

## **Focus on Labour Exploitation Mayor of London's Good Work Standard Consultation**

FLEX Response to questions put by the Mayor of London

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### **About FLEX**

**Focus on Labour Exploitation (FLEX)** works to end human trafficking for labour exploitation. To achieve this, FLEX works to prevent labour abuses, protect the rights of trafficked persons and promote best practice responses to human trafficking for labour exploitation by undertaking research, advocacy and by building awareness in this field.

### **Summary**

FLEX welcomes the Mayor of London's commitment to good work and the development of a Good Work Standard for London employers. Decent work – where workplace rights are respected and upheld, employment relationships are clear and workers are empowered to make choices and claim their entitlements – is the first line of defence against labour exploitation, human trafficking and modern slavery.

Anecdotal evidence from those supporting the most vulnerable workers in London, including many migrant workers and homeless workers, has shown that labour abuse and exploitation is widespread across the capital. Labour exploitation occurs on a continuum, from minor infractions to severe exploitation and modern slavery. FLEX has found that labour abuses, when left unchecked, can and do develop into severe forms of exploitation.<sup>1</sup> It is therefore crucial that the Good Work Standard include measures to prevent labour abuses, and to ensure that workers can access justice where abuse occurs. In so doing, the Mayor's Good Work Standard can take a major step toward preventing labour exploitation in London.

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<sup>1</sup> FLEX and the Labour Exploitation Advisory Group (LEAG), 2016. *Labour Compliance to Exploitation and the Abuses In-Between*. <http://www.labourexploitation.org/sites/default/files/publications/LEAG%20position%20paper%2001.pdf>

## Recommendations:

The Mayor's Good Work Standard should:

1. **Require participating companies to develop effective internal mechanisms for advice and resolving workplace grievances;**
2. **Set out a clear definition of the 'workforce' to whom the Standard is applied, including support staff;**
3. **Include a core standard that ensures and promotes the right to freedom of association and collective bargaining for all workers;**
4. **Require participating companies to provide clear information to all staff regarding their employment status, rights and entitlements;**
5. **Signpost external and statutory gateways to advice and remedy in cases of labour abuse;**
6. **Implement an effective monitoring process to ensure standards are maintained by participating employers, including feedback from staff; and**
7. **Require companies to commit to establishing and implementing effective due diligence protocols to ensure decent working standards throughout their supply chain.**

## Consultation questions

1. **Are there any other goals we should consider, which are related to work and employment specifically?**

### *1.1 Gateways to advice and access to remedies*

To ensure all Londoners are 'treated fairly by their employers' (p.2), it is essential that all workers are able to access gateways to advice and remedies where employment rights are abused. In addition to information about employment status and rights, and signposting mechanisms for remedy in cases of abuse (which should be included as a core standard – see below), **participating companies should commit to developing effective internal mechanisms for advice and resolving workplace grievances.**

3. **What standards should employers meet to ensure fair treatment and excellent working conditions for their workforce?**

### *3.1 Workforce definition*

FLEX welcomes the proposed standards to which employers would commit as part of the Good Work Standard, such as paying London Living Wage. In order to ensure that employers signing up to the Good Work Standard meet such criteria for all their staff, not just core or first tier staff, it is important to **provide a definition within the agreement setting out who is included within the 'workforce'** to whom these standards are applied. **This should include all support staff** such as cleaners, security and caterers.

### *3.2 Right to freedom of association and collective bargaining*

In order to support 'practices and a culture that enables employees to have a voice' (p.4) employers should commit, at a minimum, to **ensuring the right to freedom of**

**association and collective bargaining for all staff.** This should be a core standard, rather than a developmental goal.

### 3.3 Information provision

Key to ensuring employment rights are upheld is making sure that all employees and workers understand their employment status, rights and how to access them. The recent government review of modern working practices found that providing clarity of employment status and terms as well as “helping people know and exercise their rights” is fundamental to ensuring decent standards of work.<sup>2</sup> This is particularly pertinent in London, given the high migrant workforce who may have experienced different standards of work in other countries or struggle to access information about their rights due to language barriers. Employers participating in the Good Work Standard should commit, as a core standard, to **providing clear, accessible information to all staff regarding their employment status, associated rights and where to access advice and remedy if these rights are not upheld.** This should include signposting of advice services and routes to remedy and justice in cases of labour abuse, such as ACAS and employment tribunals as well as legal advice services, including local law centres and the Anti-Trafficking and Labour Exploitation Unit (ATLEU). **This information should be provided in the native language of the employee or worker.**

## **10. How should the Mayor recognise employers who sign up to the Good Work Standard’s goals?**

### *10.1 Ensuring employer participation and recognition is meaningful*

The Mayor is right to suggest that participating employers should be recognised and celebrated, to reward achievements and encourage other businesses to sign up to the Good Work Standard. In order to ensure that such recognition is meaningful and standards are maintained, the Mayor should provide, or require participating employers to provide, information to all staff setting out the specific standards and goals to which their employer has committed as part of the Standard. Monitoring of the Standard’s participants should include provision of a clear, accessible mechanism for staff to provide feedback and raise concerns if they feel that these standards are not being met by their employer.

## **11. What role can responsible procurement play in supporting the goals of the Good Work Standard?**

### *11.1 Due diligence in subcontracting practices and responsibility for conditions of subcontracted workers*

**Companies should commit to establishing and implementing effective due diligence protocols to ensure decent working standards throughout their supply chain.** Businesses should have a responsibility to check the conditions of subcontracted workers and demand that suppliers adhere to the same employment standards. Where standards are not being met, companies should take action, working with suppliers to improve conditions.

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<sup>2</sup> Matthew Taylor, 2017. *Good Work: The Taylor Review of Modern Working Practices*. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/627671/good-work-taylor-review-modern-working-practices-rg.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/627671/good-work-taylor-review-modern-working-practices-rg.pdf)

Companies with an annual turnover of more than £36million are required to report on what they are doing to address modern slavery in their supply chains under the Modern Slavery Act 2015.<sup>3</sup> **The Good Work Standard should support these companies to respond effectively to the risks of modern slavery in supply chains** by signposting information and guidance on the reporting requirement. Further, it should encourage participating businesses to go beyond minimum reporting obligations to provide comprehensive modern slavery statements and take meaningful action to address issues and risks found within their supply chains.<sup>4</sup>

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<sup>3</sup> Modern Slavery Act 2015. <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

<sup>4</sup> For guidance on effective reporting, see CORE Coalition guide *Beyond Compliance: Effective Reporting under the Modern Slavery Act*. Available at [http://www.labourexploitation.org/sites/default/files/publications/CSO\\_TISC\\_guidance\\_final\\_digitalversion.pdf](http://www.labourexploitation.org/sites/default/files/publications/CSO_TISC_guidance_final_digitalversion.pdf)