This understanding of the restrictive immigration policies' compounding effects on migrant worker vulnerability to labour abuse and exploitation should be imbedded within the work of DLME's office. Central to this is the need for enforcement bodies to have the tools and resources to mitigate such risks and ensure that migrant workers are able to avail of their support and protection without fear of immigration enforcement action.

Seasonal Workers Scheme

¹ Labour Market Enforcement Strategy 2023 to 2024: call for evidence, 13 April 2022. Available at: <https://www.gov.uk/government/consultations/labour-market-enforcement-strategy-2023-to-2024-call-for-evidence>

² <https://www.labourexploitation.org/news/treating-workers-commodities-short-term-work-visas-and-risks-exploitation>

³ <https://www.labourexploitation.org/publications/risks-exploitation-temporary-migration-programmes-flex-response-2018-immigration-white>

The Seasonal Workers Pilot (SWP) was originally opened for the recruitment of up to 2,500 non-EEA migrant workers for edible horticulture in 2019. When the scheme was launched, and in response to concerns about known risks of forced labour associated with this type of temporary migration programme, the Government committed to carrying out and publishing an evaluation of the pilot to inform the future of this route. Despite not having then met this commitment, and coinciding with the end of free movement with the EU, the SWP was expanded to 10,000 workers in 2020 and then initially to 30,000 in 2021. Two additional pilot operators were included in the scheme and, in September 2021, in response to increased pressure resulting from further labour shortages, Government expanded this Tier 5 (Temporary Worker) Seasonal Worker route to recruit migrant HGV food drivers, poultry workers and pork butchers on short three-month visas.

Overall, in a period of three years, the scheme was expanded from 2,500 workers being recruited by two pilot operators from a handful of nearby countries to four labour providers recruiting over 30,000 from virtually anywhere in the world into a wider range of seasonal roles with the possibility of extending to extended to 40,000 workers, if needed. While more data is needed to monitor the impact of these significant changes on the level of non-compliance in the sector, existing evidence (see response to Questions 1B, 2 & 5 below), including Government's own review of the first year of the scheme,⁴ point to serious risks of labour abuse and exploitation for those on the Tier 5 Seasonal Work Visa for agriculture. Effective labour market oversight of this scheme is crucial given the compounding sector-specific and immigration-related risks.

FLEX also notes that the Government has recently introduced a number of changes aimed at strengthening this route, including making it clear on the official Guidance that the use of zero-hours contracts is banned on the scheme, as well as the need to "*establish a clear employer transfer pathway, including transparent criteria for making a transfer request and a process for considering such requests*".⁵ Additionally, a minimum hourly rate of £10.10 workers on the Seasonal Worker visa (SWV) scheme was confirmed by the Home Office in March 2022.⁶ These measures will require targeted enforcement efforts and ongoing monitoring of the scheme, which, as highlighted above, continues to become increasingly challenging due to its expansion.

⁴ <https://www.gov.uk/government/publications/seasonal-workers-pilot-review/seasonal-workers-pilot-review-2019>

⁵

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1066713/Sponsor-a-Seasonal-Worker-04-22.pdf

⁶

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1066713/Sponsor-a-Seasonal-Worker-04-22.pdf

Finally, the conflict in Ukraine has a significant bearing on the Seasonal Worker Scheme, given the significant proportion of Ukrainian workers on the scheme itself. Between January to December 2021, 67% of issued SWVs were to Ukrainian nationals.⁷ As part of the UK's response to the invasion of Ukraine, Ukrainian workers who had entered the country to work in farms under the SWV route had their visas extended beyond six months and until the end of 2022.⁸ This was done on their behalf by the Home Office together with their employer. On 29th March 2022, the Government announced the introduction of the Ukraine Extension Scheme.⁹ FLEX welcomes the increased options which this additional scheme will give to many Ukrainians in the UK, including people working in agriculture on the SWV. Remaining concerns related to the welfare of Ukrainians on the SWV are presented below.

Impacts of the Coronavirus Pandemic

The COVID-19 pandemic brought workers' precarity further to light by further showcasing the multiple, layered vulnerabilities workers face due to their position in the labour market and restrictions related to their immigration status, such as having limited access to social security. These vulnerabilities related to employment, immigration and social security policy intersect to restrict people's options, compelling them into coercive working relationships and eroding their ability to negotiate decent work.

Between June 2020 and July 2021 FLEX conducted a study to collect information on the experiences of migrant workers in low-paid and insecure work during the Covid-19 pandemic, focusing on barriers to accessing employment rights and social protections, and the associated risks of labour abuse and exploitation. This information included an online survey conducted via the grassroots trade unions IWGB and UVW (337 respondents of which 88% were from migrants); interviews and focus groups conducted by FLEX with union caseworkers and officials (6), other frontline civil society organisations (14) and workers (3); and interviews and focus groups with fellow workers conducted by Peer Researchers (9). The sectors covered by this research included cleaning, security, hospitality, courier and logistics and transportation among others.¹⁰

The research identified the following primary issues:¹¹

⁷ <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-december-2021/why-dopeople-come-to-the-uk-to-work>

⁸ https://www.gov.uk/guidance/support-for-family-members-of-british-nationals-in-ukraine-and-ukrainian-nationals-in-ukraine-and-the-uk?utm_medium=email&utm_campaign=govuk-notifications-%20topic&utm_source=841b1ffe-0cea-4635-a015-c94b8fe68434&utm_content=daily

⁹ <http://questions-statements.parliament.uk/written-statements/detail/2022-03-29/hcws736>

¹⁰ <https://www.labourexploitation.org/publications/no-viable-alternatives-social-insecurity-and-risk-labour-exploitation-during-covid-19>

¹¹ *Id.*

- *Not being paid wages owed.* The single largest issue reported by survey respondents was not being paid the full or correct wages, which 44% of participants had experienced at least once since March 2020.
- *Physical and mental health risks.* This included being exposed to Covid-19 through work (17%), being asked to work in ways that felt dangerous, including with poor social distancing or without Personal Protective Equipment (12%), and being forced to work despite being ill (8%). Of the survey respondents, 23% reported deteriorated mental health and wellbeing because of the pandemic.
- *Redundancies and loss of work.* A significant proportion of research participants were made redundant (33%), had to accept new terms of employment to retain their job (24%), or were simply not given any work (11%), which intensified existing fears and feelings of insecurity, and further reduced workers' bargaining power.
- *Excessive workload and sexual harassment.* Approximately one sixth (16%) of our survey respondents saw their workloads increase during the pandemic, the majority of whom (63%) were not paid for this additional work. Our data shows that employers exploited this power imbalance, using people's fear of losing employment to impose additional work as well as to sexually harass them.

[Sexual harassment] has doubled, tripled during the pandemic because supervisors and managers threaten workers with firing them and to avoid this, they [workers] have to go out with them [supervisors and managers], have a coffee, visit them at home. This is happening a lot. We're concerned about it. They are demanding sexual favours in particular from female workers, taking advantage of the crisis, in exchange for not firing her or reducing her hours, or for providing a better working environment.

Cleaners and Facilities Branch Chair, IWGB, 28 April 2021¹²

Access to key social security measures during the pandemic

Data on the Coronavirus Job Retention Scheme, Statutory Sick Pay and Universal Credit, shows serious barriers to accessing social security measures affecting workers in low-paid and insecure work, with additional barriers affecting migrants. More specifically, our research on worker insecurity and risk of labour exploitation during the coronavirus pandemic identifies:¹³

- *Issues with the Coronavirus Job Retention Scheme (furlough).* There was no incentive for employers to furlough workers they could simply stop giving work to, such as agency, zero-hours, and casual workers. Once

¹² *Ibid.*, p.35.

¹³ *Id.*

employers had to start paying for national insurance and pension contributions, and part of furlough pay, this lack of incentive turned into a disincentive, leading to mass redundancies. Employers had full discretion over who to furlough, with no role for workers or their representatives to challenge employers' decisions. As furlough only replaced 80% of people's wages, many saw their income drop by 20%, leading to pay well below the minimum wage.

- *Issues with Statutory Sick Pay (SSP).* At £99.35 per week, SSP is one of the least generous sick pay regimes in Europe, replacing only a fraction of people's income. As a result, many are unable to afford to stop working when they are ill or if they need to self-isolate. People are only entitled to SSP if they meet the lower earnings limit of £123 a week (in the 2022-23 tax year) per employer; this excludes many on low pay working part-time, on variable hours, or for multiple employers. SSP is also currently not enforced by any of the UK's labour market enforcement agencies.
- *Issues with Universal Credit.* The Universal Credit application system is so complex that many are unable to access it without support from already over-burdened civil society organisations. The five-week wait for payment leaves those already struggling at risk of destitution and many workers in low-paid and insecure workers sublet or live in houses of multiple occupancy, making it difficult to provide evidence for housing support. Universal Credit payments are overall too low to provide effective resilience to exploitation.
- *Additional barriers to accessing welfare benefits.* These include language barriers, lack of knowledge of support available or how to access it, not feeling entitled to support, lacking confidence to seek out support and lack of trust in state systems. Some migrants are completely barred from accessing social security because of immigration restrictions, most notably migrants with no recourse to public funds.

In the absence of the Coronavirus Job Retention Scheme, despite the ongoing impacts of the coronavirus pandemic, workers are dependent on their employers' voluntarily provided protections for staff and the limited statutory protections. Given the incredibly limited SSP entitlements and requirement of 4 days before an employee can access such support (though temporarily waived as a result of the coronavirus pandemic and since reinstated), they may be pressured to continue working in order to avoid losing money. Additionally, for individuals on zero-hour contracts, workers may fear losing their job or a reduction in hours as a result of taking time off against the wishes of their employer.¹⁴

¹⁴ *Ibid.*, p.13.

Links Between Access to Social Protections and Risk of Exploitation

The social security system is meant to provide a safety net so that people can meet their basic needs even if they lose their job or become ill and are not forced to stay in or take on exploitative work to survive. As such, it can provide a powerful tool for securing the rights of workers and preventing modern slavery. When social security is not available, accessible, or enough to cover the cost of living, people become more dependent on their jobs and less able to push back against poor treatment. Through our research, we saw several examples of people staying in situations that had become exploitative because they could not access welfare support and were afraid of experiencing financial difficulties, destitution, and homelessness if they lost their job or had their hours reduced. Similarly, we heard of cases where people felt they had no option but to accept work they knew did not meet minimum standards, as the alternative was having no income and becoming destitute.¹⁵

FLEX's research also includes examples of this process in reverse, where gaining access to social protections has helped people avoid or leave exploitative situations. Unsurprisingly, most of the examples highlighted by our research participants concerned migrants with no recourse to public funds, demonstrating the way in which immigration restrictions can compound risk of exploitation. Though there are some exemptions where people with no recourse can get emergency support – for instance under the Children Act 1989, the Care Act 2014, and the Modern Slavery Act 2015 – this is only provided once people are at the point of destitution, have significant care needs or are experiencing exploitation that meets the threshold for modern slavery. The human and social cost of providing welfare support only once a situation is so severe as to breach human rights or international legal obligations is inconceivably high. If access to social protection was ensured for those in need, more could be done to prevent vulnerability, including vulnerability to labour exploitation.

[I]f you felt sick and wanted to go home to get tested, or you just wanted to be safe, you wouldn't get paid. We were having to decide between getting paid and taking time off [to isolate], while having people to feed.

Greta, Bolivian cleaner, 5 June 2021¹⁶

In addition to the above, longer-term but fast pacing trends in the labour market, such as the increased reliance on outsourcing, subcontracting and self-

¹⁵ <https://www.labourexploitation.org/publications/no-viable-alternatives-social-insecurity-and-risk-labour-exploitation-during-covid-19>.

¹⁶ <https://www.labourexploitation.org/publications/no-viable-alternatives-social-insecurity-and-risk-labour-exploitation-during-covid-19>, p.28.

employment, are making it harder to scrutinise employers.¹⁷ The growing complexity of supply chains makes it more difficult to identify where responsibility lies when abuse occurs. In-work poverty is at record levels¹⁸ and an estimated one in six UK workers are in insecure employment, a trend that has been intensified even further by the coronavirus pandemic.¹⁹ Workers on low incomes are finding it harder to assert their rights at work as a consequence of the erosion of the power and reach of trade unions, which traditionally played a key role in monitoring and enforcing labour standards, particularly as they applied to the most vulnerable. The growth of the gig-economy and the platforms' insistence on self-employment status further removes workers from protections.

b. How might these changes impact non-compliance and is this likely to grow or subside over the coming year (2022 to 2023)?

Although exacerbated by the pandemic, most of the issues outlined above pre-existed and will continue to exist well-beyond the current global pandemic unless we see important changes to the social security system. Similarly, the limited and restrictive labour migration routes into low paid jobs, will continue to impact workers across numerous labour sectors, including those on highly restrictive visas that increase their vulnerability at work, as well as those working in industries facing the full pressure of labour shortages. By failing to provide more robust protections for workers, the outlined issues will continue to impact workers, and those at risk will remain vulnerable to future crises.

In this context, it is crucial to ensure that labour market enforcement policies and strategies are informed by the compounded impact of these contextual changes and wider policies on risk of abuse and exploitation.

Seasonal Worker Scheme

The expansion of the Seasonal Worker Scheme (SWS) and continued use of *ad hoc* visa routes, coupled with poor scrutiny and limited enforcement, will create a conducive environment for non-compliant and unscrupulous employers. Moreover, the decision to expand the SWS without robustly addressing the identified risks and serious gaps in the 2019 review system, will mean that an increasing number of people will face the issues identified in 2019 (as well as the issues exacerbated by the coronavirus pandemic).

For the current year (2022), the SWV route is set up to bring up to 30,000 workers into edible and ornamental horticulture, a number that can be further extended to 40,000, if needed. It is clear that the 2022 version of the scheme is significantly

¹⁷ https://hctar.seas.harvard.edu/files/hctar/files/weil.strategic_approach08.pdf

¹⁸ <https://www.ippr.org/files/2021-05/no-longer-managing-may21.pdf>

¹⁹

https://www.livingwage.org.uk/sites/default/files/Living%20Hours%20Final%20Report%20110619_1.pdf

different from the 2019 version, which was not only much smaller in scale but also pre-COVID-19. Additionally, as there is no longer a limit to the sourcing countries, new issues may emerge in the coming months and years and the demographic of workers changes.

Table 1. Expansion of the SWP (evaluated year highlighted in green)

Year	Workers recruited	Sectors, roles	Pilot operators	Sourcing countries
2019	2,481	Edible horticulture	Concordia Pro-Force	5 nationalities: 90.7% from Ukraine, 7.2% from Moldova
2020	7,236	Edible horticulture	Concordia Pro-Force	14 nationalities: 87% from Ukraine, 4% from Moldova, 3% from Belarus
2021	Up to 30,000	Edible horticulture Haulage drivers Poultry workers	AG Recruitment and Management Ltd Concordia Ltd Fruitful Jobs Pro-Force Ltd	19 nationalities on the first quarter of 2021 only, including: Barbados, Bosnia, Nepal, Nigeria, Romania, Tajikistan
2022	Up to 40,000	Edible horticulture Ornamental horticulture	AG Recruitment and Management Ltd Concordia Ltd Fruitful Jobs Pro-Force Ltd	Unlimited number of sourcing countries
2023	30,000 (to be confirmed)	Edible horticulture Ornamental horticulture	AG Recruitment and Management Ltd Concordia Ltd Fruitful Jobs Pro-Force Ltd	
2024	28,000 (to be reviewed)	Edible horticulture Ornamental horticulture	AG Recruitment and Management Ltd Concordia Ltd Fruitful Jobs Pro-Force Ltd	

Table 1 source: *FLEX response to the Government's review of the first year of the Seasonal Workers Pilot, January 2022.*

Positive measures, such as the more explicit banning of zero-hour contracts on the scheme, will need to be appropriately communicated and enforced; while there is a risk that the newly introduced minimum hourly rate of £10.10 workers on the SWV scheme will be offset by employers raising accommodation costs, thereby indirectly reclaiming the money from workers.

In regard to Ukrainian workers on the SWV route, the introduction of the Ukraine Extension Scheme²⁰ will grant these workers the ability to work in any sector, access public funds and to study, all measures that will do much to prevent exploitation. Additional measures are needed to ensure workers have information

²⁰ <https://www.gov.uk/guidance/apply-to-stay-in-the-uk-under-the-ukraine-extension-scheme>

about and are able to access the scheme as FLEX has set out in April 2022.²¹ It is also clear why eligibility for the Ukraine Extension scheme has a cut off with visas needing to have been issued before 18 March 2022, when workers have continued to be recruited on the SWV route with no clear prospects of returning to their home countries within 6 months.

FLEX is also concerned that the sudden drop in the number of Ukrainian workers resulting from the Russian invasion of Ukraine will lead to a rapid shift to recruiting workers from other countries - without sufficient time to conduct effective due diligence checks. FLEX's concerns are outlined in greater detail in section 5C below.

FLEX has put forward a number of recommendations for the DLME²² in relation to the SWS, namely that they:

- Establish an independent annual evaluation of the treatment of low wage temporary workers in the UK, including in-depth worker evidence, in order to inform labour market enforcement allocation and direction of resources.
- Adopt an evidence-based formula to calculate piece rates. This could be overseen by the office of the DLME.
- Provide details of SWP participating farms to the HSE in order that they can conduct an individual inspection campaign targeted at participating farms.
- Seek an annual report from the Gangmaster & Labour Abuse Authority (GLAA) on health and safety risks identified and tackled as part of license compliance inspections for SWP participating farms.
- Ensure secure reporting mechanisms and a separation between the enforcement and monitoring of working conditions and immigration enforcement, recognising that people on insecure and temporary immigration statuses are often reluctant to report abuse due to fear of facing immigration consequences.

FLEX has developed a number of recommendations to help to ensure that the SWS better guarantees against abuse and exploitation:²³

- Ensuring that employment contracts are shared with SWV workers in their country of origin, translated into workers' native languages, with

²¹ <https://www.labourexploitation.org/news/filling-gaps-preventing-increased-risks-exploitation-ukrainian-workers-seasonal-worker-visa>

²² <https://www.labourexploitation.org/publications/flex-response-government%E2%80%99s-review-first-year-seasonal-workers-pilot>

²³ <https://www.labourexploitation.org/publications/flex-response-government%E2%80%99s-review-first-year-seasonal-workers-pilot>

relevant information provided (e.g., employers' details, working hours, remuneration, accommodation costs and other deductions, etc.) and signed by employers and workers prior to travel.

- Provide an independently managed emergency fund for workers who have not received adequate work, or for whom the work has not been as described, who need to be able to return home and repay expenses.
- Set minimum standards for accommodation to be upheld for seasonal agricultural workers and prohibit employers from charging workers for accommodation if for any reason their wages drop below the real living wage.
- Increase the resources to the GLAA and future Single Enforcement Body to ensure there is capacity to conduct regular proactive inspections of SWS participating workplaces, strengthen the GLAA licensing scheme by monitoring overseas labour providers, and help prevent and address non-compliance (e.g., the fact that zero-hour contracts were used despite being banned).
- Establish clear independently run complaints mechanisms which Guarantee SWV workers a complaints mechanism through which workplace grievances may be aired and remedied during their time in the UK.
- Offer financial support to trade unions to organise and provide advice to SWV workers.

Employment Bill

With the continued delay of the Employment Bill it appears that the Government is taking little action to address non-compliance and implement better protections for workers. Without proactive measures we can expect many of the aforementioned issues to continue in the course of the following years. In this sense, workers will remain vulnerable to the vicissitudes of the gig-economy, fire-and-rehire tactics, sexual harassment, and outsourcing, despite the Government having considerable policy levers at its disposal. In the absence of the Employment Bill, and in preparation for the Single Enforcement Body (SEB), we believe that the DLME should engage in thematic consultation with stakeholders, including workers. We are also keen to emphasise the need for research on the nature and scale of non-compliance.

c. What response have you observed by the enforcement bodies to identify and address these issues?

Labour Market Enforcement and Covid-19

FLEX has consistently noted that UK labour inspectorates are severely under-resourced. While the International Labour Organisation's recommended ratio of

inspectors to workers is one to 10,000, the UK's ratio is approximately 0.4 inspectors per 10,000 workers.

During the several periods of lockdowns and Covid-19 restrictions, labour market enforcement agencies' work was essential to address labour abuses and prevent exploitative employment practices, particularly in high risk sectors where many of the 'essential' workers were exposed to the virus and to new labour market pressures. However, since the early months of the COVID-19 pandemic outbreak, many of these agencies started operating remotely and saw their face-to face inspections reduced.

In addition to this, evidence shows that confusion around entitlements to Covid-19 emergency schemes led to a sharp increase in the demand for employment rights and welfare advice. The Advisory, Conciliation and Arbitration Service (Acas) – the independent public body funded by the Government to provide services to workers and employers – started to only accept calls through their helpline, stopping their online services due to excessively high demand.

FLEX is concerned that this response and the failure to classify labour market enforcement work as 'essential' in order to provide labour inspectors with adequate protective equipment and ensure that workplace inspections continued to be carried out in high-risk sectors, including GLAA licensing sectors, has sent the wrong message to unscrupulous employers, leaving thousands of workers unprotected.

FLEX welcomes the commitment to the creation of a SEB, which should be accompanied by increases in resourcing for labour market enforcement, and is disappointed by the delay in announcing an Employment Bill. The current labour inspectorate landscape in the UK is highly fragmented. This can be a difficult landscape for both workers to navigate. For instance, workers experiencing underpayment of wages could find it logical to contact Acas for advice, the GLAA if it is a sector licensed by them, or HMRC. This complexity is compounded by the plural nature of how remits are split: they are not only split according to the specific labour abuse issue, but according to i) severity (e.g., the GLAA's remit for severe exploitation that may contain within it instances of lower level abuses that would be dealt with by other bodies) and, ii) sector (e.g., the GLAA's three licensed areas, in which infractions may be present that would otherwise be addressed by other bodies).²⁴

Having different enforcement bodies in place can lead to confusion as to which body is responsible and to gaps in enforcement. This is compounded by a lack of resourcing for proactive enforcement and resulting reliance on reporting by workers or other whistle-blowers.

²⁴ <https://www.labourexploitation.org/publications/flex-response-beis-single-enforcement-body-consultation>

Specific attention must be paid to clearly communicating reporting pathways and responsibility for enforcement against different types and thresholds of exploitation to promote engagement. Where community groups provide services and support for workers, having a robust understanding of which agency to report to and at which stage, as well as the actions which should result from that reporting, will allow such organisations to provide better assistance to workers (including keeping them well informed), and may strengthen relationships and sharing between the GLAA, other enforcement agencies, and community groups representing workers. For consent to be informed and to facilitate the trust needed to ensure effective reporting this must include clear agreements around who information will be shared with, and when additional consent needs to be given, including for sharing data with immigration enforcement.

There is currently no timeframe for the development of the SEB. However, FLEX contends that interim solutions must be developed by the DLME, given the centrality of the issue to the rights of workers and societal wellbeing as a whole.

2. Workforce

a. What has been the experience of workers arising from changes to the labour market? Please provide specific evidence.

b. Have changes in the immigration rules in 2021 impacted on workers' experience and has this differed between migrant or domestic workers?

c. Are these impacts consistent across the board or do they vary by sector? If the latter, then how?

The scale of impacts is largely related to the structural vulnerabilities that underline a worker's context. As such, sectors with a high-proportion of workers with compounding, multidimensional 'precarity' based on their position in the labour market (being in low-paid and insecure work) and their situation as migrants (having restricted access to work and welfare) are more likely to be high-risk.

This layering of vulnerabilities produced by labour market and restrictive immigration policy can limit people's options to the point of creating 'unfreedom', compelling them into coercive working relationships and eroding their ability to negotiate decent work.²⁵ Intersectional discrimination, linked to gender and racial inequalities, and experienced both at the individual and institutional levels, are also key factors compounding risk of exploitation.

²⁵ Lewis, H., Dwyer, P., Hodkinson, S. and Waite, L. (2015) 'Hyper-precarious lives: Migrants, work and forced labour in the Global North', *Progress in Human Geography*, 39(5), pp.580-600.

The structural vulnerabilities of a workforce are central to a sector's risk. As such, the multiple and crosscutting vulnerabilities that workers experience sculpt the nature of the impacts on a given sector. The previous DLME, Matthew Taylor highlighted the need to explore the connections between migration status and vulnerability within the most recent strategy. FLEX contend that the recommendations put forward by Matthew Taylor must be implemented.²⁶

Workers experiences, evidence by sector

A. Cleaning

FLEX's working paper *"If I Could Change Anything About My Work..." Participatory Research with Cleaners In The UK*²⁷ (2021) provides evidence of key workplace issues in the cleaning sector and the risk and resilience factors that impact cleaners' vulnerability to – and ability to push back against – violations of their employment rights. Based on the responses of 134 workers employed in general building cleaning, the study found:

Issues with pay: 61% of research participants experienced issues with pay, such as not being paid for all hours worked (31%), not being paid at all (15%), not being paid on time (14%), not being paid holiday pay (12%), being paid a lower rate than initially promised (10%) and being paid less than the minimum wage (6%). In total, 60% of participants experienced financial difficulties: 21% had not been able to pay their rent or bills on time, 21% had to rely on loans or other financial help from their family or friends to get by, 15% had to rely on benefits, 11% had to go into their overdraft, 9% had to rely on credit card debt and 8% had to use payday loan companies.

Ability to take time off when ill: One fifth of participants (21%) felt they were never able to take time off ill. This is due to lack of access to sick pay, the inadequacy of existing sick pay entitlements and fear of losing work for calling in sick. Overall, 47% of participants did not qualify for Statutory Sick Pay, with the Lower Earnings Limit of £120 per week presenting a considerable barrier especially for those working splintered hours for multiple employers. Our research also found cases of workers being denied Statutory Sick Pay despite qualifying for it.

Dangerous working conditions: Health and safety hazards and dangerous working conditions are a pre- dominant issue in the sector, with 60% of respondents having experienced dangerous working conditions, including 38% who experienced being asked to work without proper equipment (e.g. old/broken tools,

²⁶

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040317/E02666976_BEIS_UK_Labour_Market_Enforcement_Strategy_2021-22_Accessible.pdf.

²⁷ <https://www.labourexploitation.org/publications/if-i-could-change-anything-about-my-work%E2%80%9D-participatory-research-cleaners-uk>.

faulty machines, etc.), and 34% who had to work without the necessary personal protective gear (e.g. gloves, safety shoes, goggles, dust mask). In total, 86% of our research participants experiencing health issues related to their work, such as back, neck or joint pain (64%); skin problems (53%), slips or trips (27%), and burns or scalding from chemicals (15%) and from heat (9%).

Sexual harassment: Sexual harassment in the workplace was a frequent issue in cleaning, made worse by the power imbalance created by low pay and insecure working arrangements, outsourcing and manager discretion in assigning shifts. Perpetrators included managers, supervisors, co-workers and 'third parties' such as employees and customers of client companies. More needs to be done to address sexual harassment in the workplace, both by state bodies such as the Equalities and Human Rights Commission and the Health and Safety Executive, and by employers and client companies purchasing cleaning services.

The report was based on research carried out by FLEX together with cleaners using a feminist participatory action research (FPAR) approach where workers from the sector are involved as paid peer researchers throughout the process. Qualitative data was collected through twelve peer-to-peer semi-structured interviews, three worker-led focus groups and one community researcher-led focus group, as well as ten worker and six stakeholder interviews (with companies, sector associations, civil society organisations and trade unions) carried out by FLEX staff. Findings from the interviews were triangulated through a desk-based review of existing literature and quantitative data from a comprehensive survey completed by 99 workers from 21 different nationality groups, which was run in five languages (English, Polish, Portuguese, Romanian and Spanish).

B. Hospitality

FLEX's working paper "*To help workers, I would tell Government to...*" *Participatory research with workers in the UK hospitality sector*²⁸ provides evidence of labour abuse and risk of exploitation in the sector, with workers experiencing frequent issues with pay, inability to take time off sick, dangerous working conditions and work-related violence. Based on the responses of 168 workers from the hospitality sector, including kitchen staff and hotel housekeeping, the study found:

Issues with pay: 62% experienced issues with pay, such as unpaid work (39%), not being paid on time (18%) and not being paid at all (17%). A large proportion also faced deductions related to uniform or equipment costs (19%). Overall, 32% of participants were earning below the minimum wage, based on self-reported hourly wages. As many workers in the sector earn at or below the minimum wage,

²⁸ <https://www.labourexploitation.org/publications/-help-workers-i-would-tell-government-participatory-research-workers-uk-hospitality>

delays and sudden losses of income can lead to serious financial problems, such as debt and difficulties in paying bills and rent on time. In total, 59% of respondents experienced financial difficulties: 29% had to rely on loans or other financial help from their family or friends to get by, 28% had not been able to pay their rent or bills on time, 20% had to rely on their overdraft and 18% on credit card debt.

Ability to take time off when ill: 60% of respondents felt they could not take time off due to illness, including 43% who were only able to do so some of the time, and 17% who were never able to take sick leave. This inability to take time off when ill is largely due to two key factors: a lack of access to sick pay, with 35% of survey respondents not receiving any type of sick pay; and a widespread fear of losing work, with 44% of respondents being afraid of having their hours reduced if they called in sick. Moreover, the inadequacy of statutory sick pay entitlements means that even those who have access to sick pay often feel unable to take time off when ill. Interviews and focus groups found workers being denied sick pay despite being entitled to it, having to use up annual leave due to lack of sick pay and leave, and being made to work when ill or injured. Inability to take time off when ill, whether due to lack of access to sick pay or fear of repercussions, needs to be urgently addressed, especially as the risk of work-related health issues is so high in hospitality.

Dangerous working conditions: Health and safety hazards and dangerous working conditions are a predominant issue in the sector: 94% of survey respondents had experienced health issues directly resulting from their work, while 38% described being required to work in ways that felt dangerous or unsafe. Workers reported experiencing back, neck and joint pain (68%) from carrying heavy loads and working in awkward positions, while working in fast-paced environment for long hours, often without breaks, leads to accidents in the workplace, including cuts or bruises (56%) and scalding and chemical burns (10%). Moreover, the vast majority of workers reported having experienced mental health issues and illnesses (74%), with more than half of survey respondents experiencing burn-out because of work (55%), followed by anxiety (46%) and insomnia (35%).

Workplace related violence: Participants reported experiencing various types of workplace violence, including harassment, and verbal abuse. Over 63% reported experiencing abusive behaviour linked to their race, ethnicity, and nationality, with 41% of survey respondents having experienced discrimination at work based on their race, ethnicity and nationality. Abusive behaviours included verbal abuse linked to race, ethnicity, or nationality (26%); racist language and jokes (23%); feeling unwelcome or excluded because of race, ethnicity or nationality (23%); and being told to 'go back home' (18%). In addition to abuse related to race, we found research participants experienced high levels of gender-based abuse, specifically sexual harassment. In total, 37% of research participants had

experienced some form of sexual harassment at work, with the most common forms being sexualised comments about their physical appearance (18%), unwelcome sexual advances (17%), and the spreading of rumours about their sexual life (16%).

Impact of Covid-19: Data collection for this research overlapped with the start of the Covid-19 pandemic in March 2020, allowing us to assess some of the early impacts on workers in hospitality. Key related issues experienced by participants included financial difficulties, such as not being able to pay rent or bills; being given no work or, conversely, being given more work without additional pay; being made redundant instead of being put on furlough; having furlough pay miscalculated; and struggling to access government support due to immigration status, including pre-settled status under the EU Settlement Scheme. Hospitality was disproportionately affected by Covid-19 lock-downs and closures, putting a huge financial strain on workers, many of whom were already struggling with low pay and insecure working arrangements.

The report was based on research carried out by FLEX together with hospitality workers using a feminist participatory action research (FPAR) approach where workers from the sector are involved as paid peer researchers throughout the process. Qualitative data was collected through thirteen peer-to-peer semi-structured interviews, nine community researcher-led interviews and two community researcher-led focus groups, as well as eighteen worker interviews, five stakeholder interviews (with sector associations, civil society organisations and trade unions) and one focus group carried out by FLEX staff. Findings from the interviews have been triangulated through a desk-based review of existing literature and quantitative data from a comprehensive survey completed by 115 workers.

C. Gig economy

FLEX's working paper "*The gig is up*": *Participatory Research with Couriers in the UK App-Based Delivery Sector*²⁹ focuses on the experiences of app-based couriers in the food and goods delivery sector of the 'gig' or 'platform' economy. Based on the responses of 76 workers, the study found:

Lack of access to employment rights: Our research found that most couriers lack access to employment rights such as sick pay, holiday pay and pension and National Insurance contributions. Not being able to access sick pay means that if couriers get ill or injured, they must take unpaid time off to recover or have no choice but to continue working despite being ill. Of our survey participants, 59% reported having no access to financial support when ill or injured, while 18% had access to an emergency fund. Participants raised concerns around the lack of

²⁹ <https://www.labourexploitation.org/publications/participatory-research-couriers-uk-app-based-delivery-sector>

transparency over the terms and conditions of employment between them and the platforms, including over terminations and appeal processes.

Issues with pay: 63% reported being paid below the minimum wage, based on self-reported wages after work-related expenses. We found that couriers' low pay and underpayment are caused by long unpaid times, such as waiting times at the restaurants and travelling times from one delivery to the other; costs associated with the job, such as equipment, fuel, and insurance; and the piece rate payment system, that together with an ever-increasing workforce, drives fees lower and lower. For workers on low wages, income insecurity can lead to serious financial problems. 71% of respondents had experienced financial difficulties, including 33% who had to rely on loans or other financial help from family or friends to get by, 20% not being able to pay their rent or bills on time and 18% who had to rely on government benefits.

Safety concerns and violence at work: 82% of respondents experienced violence at work, including 59% who experienced being shouted or sworn at, 24% who had been threatened with physical violence while on the job, 24% who had had their vehicle stolen, 20% who had been assaulted or attacked, 16% who had been shoved, 16% who had the food or parcel they were delivering stolen and 10% who had their vehicle intentionally damaged. The safety risk faced by couriers is exacerbated by many factors, such as the fact that some apps don't allow drivers to see where they are delivering until they accept an order, making it hard to avoid dangerous areas.

Sexual harassment: 18% of survey respondents had experienced some form of sexual harassment at work, however this percentage jumps to 57% for women and non-binary participants. Sexual harassment is often underdiscussed in the sector because of the lack of appropriate reporting channels acting as a barrier for workers to report/discuss sexual harassment; app-based deliveries being a male dominated sector where sexual harassment is not seen as a priority; and fear of repercussion/termination when reporting.

Of all survey respondents that had experienced safety issues on the job, 73% said they had not reported the incident as they felt reporting would not make a difference and 5% feared reporting it. Moreover, of those that did report an issue, 67% reported the accident to the platform company without them taking any action, and 22% reported it to the police but did not receive any help.

Impact of Covid-19: The inability to access support when sick was exacerbated during the pandemic, with couriers, despite being classed as essential workers, often unable to access Covid-19 support schemes like the Self-Employment Income Support Scheme. Couriers also experienced difficulties in accessing toilet facilities during lockdowns.

The report was based on research carried out by FLEX together with gig economy workers using a feminist participatory action research (FPAR) approach where workers from the sector are involved as paid peer researchers throughout the process. Qualitative data was collected through six peer-to-peer semi-structured interviews and four worker-led focus groups, as well as four worker interviews and five stakeholder interviews (with companies, academics, and trade unions) carried out by FLEX staff. Findings from the interviews have been triangulated through a desk-based review of existing literature and quantitative data from a comprehensive survey completed by 49 workers.

D. Agriculture, seasonal workers:

Based on 146 responses from agricultural workers, including 97 SWP workers from the top four nationalities present on the scheme, FLEX and Fife Migrants Forum's³⁰ *Assessment of the Risks of Human Trafficking for Forced Labour on the UK Seasonal Workers Pilot*,³¹ identifies a serious risk that forced labour could take place on the SWP if action is not taken.

The range of risks identified included:

Risk of unfree recruitment based on a discrepancy between information workers received about the nature of the work and the reality upon arrival, the lack of translation of documentation, and pressure to sign contracts. In addition, 62% of workers reported incurring debts to travel to the UK to work, which places workers in a more vulnerable position and at risk of accepting work they might otherwise not have accepted.

Risk of work and life under duress, with workers reporting threats of penalties, unsafe housing in caravan accommodation, and excessive dependence on employers due to the use of zero-hour contracts coupled with payment by piece rates. 66% of SWV workers reported receiving threats of loss of work and 17% reported threats of deportation from their employer.

Risk of impossibility of leaving an employer with 62% of those interviewed reporting being refused transfers to alternative employment. Coupled with the high debts workers reported having to repay as well as risks of homelessness or deportation, this resulted in workers having reduced freedom to terminate their employment contract.

³⁰ <https://fifemigrantsforum.org.uk/>

³¹ <https://www.labourexploitation.org/publications/-help-workers-i-would-tell-government-participatory-research-workers-uk-hospitality>.

The report was based on research carried out by FLEX and Fife Migrants Forum, including two community researchers with lived experience of seasonal work in agriculture.

In addition to this, Government's own review³² of the 2019 version of the scheme includes concerning findings:

- Home Office inspections found that workers at four out of 15 sites were not provided with the health and safety equipment they were legally required to receive (i.e. wet weather gear, steel toe capped boots), which forced workers to purchase their own.
- Over a fifth of DEFRA's survey respondents (22%) reported not being '*treated fairly by farm managers*'.
- Experiences of racism, discrimination, or mistreatment by managers (e.g. disrespectful language, being given worse tasks and/or accommodation) were linked to workers' nationality.
- DEFRA's survey also identified a range of issues with the quality of the accommodation provided: 15% said their accommodation was neither safe, comfortable, hygienic nor warm and 10% said their accommodation had no bathroom, no running water, and no kitchen.

d. Is there any evidence to suggest additional threats to workers associated with labour shortages?

FLEX has conducted research on issues relevant to labour shortages in the food and farming sector in the UK. Mitigating risk of exploitation in agriculture and ensuring a level playing field for decent employers is key to successful labour recruitment and ensuring a sustainable supply chain. Relevant research and recommendations includes a 2017 report which examines the impact of migration status, labour market structures, and immigration control measures on vulnerability to exploitation,³³ a 2018 briefing highlighting the risks of temporary migration schemes for the agricultural and horticultural sectors,³⁴ and a 2021 Assessment of the risks of human trafficking for forced labour on the UK Seasonal Workers Pilot.³⁵ FLEX has also recently published an analysis and statement following the delayed publication in December 2021 of the Government's evaluation of the 2019 Seasonal Workers Pilot.³⁶

³² <https://www.gov.uk/government/publications/seasonal-workers-pilot-review/seasonal-workers-pilot-review-2019>.

³³ <https://www.labourexploitation.org/publications/risky-business-tackling-exploitation-uk-labour-market>

³⁴ <https://www.labourexploitation.org/publications/preventing-exploitation-shadow-brexit-riskstemporary-migration-programmes>

³⁵ <https://www.labourexploitation.org/publications/assessment-risks-human-trafficking-forced-labour-uk-seasonalworkers-pilot>

³⁶ <https://www.labourexploitation.org/publications/flex-response-government's-review-first-year-seasonal-workerspilot>

There have been warnings for years that one of the impacts of ending free movement with the EU without any proactive mitigation would lead to labour shortages. In practice, rather than planning sensibly for migration routes, immigration changes have been rushed with a scramble to open short-term routes with little or no notice when labour shortages have reached crisis point. This was clear, for example, in September 2021 when the Government announced with little warning that it would introduce short term temporary visas in two industries. (5,000 three-month visas for HGV drivers and 5,500 three-month visas for poultry workers).³⁷ This policy was announced with little detail and with no evidence that it built on learning from similar migration schemes, proactively addressed exploitation risks, or encompassed planning to ensure the longer-term sustainability of the workforce.

Impact of the war in Ukraine on the SWV

As part of the UK's response to the invasion of Ukraine, Ukrainian workers who had entered the country to work in farms under the SWV route had their visas extended beyond six months and until the end of 2022.³⁸ This extension, however, does not allow them to bring family members to safety, access public funds, or leave their work in agriculture, even if there is no work available. It also maintains their dependency on their employer – including for income, housing and immigration status.³⁹

FLEX, together with others, wrote to the Home Secretary and Minister of Immigration early in March 2022⁴⁰ to highlight the increased risks of exploitation for Ukrainian workers on the SWV due to the dangerous combination of their changed circumstances due to the invasion of Ukraine, the restricted terms of the SWV, and the general risks associated with agricultural work and the SWV. Concerns set out in the letter include that workers are highly dependent on their employers, including for information, accommodation and work. They have no option to change sectors or work outside the scheme, as well as no guarantee that they will in fact be given work within the scheme due to the work's seasonal nature. This, combined with the fact that SWV holders have no recourse to public funds, brings with it the risk of destitution and debt. Workers on the scheme also cannot bring family members from Ukraine to safety in the UK. We noted that 19,920 seasonal worker visas issued in 2021 (67% of the total) were to Ukrainian

³⁷ <https://www.gov.uk/government/news/up-to-5500-poultry-workers-to-help-deliver-christmas-dinners>

³⁸ https://www.gov.uk/guidance/support-for-family-members-of-british-nationals-in-ukraine-and-ukrainian-nationals-in-ukraine-and-the-uk?utm_medium=email&utm_campaign=govuk-notifications-%20topic&utm_source=841b1ffe-0cea-4635-a015-c94b8fe68434&utm_content=daily

³⁹ <https://www.labourexploitation.org/publications/letter-home-office-risks-ukrainian-nationals-seasonal-workers-visa>

⁴⁰ <https://www.labourexploitation.org/publications/letter-home-office-risks-ukrainian-nationals-seasonal-workers-visa>

nationals⁴¹ and were the largest nationality of worker (41%) in the first quarter of 2022.⁴² It is of note that those who arrived after 18 March 2022 are not eligible for the extension scheme available for Ukrainians in the UK, creating real vulnerabilities for any such workers.

On 29th March, the Government announced the introduction of the Ukraine Extension Scheme.⁴³ FLEX welcomes the increased options which this additional scheme will give to many Ukrainians in the UK, including people working in agriculture on the SWV. The ability to work in any sector, access public funds and to study will do much to prevent exploitation.

We are pleased that the Ukraine Extension Scheme addresses many of the recommendations in our letter and takes into account findings from our longer-term work into risks experienced by those on the SWV. We are also keen to work proactively with Government, SWV scheme operators, community groups, legal advisors and others to ensure that these increased options can be accessed by workers in practice and that support is in place to prevent exploitation escalating as a result of the invasion of Ukraine.

Workers on the SWV are in the UK temporarily. They are living and working in rural and relatively isolated areas. They may not speak English and will need support to access information and advice on their immigration options and on practical measures to enable them to safely remain in the UK for longer than they initially intended and to live here with their families. This will include finding employment, housing, and schooling for children. To make sure that workers on the SWV are able to make use of the options available to them under the Ukraine Extension Scheme and to successfully avoid exploitation, additional measures are needed:

- There is an urgent need for targeted specialist immigration advice and practical assistance to enable Ukrainians on temporary visas to make informed decisions about the immigration options that are best for them, and to ensure that individuals can meet basic needs such as housing and income in the interim.
- We are concerned that the eligibility requirements for the Ukraine Extension Scheme will prevent some workers from accessing this option. The Scheme only opened on 3 May 2022. Ahead of this date there were already anecdotal cases of workers who have left the farms they were working on due to circumstances resulting from the invasion of Ukraine and were left in a situation where they had breached their immigration status, had no

⁴¹ <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-december-2021/why-do-people-come-to-the-uk-to-work>

⁴² <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-march-2022/why-do-people-come-to-the-uk-to-work>

⁴³ <http://questions-statements.parliament.uk/written-statements/detail/2022-03-29/hcws736>

recourse to public funds or benefits and were prohibited from working. While the scheme does allow for people whose visa expired on or after 1 Jan 2022 to apply, visas also had to be issued before 18 March. It is not clear why Ukrainian nationals who entered the UK after this date will be prevented from accessing the scheme.

- We are additionally concerned that even once on the Extension Scheme, workers will not be able to quickly and easily bring their families to safety in the UK. They will instead need to apply to sponsor family members under the Homes for Ukraine scheme, assuming they can meet the accommodation requirements, or to arrange for someone else to sponsor them if not. Both of these options will mean delays, and the second increases safeguarding and exploitation risks.⁴⁴

The UK's reliance on rapidly developed and frequently changing visa schemes exposes how unfit for purpose the UK's asylum system is in practice, with its long delays and uncertainty prohibiting integration and rebuilding lives. The Ukrainian visa schemes available have inevitably left gaps in support, and people who do not fit easily into one of the new schemes will slip between them. This has been the case for some Ukrainian workers on the SWV who have been stuck on a scheme that is not suitable to their changed circumstances.

To achieve this, we recommend:

1. Clear and accessible information on the available visa and asylum options must be proactively communicated to all Ukrainian nationals in the UK, with targeted outreach to those on the SWV.
2. Specialist legal advice on immigration and on welfare entitlements must be made available to all Ukrainian nationals. Peoples' circumstances may not fit easily within any of the new visa schemes, and people will need reliable information and support to understand their options and how to navigate the immigration system to avoid losing their immigration status. This support is particularly important in the context of the UK's hostile environment, where exploiters may use immigration control and deportation as a threat to maintain control over those with insecure immigration status. People need to know they are safe to come forward and seek help whatever their immigration circumstances are to avoid an increased risk of exploitation.
3. There should be increased resourcing for prevention efforts with the GLAA working with SWV scheme operators and farms engaged in the scheme to ensure that workers have access to advice and information and are supported to access the options available to them.

⁴⁴ <https://www.labourexploitation.org/publications/letter-home-office-risks-ukrainian-nationals-seasonal-workers-visa>

4. Workers on the Ukraine Extension Scheme should be eligible to bring family members to the UK.
 5. Ukrainian SWV holders should have immediate access to public funds and confirmed eligibility to work in sectors other than agriculture while an application to the Extension Scheme is pending. The scheme needs to remain open to Ukrainian nationals arriving in the UK after the 18 March.
 6. There needs to be long-term planning towards integration. Local Authorities should be equipped and resourced to work together with specialist organisations to provide access to services, language classes, education, employability skills and options, general advice, support and information.
 7. Given the long-term impact of the vulnerabilities created by the current situation in Ukraine, there needs to be reassurance and clarity over options for Ukrainians to maintain a regular status beyond the three years currently offered on the existing Ukraine schemes.
 8. Ensuring the direct provision of formal and standardised proof of status to Ukrainian workers, *e.g.*, for Ukrainians with a SWV whose visa has been extended. This proof of status should not be provided to the worker *via* their employer but directly to the worker.
-

3. Workforce Engagement

a. What examples can you share of initiatives that have assisted workers to understand and enforce their rights – particularly as regards harder to reach workers?

Barriers to worker engagement

Worker engagement is hampered by the workers' fears of retaliation from their employers – impeding their ability to speak out about infringements on their rights.

In our 2021 participatory research report in the UK hospitality sector,⁴⁵ participants reported not accessing support as they felt it would be harder to get help than to change jobs (28%), because they did not know where to get help (23%), because they feared losing their job if they sought help (18%) and because they faced language barriers (17%). Being unable to speak English coupled with limited awareness of labour rights will affect a person's ability to communicate with their colleagues and employer, understand their terms and conditions of employment, and report abuses or seek help. These barriers seem to characterise the experience of a large proportion of this workforce.⁴⁶

⁴⁵ <https://www.labourexploitation.org/publications/-help-workers-i-would-tell-government-participatory-research-workers-uk-hospitality>.

⁴⁶ *Ibid*, p.9.

Our research showed workers fearing retaliation in the form of losing work or having their hours reduced if they refused to do tasks that were not part of their job (22%), called in sick (20%), reported bad working conditions or pay (22%), or harassment and abuse (18%). Considering the level of vulnerability to labour abuse and exploitation associated with being classed as a 'worker', or being falsely classed as self-employed, it is clear that the law on employment status needs to be modernised. Workers should have the same statutory employment rights as employees, including protection against unfair dismissal, and there needs to be clarity on who counts as genuinely self-employed.⁴⁷

Such issues are also prevalent in the gig-economy. App-based courier respondents who responded to a FLEX produced survey in 2020 and 2021 highlighted that they had experienced safety issues on the job, 73% said they had not reported the incident as they felt reporting would not make a difference and 5% feared reporting it. Moreover, of those that did report an issue, 67% reported the accident to the platform company without them taking any action, and 22% reported it to the police but did not receive any help.⁴⁸ Additionally, one particularly concerning dynamic in the gig-economy is the worker reticence to engage and difficulties in engaging on the issue of sexual. This is caused by multiple factors, including: a) the lack of appropriate reporting channels acting as a barrier for workers to report sexual harassment; b) app-based deliveries being a male dominated sector where sexual harassment is not seen as a priority; and c) fear of repercussion.⁴⁹

FLEX research found that English proficiency, awareness of rights at work, and knowing where to get help are major factors contributing to a person's risk or resilience to labour abuse and exploitation. This is especially true in a context like the UK where labour market enforcement is poorly resourced and mainly compliance-focused, relying heavily on individual workers' ability to report violations and enforce labour standards. When asked about reasons for not accessing help and support, 23% of survey respondents in the hospitality sector said they did not know where to get help, while 17% said they had been unable to seek help because of language barriers.⁵⁰ The link between risk of labour exploitation, language barriers and lack of knowledge of rights, was made explicit by several interview and focus group participants:

"In addition, and more importantly, the working conditions have been very harsh and unsafe. Due to my ignorance about the English laws that regulate

⁴⁷ <https://www.labourexploitation.org/publications/if-i-could-change-anything-about-my-work%E2%80%9D-participatory-research-cleaners-uk>.

⁴⁸ <https://www.labourexploitation.org/publications/participatory-research-couriers-uk-app-based-delivery-sector>

⁴⁹ <https://www.labourexploitation.org/publications/participatory-research-couriers-uk-app-based-delivery-sector>, p.27.

⁵⁰ <https://www.labourexploitation.org/publications/if-i-could-change-anything-about-my-work%E2%80%9D-participatory-research-cleaners-uk>

work and my lack of English comprehension, I have suffered conditions that I would have denounced in Spain without hesitation. I have suffered chemical abrasion on the hands, inhalation of toxic fumes such as phosphoric acid, falls, bruises and injuries due to lack of safety materials, weeks of working six days and 13 uninterrupted hours due to "work circumstances". This period has been, without any doubt, the worst work and physical experience of my entire life."

Spanish Kitchen/Catering Assistant, Interview, 17 May 2019⁵¹

Reaching out to workers not generally in touch with statutory services and support is key, not only to ensure that they understand and are able to exercise their rights, but also to ensure that their experiences and perspectives inform policy and practice. The following are some examples in this area:

Involving workers in developing knowledge by adopting a Feminist Participatory Action Research approach

FLEX has been piloting a participatory research approach called Feminist Participatory Action Research (FPAR).⁵² Despite being experts by experience and the ones most affected by policy decisions, workers at risk are rarely involved in developing solutions to labour exploitation.

Within the FPAR method, workers from the sectors being researched participate in the project in three ways: 1) as research participants through interviews, focus groups and surveys; 2) as Peer Researchers designing and shaping research tools, carrying out data collection, developing recommendations, disseminating findings and advocating for change; and 3) as Peer Coordinators doing research and supporting and coordinating others to do the same. Peer Researchers and Coordinators are paid for their work and receive training and ongoing support. Research participants receive a participation incentive to compensate them for their time and potential travel costs.

Working together with workers to generate knowledge and advocate for change allows to inform the framing and scope of the research questions, strengthens the findings, and ensures the relevance of the recommendations for workers on the ground. Working in this way also allows to mitigate risks for unintended consequences. By tapping on workers' own networks and language skills, FPAR can help to capture the insights and contributions of workers who are traditionally

⁵¹ <https://www.labourexploitation.org/publications/if-i-could-change-anything-about-my-work%E2%80%9D-participatory-research-cleaners-uk>

⁵² See: <https://www.labourexploitation.org/publications/experts-experience-conducting-feminist-participatory-action-research-workers-high-risk>

not represented in policy research due to barriers like language, immigration status and lack of trust. Ultimately, a more meaningful engagement of workers in research studies, that is working 'with', rather than 'for' or 'on' at-risk workers, can lead to better evidence-based policies and on-the-ground change.

While engagement with workers in due diligence processes is highly desirable and beneficial to understand workers' experiences, implementing this type of approach requires time, resources, networks and flexibility. In addition, understanding the risks involved and implementing mitigation strategies should be a priority when engaging workers at any step of the process. For more information, please refer to our report, 'Experts by Experience: Conducting Feminist Participatory Action Research with Workers in High-Risk Sectors.'⁵³

Worker-Driven Social Responsibility

Worker-driven Social Responsibility (WSR),⁵⁴ also seen as supply chain organising, emerged as a counterpoint to corporate social responsibility (CSR) programmes to protect the interests of workers rather than brands. To meet the state duty to protect human rights, governments should enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights, and periodically assess their adequacy and address any gaps. However, governments often lack the resources and/or political will to do so. In contexts where state labour market enforcement has failed to protect certain groups of workers, including the outsourced, migrant workforce, private sector solutions are key for tackling labour abuse and exploitation. While WSR developed and operates in highly challenging contexts where workers might not have the backing of trade unions or are ignored by regulatory agencies, some of the same governance gaps around labour market enforcement exist in the UK. By adopting a 'risk to people' rather than a 'risk to business' approach, the WSR model addresses the power imbalance between workers and their direct employers, but also between buyers and suppliers. Ultimately, this approach has demonstrated its ability to decrease longstanding abuses without needing to rely on CSR strategies that often prioritise reputational harm over a commitment to protect workers from abuse.⁵⁵

WSR is founded on the understanding that the protection of workers' rights in supply chains must be worker-driven, enforcement-focused, and based on legally binding commitments between workers' organisations and lead companies. In WSR, a binding contract obliges the lead company to source only from suppliers or contractors who are compliant with standards developed by workers and their representative organisations. In each case, workers decide which rights to protect

⁵³ <https://www.labourexploitation.org/publications/experts-experience-conducting-feminist-participatory-action-research-workers-high-risk>

⁵⁴ See: <https://www.labourexploitation.org/publications/worker-driven-social-responsibility-exploring-new-model-tackling-labour-abuse-supply>

⁵⁵ *Ibid*, p.54.

and enforce according to the circumstances and priorities they set. Rather than being one-size-fits-all, the standards are tailored to the sector or workplace they are regulating, making them more effective at addressing the specific types of issues experienced in that context. In cleaning, for example, it could include the provision of workplace specific personal protective equipment (PPE) or access to multilingual operational grievance mechanisms. Having experts with contextual knowledge involved in design, implementation and monitoring of standards means they are more likely to have real impact, leading to measurable and timely gains for workers.

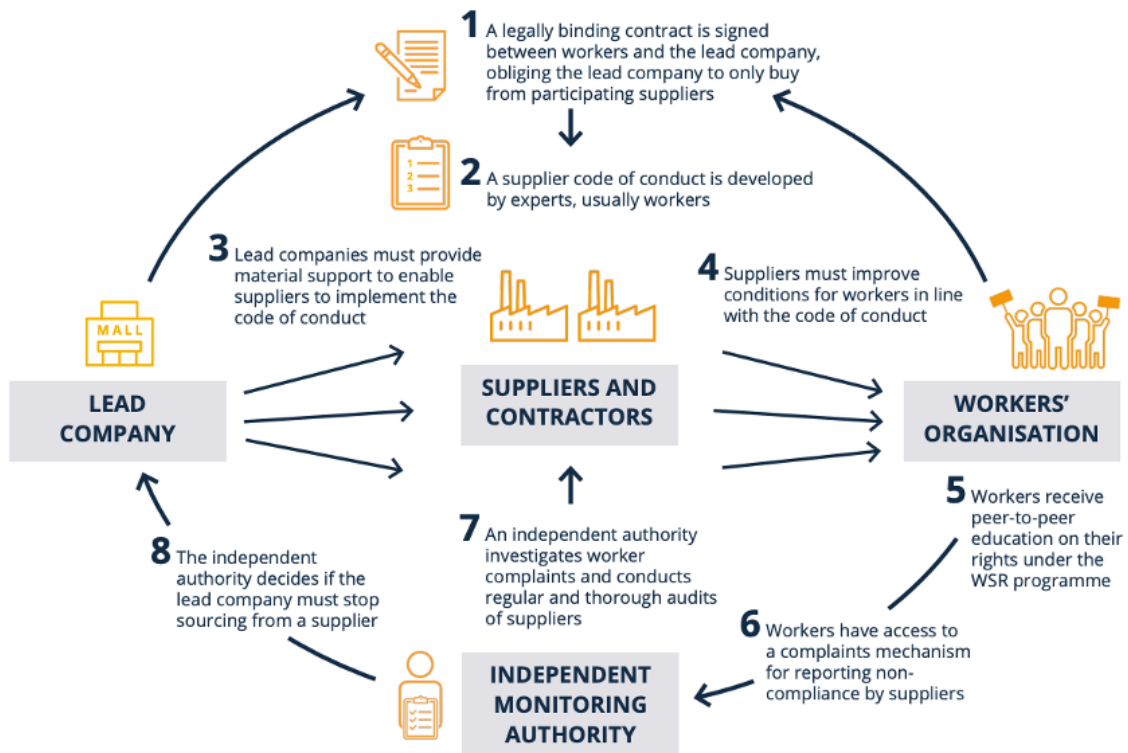
There are 6 essential principles that underline WSR. The WSR Network,⁵⁶ responsible for expanding, promoting, and replicating the model in supply chains around the world, has outlined 6 principles, which must be applied in tandem for a programme to be considered WSR:

- Labour rights initiatives must be worker-driven
- Obligations for corporations must be binding and enforceable
- Lead companies must afford suppliers the financial incentive and capacity to comply
- Consequences for non-compliant suppliers must be mandatory
- Gains for workers must be measurable and timely
- Verification of workplace compliance must be rigorous and independent

These principles address elements that are often missing in private initiatives, such as effective enforceability, downward pressures on wages and conditions, and the need for independent monitoring and measurable gains for workers. In addition to WSR programmes being worker-driven, binding and enforceable, lead companies are required to incentivise respect for human rights through a price premium and/or negotiated higher prices that enable suppliers to afford the additional cost of compliance with the agreed labour standards. Companies are also expected to include the imposition of economic consequences for non-compliant suppliers and time-bound measurable outcomes for workers in their supply chain. In WSR, effective monitoring and enforcement is essential and must include inspectors who have deep knowledge of the relevant industry and issues and who operate independently of the lead company, in-depth worker interviews, extensive worker education that enables them to function as partners with external inspectors, and an independent grievance mechanism that workers can access if there are violations.

The following chart, created by FLEX as part of our research exploring WSR, further illustrates the key steps of the model:

⁵⁶ <https://wsr-network.org/>



Source: *Focus on Labour Exploitation, 'Worker-Driven Social Responsibility: Exploring a New Model for Tackling Labour Abuse in Supply Chains' March 2020*

WSR is an example of good practice in centring worker participation and could help inform how to do so in the human rights due diligence process. Commercial and other organisations in the UK who are required to identify and address potential and actual impacts could benefit in many ways from a due diligence process characterised by meaningful worker engagement with those at the base of their supply chain and whose rights they are trying to protect. Most importantly, workers who face barriers to participation and who have direct knowledge of the relevant environment could help shape the design of a due diligence process that ensures the verifiable protection of human rights.

Whilst WSR should act as a complementary partner to regulation, and not as a replacement, it can offer a number of benefits to labour market enforcement in terms of worker engagement. Within FLEX produced research several key opportunities for labour market enforcement bodies in all country contexts were identified, including that they should:

- Recognise the importance of worker intelligence for labour market enforcement and create mechanisms for workers to report non-compliance in ways that protect them against retaliation, including in the form of

immigration enforcement, and which will produce tangible and timely results.

- Invest in making sure all workers know their rights. There are numerous mechanisms for doing so, such as granting trade unions and other workers' organisations access to workplaces; doing outreach through workers' organisations and community groups; or providing pre-departure and on-arrival training for migrant workers on temporary migration programmes.
- Involve and consult with workers and their representatives when developing legislation, standards and regulations that affect them.
- Taking an example from the Health & Safety Executive, which has a tripartite governance board, have worker representatives on the governance boards of all UK labour market enforcement bodies.

Finally, when considering outreach to workers at risk of labour abuse and exploitation, it is important to engage with trade unions as key stakeholders. Varying factors like fissuring, anti-union legislation, and a lack of state-level support, have contributed to the decline of union density and collective bargaining coverage in the UK. Despite the difficult environment, unions are increasingly organising migrants in low paid, insecure work and implementing different methods to address the challenges of outsourcing. Notably, they are the first point of contact for many workers, have up-to-date knowledge on how situations develop on the ground, and are experienced negotiators with different types of employers. Unions also provide legal protections and rights for their members, which is key to protect workers from potential retaliation in participatory approaches.

Case study

Overseas Domestic Workers

The short-term nature of, and restrictive conditions on, the Overseas Domestic Worker (ODW) visa, combined with the failure to provide ODW visa holders with information about their rights and how to enforce them, also acts as a barrier to worker engagement. Information letters are not systematically issued at visa application centres and there is no standard monitoring. Other safeguards as recommended in the Government commissioned independent review of the visa have not been implemented at all with the Government having failed to make the visa renewable for 2.5 years subject to ongoing employment and having dropped their plans to introduce information meetings for newly arrived domestic workers.⁵⁷ The hidden nature of domestic work in a private household and lack of labour market enforcement in this area; the restriction to one full time job as a domestic worker in a private household; the inability to apply to renew the visa beyond 6 months (unless found to be a victim of trafficking through the NRM); the blurred boundaries around work and time off when you live in the place where you also work; and the multiple dependencies on the employer for employment, accommodation, visa status and often information about the UK and local laws, all diminish the ability of workers on the 2016 ODW visa to engage with labour market enforcement and come forward for protection.

⁵⁸

In cases where workers do escape abusive employment, unless their treatment amounts to and fits the legal definition of trafficking or slavery, they are not in a position to access the protection and assistance. The net result is that workers who experience other violations of their labour rights which do not meet the threshold of trafficking, are left without status in the UK, are unable to access reporting mechanisms, and their employers go unpunished.

⁵⁷ <https://questions-statements.parliament.uk/written-questions/detail/2021-04-27/hl15280>

⁵⁸ <https://ilpa.org.uk/wp-content/uploads/2022/02/ILPA-JCWI-Kalayaan-and-Others-Briefing-Overseas-Domestic-Workers-Amendment-Report.pdf>

4. Business Engagement

a. What impact do you think these interventions have had? *i.e.*, are they effective?

4b. Why? What would make them more effective?

Meaningful Worker Engagement

Much of the limitations of existing initiatives stem from the voluntary and non-binding nature of the interventions. To ensure meaningful accountability, the UK must move beyond a voluntarism model towards binding obligations. Similarly, as initiatives such as the AGM PPP Joint Responsibility Initiative rely on voluntary agreements and negotiations – this can result in a considerable delay in developing a finalised agreement, and potentially uneven coverage across and within sectors. Robust government regulation should be implemented to ensure that workers are properly protected and engaged within due diligence processes. Finally, it is crucial that initiatives aimed at increasing business compliance and accountability include efforts to ensure meaningful worker engagement.

Meaningful engagement is characterised by two-way communication that is responsive, ongoing, and often involves stakeholders before decisions have been made. It also means that relevant stakeholders can help design and carry out engagement activities themselves.

Potentially impacted stakeholders and rights holders may include workers, their representatives, trade unions, and communities at local, regional or national level. ‘Hard-to-reach’ marginalised groups, who face barriers to effective engagement and are overrepresented in high-risk sectors, must also be offered a central role throughout the process. Additionally, NGOs and community-based organisations who work closely with workers and communities, hold key knowledge of what tangible change looks like and should be considered in this process.

Meaningful worker engagement is not static and requires continuous learning and adaptation, including asking participants for feedback and assessing what works and what could be done better.

5. Recruitment

- a. What changes have you observed to recruitment patterns and practices. For example, online recruitment and offshore recruitment.**
b. Do any of these trends you observe raise concerns about compliance?

As visa schemes such as the SWV widen their recruitment globally there are increased risks, and emerging evidence of recruitment fees being charged, increasing the vulnerability of these workers to exploitation as a result of debts. In addition, the opening of the scheme to virtually any country in the world will severely increase the travel costs for workers, which is likely to lead to higher debt and increased financial vulnerability.

In addition, FLEX has heard anecdotal evidence from the trade union sector and migrants' rights organisations that migrant workers in the health and social care sector being charged up to £10,000 as an exit fee if they wish to leave their position before a specified period of time. Such exorbitant exit costs prevent workers from being able to exit abusive or exploitative work and produces a serious risk.

This is likely to be an increasing issue as care work and other 'lower pay' jobs have been added to the Shortage Occupation List, with these kinds of fees having a greater impact on those with less financial security. The absence of proper monitoring and checks to visa schemes such as the UK Health and Care Workers Visa Scheme, presents such a risk. Organisations supporting workers in the sector (such as BASNET) have seen examples of 'irresistible' job adverts on social media, with offers of high salaries, free travel and accommodation and enticing terms and conditions of work.⁵⁹

At present recruitment agencies are regulated in GLAA licensed sectors (agriculture, food production), with the EAS more geared towards agency workers. The extension of such regulation may help to address some of these concerns. Indeed, UK licenced recruitment agencies should use vetted and trained agents in source countries and provide strict guidelines to monitor their activities. It is also important that government and businesses collaborate and partner with grassroots UK organisations, especially those working in diaspora and black and ethnic minority communities, to develop community education and action programmes to address drivers of exploitation, human trafficking and modern slavery.

Workers base their decisions on the information they are given at the point of recruitment. If they have borrowed and paid money on promised earnings which they will never receive they are made vulnerable to exploitation. The upfront costs

⁵⁹ <https://bmeantislavery.org/news/statement-on-interational-labour-day-2022/>

like travel tickets, application fees and recruitment fees can produce instances of debt bondage to meet these costs. In some of these cases, workers' documents taken by the recruiter or agency in order to tie them to the debts that they are unable to pay off.

This may be compounded by psychological control such as blackmail and threats (as well as 'juju' or oath rituals). As a result, workers may then fear (for themselves and their families) exiting their exploitative conditions or coming forward to authorities for help. Those in debt bondage and in labour exploitation may then ultimately protect their exploiter by refusing to engage with law enforcement or labour market enforcement.

c. Do you have any evidence to share in respect of recruitment fraud?

Our research report on the experiences of seasonal workers in Scottish farms shows serious risk of deception in recruitment for workers on the scheme. For instance, the information that many SWV workers received at point of recruitment did not match that received once they reached their employment. For example, the majority of SWV workers (60%) reported information received about how much money they would earn in the UK to be inaccurate compared to the reality. Employers have also raised concerns about unmet expectations. Some SWV workers are provided with terms and conditions at recruitment that do not match their contract terms and conditions upon arrival (a practice also called 'contract substitution'). This poses a risk of future workers being deceived about the nature of the work in the UK.

"I think we are all trapped. We have no choice, we paid money in order to come here, and now we must get this money back. Our families cannot pay our tickets back, simply because they have no money. We all have debts; therefore, we all feel trapped"

SWV worker, October 2020⁶⁰

The GLAA does not conduct in country license or compliance inspections of overseas labour providers. This limited oversight of overseas labour providers and their activities in workers' country of origin poses a range of risks of workers facing deceptive recruitment, threats at point of recruitment and recruitment linked to debt.

On the other hand, the conflict in Ukraine has a significant bearing on the SWS, given the significant proportion of Ukrainian workers on the scheme itself.

⁶⁰ SWV worker, interview with FLEX, October 2020

Between January to December 2021, 67% of issued SWVs were to Ukrainian nationals.⁶¹ We are aware that Ukrainian nationals in the UK on the SWV scheme will have their visas extended until 31 December 2022 on their behalf by the Home Office together with their employer. However, an increasing number of Ukrainians will enter the UK *via* alternative routes, and the conflict has disrupted the number of individuals joining the SWS. The Government's statistics demonstrate that Ukrainian nationals made up 41% of approved SWVs in the first quarter of 2022,⁶² marking a significant decline from 79% of approved SWV recipients in the equivalent period in 2021. Given that the Russian invasion of Ukraine took place on 24 February already somewhat into the first quarter, it is possible that the percentage will be further reduced in the coming quarters.

FLEX is concerned that the rapid shift to recruiting seasonal workers from other countries, to make up for the shortfall in workers, will lead to insufficient due diligence in recruitment and a heightened risk in labour abuse and exploitation.

In response to this, some scheme operators have highlighted that they will not recruit from certain countries due to difficulties ensuring fair recruitment practices along the line. Such as in central Asia due to fears around recruitment fees and corruption. Indeed, one such operator has highlighted that they do not have any authorised representatives in Uzbekistan, Tajikistan, Kyrgyzstan or Kazakhstan due to the prevalence of fraud and charges/collection of fees for job-finding and service provision.⁶³

A joint-investigation by the Bureau of Investigative Journalism and the Guardian⁶⁴ found that that Nepalese workers working on a UK farm as part of Government's SWS may have paid more than £3000 in recruitment fees to come to the UK. Such fees are used to cover the costs of flights and visa applications as well as exploitative and extortionate illegal fees. The costs for an individual Nepalese worker to participate in the scheme, arising from the charges for preparing documents, visa costs and logistics, were estimated to be more than £2,000. These high costs demonstrate a vulnerability to labour abuse and exploitation, given workers' need to earn enough to cover such costs.

Importantly, when questioned by a scheme operator about the recruitment fees during an investigation, one worker highlighted that she had lied to the investigator as she 'didn't want to get in trouble.' This demonstrates how the unequal power relationship hinders the ability to identify and investigate such

⁶¹ <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-december-2021/why-do-people-come-to-the-uk-to-work>

⁶² <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-march-2022/why-do-people-come-to-the-uk-to-work>

⁶³ <https://www.fruitfuljobs.com/>

⁶⁴ <https://www.thebureauinvestigates.com/stories/2022-05-27/migrant-fruit-pickers-charged-thousands-in-illegal-fees-to-work-on-uk-farms>

exorbitant recruitment fees, and unscrupulous practices more generally. To counteract the inhibiting effect of this dynamic it is essential that independent investigations are established, and complaints mechanisms put in place to allow a worker's grievance to be heard and remedied during their time in the UK, as well as the wider recommendations in section 1B above.

Data released by the Home Office on 26 May 2022 shows that Nepal has provided 395 seasonal workers to the UK in the first quarter, amounting to 6% of SWV participants. Demonstrating the considerable risk of labour abuse and exploitation of Nepalese workers in the future.

The difficulties in providing workers who have been unduly charged fees, FLEX recommends the creation of a compensation fund (inaccessible to scheme operators) to promptly repay workers who have been charged. This should be coupled with the strengthening of GLAA sub-licensing system for labour intermediaries through the SWV scheme operators.

This situation, once again, evidences the urgent need to increase the resources to the GLAA and future SEB to ensure there is capacity to conduct regular proactive inspections of SWS participating workplaces, strengthen the GLAA licensing scheme by monitoring overseas labour providers, and help prevent and address non-compliance (for instance, the fact that zero-hour contracts were used despite being banned).

6. Employment models

a. Do you have evidence of these being associated with worker exploitation?

The Gig Economy & Zero-Hour Contracts

One-sided flexibility means that couriers can have their supplier agreement with the platform terminated without any explanation or ability to challenge the decision of the platform. Unfair terminations make couriers' work much more precarious and insecure as they fear retaliation if they join a union or complain about working conditions or pay. When asked about whether they have been afraid of having their account closed, respondents to a FLEX produced survey answered yes if they complained about unfair treatment (43%), reported/complained about bad working conditions or pay (31%), organised a strike or a boycott (27%), joined a trade union (18%) and reported/ complained about harassment or abuse at work (16%).⁶⁵

⁶⁵ <https://www.labourexploitation.org/publications/participatory-research-couriers-uk-app-based-delivery-sector>, p.7.

The classification of couriers as self-employed also allows companies to transfer excessive amounts of risk to workers, creating insecurity for workers. One way in which this is done is by companies putting all costs on couriers, including unpaid waiting times and unpaid time traveling between jobs, and any costs associated with the job, such as equipment, fuel, and insurance, which would normally be paid for by the companies. Platforms also avoid responsibility for costs that are normally expected of employers to cover such as pensions and National Insurance contributions and sick pay, creating a high risk of destitution for workers in an event of an accident or event that can cause them to lose their income. Lastly, platforms are able to set terms and conditions and wages for couriers but take no responsibility for below minimum wage payments and dangerous conditions. This is often the case in traditional sectors of the economy where outsourcing and subcontracting are the norm. Addressing worker precarity, for example by regulating zero-hour contracts, would enable more workers to report and stand up to employer non-compliance.

Short-term Visas

As highlighted above, FLEX is clear that risks of exploitation are inherent in short term work visas and that short term measures of this type do not address the structural issues in the UK labour market.⁶⁶ While well-designed visa routes can enable safe travel and legal work, badly designed schemes can create significant risks by restricting workers' bargaining power. The UK needs to ensure it is not facilitating exploitation by treating workers as commodities who cannot access legal rights or safeguards. Otherwise, it will create a two-tier workforce, with those entering on short term visa routes cut off from basic rights or access to employment law - both of which are key to preventing exploitation.

The UK has two existing short term visa routes for low paid work. These are the Overseas Domestic Worker (ODW) visa and the SWS (outlined above). Reports of exploitation on the Overseas Domestic Worker visa increased dramatically in 2012 when the route was further restricted,⁶⁷ preventing workers from changing employer or renewing their visas. This meant that exploitative employers knew that workers could not leave and look for a better job and even complaining carried the risk of being sacked and left destitute and unable to work.

The approach of treating migrant workers as a short-term commodity which can be brought in to fill gaps in the labour market and then sent away is unsafe, unethical, and unproductive. It facilitates exploitation by commodifying and

⁶⁶ <https://www.labourexploitation.org/publications/risks-exploitation-temporary-migration-programmes-flex-response-2018-immigration-white>

⁶⁷ <http://www.kalayaan.org.uk/documents/Slavery%20by%20a%20new%20name-%20Briefing%207.5.13.pdf>

dehumanising key workers, imagining people who do vital jobs to be available on tap to fill gaps and then leave without providing for the practicalities which could make the work viable. It does very little to address labour shortages and it does nothing to address the root causes of the labour shortages of poor pay, long hours, and unsatisfactory working conditions.

Short-term visas create inherent vulnerabilities due to the limited time people have to earn back on any potential investment they've made to secure the visa, including travel costs, visa costs, and potential recruitment fees. The short visa timeframe also creates practical difficulties for workers wanting to challenge underpayment or other non-compliance with labour law, as they will have little access to legal advice, information about their rights, and must leave the UK at the end of their visa period. Moreover, they are also high risk because of the restrictions attached to them, such as being limited to working in a specific sector or for a particular employer and having no recourse to public funds.

It is vital that attention is given to the likelihood of exploitation on short term work visa schemes and action is taken to mitigate harms and ensure workers on the routes are safe and treated ethically and in line with UK labour laws, ensuring that the routes do not actively facilitate exploitation. As such short-term routes are economically risky for workers, there is a risk that only those who have few options apply, meaning they are already more vulnerable due to push factors such as debt or poverty. The Government needs to take into account vulnerabilities created by the nature of the routes themselves and those that are exacerbated by circumstances (e.g., language barriers, debt, poverty, lack of knowledge of rights, lack of support networks, etc.)

The following mitigation steps should be included at minimum:

- Visas should not be tied, and workers should have the freedom to change employers not only on paper but in practice
- Visas should be renewable subject to ongoing employment and have a route to settlement
- Allow workers who faced exploitation and enter the National Referral Mechanism (NRM) to continue to work so reducing their dependency on their employer
- Access to the NHS and recourse to public funds
- Access to sick and maternity pay
- Proactive labour market enforcement with a targeted approach to high-risk sectors is key (regulation alone is ineffective, particularly when visa restrictions limit workers bargaining positions)
- Enforcement of other standards, e.g. accommodation, health and safety
- Providing clear and accurate information on rights (in relevant languages), where to get help and what to do if labour laws or employment conditions are breached e.g. wages are not paid

- Clear written contracts issued in the worker's language before travel takes place and information sessions in the UK to explain the terms
- Clarity on terms of employment and expectations for nature and hours of work with the prohibition of zero-hour contracts, and charging for accommodation, transport to work unless there is a minimum income guaranteed
- Access to specialist independent advice and a 'fast-track' reporting channel and resolution mechanism to effectively respond to labour abuses affecting temporary workers
- Regulation and enforcement to ensure that workers do not pay recruitment fees and the existence of a scheme to reclaim fees which are charged

b. Do you have evidence of other employment models that might give rise to compliance concerns?

Out-Sourcing

Employment relationships in the service industries have become increasingly fissured, through practices such as outsourcing and subcontracting. Fissuring has created longer and more complex supply chains and allowed lead companies-brands at the top of the chain- to avoid liability for labour rights violations while retaining the power to influence, if not determine, the wages and conditions of workers employed by their suppliers and contractors. Lead companies are able to shape the conditions of work through, for example, demands for lower costs, tight delivery deadlines and unstable sourcing relationships. This is true for sectors that have long involved extensive subcontracting networks, such as apparel and agriculture, as well as for a variety of service industries that have more recently fissured.

Through outsourcing, lead companies are able to leverage their purchasing power to benefit from lower prices. Cleaning companies must compete for contracts based on cost and flexibility. To remain competitive, they often squeeze workers' pay and benefits and use increasingly casual, temporary or low-hour contracts. Suppliers who do not keep step are put at a disadvantage relative to competitors willing to adopt poor practices to win business. The risk of labour abuse that this downward pressure creates is passed on to contractors, as companies are not liable for wages or conditions of those who are not direct employees, such as outsourced cleaners.

Fissuring creates longer and more complex supply chains and allows lead companies – brands at the top of the chain – to avoid liability for labour rights violations while retaining much of the power to influence, if not determine, the wages and conditions of workers employed by their suppliers and contractors. Lead companies across various sectors are shifting what are considered non-core activities – everything from cleaning and catering to manufacturing and

accounting – onto other businesses at home and abroad to focus on creating a brand recognisable to consumers and investors.

Suh fissuring also makes it hard for trade unions to organise workers and bargain collectively. Instead of dealing with one large employer with direct control and responsibility for workers' pay and conditions, unions must now negotiate with multiple smaller employers. The workers that trade unions are trying to organise are also increasingly precariously employed, discouraging workers from organising for fear of losing work. Cleaners, for example, often work short, unsociable shifts for multiple different employers and/or at multiple sites for the same employer, meaning they need to fight on multiple fronts to make significant gains. People who are able to will move onto other sectors that offer better pay and working conditions, often leaving behind a workforce made up mainly of minoritised groups, including women, migrants and ethnic minorities, whose options are more limited due to the structural inequalities and vulnerabilities outlined above.

FLEX emphasise the need to regulate outsourced companies and labour suppliers (agencies and gangmasters) through, for example, extending the GLAA licensing system to more high-risk sectors. Furthermore, there is a need to recognise the role that lead companies play in driving exploitation through their contracting and purchasing practices and make them liable for non-compliance in their supply chains through, for example, joint and several liability or mandatory due diligence legislation

UK labour laws are designed to regulate direct employment relationships and do not address changes brought about by the fissuring of workplaces. Without legislation compelling companies to prevent labour abuse and exploitation in their supply chains, workers, consumers and the state face an uphill battle holding business to account.

7. Enforcement resourcing

a. What assessment do you make of how these 3 bodies operate?

Today, the UK's overall ratio of inspectors to workers is approximately 0.4 inspectors per 10,000 workers. This is less than half the International Labour Organisation's recommended ratio of 1 to 10,000.⁶⁸ In practice this means that a UK employer can on average expect an inspection by the HMRC National Minimum Wage team just once every 500 years.⁶⁹

⁶⁸ <https://www.labourexploitation.org/publications/risky-business-tackling-exploitation-uk-labour-market>.

⁶⁹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705503/labourmarket-enforcement-strategy-2018-2019-full-report.pdf.

The picture becomes bleaker when looking at specific agencies. The GLAA has a total of just 137 staff with only one servicing the whole of Scotland. It is responsible for the inspection and licensing of the entire UK agriculture, food processing and packaging and shellfish industry combined.⁷⁰ The GLAA's remit also includes tackling modern slavery, a crime which the National Crime Agency has warned is increasingly widespread.⁷¹ For example, in 2020, the Low Pay Commission raised serious concerns about garment manufacturing in Leicester. The endemic lack of compliance with minimum wage rules was an open secret locally, with journalistic exposés, academic investigations and Parliamentary enquiries all highlighting the problems but with no resulting enforcement.⁷²

Meanwhile, the 13 staff employed by the Employment Agencies Standards Inspectorate (EASI) oversee the activities of the UK's 18,000 employment agencies, a sector that has grown and become increasingly complex over the past decades.

Consistent underfunding has had a serious impact across labour market enforcement activities and UK's labour market enforcement gap continues to widen. Indeed, the minimal levels of enforcement in sectors of the labour market where high levels of exploitation are well-known. Increases in funding have been awarded alongside an expansion of the responsibilities of already over-stretched enforcement agencies. In many cases, such as in relation to health and safety, cuts in resources have intensified considerably. This has slowed down, and in many cases reversed progress in the UK. The Government's plans to reform the labour market need to be matched with real commitment to resourcing the agencies in charge of governing it. Increases to the minimum wage or improvement to worker protections will amount to little or nothing without a significant investment into ensuring that employers follow these rules. FLEX calls for the need to produce and publish an assessment of the resourcing needs of the SEB and other labour market enforcement agencies. Any efficiencies derived from the proposed merger of different agencies should be reinvested into greater enforcement capacity and a focus on deterrence over compliance. In addition, operations of labour inspection authorities should be prioritised based on the evidence of risk, with greater targeting of sectors where there is chronic low pay, high levels of insecurity, and widespread use of outsourcing and agency work. A good target would be for the UK to aim to meet the International Labour Organisation target of one inspector for every 10,000 workers within the next decade. Strengthening and properly enforcing labour market protections, as well

⁷⁰ <https://questions-statements.parliament.uk/written-questions/detail/2020-12-30/132879>

⁷¹ Modern slavery and trafficking 'in every UK town and city' - BBC News – August 2017. <https://www.bbc.co.uk/news/uk-40885353>.

⁷² <https://unchecked.uk/wp-content/uploads/2021/11/Labour-Market-Enforcement-Gap.pdf>

as strengthening safety and dignity at work, will be key to addressing chronic labour shortages.

Some of these trends are outlined below.

Funding and staffing for agencies tasked with enforcing equality and human rights, and health and safety, % change, 2009-2027

- Equalities and Human Rights Commission funding: down 78%; staff numbers: down 54%
- Health and Safety Executive funding: down 60%; staff numbers: down 37%
- Local Authority spending on health and safety: down 33%; Local Authority Health and Safety Inspectors: down 57%

Enforcement activity, changes, 2009-20

- National Minimum Wage investigations completed by HMRC: down 9%
- Number of employers successfully prosecuted by HMRC for underpaying minimum wage: 15 (since 2007) with an average fine of just over £2,500 each²⁸
- Number of targeted enforcement underpayment of minimum wage cases opened by HMRC in 2019/20: 2,505²⁹
- Number of convictions brought by the Gangmasters and Labour Abuse Authority since 2009: 100 convictions.³¹
- Number of licenses revoked by the Gangmasters and Labour Abuse Authority: down 21%
- Gangmasters and Labour Abuse Authority-led compliance inspections: down 36% (2009-19)
- Employment Agency Standards Inspectorate complaints cleared: down 7% (2009-2019)
- Warning letters issued by the Employment Agency Standards Inspectorate: down 36% (2009-19)

Health and safety enforcement activity, % change, 2009-20

- Proactive health and safety inspections by Local Authorities in England, Scotland, Wales: down 94%
- Proactive Health and Safety Executive inspections to construction sites: down 44% (2012-20)
- Enforcement notices issued by the Health and Safety Executive: down 27%
- Total Local Authority health and safety visits in England, Scotland, Wales: down 78%

- Health and Safety Improvement Notices served by Local Authorities in England, Scotland, Wales: down 75%
- Prosecutions by the Health and Safety Executive and, in Scotland, the Crown Office and Procurator Fiscal Service: down 46% (2015-2020)

Labour market enforcement agency budgets, changes, 2009-20

- Employment Agency Standards Inspectorate funding: down 26%
- Gangmasters and Labour Abuse Authority funding: up 18% – but remit has significantly expanded in 2017 to cover Modern Slavery across all sectors of the economy.³²
- HMRC's National Minimum Wage Enforcement Unit has seen an increase in its budget to £26m a year. Despite this increase, employers can expect to be inspected on average once every 500 years and this year 151 companies were prosecuted for failing to pay the correct minimum wage to 34,000 workers.

Total labour market enforcement agency staff, % change, 2009-20

- Employment Agency Standards Inspectorate staff numbers: down 1% (after years of steady decline, staff numbers remain below 2009-10 levels)

Equalities enforcement activity, % change, 2009-20

- Equality and Human Rights Commission legal cases take on: down 32%

b. Provide evidence and examples of best practice to address labour market non-compliance that you would like to highlight to the Director?

Secure Reporting

Recommendations made by the previous DLME, Matthew Taylor, sought to address a number of the drivers that leave migrant workers vulnerable to labour abuse and exploitation, and ultimately recognising that it is '*vitally important to maintain a clear dividing line between labour market enforcement and immigration enforcement.*'⁷³ FLEX holds that the recommendations outlined in the DLME's 2021/2022 strategy should be implemented in full.⁷⁴

⁷³

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040316/E02666987_UK_LMES_2020-21_Bookmarked.pdf, p.104.

⁷⁴

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040317/E02666976_BEIS_UK_Labour_Market_Enforcement_Strategy_2021-22_Accessible.pdf, pp. 35–36.

FLEX notes that secure reporting pathways and procedures have not been embedded within GLAA activities. Such pathways would allow for the separation of immigration enforcement activities from labour market enforcement, such as in relation to the sharing of workers' undocumented status with the Home Office. In turn, undocumented victims of labour abuse and exploitation would be able to come forward without fear of immigration-related repercussions, such as arrest, detention and deportation.

Given the additional precarity of undocumented workers, and compounded by the isolation and lack of social protections, secure reporting can be utilised as an important tool to ensure that workers are able to avail of their rights and have meaningful access to protection and support.

The current Government's recent anti-refugee and migrant policies, such as the Nationality & Borders Act and the Migration and Economic Development Partnership with Rwanda, have created an even greater need for secure reporting pathways to be established and maintained. FLEX holds that the DLME should prioritise secure reporting within the 2023-2024 strategy and within their work more generally.

To the DLME:

- Assess labour market enforcement agencies' engagement with migrant workers and their levels of trust in these agencies, as well as the impact of the lack of secure reporting systems in their ability to fulfil their primary duties.
- Issue guidance to the agencies under the Director's remit requiring them not to conduct simultaneous or coordinated operations with, or actively report migrant workers to, Immigration Enforcement, as it negatively affects their labour market enforcement responsibilities.
- Upon the establishment of the SEB for employment rights, a Memorandum of Understanding should be instituted with the Home Office clearly stating that:
 - immigration enforcement priorities must not interfere with labour rights enforcement in the workplace;
 - labour market enforcement agencies should not conduct simultaneous or coordinated operations with immigration authorities, as labour rights should be at the centre of all inspections conducted by labour inspectorates;
 - labour market enforcement agencies should not report immigration offences to the Home Office, as this is shown to interfere with their primary duties and efficiency;

- labour market enforcement agencies should not establish bulk data-sharing agreements or make their databases available to the Home Office for immigration enforcement purposes.
- In the event that a shadow body is established for the transition period between the current plural inspectorate system and the institution of the SEB, apply guidance and practices that embed secure reporting mechanisms at an early stage.

To each Labour Market Enforcement Authority

The following recommendations do not require changes to current immigration policy to be adopted.

- Develop guidance on supporting migrant workers, clearly stating that: – inspectors will not actively enquire about workers’ immigration status during visits and investigations, for immigration enforcement purposes;
 - inspectors will not seek out matters of concern to immigration enforcement bodies; – inspectors will not report information for immigration enforcement purposes;
 - inspectors will not conduct simultaneous or coordinated operations with immigration authorities;
 - inspectorates will appoint a Single Point of Contact (SPOC) to oversee compliance with this guidance and ensure that migrants who have experienced abuse and exploitation are referred to the appropriate supporting agency.
- Work with migrant community organisations to inform migrant workers about their rights and ensure that migrants know they are secure to report labour abuse and exploitation.

Secure reporting practices have been adopted in other jurisdictions in a manner that has expanded labour market enforcement authorities’ ability to protect and support undocumented workers. In the United States, all workers are protected by employment rights, even if they work without a permit.⁷⁵ Workers are encouraged to report workplace abuses to labour inspectors, who use public service announcements, partner with councils and ethnic minority media outlets to make workers with undocumented status aware that they can securely report to them. Addressing labour abuses is used as a strategy to tackle severe exploitation, such as forced labour and human trafficking. A senior civil servant explained:

⁷⁵ National Employment Law Project and National Immigration Law Center, Immigration and Labor Enforcement in the Workplace: The Revised Labor Agency-DHS Memorandum of Understanding, May 2016, p.1.

"This is not an amnesty – it's a strategic move. [...] Allowing them to report to us helps us take down this commercial enterprise that benefits from underpaying and exploiting workers. If you hold the victims accountable [by reporting them to immigration authorities], you empower the traffickers, the criminals."

*United States senior civil servant.*⁷⁶

Since the mid-1980s, major cities in the United States, including Chicago, New York City, Seattle, Philadelphia and the whole state of California, have adopted policies aimed at protecting the safety of all its residents. By passing resolutions that limit local civil servants and law enforcement officials' involvement with immigration enforcement actions, these cities aim to promote undocumented migrants' engagement as witnesses and allow them to come forward when they are victims of a crime. This approach has been proven successful.

In Belgium, over 300 workers with undocumented status have reported cases of unpaid wages to labour inspectors without suffering immigration consequences since 2010.⁷⁷ Under the Belgian system, if a worker approaches a labour inspector to report cases of labour abuse, the concept of "professional secrecy" removes labour inspectorate's duty to report undocumented migrants to immigration authorities. While this system has seen an increase in reports by undocumented migrants, a conflicting government policy creates barriers for inspectors conducting workplace visits. When an inspector identifies someone with undocumented status during a workplace inspection, they are required to inform the police under the justification that they have witnessed a crime (i.e. employment of someone with undocumented status). As the police shares information with immigration authorities, the worker is then made vulnerable to immigration consequences. This is a case of chain referral, where, even though the labour inspectors themselves do not report workers to Immigration, a requirement that they inform the police makes workers unsafe. FAIRWORK Belgium has noted that this policy has stopped some workers, documented and undocumented, from contacting the relevant inspectorate due to a worry that reporting an abusive employer would lead to an inspection that would put their undocumented colleagues at risk.

After identifying that Federal Police officers were treating labour exploitation of undocumented migrant workers solely as a violation of immigration policies, Brazilian labour inspectors stopped conducting simultaneous inspections with the

⁷⁶ FLEX interview with United States senior civil servant, December 2019.

⁷⁷ FLEX interview with FAIRWORK Belgium representative, October 2019.

Federal Police at a regional level, while advocating nationally for more protective rights for victims of human trafficking.⁷⁸

“We, the labour inspectors who were dealing with undocumented immigrants in the city of São Paulo, understood that by issuing deportation orders, the Federal Police not only violated human rights treaties ratified by Brazil but also supported the main manipulation tool used by unscrupulous employers to keep migrant workers from seeking assistance: the threat of deportation.”

Brazilian senior labour inspector

Over time, other regions of the country started to identify cases of exploitation of undocumented migrant workers which were followed by immigration action. In light of these cases, labour inspectors and other specialist organisations supported the development of guidelines⁷⁹ for inter-institutional use which clearly indicated best practices in supporting undocumented migrant workers.

“We believed the separation between labour inspection and immigration enforcement was essential to counter precarity at the workplace and promote better working conditions. [...] Today these procedures are relatively solidified, despite constant protest from xenophobic groups who perceive migrants as threats or less deserving of support. [...] While this is not an easy journey, it is an essential one in the fight against labour exploitation.”

Brazilian senior labour inspector⁸⁰

Gendered approach to labour market inspection

The Director’s Labour Market Enforcement strategy should specifically address the impact of gender on risk of exploitation, and the structures that contribute to risk of exploitation in highly feminised sectors. Each of the labour market enforcement bodies should develop and implement a gender policy and training programme that provides guidance on gender-related abuse and gender sensitivity in the monitoring, identification and enforcement of labour abuses. A joint working group

⁷⁸ Renato Bignami, ‘Labour rights or immigration enforcement? The case of labour inspections in Brazil,’ 26 October 2017.

⁷⁹ Secretaria de Direitos Humanos, Manual de recomendações de rotinas de prevenção e combate ao trabalho escravo de imigrantes, 2013.

⁸⁰ <https://www.labourexploitation.org/publications/opportunity-knocks-improving-responses-labour-exploitation-secure-reporting>, p.40.

on labour market enforcement in feminised labour sectors with members from each of the labour market enforcement bodies should be established to facilitate the sharing of key learning and the development of a common strategy.

Unfortunately, there is currently no labour market enforcement agency in the UK that has the remit, resources, and powers needed to tackle sexual harassment at work. This needs to be urgently addressed, starting with an assessment of what resources and powers would make such enforcement most effective, and which agency is best placed to take on the responsibility. Doing so will help the Government prepare for its intended ratification of the ILO Violence and Harassment Convention, 2019 (No.190).

The HSE has a clear remit to tackle sexual harassment is the HSE, and is already responsible for preventing and addressing violence at work. Unfortunately, though its own definition of violence at work should seemingly cover gender-based violence like sexual harassment, the HSE has so far refused to accept this interpretation.⁸¹ Given its specific remit and powers of inspection, the HSE is well-placed to take reasonable steps to protect workers from sexual harassment. The HSE's remit should be clarified to include sexual harassment and the law should be changed if necessary to support this. Finally, it is paramount that the HSE's budget – which has been slashed by almost 60% since 2009/10⁸²– be increased sufficiently to allow it, and its Local Authority counterparts, to add tackling sexual harassment to their existing duties. Similarly, the SEB, once created may also be an appropriate body to ensure that sexual harassment is addressed through its enforcement role.⁸³

FLEX holds that UK labour inspection agencies should adopt a gendered approach to labour inspection. This understanding should be matched with more targeted, proactive and gender-aware labour market enforcement that is accessible to all and effective at reaching out to the most at-risk workers. FLEX has produced a practical guide that aims to support labour inspectorates to build a more gender-aware response to detecting and tackling labour abuses against women in the workplace, including sexual harassment.⁸⁴ In this guide FLEX recommends that enforcement agencies should:

⁸¹ Women and Equalities Committee. 2018. Sexual harassment in the workplace: Fifth Report of Session 2017-19. House of Commons

⁸² Ewing, K., Ford, M., Glenister, S., James, P., Jones, C., Lord Hendy QC, J., Newsham, J., O'Neill, R., Professor Taylor, P., Tombs, S., Walters, D., Professor Watterson, A., WhyteEwing et al, D. 2021. A comprehensive review of the latest evidence regarding Covid-19 transmission in the workplace and the response of HSE and government. Institute of Employment Rights.

⁸³ <https://www.labourexploitation.org/publications/tackling-sexual-harassment-low-paid-and-insecure-work>, pp. 8-9.

⁸⁴ <https://www.labourexploitation.org/publications/women-workplace-flexs-five-point-plan-combat-exploitation>

- Appoint a lead officer to oversee the organisational response to feminised labour sectors and to tackle gender-related abuse and exploitation.
- Conduct research and evidence-gathering to build a full picture of risk of abuse and exploitation in feminised and high-risk sectors.
- Engage with NGOs and frontline support organisations that are already working with and trusted by workers in these sectors.
- Establish a joint working group on labour market enforcement in high-risk sectors with members from each of the labour market enforcement bodies and other organisations.
- Develop and implement a gender policy and training programme that provides guidance on identifying gender-related abuse and gender sensitivity in the monitoring and enforcement of labour rights.
- Make proactive inspection a core element of enforcement strategy in combatting sexual harassment at work.