

Labour Exploitation Advisory Group (LEAG)

Guidance: understanding victim perspectives in identifying and reporting cases of labour exploitation

Labour exploitation, or forced labour, is a serious and under-reported crime. In order to successfully identify and report cases of labour exploitation, it is imperative to understand the often complex needs and perspectives of its victims, and to ensure that they receive the appropriate support from the outset.

This guidance provides a summary of some of the key issues statutory agencies and frontline professionals should be aware of when encountering and supporting victims of labour exploitation.

Why might a victim of labour exploitation not report / disclose to the authorities?

It is often extremely difficult for victims of labour exploitation to exit their situation or seek help. As a result, victims can be very difficult to identify. Due to their circumstances, victims of labour exploitation may have complex needs which affect their ability or willingness to engage with authorities. Common reasons why victims may not initially, or ever, wish to come forward and report what has happened to them include:

Fear of losing work

Many people end up in exploitative situations because they are desperate for work to support themselves and their families. Unscrupulous employers can exploit this by threatening to dismiss workers who complain about their treatment. Even in extreme cases of exploitation, lack of alternative options means that victims are often too terrified of losing their job to report the abuse.

Fear of immigration authorities

Migrant workers are some of the most vulnerable workers in the UK. Both documented and undocumented workers may fear coming to the attention of immigration authorities if they do not know their rights and feel insecure in their immigration status. Exploiters who are aware that victims are undocumented or insecure often threaten to report them to the authorities if they complain or try to leave.

Fear of criminalisation

Exploited workers are often made to participate in criminal activity, or are made to believe that they have participated in criminal activity, as a means of control. They are told that if they go to the police they will themselves be arrested for the crimes they have (or believe they have) been forced to commit. This is a major deterrent for some victims to leave or report their situation. Many victims also fear they will be criminalised due to their immigration status, or if they do not have the right to work in the UK but have no other option in order to survive. It is therefore vital that addressing the issue of exploitation be separated from immigration control, so that victims of this crime feel able to come forward.

Fear of reprisals from exploiters

Violence and the threat of violence, against the victim or their family, is often used in situations of exploitation as a means of control. This deters victims from coming forward or from speaking about their situation even when they do come to the attention of authorities.

Mistrust of authorities

Many victims are mistrustful of police and other authorities. Exploited migrants may have come from countries where the police are corrupt or discriminatory, and so may believe that they will suffer further victimisation at the hands of officials. Victims are often told by exploiters that the police will not help them or will arrest them. First contact is crucial in determining whether a potential victim feels safe to disclose information to authorities, so awareness of frontline staff and ability to recognise and deal appropriately with potential cases of exploitation is paramount. In cases where victims do attempt to come forward and are turned away, they are unlikely to try again and may tell others of their negative experience.

Gender-based abuse

Women in situations of labour exploitation can also be particularly vulnerable to other types of abuse such as sexual harassment, assault or sexual exploitation. This may add a level of control making it more difficult for victims to come forward and disclose their situation, either because they are afraid of further abuse, or because they feel unable to speak about their experiences. This may also impact upon physical and psychological health needs.

Environment

The environment in which a potential victim is asked to disclose information is crucial and could impact their decision to give information or accept support. Raids and operations to discover and remove victims from situations of exploitation can in themselves be traumatic and leave individuals confused and unsure of who to trust. If the exploiter or an intermediary is removed along with victims then their proximity may prevent victims from feeling able to disclose information about their situation. Places victims are received or places they might approach to report abuse, such as reception centres and police stations, should be made to feel safe and be equipped with the relevant information, referral pathways and translation/interpretation services for those who do not speak fluent English.

Normalisation of exploitation

Some exploited workers may not be aware that they are victims of a crime. Many migrant workers who do not know their rights may expect poorer pay and conditions or perceive their situation, however exploitative, to be better than they would have had in their country of origin.

What needs and priorities might affect a victim's decision making or behaviour?

Survival

For many victims of exploitation, the most immediate concern is survival. Exiting a situation of exploitation may mean losing the little money they have to support themselves and their families. Victims of labour exploitation are also often dependent upon their exploiters for food, accommodation, and access to bank accounts. Victims may therefore be reluctant or unwilling to leave their situation or, after being identified by police or other agencies, they may choose to return to their exploiters as they feel they have no other option.

Health

Victims of exploitation may have acute physical or mental health needs at the time of detection which may affect their ability or willingness to cooperate with frontline officials, or to make decisions about referrals and support options. Some people who have been exploited may have alcohol or substance dependencies, as this is sometimes used by exploiters as a means of control. Other health needs arising from living or working in poor conditions may also be a factor. Health concerns may need to be addressed before the person is able to give information or make decisions.

Trauma

Many victims of exploitation may be suffering from trauma. This manifests in different ways and may not be immediately recognisable as such. Substance abuse and aggression, particularly in men, often result from traumatic experience and may be indicators of exploitation. Symptoms such as these can easily be misread, therefore specialist training may be required in order to successfully recognise and work with victims who have experienced trauma. Those who are traumatised may be unable to make important decisions immediately and may need time to consider what path is best for them.

Quality/appropriateness of support

In order to keep victims of labour exploitation from further exploitation or victimisation, it is essential that appropriate support is offered immediately. If there is no alternative available, victims may feel they have no choice but to return to their exploiters. Poor quality or inappropriate accommodation is a key concern.

Access to advice

Clear, accessible advice is also key to supporting victims once they have been identified. This includes: legal advice, information about rights, and impartial information about the NRM and other support options.

For any course of action – referrals into support services or the National Referral Mechanism, participation in investigations, or legal proceedings, return to country of origin etc. – informed consent is crucial. Victims must be empowered to make the choices they feel are best for them and if they do not understand the options available, they may be unable to do so. In order to fully understand the options, non-native English speakers may require translation & interpretation services, as well as clear, accessible printed information in their own language. Access to legal advice is particularly important for victims to understand their rights and the legal avenues available to them. Specialist services such as the Anti Trafficking and Labour Exploitation Unit (ATLEU) offer such advice to victims of labour exploitation.

What are the avenues for support for victims of labour exploitation?

Victims must be recognised from the outset as rights-holders and should be empowered to make informed decisions about their referral into any official mechanisms (such as the National Referral Mechanism), their support needs and their participation in criminal proceedings. **The rights of victims should be prioritised and upheld regardless of immigration status.**

Where victims of exploitation choose not to be referred into the National Referral Mechanism or participate in criminal investigations, they may still require support. Local shelters, refuges, migrant organisations, faith organisations, local authorities, women's organisations, and unions may be able to offer services such as accommodation, counselling, employment or legal advice, language assistance etc. It is important to be aware of what is available in the local area in order to refer victims for the full range of support they may require.