



HM Government

DIRECTOR OF LABOUR MARKET ENFORCEMENT 2020 / 2021 STRATEGY: CALL FOR EVIDENCE

Closing date: 24 January 2020

December 2019



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General information

Call for Evidence details

Issued: 16 December 2019

Respond by: 24 January 2020

Enquiries to: LMEDirectorsoffice@beis.gov.uk

How to respond

Email to: LMEDirectorsoffice@beis.gov.uk

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If you have any complaints about the way this consultation has been conducted, please email: beis.bru@beis.gov.uk.

Introduction

This call for evidence sets out the issues on which Matthew Taylor, the interim Director of Labour Market Enforcement, seeks evidence to inform his Strategy for 2020/21.

The Labour Market Enforcement Strategy for 2020/21 is due to be delivered to Government at the end of March 2020. In order to meet our statutory requirements, the available window to gather your views and evidence is unfortunately narrower than in previous years and the call for evidence will have to take place over a truncated period, namely 16 December 2019 to 24 January 2020.

The Director would welcome evidence from stakeholders via:

- **written feedback** on these questions and any relevant evidence that you may wish to bring to our attention; and/ or
- **round table meetings** to hear views and evidence from stakeholders directly.

Three stakeholder events have been organised for the beginning of January (in London): one on the 6th of January and two on the 9th of January and we invite you to sign up to these by contacting the office at LMEDirectorsoffice@beis.gov.uk. If you wish to host a roundtable to discuss any of these issues this would also be welcomed, particularly out of London, and the Director or a representative from his Office would try to attend, or you could feed back as a group.

Background

The role of Director of Labour Market Enforcement was created under the Immigration Act 2016 (the Act), jointly sponsored by Home Office (HO) and Department for Business, Energy and Industrial Strategy (BEIS), to bring better focus and co-ordination to the enforcement of labour market legislation. The Director has overarching responsibility for setting the strategic direction of the three labour market enforcement bodies: HMRC National Minimum Wage/National Living Wage (NMW/NLW), Gangmasters and Labour Abuse Authority (GLAA), and Employment Agency Standards (EAS).

Sir David Metcalf was the first Director of LME and retired in June 2019. Matthew Taylor was appointed interim Director in late summer 2019.

The first two Strategies from the Director can be found here:

<https://www.gov.uk/government/people/matthew-taylor>

The Government has yet to respond to the recommendations in the 2019/20 Strategy.

One of the main requirements of the Act is for the Director to produce an annual Strategy to set the strategic direction of the enforcement bodies. This is to be submitted to Government before the end of the financial year (i.e. the 2020/21 Strategy is due by the end of March 2020).

The call for evidence is integral to informing the Strategy and helping the Director shape his recommendations to Government. The Director and his team are very keen to hear your views, concerns, ideas and evidence to supplement the analysis, research and inter-departmental discussions that also feed into the development of the Strategy.

This year, the appointment of a new Director, the consultation on the Single Enforcement Body (SEB) and the General Election have meant that the stakeholder engagement is happening much later in the year than for previous Strategies. Consequently, we unfortunately have a much-compressed timetable in which to seek your views. We hope to still speak to as many of you as possible and encourage you to provide your evidence.

Structure of call for evidence

This call for evidence is structured in four sections:

Section 1: About you

Section 2: Questions on four high-risk sectors: hand car washes, agriculture, social care and construction.

Section 3: Questions on non-compliance in other sectors

Section 4: Cross cutting issues – looking for evidence and views on non-sector specific issues.

The Director is not seeking views at this stage on the Single Enforcement Body (SEB) and will not cover this in any detail in this Strategy. The Director has already provided his initial views to the Government on this issue (available [here](#)) and is now awaiting the results from the BEIS consultation to be published and for clarity of political direction before developing these ideas further. The Director may therefore wish to make further submissions to Government on the SEB in due course and would want to elicit views and evidence from stakeholders at that time.

It is not expected that you answer every section, or every question. Please skip Section 2 if you do not have evidence specific to those high-risk sectors. You are of course welcome to submit any documents (e.g. research, reports or media articles) to which you refer in your evidence.

We may wish to quote evidence received in the published Strategy to support its conclusions and recommendations and will attribute these to the individual or organisation that supplied it, unless we are explicitly asked not to do so. **Accordingly, please highlight whether any of the information you submit is of a sensitive nature or if you wish to remain anonymous.**

Please send your evidence to: LMEDirectorsoffice@beis.gov.uk by **Friday 24th January 2020** and feel free to contact the Office at the same address if you have any questions.

Call for Evidence Questions

Section 1 – About you

1.1 Please briefly tell us about you / your organisation and your interest in enforcement of labour market regulations.

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.¹

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 www.labourexploitation.org.

Contact information: Emily Kenway, Senior Policy and Communications Advisor,
emilykenway@labourexploitation.org // 020 3752 5516

Section 2 – Four High-Risk Sectors

In previous Labour Market Enforcement Strategies, assessments have been made using the available intelligence and wider evidence to identify those sectors that are at risk of labour exploitation. We focused on three of these priority sectors (warehousing, restaurants, hotels) in our 2019/20 Strategy. For this current Strategy (2020/21) we are focusing primarily on non-compliance and enforcement in the following four sectors:

- **Hand car washes**
- **Agriculture**
- **Social care**
- **Construction**

The Strategy will go into detail on each of these, looking at what is known about the scale and nature of non-compliance, what is currently being done to enforce labour rights and what options there are for improvements going forward. In this section, we therefore ask for evidence that is specific to these sectors.

We recognise that risks are seen in other sectors beyond the listed above and these continue to be monitored. If you do not have evidence specific to the four sectors listed above, please go straight to **Section 3**.

A. Sector Specific Questions – Hand Car Washes

2.1 What are the issues of non-compliance in hand car washes? Have there been any changes in the past 12 months?

- What evidence do you have on the **nature** of the issues?
- What evidence do you have on the **scale** of the issues in this sector?

N/A

2.2 What enforcement or worker rights protection activity are you aware of in hand car washes? Has there been any change/ developments in the past 12 months?

- By the three enforcement bodies (GLAA, EAS, HMRC NMW)
- By other government bodies (e.g. Health and Safety Executive, Local Authorities)
- By non-government bodies (e.g. by sector bodies, charities, campaigning groups, etc.)

N/A

2.3 What impact do you think these interventions have had? i.e. are they effective? Why? What would make them more effective?

N/A

2.4 What **three** changes to enforcement do you think would have the most impact on workers at risk of exploitation in hand car washes?

N/A

B. Sector Specific Questions – Agriculture

2.5 What are the issues of non-compliance in agriculture? Have there been any changes in the past 12 months?

- What evidence do you have on the **nature** of these issues?
- What evidence do you have on the **scale** of these issues in this sector?

N/A

2.6 What enforcement or worker rights protection activity are you aware of in agriculture? Has there been any change/ developments in the past 12 months?

- By the three enforcement bodies (GLAA, EAS, HMRC NMW)
- By other government bodies (e.g. Health and Safety Executive, Local Authorities)
- By non-government bodies (e.g. by sector bodies, charities, campaigning groups, etc.)

The Seasonal Workers Pilot began in April 2019, bringing 2,500 workers to the UK per annum to work on six-month temporary visas in edible horticulture. Workers are not able to re-enter the UK on this visa for a period of 6 months. This Pilot will be expanded to 10,000 workers per annum in due course.ⁱⁱ Temporary migration programmes (TMPs) of this nature are high risk for labour abuse and exploitation, including its most severe forms. Migrant workers are more susceptible to exploitation because they may lack in-country support networks, language skills and knowledge of their rights. Migrant workers on temporary work schemes have these factors compounded because they are not in the destination country long enough to improve this resilience. Risks of TMPs, based on documented cases, include:

- Debt bondage - migrant workers entering into low paid programmes overseas are likely to have incurred recruitment debt, and are therefore at heightened risk of debt bondage, a form of forced labour. Workers entering the country under the Pilot are subject to a range of fees and charges. These increase the likelihood of debt bondage occurring. In past UK TMPs, high recruitment fees have been identified, such as a 2005 Home Office review of the former Sectors Based Scheme that found cases of workers paying over £10,000 to access the scheme.ⁱⁱⁱ
- Deception in recruitment – workers may have different terms and conditions portrayed to them than are accurate on arrival, but as their visa will only be valid within the proscribed scheme, they may face a choice between undocumented destitution, with potential criminal repercussions, and remaining in abusive circumstances.^{iv}

- Tied visas and barriers to changing jobs or sectors – this significantly increased vulnerability to exploitation as workers will be compelled to accept poor working conditions and employers may leverage the power imbalance to exploit workers.^v Whilst the Pilot does not include a tie to the employing farm, workers are tied to the operating companies (Pro-Force and Concordia) and must request to move farm. Meaningful information and assurances about the process to do this and positive examples have not been published.
- No recourse to public funds – migrants on the Pilot do not have access to public funds. This will bar them from accessing essential services such as homelessness assistances and welfare benefits. This leaves workers with no choice to leave exploitation as they risk destitution.^{vi}

The short-term nature of the visa, coupled with the ‘cooling off’ period of six months which is equal to the visa term itself, makes workers less likely to unionise, which thus removes a key method of protection of their rights and a key actor in influencing and monitoring conditions and standards. This design is also not palatable to industry which has raised concerns regarding how it will impact costs and productivity. For example, Archie Gibson, Executive Director of Agrico UK, an agricultural distributor, explained his concerns in oral evidence to the Scottish Affairs Committee in April 2019^{vii}:

“The old marketing adage is that it is much cheaper to retain something than to start from scratch, so our aim is always to make the work environment as pleasant as possible for the people who are minded to come back year after year and accumulate those skills [...] Those skills all have to be trained for when the people arrive, and invariably the people who get into the way of it and then return are much the best. I think their productivity is higher [...] My feeling, which is borne out by conversations I have had with many people, is that we need something that is actually quite attractive. I would say an 18-month period, because if this idea of a [...] cooling-off period becomes set in tablets of stone, you have to have a period that maybe attracts them to come back after a break, if a break is enforced. I just think that an 18-month period might help a youngster to come here, make some savings to allow them to pay for their education back home, and climb the greasy pole in their own life choices that they are making.”

UK CASE STUDY: THE UK SEASONAL AGRICULTURAL WORKERS SCHEME^{viii}

Until 2013, the UK operated the Seasonal Agricultural Workers Scheme (SAWS) that allowed the agriculture and horticulture sectors to employ migrant workers for short-term, seasonal agricultural and food processing work. Eligibility rules, quota size, and operations changed through the years to accommodate the sector’s need for labour, especially during peak seasons. Permission to work in the UK was granted for a maximum of six months. Participants could reapply after a break of three months, with many workers returning to the same farms. Workers on the scheme were entitled to receive the national minimum wage, paid holiday, agricultural sick pay, night work pay, on-call allowance, rest

breaks, and pay even if bad weather stopped work. The SAWS was managed by a total of nine operators on behalf of the UK Border Agency, five of whom were 'sole operators' supplying labour only to their own farms, while the remaining four were 'multiple operators' supplying labour to a number of different growers.

The scheme operators were not only in charge of recruiting workers and allocating them to employers, but also of monitoring their pay and working conditions. The Gangmasters Licencing Authority (GLA, now the Gangmasters and Labour Abuse Authority, GLAA) registered 'multiple operators' and had the power to conduct inspections. In addition, once a year, the UK Border Agency conducted inspections on farms and operators that were using SAWS workers.

Despite these preventative measures, different investigations reported cases of misinformation about the number of working hours which would be available, underpayment of wages, long working hours, no days of for rest, and poor living conditions. *One study uncovered a strawberry picker earning £6 after working for three to four hours, while another described migrants working in isolated environments and living under poor conditions without the ability to change employers. Participants on the SAWS had to work for the farmer to whom they were allocated. Though workers were technically allowed to change employer, in practice this was "almost impossible" as they could only switch to another farm site with permission from their scheme operator, five out of nine of whom were also their employer. Guidance issued to workers said they could only switch employers "for exceptional reasons"; otherwise leaving their employment would mean having to return home and wait for three months before being eligible for a new placement. From the perspective of employers, the SAWS provided a 'flexible and reliable workforce' that was "unlikely to leave for other work ... or when conditions are particularly difficult". However, from the perspective of workers, the scheme made them more vulnerable to labour abuses and exploitation by effectively tying them to their employer and impeding their ability to remove themselves from unsafe situations. Aware of the power imbalance that comes with tied visas, some employers used the threat of deportation to implement decreases in pay.*

INTERNATIONAL CASE STUDY: EXPLOITATION UNDER TIED VISAS ON THE UNITED STATES H-2 GUESTWORKER PROGRAM^x

The United States H-2 Guestworker Program provides tens of thousands of temporary farmworkers and labourers to industries such as agriculture, forestry, and construction, for a maximum stay of three years.⁸⁹ Guestworkers may work only for the employer who sponsored their visa and must leave the country when their visa expires. Critics have reported that this restriction has led to workers being 'systematically exploited and abused', as they are forced to choose between remaining in exploitative working conditions or returning home. According to the Southern Poverty Law Center (SPLC): The most fundamental problem with guestworker programs, both historically and currently, is that the employer — not the worker — decides whether a worker can come to the United States and whether he [sic] can stay. Because of this arrangement, the balance of power between employer and worker is

skewed so disproportionately in favour of the employer that, for all practical purposes, the worker's rights are nullified. At any moment, the employer can fire the worker, call the government and declare the worker to be "illegal." Abuses such as non-payment of wages, withholding of documents, poor living conditions and denial of medical benefits for on-the-job injuries have been reported to be widespread within this scheme, but workers are unable to challenge them due to fear of losing their job and future right to return to the US, as leaving an abusive employer means becoming undocumented. The Government Accountability Office specifically found that "the structure of the H-2A and H-2B programs may create disincentives for workers to report abuse" and pointed specifically to the fact that workers are restricted to working for their sponsoring employer. The lack of legal protections and lack of enforcement of the protections offered to workers under this scheme also contribute to the endemic abuse suffered by workers. Further, the fact that non-agricultural workers were not entitled to federally funded legal services meant that accessing legal information or taking legal action to enforce rights were simply not affordable for many workers.

Further information regarding TMPs, including historical and contemporary evidence of how they increase risks of exploitation, further case studies from international and UK contexts and what steps need to be taken to avoid these risks can be found in FLEX's report, 'The Risks of Exploitation in Temporary Migration Programmes' (2019).^x

In November 2018, the former Home Secretary Sajid Javid acknowledged that the Pilot raised the risk of workplace exploitation.^{xi} Despite this recognition, to date the UK government has provided no substantive assurances that the Pilot will be properly evaluated against these risks. This is particularly crucial considering that the pilot was not designed in consultation with trades unions or workers' rights groups. The operating companies were required to commit to taking steps to avoid exploitation in their tenders, but the information about how they intend to do this is not currently publicly available. Likewise, both operators are required to provide data to DEFRA and the Home Office for evaluative purposes, but it has been announced that the scheme will be expanded from 2,500 workers to 10,000 workers without an evaluation being published.

There are three aspects of the scheme that contain provisions for monitoring working conditions and related issues. These are:

- The two operating companies provided information regarding monitoring of migrant workers in their responses to the government's request for information. The categories of this information are listed in Annex A, downloadable online here:
<https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information#defra-monitoring-and-reporting>
- The government has stated that it will require specific categories of information from the two operating companies "to allow the effective monitoring and evaluation." Which are listed at

point 10 here: <https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information#defra-monitoring-and-reporting>

- The operator companies must be licensed by the GLAA. GLAA Licensing Standard 3 specifies that licence holders must not subject workers to any practices that constitute indicators of forced labour.^{xii} The operators must also had to confirm that they would work with the GLAA and Stronger Together “to review your existing safeguarding process and, if necessary, develop new processes” at the time of the requests for information.^{xiii}

Whilst FLEX welcomes the inclusion of these elements, two core elements are missing and must be addressed prior to evaluation of the Scheme. These are:

- (i) There is no category of information being provided regarding changing of employers. The Scheme does not tie workers to the employer-farm, but workers must request permission from the operating company to change employer-farm. Tied visas are widely associated with high levels of worker abuse and exploitation.^{xiv} Whilst the Scheme is not officially tied, if workers are unable in practice to move at their request and within a reasonable timeframe, it will be tied in practice. FLEX recommends that information is added into monitoring collections that would enable this aspect of the Scheme to be monitored.
- (ii) There is no public confirmation that the information provided by the operating companies in their request for information responses and the information that they are required to provide to DEFRA and the Home Office will be subject to independent verification and evaluation. FLEX recommends that independent evaluation of the Scheme is undertaken. This independent evaluation should verify the information provided by the operating companies in their responses and in their information supplied to government departments. It should also undertake interviews with workers on the Scheme. This independent process should be used to assess the planned expansion of the Scheme and to inform its future design and the design of other temporary sector-specific schemes if they are introduced. We recommend that the Director of Labour Market Enforcement has a role in this independent evaluation or considers undertaking a separate assessment of the scheme, its impacts on and requirements for labour market enforcement.

Aside from the need for effective and transparent evaluation of the Pilot and whether labour abuses have occurred within it, there has been a failure to ensure adequate enforcement. The GLAA is tasked with licensing the operating companies and the overseas labour providers they use to supply workers. This is an additional workload, as between 2013 and 2019 this scheme or a comparable one did not exist; despite this, additional resourcing for these purposes have not been provided. To public knowledge, the GLAA has also not undertaken any targeted enforcement on Pilot farms, despite the clear risks of such temporary migration programmes. We are additionally concerned that current

mechanisms for complaint and redress, such as tribunals, may not have appropriate timeframes, locations and processes for migrant workers in the UK for such short periods.

The Association of Labour Providers is currently coordinating a stakeholder group to develop a Code of Good Conduct for the Pilot, of which FLEX is part. This Code will be particularly important upon expansion of the Pilot and also because it is highly likely that post-Brexit migration plans will include other comparable programmes with similar risks and needs. However, a voluntary code should not be viewed as a substitute for meaningful enforcement of labour law. Codes can be effective in encouraging best practice, but adhering to the law should be overseen by state inspectorates as they have the powers to investigate, remediate and penalise. Only those employers who wish to be responsible will participate in such voluntary mechanisms.

2.7 What impact do you think these interventions have had? i.e. are they effective? Why? What would make them more effective?

Resourcing for the GLAA is required to ensure it can properly enforce labour law and undertake rigorous licensing processes with regard to the Pilot. This resourcing should be based on the size of the workforce at risk, the number of relevant employers, the number of likely overseas labour providers and the complexity of establishing connections in those jurisdictions, and any other relevant aspects. When a single enforcement body is introduced, this resourcing should be maintained and a comparable approach should be taken to any temporary migration programmes in other sectors. See Section 4 for further information regarding resourcing.

2.8 What **three** changes to enforcement do you think would have the most impact on workers at risk of exploitation in agriculture?

1. **Sufficient resourcing for the GLAA and commitment to an independent and publicly available evaluation process for the Seasonal Workers Pilot**, against ILO Forced Labour indicators^{xv}
2. **Providing workers with (i) pre-departure training, and/or (ii) information on entry to the UK under the Pilot with rights information, including information and contact details for the relevant trade union;**

CASE STUDY: PRE-DEPARTURE TRAINING FOR MIGRANT WORKERS (extracted from ‘The Risks of Temporary Migration Programmes’, FLEX 2019^{xvi})

Pre-departure training that provides migrant workers with job-specific skills and knowledge and greater awareness of their rights, entitlements, and responsibilities has been internationally recognised as a

positive way to prevent migrant worker exploitation. It has been incorporated into a number of international programmes supporting the rights of migrant workers, including UK Department for International Development and ILO Work in Freedom programme which ran from 2013-18. The Work in Freedom Programme provided up to 50,000 women and girls are being provided with pre-departure training designed to help them secure legal work contracts and a decent wage. The trainings contributed to an overall aim of preventing trafficking of women and girls in South Asia and the Middle East by promoting education, fair recruitment, safe migration and decent work.

Pre-departure training has the potential to equip migrant workers with the information they need to make informed decisions, stand up for their rights and seek assistance when needed. However, as an independent review of the Work in Freedom programme notes, pre-departure training will not help reduce exploitation where migrant workers do not have the power to act on their knowledge. For pre-departure training to be an effective tool in preventing exploitation, it must be combined with changes in the destination country that enable migrant workers to assert and defend their labour rights.

3. Ensuring workers within the sector can change employers without undue burden, complexity or discouragement, and have effective complaints mechanisms that can provide remedy within appropriate timeframes based on visa lengths.

C. Sector Specific Questions – Social Care

2.9 What are the issues of non-compliance in the social care sector? Have there been any changes in the past 12 months?

- What evidence do you have on the **nature** of the issues?
- What evidence do you have on the **scale** of the issues in this sector?

N/A

2.10 What enforcement or worker rights protection activity are you aware of in the social care sector? Has there been any change/ developments in the past 12 months?

- By the three enforcement bodies (GLAA, EAS, HMRC NMW)
- By other government bodies (e.g. Health and Safety Executive, Local Authorities)
- By non-government bodies (e.g. by sector bodies, charities, campaigning groups, etc.)

N/A

2.11 What impact do you think these interventions have had? i.e. are they effective? Why? What would make them more effective?

N/A

2.12 What **three** changes to enforcement do you think would have the most impact on workers at risk of exploitation in the social care sector?

N/A

D. Sector Specific Questions – Construction

2.13 What are the issues of non-compliance in the construction sector? Have there been any changes in the past 12 months?

- What evidence do you have on the **nature** of the issues?
- What evidence do you have on the **scale** of the issues in this sector?

In 2018, FLEX published research on the nature and scale of labour abuses in the London construction sector, 'Shaky Foundations: Labour Exploitation in London's Construction Sector'.^{xvii} It detailed findings on abuse and exploitation within the sector and sectoral characteristics that exacerbate vulnerability.

All quotations from interviews in the below response section are extracted from 'Shaky Foundations: Labour Exploitation in London's Construction Sector'.^{xviii}

Findings included:

(i) High levels of labour abuse

The research used a mixed methodology of desk-based research, interviews and a survey. The survey received responses from 134 workers which this showed that:

- 50% had no written contract
- 53% were made to work in dangerous conditions
- 36% had not been paid
- 33% had experienced verbal/physical abuse at work
- 50% were paid below the London Living Wage and of these, 13% below the National Living Wage

(ii) False self-employment

The former union for workers in the construction sector, UCATT (now merged into Unite the Union), stated that the sector's unique tax regime - the Construction Industry Scheme (CIS) - has "institutionalised self-employment and resulted in exploitation", as in many instances employees are not really working for themselves.^{xix} For example, one interviewee was categorised as self-employed, though he worked through an agency who chose his work, administered his pay and dealt with his taxes, leaving little to distinguish him as self-employed. The CIS allows employers to deduct and send tax to Her Majesty's Revenue and Customs (HMRC) directly from self-employed workers' wages, but they do not deduct National Insurance or make National Insurance payments, which makes self-employed workers much cheaper to hire. In 2013, over 780,000 construction workers were designated self-employed, from which it was estimated that 200,000 workers were wrongly classified.^{xx} Citizen's Advice Newham noted in its response to the Taylor Review of Modern Working Practices that "uncertainty over employment status and terms and conditions of employment is a cross-cutting underlying issue throughout many enquiries."^{xxi}

The use of false self-employment to cut costs places workers at a disadvantage in terms of rights and protections as self-employed workers are not entitled to the National Minimum Wages rates nor covered by the Working Time Regulations 1998.

According to the manager of a construction company interviewed during FLEX research, "that's how things are done on construction sites 90% of the time. Either you're self-employed, or you have your

own limited company.” This appears to be a relatively grey area, for both employers and employees, with many unaware of their exact status or acting as self-employed with limited contractual protection, or no contract at all. This issue reflects the testimony provided by an interviewee, who said he was self-employed as a traffic marshal on a construction site, despite being employed through an agency. Though he did have a contract, he reported that this was “very short, it’s just two pieces of paper.” Despite speaking very limited English, the interviewee’s contract was provided only in English and was not explained to him by the agency’s ‘agent’; he said, “you have time to read it. [But] if you don’t understand English, usually [it’s] the agent who comes with the contract and he’s not Romanian and can’t do much to help you.”

(iii) *Umbrella companies*

Umbrella companies were introduced in 2014 following new government rules designed to crack down on false self-employment in the construction sector. They provide a payroll service and effectively act as the employer on behalf of agencies or companies, paying employees through PAYE. In 2015, it was estimated that the wages of between 300,000 and 400,000 construction workers were managed through umbrella companies.^{xxii} Though this system was intended to prevent abuse of self-employed status by agencies, a number of concerns have been raised about the way in which umbrella companies operate in the construction sector, including the charging of administration fees and other deductions for services which leave workers significantly worse off under the scheme.^{xxiii} A worker interviewed for the study whose payroll is processed through an umbrella company *said*:

“My income isn’t explained properly. The payslip is quite vague, it doesn’t list concrete charges and sums of money. You’ll see things like ‘LESS £50’ or ‘ADD £50’. It’s like they want to be ... borderline doing things legally, but covering themselves, you know? So they can say we’ve been informed of everything. But not everyone speaks good English or understands what they’re being told. Not everyone understands the jargon they use.”

One worker interviewed by FLEX exemplifies the problem faced by many others with respect to umbrella company involvement in the construction sector. After agreeing a £2 per hour raise with his supervisor he found himself making only 50p more due to unclear deductions made by an umbrella company. He explained: “[the company] pays the agency (umbrella company) £16.50 per hour for my labour out of which I get £10 per hour. I was meant to get £11.50 per hour... but the agency (umbrella company) takes £1.50 off that.” This is one of many examples of workers being left worse off under this scheme. FLEX’s survey showed that 36% of respondents do not understand all the deductions on their payslip.

One industry expert interviewed during the research described umbrella companies as a 'scourge on construction', explaining that migrant workers he had come across were being paid below living wage and far below industry agreed rates, because the living wage hourly rate was effectively being reduced by the high administration fees charged for receiving wages. One former construction worker explained that when the scheme was introduced, workers were given no choice but to accept these conditions, or lose their jobs: "All of my friends were working for different companies on sites, mostly eastern Europeans, and they were just told 'You have to move to this. If you don't move, find another job.'"

This lack of choice over whether or not to become employed under the umbrella scheme combined with some confusion over the employment status of workers under this system makes it very difficult to challenge the negative consequences for workers and ensure that rights are understood and upheld.

(iv) Informal hiring and firing practices

The preference for flexibility of workforce and the ready supply of workers in this sector is leading to informal and unpredictable hiring and firing practices. These practices make workers more vulnerable to abuse. According to one construction supervisor, who is sometimes asked by his employer to recruit workers:

"My boss has a saying: the streets are filled with them [workers]. From the internet, word of mouth, ads. You call three people you know on a construction site and say I need 10 people, and you get 30 people in two days. That's how things go ... They're sitting in parks and on corners. You tell them: I need loaders. You take them at 5am, at 3pm you bring them back. You give them 50 or 60 pounds."

Such informal hiring practices also appear to lead to informal dismissal procedures, leaving workers with little or no security when demand decreases and employers look to make savings. A manager of the same construction company told FLEX:

"We sent two men home in two weeks. We even flipped a coin to decide. You can choose freely when you have plenty of people who are not specialised in their job ... They are good at what they do, but you just have to reduce the number of employees. When you go and read them the list and say you and you are going home, then they ask what was the decision based on."

When asked why they needed to fire people so suddenly, he explained "pressure from the boss who's saying 'You know, I'm losing 10,000 pounds this week if you keep 20 people. Fire 10 so this way I lose only 5,000 pounds.'"

Informal hiring and firing practices and a lack of accountability for dismissal without reason also contributes to the precarity of work in this sector, as workers are well aware that they could lose the work on which they rely at a moment's notice. This knowledge deters workers from challenging abuse and exploitation. According to one union representative, this precariousness is key to understanding exploitation in the sector:

"The biggest problem within the industry and the abuse is that they're always under threat of being sacked if they're not doing the overtime, if they're not doing this, if they're not doing that ... they need to work to survive and they're also here for a reason because they want to send the money home to support their families. So they'll do anything."

(v) Discrimination

Discrimination is an issue faced by many migrant workers, which can have a negative impact on their willingness to exercise their rights and leave them at risk of exploitation. One Romanian migrant worker interviewed by FLEX stated:

"It depends a lot on your nationality. If you're Romanian, Bulgarian, Albanian, you know, from poorer countries, they take you for a fool. You don't have the same rights as everybody else. Or you do, but they won't give them to you."

This quote illustrates the chilling impact that discrimination can have on an individual's perception of their rights, in the sense that one's rights are there to be given or taken away by others. Another interviewee felt consistently disadvantaged as a result of discrimination:

"There's another huge problem: racism. If you're Romanian, actually, no, if you're anything else but English, you're down by 100 points to begin with. No matter how much you prove to them ... I'm more competent and earn less, but that incompetent guy earns more just because he's English."

Since the Brexit referendum in June 2016, FLEX's Labour Exploitation Advisory Group (LEAG) members have reported increased hostility, discrimination and hate crime towards the migrant communities with whom they work.^{xxiv} Katarzyna Zagrodniczek, from the East European Resource Centre said:

"We had a team of ten builders working on a site, and the manager gave them the wrong instructions so the ceiling was set up the wrong height. He wanted to sack those people without paying them despite the fact that it wasn't their fault. When they started asking for the money he told them where to go because they are Poles and he's not going to deal with them, he's not going to pay them."

FLEX's survey showed that 35% of EU nationals have experienced mistreatment at work since the Brexit referendum. From those 48% suffered discrimination at work, while 25% had been verbally abused. This kind of discrimination can contribute to a situation of unequal power between workers and increase the power differential between workers and employers, leaving the most at-risk workers feeling entitled to less, and less able to challenge unfair or abusive treatment.

2.14 What enforcement or worker rights protection activity are you aware of in the construction sector? Has there been any change/ developments in the past 12 months?

- By the three enforcement bodies (GLAA, EAS, HMRC NMW)
- By other government bodies (e.g. Health and Safety Executive, Local Authorities)
- By non-government bodies (e.g. by sector bodies, charities, campaigning groups, etc.)

FLEX is aware of two developments in the enforcement and related activities in this sector:

- (i) In our report, 'Shaky Foundations', we noted the problems caused by umbrella companies as described above and stated that "There appears to be a gap in monitoring and oversight of some umbrella companies, as those providing only payroll services are not legally defined as employment agencies or employment businesses and so do not come under the remit of the Employment Agency Standards Inspectorate (EAS)." The government's response to the Taylor Review of Modern Working Practices committed to expanding the remit of the EAS to include umbrella companies and intermediaries, subject to the views of the Director of Labour Market Enforcement.^{xxv} FLEX notes that the government's consultation document for the future single enforcement body reiterated this commitment. FLEX welcomes this commitment.
- (ii) The GLAA launched its Construction Protocol in 2017. As at May 2019, the Protocol had over 100 signatories. An induction pack and posters have now been published to complement the scheme.^{xxvi} FLEX is unaware of publicly available evaluation regarding the effectiveness of the Protocol and recommends such an evaluation is undertaken and published. This will help to inform other sector protocols, such as the Apparel and General Merchandise Protocol and the Supplier/Retailer Protocol^{xxvii}, in addition to future sectors planned.

2.15 What impact do you think these interventions have had? i.e. are they effective? Why? What would make them more effective?

N/A

2.16 What **three** changes to enforcement do you think would have the most impact on workers at risk of exploitation in the construction sector?

1. improved resourcing of labour inspectorates and ensuring more proactive enforcement, rather than complaints-led, would be hugely beneficial, particularly with regard to tackling false self-employment;

2. licensing;

FLEX advocates for the extension of licensing of labour provision in construction. Licensing provides a clear mechanism by which to monitor labour providers and through that, to ensure a level playing field both for workers and for businesses, as it prevents competitors undercutting them by behaving unscrupulously.

Numerous cases of severe exploitation have involved labour providers as a key pathway via which workers find themselves in abusive work situations, including forced labour, for example the three cases of modern slavery convicted in Nottinghamshire in 2017^{xxviii} and the more recent multi-victim modern slavery case known as Operation Fort, West Midlands. As Eurofound notes, “if the facilitation of labour through labour market intermediaries is not adequately regulated, workers run the risk of being exploited by fraudulent labour market intermediaries”.^{xxix}

The licensing undertaken by the Gangmasters and Labour Abuse Authority has continuously been cited as an example of good practice, for example by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA). GRETA recommended that licensing should be extended to “sectors such as hospitality (including catering companies and hotels) and construction”, with resources increased to meet such new functions.^{xxx} Such an expansion would also support the UK to meet its obligations under the ILO Protocol to the Forced Labour Convention of 2014 which the UK has ratified and which states that:

measures for the prevention of forced or compulsory labour shall include.... (c) undertaking efforts to ensure that: (i) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and (ii) labour inspection services and other services responsible for the implementation of this legislation are strengthened.

Licensing should be expanded to other sectors and it should be done on a gradual, informed and adequately resourced basis.

3. FLEX considers that deeper structural changes are also needed in the construction sector to reduce abuses. These include considering:

a) *joint liability law*

FLEX acknowledges the former Director of Labour Market Enforcement's consideration of joint liability approaches and subsequent support for 'joint responsibility'. We recommend the introduction into UK law of joint and several liability for the payment of wages and other worker entitlements in the construction sector (not exclusively). Our evidence as cited under question one for this sector demonstrates the high levels of abuse and the necessity of ensuring legal responsibility for workers' conditions is taken.

We consider that full joint and several liability would be markedly more effective than joint responsibility in not only encouraging but *obliging* the top of supply chains to take active roles in tackling breaches throughout the chain. This addresses the dilution and obfuscation of responsibility that has occurred due to the trend toward subcontracting. Joint liability regimes are currently in place, in a variety of forms, throughout Europe, including in Austria, Belgium, Finland, France, Germany, Italy, the Netherlands and Spain, and additionally outside Europe, for example in the United States, the Philippines and Argentina.^{xxx1}

For example, in Germany, there is broad and extensive chain liability for unpaid wages, in which the client, principal contractor, and subcontractors are all joint and severally liable. The German Minimum Wage Act provides that the client or principal contractor may be liable to pay the employees of subcontractors who have not received the statutory minimum wage, even if the client or contractor had no knowledge of this failure. In such a case, the employee may bring a claim directly against the client or principal contractor. The regulatory framework also includes due diligence requirements, under which the principal contractor should ask for written confirmation from the subcontractor that it and any other subcontractors in the chain will respect the requirements of the applicable collective labour agreement.^{xxx2}

b) *limiting supply chain tiers*

FLEX acknowledges that the nature of construction can mean that a flexible workforce is needed due to differing capacity requirements at different stages of a project, and that this is may be one of the reasons behind subcontracting in construction. However, the requirement for flexibility needs to be weighed against the risks brought to workers and whether these practices serve to undermine the aim

to prevent and address harm to them. Evidence shows the risks posed to workers by unregulated subcontracting can be mitigated by limiting tiers.

CASE STUDY: SPAIN LIMITS SUBCONTRACTING IN CONSTRUCTION SECTOR^{xxxiii}

The Spanish Law (32/2006) on Subcontracting in the Construction Industry limits the number of subcontractors in a supply chain to three, not including the head contractor. This means that the head contractor (A) may subcontract a part of a project to subcontractor (B), who again may subcontract to (C), who could again subcontract to (D). At this stage, however, the supply chain ends as (D) may not subcontract work. While work may be subcontracted to self-employed workers, self-employed workers may not subcontract.

Some exceptions to the law exist and further layers may be permitted in the case of complex construction issues arising, requiring specific expertise. Importantly, Law 32/2006 bans the use of subcontractors whose main task is the provision of labour. Employment agencies therefore may not be used in the construction sector.

The law was introduced as a response to rising concerns about health and safety and grew out of a recognition that small actors without the infrastructure needed to ensure workers' health and safety were operating in the industry. The law has introduced compulsory health and safety training and company registration has been made dependent on completed training. Trade unions and employers' organisations were actively involved in the development of the law and this has been recognised as crucial to its success.

The failure to comply with the provisions set out in the law gives rise to joint liability on the part of the subcontractor that has failed to comply, as well as the relevant contractor'. Article 7(2) of the Law on Subcontracting in the Construction Industry requires that the head contractors for construction works monitor compliance with the law by its subcontractors or self-employed workers, and that relevant information on compliance is provided by the subcontractor to the head contractor. If subcontracted workers have not been paid, they may take legal action jointly against their own employer and against the relevant contractor.

A representative of a Spanish construction union describes the law as a crucial step in the fight against the deregulation of the construction sector and highlights the increased clarity with regard to companies' responsibilities as key. However, he highlights implementation as a concern as this depends on a well-resourced labour inspectorate.

We suggest that these lengthy chains are not purely in place for reasons necessitated by the nature of the projects, but also as a strategy to reduce responsibility for workers and working conditions. Professor Genevieve Le Baron of the Sheffield Political Economy Research Institute has noted that

we must interrogate the underlying rationale for the practice of subcontracting. Rather than “an automatic or spontaneous process”, this increasing complexity and length of supply chains is a “business strategy” designed to avoid responsibilities and risks. ^{xxxiv} She continues, “The key point is that in spite of its depiction as a relatively technical or neutral business practice designed to maximise efficiency and flexibility for firms, subcontracting is in fact also a business strategy to push unethical practices further down the supply chain.”. Without tackling the responsibility vacuum this creates, we cannot tackle abuse and exploitation. With regard to construction, limiting supply chain tiers to a reasonable number would provide workers with clarity on whom is setting their employment conditions, where to seek support internally if needed and would help to reduce bogus self-employment by ensuring liability for larger companies if it was identified if combined with joint liability laws.

Section 3 – Non-compliance in other sectors

In this section, we are seeking evidence and views about sectors other than those covered above. We have asked the same questions to understand the scale and nature of the issues, what enforcement activity is already taking place and what could be done to improve the situation going forward.

3.1 Which sector/sectors are you concerned about and providing evidence on?

We are providing evidence on the cleaning and hospitality sectors.

The evidence used for this consultation is based on ongoing research, which to-date includes 53 interviews with workers conducted between March 2019 and January 2020; a desk-based review of relevant literature; interviews with three cleaning and four hospitality industry stakeholders; and interviews with four trade unions and two community organisations.

Of the worker interviews, 25 were conducted by FLEX staff, nine by Community Researchers (professional researchers who share the same nationality and/or speak the same language as interviewees) and the remaining 19 by Peer Researchers. Peer Researchers are workers from the cleaning and hospitality sectors participating in all phases of this research project, including research design, data collection and analysis, and advocacy and dissemination of findings. This approach ensures that our research and policy work is informed by, relevant to, and raises the voices of, workers in the sectors we are researching. It also enables us to reach groups of workers whom we might not otherwise reach, particularly those who do not speak English. Peer Researchers receive training and ongoing support from FLEX on how to do interviews, research ethics, and signposting. Interviews have been undertaken with 37 workers in hospitality and 24 workers in cleaning (eight interviewees worked in both sectors). A profile breakdown of the sample is available upon request.

3.2 What are the issues of non-compliance in the sector? Have there been any changes in the past 12 months?

- What evidence do you have on the **nature** of the issues?
- What evidence do you have on the **scale** of the issues in this sector?

As mentioned above, this research is still ongoing. Interim findings highlight the following issues of non-compliance:

i) **Issues related to pay and working hours**

Workers interviewed reported several issues related to pay and working hours, including not being paid the full or correct amount, not being paid for all the hours worked, and late payments:

“They're supposed to pay me £10 an hour, but in the past couple of months they've only been paying me £8.20. They've been changing the pay. ... I always got paid £10, but they've changed the manager, and now I've got a different manager. I don't know if he doesn't understand the pay or what, but they've been paying me badly, they've only been paying me £8.20, from what it says on my payslip. That was this payslip, the other one was like £7.81 or... so it keeps changing.”

– Colombian/Spanish cleaner (M)

In commercial cleaning (cleaning of public buildings, offices etc.) and in hotel housekeeping, the issue of not being paid the full or correct amount and not being paid for all the hours worked was linked by several respondents to outsourcing. Outsourced cleaning/housekeeping companies compete with each other for contracts based on price by squeezing labour costs, leading to increased pressure on workers who must complete the same amount of work in a shorter timeframe:

*“What they do, these little companies ... when they take a site, a hotel, they just come with the best offer – obviously, you know, so that they can get the client – and then they give a budget. They don't even have a look at it [the site], a look around, to work out how much they recon the budget should be, how many people they recon there needs to be. They don't. **They just make an offer so that they can make sure they get the contract.** Obviously, the client, the hotel managers and everyone, are happy, because they pay less. And the cleaning company doesn't care; they just send five people even though it needs to be eight.”*

– Romanian room attendant (M)

*“There is a lot of war between companies. The cheaper the contract that you get, that's the winner. So, this is another issue. Because **when you sell a contract and it's underpaid or underbudgeted, you need to squeeze your team.** And that means you need to do more for less.”*

- Colombian cleaning supervisor (M)

Those companies willing to exploit workers can do so by cutting the time workers have to do a certain amount of work:

“I used to work for one company, and I was doing a job for two hours. Every day two hours, two hours, two hours. When the new company arrived, they cut the wages and we had to do the work in one hour and a half. Probably they sold the contract [to the client] for the same money that the other company had, but in order to have some profit they cut the cleaners' time.”

- Colombian cleaning supervisor (M)

Those suppliers who do not conform to these pressures are put at a disadvantage relative to competitors willing to adopt poor practices to win contracts.^{xxxv} This same dynamic plays out within outsourced companies at the management level: those managers and supervisors who refuse to exploit their workers are put at a disadvantage compared to those who are willing to do so:

“They dismissed me [laughing]. If you care too much for the staff, you will get dismissed. [...] but I’m not in the right position. I tried to be honest. I tried to do the right thing for the staff, and I got dismissed. It’s not fair at all. We should change this. But teach me, how can I change this? Because I’m only one person, how can I change it?”

- Romanian head housekeeper (F)

*“And they [the manager] must do that, they must keep the budget. One employee ends up doing three jobs and staying late, but even though they are doing ten hours, they need to sign out after eight hours. **They are working two hours for free, because he [the manager] needs to stay in that budget. And if he doesn’t, then he gets kicked out.**”*

- Romanian room attendant (M)

*“...you follow the pattern. I was following my manager. I saw him doing things, so I thought: “this is the way you need to do it”. I didn’t receive any training to be a supervisor. ... and sometimes I did things wrong, because I had learned it from watching my manager. [I didn’t do that because] **probably they would have dismissed me or pulled me from the supervisor role to go back to being a cleaning operative or something.***

- Colombian cleaning supervisor (M)

From our research so far, it is clear that those workers most at risk of experiencing non-compliance issues are those who are facing single or, more often, multiple vulnerabilities. These can be related to someone’s personal characteristics (e.g. age, race, nationality, sexual orientation, gender, disability) or be situational/contextual (e.g. being undocumented, not speaking the language, not knowing your rights) or circumstantial (e.g. economic destitution, atypical/precarious work, being a single parent, homelessness). Exploitative employers in low-paid sectors like cleaning and hospitality are profiting on the basis of these vulnerabilities, employing workers who are too scared of losing their jobs or being deported to complain, who are unaware of their rights or unable to access support because of language or other barriers, and/or who are so dependent on their job for survival that they will accept anything:

“I started working in cleaning through a job I found on Facebook. These types of cleaning jobs are very complicated, they are very sketchy here in the UK. It works like this: someone who’s

*been here for a bit longer and has regularised their immigration status will set up a company. This company gets really expensive houses to clean – like really expensive houses, like the owner of [company name redacted] or [company name redacted], only billionaires. **The boss will establish a contract with the house owner and then hire undocumented people to clean the house for £8/hour. At the time they paid me £7/hour [the national minimum wage rate at the time was £8.21].***”

– Brazilian cleaner 1 (F)

*“It was my first job here and I didn’t have that much experience, so I went to work there. What I realised is that the woman [that ran the cleaning company] – it wasn’t that she manipulated people, but **she used them to find houses and [other undocumented] workers. If you don’t have a permit, where else are you going to work? It wasn’t exactly slavery... but people weren’t treated correctly there.***”

– Brazilian cleaner 2 (F)

“Most of them don’t speak English. So, for example, if a payment is wrong, they go to the manager. If the manager doesn’t care, they say ‘ok’. If it’s not a major problem, then they probably just go ahead [and keep working] because they need to pay the rent. If it is something bigger, they will leave.”

– Romanian room attendant (M)

*“...and **because they don’t speak English they cannot complain. That’s why they are [treated like that].***”

– Romanian head housekeeper (F)

(ii) Discrimination

Another key issue raised by research participants is discrimination. Some have described discrimination as an issue experienced by all migrants as a group due to their relative vulnerability compared to the local population. One respondent in hotel housekeeping for example recounted how, at her workplace, British room attendants were paid normally for training shifts, while migrants had to work for three months before being paid:

*“**They treat just the immigrants like this, because they don’t speak English. They need money to pay the rent – most of them are happy to work more hours ... they don’t ask for any benefits and they need the money.***”

– Romanian head housekeeper (F)

Others have raised cases of intra-migrant discrimination, where one nationality group is given preference over others:

“I tried to tell the boss that he has to distribute work equally, but he has a preference for their national peers. I think this is some sort of racism because they feel happy speaking English between them. When we speak Spanish, they tell us to shut up because they are bothered when we speak our language, but we use it to work. They think we are talking, wasting our time, but we require communication.”

– Ecuadorian/Spanish kitchen porter (F)

(iii) **Dangerous working conditions**

Several workers raised the issue of dangerous working conditions. In hotel housekeeping, where the work is highly physically demanding, workers reported experiencing back pain and exhaustion from carrying heavy loads and working in awkward positions. Our research reflects findings from a 2015 survey, which found that 8 out of 10 hotel room attendants have musculoskeletal problems.^{xxxvi}

All the kitchen porters interviewed so far (9) have experienced dangerous working conditions. Scalding and chemical burns are a particularly serious and prominent issue:

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

- Interview with Spanish kitchen porter (M)

The health and safety non-compliance issues kitchen porters are experiencing are linked to:

1. **Workers not receiving the necessary training or not receiving training in a language they understand:**

*“...we had a kind of bathtub where we put all the metal parts of the gas hob. **The bathtub had a chemical; the water was like a kind of acid and it was boiling**. We had to put on some gloves; you have to cover [yourself] to be able to take it all out, you know, without burning and without splashing yourself. [Interviewer: Okay, did they ever tell you what that liquid was?]. No.*

[Interviewer: Did they ever tell you that you should take protective measures regarding that liquid?]. No.

– Spanish kitchen porter (M)

“The trainings are excellent, but the kitchen porters don’t speak English, and the trainings are in English, so they don’t get many things. A colleague of mine that is a kitchen porter, he put the grill [in the acid] and when he put it in (you use gloves to do that) the liquid got into the gloves, and he got burned, like acid burns. They took him to the hospital and everything. Obviously, the restaurant paid him, but it’s never the same – he’s got scars and everything ... I think that for the kitchen porters there are a lot of deficits because they have to take care of cleaning a lot of things, dangerous things. I think there should be training in Spanish for this section, Spanish and Italian, which are the most common languages.”

– Ecuadorian/Spanish chef (F)

2. Equipment not being properly maintained:

“I’ve protested because there is a lack of safety. They don’t care when the dishwasher is broken. There are very hazardous products for people in there if they are not used appropriately. There is chlorine that serves to cut grease that is hazardous, which when in contact with the skin itches and burns. When the machine gets stuck, water with chlorine starts to flow out of it, or it spills out and reaches your skin – it feels like you are being electrocuted. We asked for help, but they don’t do anything.”

- Ecuadorian/Spanish kitchen porter (F)

3. Workers not being provided with the necessary equipment or protective gear:

“...they normally don't have gloves, the big gloves, not the short gloves for cleaning, but I mean the proper gloves for washing. I always keep my own gloves with me because I really need the gloves, especially because I don't like chemicals and the skin is very sensitive. That's why. Also, to work with the hot water like six hours, it messes with the skin.”

– Czech kitchen porter (F)

*Now they've got a new kitchen, but the old kitchen was so dangerous. Especially because you have to put the rubbish outside of the room inside a massive cage. It's not safe at all. **I always wear safety things owned by myself. Safety trousers.***

– Brazilian/Italian kitchen porter (M)

Those who had suffered illness or injury at work struggled to get sick pay:

*“So, an incident happened, I cut my hand really bad. I had to be driven to the hospital to stitch it up and everything. ... **They said that in order for it to not get infected I couldn't work for a week. I had to argue to get paid sick pay.** I had a holiday week before that as well. I said, I'm entitled to holiday pay and sick pay. I looked it up and you're entitled to it. So I had to say that and he was like, “well I don't know about that, I don't think you do”. I had to show him the website and everything. And he said he had to talk to the manager. Then I think he had a conversation and realized that I actually did. So they paid me, but I had to argue.”*

– British kitchen porter (M)

*“I was worried because there was no sick pay and I had sciatic pain. There was no equipment, no apron, no special shoes like I have now. It was uncomfortable as I was hunched over the sink. I had two weeks off, **my girlfriend said I should get sick pay, but I didn't want trouble.**”*

– Spanish kitchen porter (M)

(iv) Sexual harassment

While sexual harassment can be experienced by anyone, it disproportionately affects women. Studies have shown that women are more likely than men to experience sexual discrimination and harassment in the workplace.^{xxxvii} Research from 2016 by the Trades Union Congress (TUC) found that more than half of women workers surveyed had experienced some form of sexual harassment at work, and more than one in ten had experienced unwanted sexual contact at work.^{xxxviii}

In our research so far, several women (a few examples below) and one man have spoken of their experiences of sexual harassment:

“In [company name redacted] the managers were a little bit more [hesitates] taking advantage... a lot of people I worked with told me they had cases like this. [Interviewer: And they didn't report it or quit their jobs?] This is the problem...if we say something, our job could be at risk.”

– Colombian/Spanish cleaner (F)

“... at the beginning, when I arrived, there was a chef who was, who was an old man. He was hardly ever there, so I didn’t know if he was a permanent staff member... one day I sat down to eat, and he came over to me and hugged me, but he put his hands here [gestures]. [Interviewer: Like that, on your breasts?]. Yeah, like, a hug like this.”

– Colombian/Spanish waitress (F)

“...one day he tried to touch me and I stopped him and, from that day, everything started going wrong. He started changing my rota, he would post one rota on Monday and then change it in the middle of the week, so I missed shifts.”

– Colombian cleaning supervisor (M)

Several other respondents reported witnessing sexual harassment:

“Like front of house staff, they get harassed, especially in the hotels. Big hotels and big restaurants. Not in my job now at [company name redacted], but I’ve seen it. Young girls just starting, like 18 or 17 years old.”

– Brazilian/Italian kitchen porter (M)

Research indicates that the incidence of sexual harassment is higher among workers who are reliant on flexible working patterns, including most cleaners and hospitality workers, suggesting that the risks are increased where there is a significant power imbalance between the employer and the worker.^{xxxix} Women, young people and migrants are all disproportionately represented among workers employed through flexible contracts.^{xl} Workers in cleaning and hospitality are also disproportionately likely to work for outsourced companies and therefore experience harassment not only from their direct employer/colleagues, but also the client company’s staff and customers, or staff of other outsourced companies working at the same site. Outsourced workers who report sexual harassment are often disbelieved, moved to work at another location, or told by their employer that nothing can be done because the company has limited control over the working environments of the employees deployed to the premises of the client company.^{xli}

We have chosen to highlight the above issues because they were repeatedly mentioned by workers in interviews and/or identified as significant by our Peer Researchers. Out of the 53 workers interviewed, 38 responded to a short survey which included the question: ‘Have you experienced any of the following at work?’ followed by a list of issues. The responses can be seen in Table 2 below. The three

most common issues experienced were: 'dangerous working conditions' (23/38); 'discrimination (due to age, gender, race, nationality or other)' (22/38); and 'Not paid full or correct wages' (14/38).

Table 2. Response to survey question 'Have you experienced any of the following at work?' in order of frequency (n = 38)

Issues experienced at work	Participants
Dangerous working conditions	23
Discrimination (due to age, gender, race, nationality, or other)	22
Not paid full or correct wages	14
Threats or verbal abuse	13
Forced to work overtime	12
Unpaid overtime	11
Illness or injury from work	11
Sexual harassment	2
Physical abuse	1
Passport kept by employer	0

It is important to note that the sampling for the worker interviews has not been random: we have purposefully sought to interview people who have had problems at work to understand the types of issues experienced and what strategies are being used to deal with them. In order to better identify the scale of the issues we are using a longer, more detailed survey, which will be distributed in five languages (English, Polish, Portuguese, Romanian and Spanish) by our Peer Researchers and through social media and relevant frontline organisations. The results of this survey will be published in spring 2020 for the cleaning sector and autumn 2020 for the hospitality sector.

3.3 What enforcement or worker rights protection activity are you aware of in the sector? Has there been any change/ developments in the past 12 months?

- By the three enforcement bodies (GLAA, EAS, HMRC NMW)
- By other government bodies (e.g. Health and Safety Executive, Local Authorities)
- By non-government bodies (e.g. by sector bodies, charities, campaigning groups, etc.)

None of the workers or industry stakeholders we interviewed in the cleaning and hospitality sectors had seen or experienced any kind of enforcement or worker rights protection activity by the three enforcement bodies or by other government bodies.

The one worker rights protection activity we have come across during the past 12 months was carried out in the cleaning sector, with the help of a trade union. One of our research participants, an office cleaner employed by an outsourced cleaning company, together with her colleagues and their trade union, took action to demand better rights at work. As a direct result, their employer agreed to pay workers:

1. The London Living Wage of £10.55 per hour, including backpay and an increase every 1 December;
2. One month's sick pay at full pay; and
3. Full pay for any cover work done (e.g. covering a sick colleague's work).

Others also reported having good experiences with unions:

*When I got employed with [company name redacted, delivery sector], they presented to us the trade union. ... They gave us leaflets and things. ... They said 'Ok, if the manager here can't help you and you think it's quite bad and they don't want to pay you on time, or pay you for sickness, anything related to any injury or accident, anything related to work that the manager cannot help you with, come and we're going to help you.' So, **I think all the companies should do that, because obviously people don't know, people don't know what to do.** They don't get paid and people just leave the job. Because they don't know what to do, how to send an email and what to ask for. They just didn't get paid and now they don't know where to go to."*

– Romanian room attendant (M)

3.4 What impact do you think these interventions have had? i.e. are they effective? Why? What would make them more effective?

As described above, the impact of the trade union's intervention in cleaning has been significant. However, the scope was limited to that one work site i.e. those working for the same outsourced cleaning company at more than one site will have these rights at the one site, but not at the others. This highlights the challenges trade unions face in protecting the rights of workers in the context of outsourcing and the fragmentation that has occurred: instead of dealing with one employer with direct control and responsibility for workers' pay and conditions, unions now have to negotiate with multiple smaller employers who are under pressure from their client companies to deliver services at the lowest possible cost or the same employer multiple times, on a contract by contract basis.

3.5 What **three** changes to enforcement do you think would have the most impact on workers at risk of exploitation in the sector?

1. Licensing of agencies and outsourced companies in cleaning and hospitality

Our research has shown how the competition between outsourced companies for contracts with client companies leads to non-compliance issues. Compliant companies are put at a disadvantage compared to those who are willing to profit from exploitation. Licensing standards that require all outsourced companies to comply with certain standards would help level the playing field as well as provide assurances for client companies that their supply chains are protected against non-compliance. At a minimum, the recommendations made by Humphries and Koumenta (2018) in their report commissioned by the DLME's office, *Regulating the three Cs: A report on how to regulate labour suppliers in care, cleaning and construction*, should be implemented. The report recommends that client companies not using accredited cleaning companies should be liable for non-compliance issues experienced by workers in their supply chain.

2. Working together with community groups and workers' organisations.

Workers, especially those in low-paid and precarious sectors and those facing other personal, situational or circumstantial vulnerabilities, are unlikely to report non-compliance issues to state enforcement bodies. This has also been recognised by the DLME's Office.^{xliii} In order to stop employers from abusing workers' vulnerabilities, the state needs to take a proactive approach to enforcing workers' rights, instead of relying so heavily on individual enforcement through employment tribunals. One way to do so would be to work together with community groups and workers' organisations to build trust between state enforcement bodies and workers, especially migrants; provide information and advice on employment rights; identify issues and cases of non-compliance, and reach workers that the state enforcement bodies and other government bodies are struggling to reach. A model for such cooperation between state labour market enforcement and community groups/workers' organisations would need to be worked out in more detail. An example of how this has worked in practice elsewhere can be found below.

CASE STUDY: Co-enforcement of labour standards in San Francisco, USA^{xliiii}

The San Francisco Office of Labour Standards Enforcement (OLSE), established in 2001, is responsible for ensuring compliance with local labour laws. It conducts investigations, initiates civil actions and criminal cases, and can request suspension or revocation of business licenses. In 2006, a community-based programme called 'The Collaborative' was established to create greater ties between the OLSE and community groups and workers' organisations. The organisations involved sign yearly contracts that require them to engage in outreach activities and training for workers; offer consultation and referral services; help file and screen complaints; and mediate between workers and employers. They must abide by certain protocols, such as not using the funding or information they receive through the programme to recruit members, fundraise or organise workplaces. OLSE

investigators, for their part, accept information from the organisations, work cases and participate in quarterly meetings.

The co-enforcement established by the programme has been successful in addressing labour rights abuses experienced by workers who would not normally be reached by labour inspectorates. The organisations' community ties, unique capacity to build trust with workers and gain information have been instrumental in uncovering labour rights abuses and persuading workers who previously didn't trust the OLSE and wouldn't talk to investigators to file claims.

Co-enforcement has also allowed San Francisco labour inspectorates to enforce labour standards in sectors that previously would have been outside their capacity, such as the social care sector.

Workers in social care often work in isolation in private homes that inspectors do not have access to nor the capacity to inspect individually. OLSE funding enabled on workers' organisation to educate and organise workers, advocate for changes and file wage claims. Through this cooperation, OLSE was able to reach a new group of workers and has won several cases for caregivers, recovering over USD one million in unpaid wages.

Please see Section 4 for information regarding gender-responsive enforcement.

Section 4 – Cross-cutting issues

The Director is also interested in non-sector specific issues that affect labour market non-compliance and pose a risk to workers' rights and work conditions. In this section, we are seeking evidence and views on cross-cutting issues that fall under the remit of the three enforcement bodies that you think are important as risks or opportunities to improve labour market conditions for vulnerable workers. Issues that we are likely to cover in the Strategy include IR35, the growth of online apps for recruitment, umbrella companies and supply chains.

4.1 What are the **three** most important emerging trends, risks or issues in labour market exploitation / non-compliance that you have seen in the past 12 months, other than those you have covered above? What issues should the Director of Labour Market Enforcement be prioritising?

FLEX notes the focus on *emerging* trends and suggests that newness need not be a precondition to importance; the most pressing risks and issues in labour market enforcement are often not new or emerging, but long-standing and entrenched. As such, the issues we consider crucial for prioritisation are:

i) The need for secure reporting

The role of the Director of Labour Market Enforcement, as set out in the Immigration Act 2016, is to produce an annual labour market enforcement strategy that sets out the scale and nature of non-compliance and contains proposals for how labour market enforcement functions should be exercised.

Our research has consistently noted that linking immigration enforcement with labour inspection agencies undermines the efficacy of UK labour market enforcement with regard to migrant workers with a range of immigration statuses. This is likely to be even more salient in the wake of Brexit as EU workers will present a range of statuses compared to under free movement. The UK has ratified ILO Convention 81, 'Labour Inspection Convention', which states in Article 3 that "any further duties which may be entrusted to labour inspectors shall not be such as to interfere with effective discharge of their primary duties". Evidence shows that such linkages do indeed interfere with the primary duties set out in the Convention and prevents effective protection of a migrant workers' rights. For example, this has been identified in findings of the Labour Exploitation Advisory Group, a group of ten experts working to end human trafficking for labour exploitation that is coordinated by FLEX. Drawing on the experiences of these experts and their work with at-risk workers, the LEAG position paper, 'Labour Compliance to Exploitation and the Abuses In-Between' (2016)^{xliv}, found that fear of immigration authorities is a major barrier to reporting abuses for migrant workers. The LEAG 2017 paper, 'Lost in Translation: Brexit and Labour Exploitation',^{xlv} found that uncertainty around Brexit and how it would

impact workers' migrant status was being used by unscrupulous employers to impose or perpetuate abusive working conditions on workers.

As described in Section 3, FLEX is currently undertaking research into several high-risk labour sectors to understand the nature of abuse and exploitation taking place. Whilst our results will not be published until later in 2020, excerpts from interviews already undertaken with migrant workers are illustrative of the problem:

Excerpt 1:

Interviewer: *Has anything changed at work or in other areas of your life since the Brexit vote?*

Worker: *Now they are always threatening us with Brexit, that we are going to be expelled, that this is all over, that there'll be only English workers.*

Evidence shows that even EU nationals who still have full citizenship rights are affected by the lack of secure reporting. Restrictive post-Brexit migration plans, such as the Seasonal Workers Pilot discussed above, provide workers with little chance to change employers and at risk of destitution due to having no access to public funds; this makes it clear that distrust in authorities needs to be addressed to ensure migrant workers under present and future schemes are not susceptible to abuse.

Secondly, the lack of secure reporting means that undocumented workers are at greater risk of exploitation, including those severe forms that fall under the Modern Slavery Act and may be targeted by employers due to their lack of rights. This is because, as the EU Agency for Fundamental Rights has noted, "victims of severe labour exploitation who are in an irregular situation of residence are discouraged by their status from reporting to any public authority".^{xlvi} Their report also provides fear of having to leave the country as the main reason victims did not report exploitation. This means, in practice, that victims are not identified and supported because they cannot come forward and that their exploiters are not identified and pursued to justice. It also hands perpetrators or would-be perpetrators a tool with which to control their victims: the threat of immigration enforcement.

Further interview excerpts illustrate these issues:

Excerpt 2:

Interviewer: *How do they [employers] know that people have no documents?*

Worker: *When I was recommended to this role, they asked it and said to my friend that they liked people without secure status.*

Interviewer: *Why do you think that is?*

Worker: *Because if we are illegal here we have no rights to complain or report.*

Excerpt 3:

Interviewer: Suppose you decide to stay in the UK, would you trust that you are able to raise a complaint about issues you've been experiencing at work?

Worker: If I was protected in some way...

Interviewer: What type of protection?

Worker: Against deportation [...] I don't want government money, I don't want benefits. We are used to suffering. [...] When there stops existing illegal workers [sic], employers will stop exploiting people. It's so much suffering...

Excerpt 4:

Interviewer: When you were here without documents, was it very different from when you got documents?

Worker: Yes. Once I had documents, I could choose the job that I wanted to do. Before, without documents, you are depending on someone else. If you receive your money in someone else's account, you depend on that person to give you your money back. You're always hiding, you're always scared. When you see the police you think, "oh, they'll come for me". You get paranoid.

Interviewer: And if bad things happened at work, what would you do? Did you have any options if they didn't pay you, or?

Worker: Once, I was working for one guy and I was doing cleaning and ... he didn't pay me. I was working for him and I had to chase him a lot for the money and he never paid me.

Interviewer: So then you can't really go to the police or the labour inspectorate...

Worker: No, you can't! Actually, they said "that guy needs someone to work" so I went there and I started doing the job and the first month, well I had to chase him for the money. He only put £100 in my bank account and the second money was the same as well, in the end I said "if he doesn't... I need the money right now, so he didn't answer the phone again he did nothing. I even still have the keys for the job, but he didn't answer so I didn't carry on with the job because well, I was working for free!

LEAG research has also identified this problem:

"The threat of reporting to police or immigration authorities is routinely used by unscrupulous employers to hold workers in abusive situations. Even if the threat does not come directly from the employer, undocumented workers often will not report abuse as they are afraid of coming to the attention of authorities and being deported."^{xlvii}

Our findings above, our findings from the construction sector cited in Section 2 and the cleaning and hospitality sectors in Section 3 all demonstrate that there is a significant portion of the labour market

where enforcement is not reaching and where workers do not have pathways to support and redress. This cannot be solved without understand how immigration enforcement's co-opting of labour market enforcement activities has strengthened the hand of unscrupulous employers and weakened the ability of workers to come forward.

In spring 2020, the Labour Exploitation Advisory Group, established and coordinated by FLEX, will be publishing a paper exploring the ways in which immigration enforcement currently intersects with key labour inspectorates in the UK and providing practical recommendations for addressing this so that robust labour law enforcement can be ensured.

ii) **Future-proofing against Brexit-related raised risks**

As partially explored in Section 2 with regard to agriculture, post-Brexit migration plans are likely to include temporary migration programmes for workers. The December 2018 immigration white paper, 'The UK's future skills-based immigration system'^{xlviii}, outlined plans for three temporary labour migration programmes: the afore-mentioned Seasonal Workers Pilot, and:

• **12-month short-term visa**

This proposed new route would allow workers at any skill level to come to work in the UK for a maximum period of 12 months. This would be followed by a 12-month cooling off period during which the person cannot reapply under the scheme. Workers will not be tied to any specific employer, operator or sector. It will be open to people from "low risk" countries only. These countries have not yet been specified by government.

• **UK-EU Youth Mobility Scheme**

This would be a continuation of the already-existent Youth Mobility Scheme (YMS) though would be amended to take into account "EU specificities". The current YMS allows individuals aged 18 to 30 from eight countries to come to the UK to work or study for up to two years. The visa is non-renewable. To date, the YMS has not been a major source of UK migrant labour.

It is not yet clear whether these plans will be maintained under the new government; however, it is highly likely that part of the new migration policy framework will include such programmes. As explained above, these sorts of programmes come with raised risks of labour abuse and exploitation.

There are several design features FLEX advocates to mitigate this risk and the others described in Section 2, such as renewability in-country, but these are not within the Director's remit. However, it is within his remit to ensure labour market enforcement mechanisms are appropriate to the needs of this workforce. At present, this is not the case: for example, FLEX notes that employees in the UK have no protection against unfair dismissal until they have been working for the employer for a period of two

years. Those working in the UK under the Seasonal Workers Pilot and the 12-month scheme, or comparable short-term ones, will therefore not be able to address unfair dismissal. Many workers in abusive situations describe being threatened with firing as a method of control, given that they rely on the income from the work they do, this can be effective. Failing to provide protection for unfair dismissal therefore curtails the ability of workers to speak out against abusive or exploitative workplace practices. FLEX recommends that unfair dismissal provisions are made for those who are only able to work in the UK for under two years, and further recommends that current enforcement practices are assessed to ascertain whether they meet the needs of a temporary migrant workforce.

4.2 What **three** changes do you think would most impact on labour market enforcement? Or what are the three greatest opportunities for improving enforcement?

(i) Introduce secure reporting

As explored in section 4.1, without secure reporting of labour violations, labour market enforcement will be operating with one hand tied behind its back. Mechanisms should be introduced that ensure all workers can report abuse or exploitation without fear of immigration repercussions. Immigration enforcement should also not be included on inspections of workplaces.

FLEX notes that several jurisdictions outside the UK have implemented versions of this approach, such as Belgium, Amsterdam, the USA and Brazil,^{xlix} demonstrating its feasibility. In these contexts, if a worker reports abuse or is identified in the course of a labour inspection, their personal information will not be shared with immigration bodies.

CASE STUDY: BRAZIL^l

After identifying that Federal Police officers were treating exploitation of undocumented workers solely as a violation of immigration policies, Brazil implemented a complete separation between labour inspection and immigration enforcement, which they believe is essential to counter precarity at the workplace and promote better working conditions for all workers. In practice, labour inspectors do not enquire about workers' immigration status and if they are found to be undocumented, immigration authorities are not alerted.

CASE STUDY: USA^{li}

In the USA there is a Memorandum of Understanding (MoU) between the Department of Labor and the Department of Homeland Security. The purpose of this MoU is to ensure that immigration control does not interfere with the protection of workers' rights. For example, when the Wages and Hours

Directorate investigates cases of unpaid wages they must not ask for immigration documents. The clear separation of roles, and the fact that workers' rights are protected in the USA regardless of immigration status, prevents retaliation and intimidation by employers who threaten to report undocumented workers when exercising their labour rights.

Recommending the introduction of such mechanisms would not step outside the Director's statutory remit as these mechanisms would pertain only to labour inspectorates' practices and ability to enforce effectively, and not more widely.

(ii) Ensure evidence-based resourcing

FLEX has consistently noted that UK labour inspection is severely under-resourced. The ILO's recommended ratio of inspectors to workers is one to 10,000. The UK is vastly below that ratio, with approximately 0.4 inspectors per 10,000 workers.ⁱⁱⁱ

In 2017/18, the Gangmasters and Labour Abuse Authority had 101 staffⁱⁱⁱ to oversee not only the inspection and licensing of three sectors but also to use police-style powers across the entire labour market in England and Wales to root out modern slavery. To put this into perspective, the Office for National Statistics estimates that for May to July 2019, 32.78 million people aged 16 and over were in employment within the UK; even with the proportions of this which pertain to Scotland and Northern Ireland, this remains a large task for an agency with 101 staff.^{iv} The Employment Agencies Standards Inspectorate (EASI) overseas around 18,000 employment agencies and around 1.1 million workers, yet in the same year had a staff of 13 and a budget of £725,000.^{iv} Finally, as noted in the Director of Labour Market Enforcement's 'Strategy 2018/19', HMRC's minimum/living wage enforcement capacity is so under-resourced that "the average employer can expect an inspection around once every 500 years".^{vi} FLEX considers this severe under-resourcing renders the current labour inspectorate system in the UK markedly less effective than it both could and should be.

A kitchen porter interviewed as part of ongoing FLEX research into high risk sectors, to be published in 2020, noted:

I think they should be a lot tougher on restaurants. There should be a lot more inspections on restaurant, work inspections, to see if everyone has the right contracts, work the right hours, things like that. I think it should happen a lot more. Because since I've been in restaurants, I've never seen a work inspection ... There should be people who come and speak with the staff because a lot of staff, they're not willing to go out of their way and speak with someone even if they need help. You know, every now and then, once a year, someone to come from the government or the council and sit down with people and say: "Ok, are you happy with what you're doing? Are you happy in the environment?" Or maybe have a survey, like send a survey and everyone needs to fill it. [Make it] mandatory at the restaurant

chain: “Ok, are you happy? Do you get any abuse from anyone, psychological, physical? Are your working conditions or your contract conditions being met?”

Evidence-based resourcing must be introduced. By this term FLEX means:

- Resourcing is based on evidence drawn from the labour market, enforcement personnel and intelligence-based risk understandings.
- Resourcing is based on regular assessments of labour market size and characteristics, risks present, and staffing and capital costs needed to undertake required activities.
- Resourcing is cognisant of the need for both reactive (i.e. complaints-led) and proactive (i.e. targeted based on risk assessments) enforcement and the appropriate proportion of each.

This must also be built into thinking for the design of the single enforcement body.

(iii) Introduce a gender-responsive approach

Whilst the two areas above describe actions we think would have the most impact on enforcement, point iii describes an action that presents an untapped opportunity.

At present, there is a failure to have a gender-responsive approach to labour market enforcement. Women workers face specific and distinct forms of violations and experience distinct risks to men. Section 3.2 demonstrated sexual harassment experienced at work; further information on this will be published in our research findings later in 2020.

FLEX recognises the role of the Equalities and Human Rights Commission (EHRC) but also notes that i) different types of violations often coexist and ii) gender is not a separable aspect of working life that can be siloed under one organisation, but is instead a continual part of the working experience of women and can facilitate or exacerbate abuses that appear ‘non-gendered’, such as under-payment. Thus, regardless of the EHRC’s role, each labour inspectorate (and, in future, the single enforcement body), should have a published gender responsive strategy with sector-specific strategies that are tailored to meet the needs of women workers and with appropriate training for staff. Awareness of, and sensitivity to, discrimination and harassment should be integrated across all enforcement functions and strategies, rather than considered only a discrete element or as an add-on. This must include awareness of the distinct forms of workplace abuse faced by women workers (e.g. pregnancy discrimination) and the ways in which gender interacts with experiences of other workplace abuses (e.g. women being concentrated in higher risk, lower paid and more precarious sectors or feeling less able to leave abusive situations due to disproportionate care responsibilities) as an integral part of the lens through which risks are prioritised and inspection targets set.

For more information on how labour inspection can take a gender sensitive approach, please see our report, 'Women in the Workplace: Five Point Plan to Combat Labour Exploitation'.^{lvii}

4.3 Please let us know about any other issues you would like to bring to the attention of the Director.

Thank you for providing your views and evidence to the Director of Labour Market Enforcement. Please send this to LMEDirectorsoffice@beis.gov.uk

This consultation is available from: www.gov.uk/government/consultations/labour-market-enforcement-strategy-2020-to-2021-call-for-evidence

If you need a version of this document in a more accessible format, please email enquiries@beis.gov.uk. Please tell us what format you need. It will help us if you say what assistive technology you use.

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