



# Rights and Risks: Migrant labour exploitation in London

## Research report

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June 2023



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## Foreword

By Deputy Mayor for Communities and Social Justice, Dr. Debbie Weekes-Bernard

As the capital of one of the world's largest economies, London is internationally renowned for its economic strength - and I am proud to live and work in a city that drives innovation and growth.

Migrant Londoners are integral to our great city. London is a welcoming, diverse, innovative, and truly global city because of its people, who come from all over the world. I see, on a daily basis, how London's communities and workforce are both energised and enriched by migrant communities.

Yet, as Deputy Mayor for Communities and Social Justice, I am acutely aware that not every person experiences the capital in the same way – and that many migrant Londoners, in particular, can face exploitation and abuse in the workplace. In the context of increasingly hostile policies and complex legislation – it can be tough for migrant Londoners to challenge their employers, understand and enforce their rights, or access help.

As one of the ways to seek better understanding of migrants' struggles, and to address the challenges they face in accessing appropriate support, the Mayor of London has commissioned research from The Young Foundation and Focus on Labour Exploitation (FLEX). This report, *Rights and risks*, is the result – and it uncovers shocking abuse that has no place in our society. London's migrant workers report bullying, racially motivated harassment, and exploitation consistent with modern slavery. Decisive and urgent action is needed to support those suffering employment rights violations and exploitation.

It is clear from this report that migrant Londoners can struggle to access the advice and support they need. Firstly, information and clearer routes to get support are needed to ensure all workers understand their rights, can identify abuses, and have access to advice. We continue to invest in our online information resource – the Migrant Londoners Hub and map of services – but we know there is more work to do to build rights awareness, access to advice, and effective and timely enforcement of labour standards.

The Mayor has provided long-term investment in the advice sector to build capacity, expertise, and infrastructure, enabling service providers to give holistic support for clients who often have complex and intersecting needs. In addition to this the Mayor has recently committed £1.23m to build the capacity of the migrant advice sector. We have provided a further £2.3m in funding to increase advice provision for all Londoners via Citizens Advice and London Legal Support Trust. We seek to work collaboratively to address persisting structural barriers and improve advice sector capacity and coordination.

One of the report's key policy recommendations is a call to repeal the illegal working condition, which criminalises some migrants with insecure or no immigration status. The research also argues for ensuring the sustainability of legal aid and lays out significant issues associated with the Illegal Migration Bill currently being debated in Parliament. These are important policy issues that the GLA will seriously consider. We must address work abuse and exploitation and its root causes while strengthening the support available to migrant Londoners. The Mayor is committed in his mission to support migrant Londoners to thrive regardless of their immigration status. We continue to challenge the hostile environment and champion the rights of migrants to access their rights without risking destitution, detention, or deportation.

Across the capital, we all deserve to be safe and protected in the workplace – but that isn't the reality for many migrant workers today. The Mayor is committed to funding immigration and employment advice across our city, to ensure individuals can access their rights. In *Rights and risks*, individuals' experiences are shared through candid interviews, and I urge policymakers, funders, commissioners, and employers to hear these accounts and urgently take the next steps to create much-needed change.

## Executive summary

This research provides rich insight into the experiences of migrant workers in London and the barriers and challenges faced in accessing support and advice in relation to labour rights abuses and exploitation.

It draws on interviews conducted by peer researchers, who are themselves migrant workers in London, as well as interviews with advice service providers, and desk research to map the advice sector in London.



## Headline findings

1. Migrant workers in London report a wide range of experiences across the spectrum of labour rights abuses and exploitation, with some appearing to have the hallmarks of modern slavery. Alongside this, many migrant workers are subjected to bullying, discrimination and sexual harassment in the workplace.
2. Often, migrant workers have limited knowledge or understanding about their employment rights in the UK or how to enforce these and seek advice and support when they are infringed. Differences in culture and the law between their country of origin and the UK can be a driver of this, along with language barriers. Family, friends and colleagues are often the first port of call for help.
3. Migrant workers seeking advice or support for labour rights issues can face a challenging journey and multiple barriers. These include:
  - a. Practical barriers - such as lack of information on where to find support, language barriers, IT barriers (eg, lack of access to a phone or reliable internet connection) and worries about the cost of services for people who are unaware of free resources.
  - b. Personal and cultural factors – such as social stigma around asking for help, a preference for relying on family and friends, and mental health issues which make it difficult to reach out for help.
  - c. Fear of the consequences – for most there is the worry that challenging their employer will result in losing their job and, as a result, their income. For those with an insecure immigration status, there is an additional fear that it could result in a removal of their right to remain and work in the UK.
4. The challenge is often compounded by capacity issues within the advice sector. The sector is under strain as demand for advice soars and not all organisations have the ability to support complex case work at the intersection of employment and immigration law. This often results in migrant workers being signposted to other organisations (sometimes repeatedly), finding the process to be slow and bureaucratic, and emotionally draining as they have to repeat their story multiple times.
5. Advice services themselves also face challenges to keep services up and running: there is insufficient multi-year, unrestricted and sustainable funding for this kind of work; the burden of documentation (from funders, regulators and to manage cases) is huge; and there is concern about being able to provide the holistic wrap-around support that migrant workers facing employment rights abuses and exploitation need.

## Recommendations

This research gives rise to some important recommendations for everyone with a role to play in supporting migrant workers who face employment rights abuse and labour exploitation: funders and commissioners; the advice, support and community sector; and policy makers at the local and national level.

There is a need for all actors to **collaborate to build rights awareness** among migrant workers. This must be done by working closely with migrant communities to develop linguistically diverse and culturally appropriate campaigns.

**Funders and commissioners** should invest in **long-term unrestricted funding for advice and support organisations** that enables:

- Investment in building capacity for complex case work by funding existing and new organisations that can provide legal advice and representation, which includes a comprehensive end-to-end casework service and organisations with legal aid contracts.
- Recruitment and training of case workers, with equitable remuneration, able to handle complex cases which cut across employment rights and immigration issues.
- Community-based outreach work with migrant worker communities.

In addition, **funders and commissioners should invest in infrastructure support and innovation** for the sector. For example:

- Centralised mapping and networking support for advice organisations, to support referral pathways.
- Investigating opportunities to provide centralised 'first point of contact' options for migrant workers, which can help direct people to the right source of support across the city. There is demand from migrant workers for a text-based or app-based solution that could be explored through co-design processes.
- Building on initiatives such as the Employment Rights Advice and Support for Underserved London Communities programme, by developing accessible and sustainable training or apprenticeships that support migrant workers themselves to become advice case workers in organisations across London.

There is a crucial need to **address the legal aid 'droughts and deserts'** resulting from legal aid cuts, areas of law having been brought out of scope for legal aid and the year-on-year depreciation in fees. Changes are needed to address the funding system that is driving this crisis, and to bring employment cases back into scope, so that support organisations are able to refer clients for legal advice and representation when necessary.



Further, all **funders and commissioners, including the Greater London Authority** should build on recent work by ensuring there is **strong, inclusive and meaningful representation of migrant Londoners** for better governance and commissioning. Participatory policymaking and funding should be at the heart of decision-making, adopting a principle of ‘nothing about us without us’.

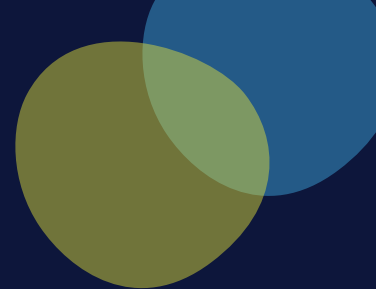
**Advice, support, and community organisations** need to work together, and with funders and commissioners, to further:

- **Build their capacity and expertise** to handle employment rights issues, particularly those that intersect with immigration issues. It appears to be particularly important for some of the more mainstream advice organisations to consider how to do this in a culturally and linguistically inclusive way.
- **Identify and establish improved referral pathways** and opportunities to ensure that there is ‘no wrong door’ for a migrant worker seeking support.
- Ensure **communications and contact options** both support migrants to understand their rights, and ensure help feels accessible.

Finally, there are important considerations for **policymakers**:

- All workers should be able to access UK employment law. The criminalisation of illegal working offence (Section 34, Immigration Act 2016) creates a workforce that is unable to exercise employment rights in practice, and should be repealed.
- The government should address the causes of the legal advice crisis by taking urgent action to ensure the sustainability of the legal aid sector by raising civil legal aid fees, reforming the excessive administrative bureaucracy experienced by legal aid providers, and bringing back into the scope of legal aid key areas of advice including employment law.
- Policymakers need to ensure the UK’s immigration system still offers support and justice to those with irregular or insecure migration status, including in the event that they have been removed from the country. Policymakers must also work to reduce the risk of exploitation. There is a reduction of legal options for many migrant workers in the UK, for example, with the growth of non-renewable short-term work visas. The number of people who lack options will worsen with the forthcoming ‘Illegal Migration’ Bill which will, in its current form, prohibit people from having asylum claims processed in the UK, depending on how they entered the country.





# Introduction

## Background to the research

The UK labour market is complex. Many people working in the UK have different and shifting experiences of work. These experiences can be understood along a spectrum – from decent work, through to labour law violations, and labour exploitation, including forced labour and modern slavery.

Migrant workers are particularly at risk of experiencing abuse and exploitation at work. They are disproportionately represented in low-paid, unregulated, precarious, and informal work – including in high-risk sectors such as domestic work, live-in caregivers, construction, food processing, food/parcel delivery, cleaning, hospitality, nail bars and beauty salons, and so on.

It is often hard for migrant workers to challenge poor and exploitative employment practices. For some, reporting poor working conditions and challenging an employer could put them at risk of losing their right to remain in the UK, if their visa has been issued in line with specific employment conditions eg, a skilled worker visa or an employer sponsored visa. Migrant workers with insecure

immigration status - including those who are undocumented and those without permission to work, such as asylum-seekers - face additional challenges, as seeking support may put them at risk of detention and deportation under the 'hostile environment'.

Many migrants face additional vulnerabilities, including language barriers, lack of knowledge about their labour rights in the UK, and lack of knowledge about how or where to access formal or informal support. Some also have no recourse to public funds (NRPF) or unclear entitlements as a result of their immigration status. Consequently, they have no access to a welfare safety net in the event of leaving their job.

The Mayor of London commissioned this research to help inform the development of a strategy to improve access to advice and support for migrant workers experiencing abuse and exploitation in London. It forms a part of the Mayor's work to challenge unscrupulous employment practices and improve coordination across London's advice landscape.

## Research objectives

The overarching objectives of the research were:

- to map the current demand and supply of advice and support for migrant workers experiencing abuse and exploitation at work in London, including the suitability and flexibility of these services to respond to the needs created by the intersection between immigration and employment law and policy;
- to understand how migrants' employment issues are identified and by whom; what other types of advice and support they seek, and how these issues are dealt with by available service provision; and
- to identify interventions and recommendations to strengthen existing services and address any gaps in advice and support provision for migrants experiencing abuse and exploitation at work, including needs that result from the impact of immigration law and policy on their access to and enforcement of employment rights.



## Overview of the methodology

This research used a mixed methodology that would enable us to address each of the objectives by incorporating insight drawn from multiple sources and perspectives. The approach included:

- mapping and profiling of services offering advice and support to migrant workers experiencing labour abuse and exploitation;
- in-depth interviews with 47 migrant workers who have experienced labour rights issues in London, carried out by peer researchers;
- in-depth interviews with 10 representatives from advice and support organisations.

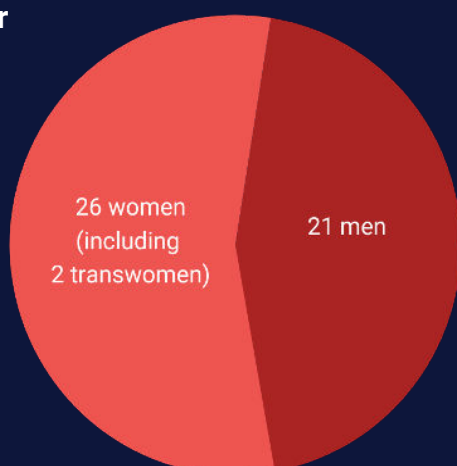
Core to the design of the research was centring the voices and experiences of those with lived experience of labour rights issues as a migrant worker in London. To achieve this, a peer research approach was adopted. Six peer researchers were recruited from across London, from different migrant communities and with links into various sectors where migrant labour exploitation is common. They were trained and supported to carry out research with members of their communities and to contribute to the analysis of that data, which is included in this report.

The peer researchers come from the Philippines (2), Ukraine, Singapore, Ecuador, and Colombia, working within the care, cleaning and hospitality sectors, and all have experienced some form of labour rights abuse or exploitation themselves. They were additionally given the option to include a short biography, describing their background and motivations for joining the project; as well as being able to share their real names or using a pseudonym to maximise the agency they had over the research. Their stories follow in the next section.

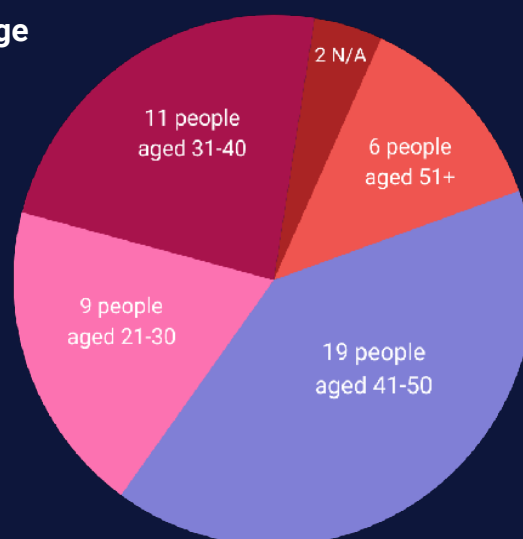
We would like to offer our deep thanks to the peer researchers and participants who shared their time, expertise, and insights.

## Who we spoke to 47 migrant workers, comprising:

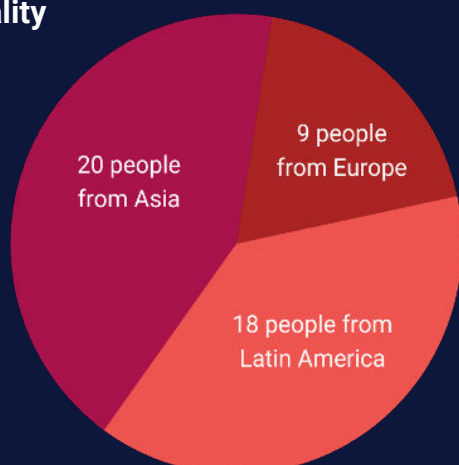
### Gender



### Age



### Nationality



- Filipino (14)
- Singaporean (1)
- Chinese (1)
- Hong Kong (1)
- Bangladeshi (1)
- Indian (1)
- Filipino-Chinese (1)

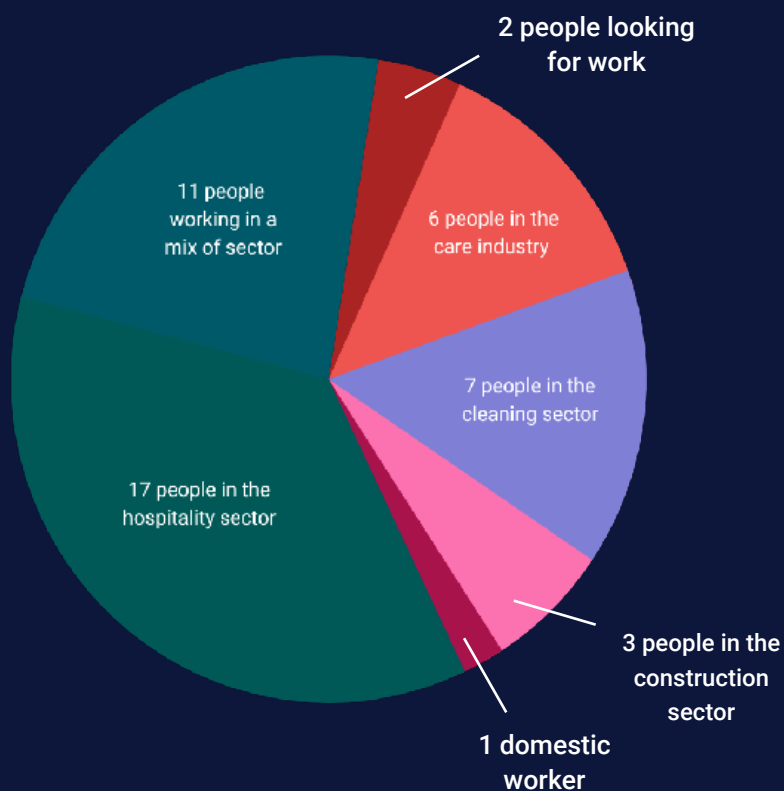
- Bolivian (3)
- Brazilian (3)
- Colombian (5)
- Ecuadorian (4)
- Peruvian (2)
- Venezuelan (1)

- Romanian (1)
- Ukrainian (3)
- Czech (1)
- Lithuanian (1)
- Latvian (2)
- Portuguese (1)

## Immigration status



## Employment sector



More detail on the methodology, including the mapping and approach to peer research, along with the limitations, can be found in Appendix 1.

## The peer researchers



*In Ukraine, I used to be a geography teacher and a yoga teacher. I have currently been living in London since January 2020, moving here on a Spouse Visa.*

*I found my first job within three months of moving to London, a zero-hours contract. As I like fashion, and have some sector-specific experience in Ukraine, I chose to work in the fashion industry as a sales assistant, where I still work now.*

*I like sociology and have considerable work experience in areas where communication skills are important. In addition, I'm interested in human culture. That is why I decided to try working in research. As a peer researcher I got significant experience in studying English, conducting interviews, and analysis, but the most important thing was meeting amazing people.*

*In my opinion, the changes we need to see are:*

- *Change communication procedures between support service representatives and migrant workers, making it more clear with step-by-step guides and comprehensive language.*
- *Design an information system about available support services for migrant workers.*
- *Improve Job Centre services to help migrant workers access decent, stable employment, with the opportunity to upgrade previous qualifications or to get new ones.*
- *Create ways of providing information on services to migrant workers in their native language.*
- *Raise awareness about labour abuse and exploitation, how and where to get a consultation for future help.*

**Alona**

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*I arrived in the UK in June 2022, on a skilled work visa. Coming to the UK was such a privilege for me and a huge life goal for many.*

*We were never given a chance to digest our employee rights working in the UK. We were forced to start immediately due to a staff shortage, working without a sense of belonging and not knowing our value at work. There was no guide on where to go if we had a formal complaint against our employer. We didn't know of any organisations who could help us improve our confidence and become part of the community. I still remember how my previous employer never provided me with a contract. A duty roster changed every night, so we couldn't plan ahead and never knew when our next day off was. Our travel was not covered, and overtime received no pay.*

*My landlady forwarded me a link to apply for this research role. I have worked really hard with my team and got along well with the other peer researchers. We have respect, camaraderie, and integrity. We were all seen equally, without discrimination and judgement. As we recruited, I built courage to approach total strangers on the street and became immune to rejection. I opened my heart and listened to people's harrowing experiences of exploitation.*

*I feel the main reason why labour exploitation is happening is that many victims are too afraid to speak up or seek formal support. If people are empowered enough, no employer can exploit them. Discrimination at work can be stopped if we build trust in the legal system.*

**Glorivi de Guzman**

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*I'm Marisol, and I'm passionate about social justice.*

*I was born in Ecuador, I am a Community Social Mediator, and I came to the UK in 2013 with my family. From then, I applied my knowledge of helping the vulnerable, specifically women. Volunteering in care, diagnosis, and counselling in cases of domestic violence.*

*I am also a community activist in projects such as the development of the Latin American community in Madrid and London, and I'm Director of the Family Emotional Wellbeing Project C.I.C. (FEWP) since 2018.*

*Not knowing the language, I worked for seven years as a cleaning supervisor, experiencing harassment and labour exploitation. I was forced to participate in two joint labour claims, eventually being fired for unionising during the pandemic.*

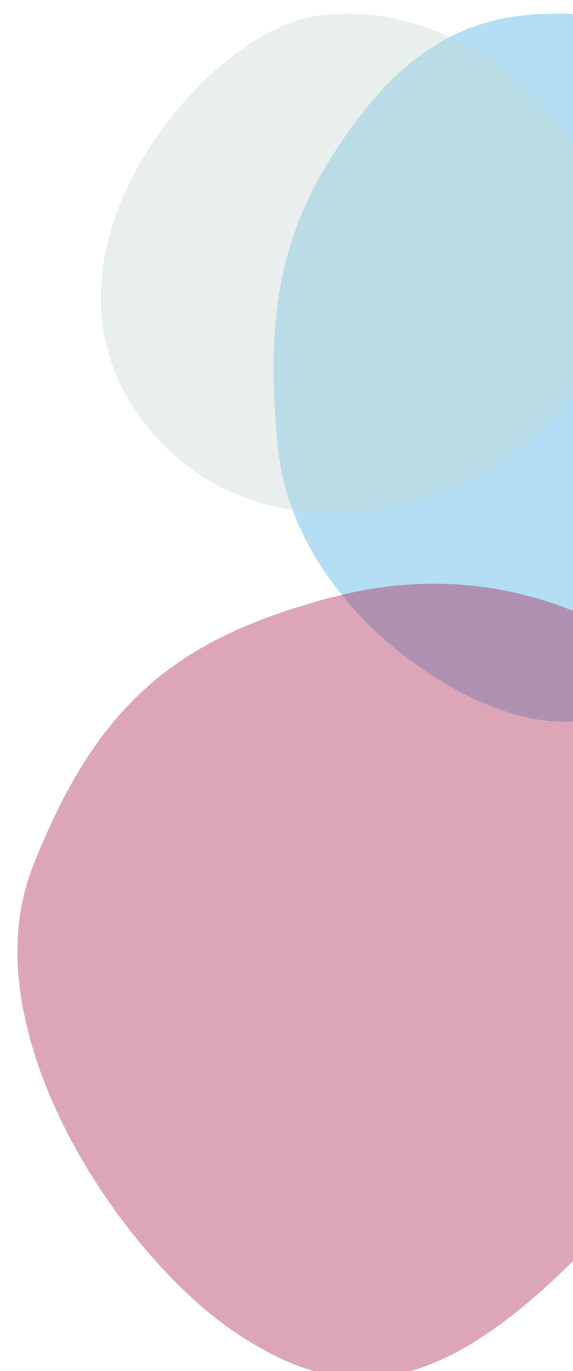
*This is my second job as a peer researcher, learning about the experiences of migrant workers. I aimed to understand the stories of each participant and that, sometimes, they feel they have no choice but to endure exploitation to support their families.*

*Most of the participants identify with the phrase: "I want to work in what I have studied", meaning their current job misaligns with their level of qualifications, feeling they must do this work out of necessity. Others want to start change based on their experiences, some already doing jobs related to their profession because they speak some English.*

*Organisations require more information to understand migrant employment rights and provide solutions, improving migrant quality of life in the UK. There is a lack of promotion of the law that regulates the labour conditions of migrants, which must be addressed to protect workers.*

**Alexandra Marisol Urbano Gaona**

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*I am a contemporary art curator who emphasizes transversal research by creating intersections between art, science, and technology. My academic training is embedded within visual and fine arts, and the standpoint of posthumanism and transhumanism influences it.*

*Originally from Bogota, Colombia, I have lived in London for eight years. I came to London to study for a MA and am currently doing my PhD in curatorial knowledge. As a migrant worker, I have gained valuable insights into the diverse cultures that coexist in London. I became a peer researcher to understand and share my experiences while working in London. However, something that needs improvement is the way services and advice are provided to migrant workers. The staff working at those organisations must also be aware of migrant performativity. From the moment a migrant arrives, there is a huge distance between London authorities and the person who wants to start a new life in London.*

**John Angel Rodriguez**

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*I was from the Philippines, but now live in London as a refugee. In the last four years, I have worked in several industries in London: hospitality, education, creative, and in development work. I became a peer researcher in this project as I have a background in community research, both within and outside of academia. I am currently doing my doctoral research at Birkbeck. I think the priority for this project is on how to organise undocumented migrant workers in London so their rights will be protected, even if there is a hostile environment.*

**Rogelio Braga**

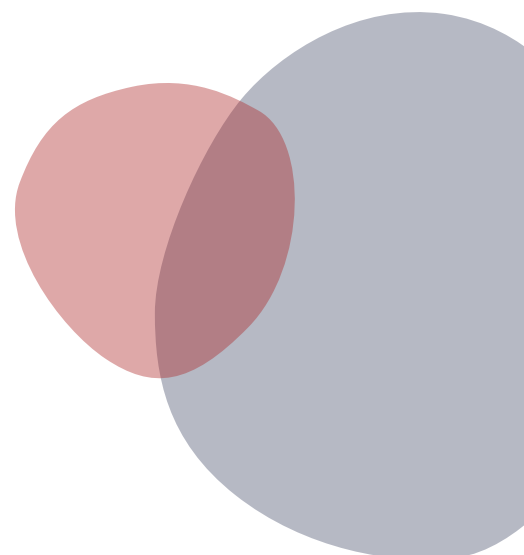
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*I am a Singaporean who has been living in London for about six months. Currently, I am supporting my wife who is pursuing postgraduate study. As a double degree holder with experience as a studio manager, I expected to find a full-time job to support my living expenses and rent, but the reality of being a migrant sunk this plan. Since arriving in the UK, I have worked as a kitchen porter, delivery rider, and waiter. My work as a peer researcher has brought to light the challenges that other migrant workers with similar backgrounds face, and it quickly became apparent that finding appropriate-level jobs is a common struggle. While more important dangers migrant workers face in London were unearthed by the other peer researchers, I feel that there is a serious lack of support for highly educated migrant workers. It would be beneficial to have a service that such workers can turn to, to discover employers who will consider hiring them.*

**Wesley**

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SECTION ONE

# Migrant labour exploitation in context



## A changing migration landscape

The UK migrant labour market and accompanying immigration system has shifted considerably in recent years and particularly since the end of freedom of movement for European Economic Area (EEA)+ citizens<sup>i</sup> (EU countries plus Iceland, Liechtenstein, Norway, and Switzerland) and their family members, following the UK's departure from the European Union (Brexit). For the majority of the last two decades, the EU has been a major source of work-related migration to the UK, particularly in low-paid sectors.<sup>1</sup> However, work-related migration from the EU declined sharply before the end of freedom of movement and has continued to decline since. This decline can be partially attributed to the design of the UK's post-Brexit immigration system, which includes a new points-based system that has a greater emphasis on skilled worker visas.<sup>2</sup>

Many of the jobs that EU migrants had been employed in before the end of freedom of movement, for example, low-paid jobs in manufacturing, transport, construction, retail, accommodation and food services, and hospitality are not eligible for work visas in the UK's new immigration system.<sup>3,4</sup> The only routes available in the UK for migrant workers to be recruited into low-paid work<sup>ii</sup>, are the Seasonal Worker visa route for agricultural workers, the Overseas Domestic Worker visa, and the Health and Care Worker visa. The care sector was heavily impacted by the end of freedom of movement, as care work was classified as 'low-skilled work' and salaries often did not meet the threshold for visa sponsorship.<sup>5</sup>

The UK introduced a Health and Care visa in 2020, however, social care workers were not originally covered by the visa. Following a Migration Advisory Council recommendation, social care workers were placed on the shortage occupation list in 2022. Workers currently need to earn at least £20,960 per year (£10.75 per hour) to be eligible for this visa.<sup>6,7</sup>

<sup>i</sup> To avoid misrepresenting data, this report generally refers to the EU, instead of the EEA+. While some points may also be relevant to EEA+ nationals that are not part of the EU, current literature and statistics often only refer to the EU and not EEA+.

<sup>ii</sup> We define low-paid work as those being paid less than the real living wage, as defined by the Living Wage Foundation.

Analysis of ONS data shows that between March 2019 and September 2022 there was a net reduction of 460,000 EU workers in the UK.<sup>8</sup> This reduction was mainly concentrated in manufacturing, transport, construction, retail, accommodation and food services. Moreover, there has been minimal migration of EU nationals through skilled worker routes. At the beginning of June 2021, EU citizens accounted for only 8% of skilled worker visa applications (excluding frontier workers).<sup>9</sup>

In contrast, the UK recorded record high net migration levels in 2022 due in part to a large increase in non-EU migrants on skilled worker visas. The Health and Care visa was the biggest contributor to the growth in the number of non-EU workers on skilled worker visas. In 2021, 47% of skilled worker visas granted were in the Health and Care subcategory. This visa was introduced in part due to concerns about shortages in the care sector.<sup>10,11</sup>

Another contributor to the UK workforce has been through student and graduate visas. In 2020/21 there were an estimated 605,100 overseas students across all types of higher education institutions in the UK, an increase of 109,000 since 2018/2019.<sup>12</sup> Students enrolled in full-time degree-level studies are allowed to work for a maximum of 20 hours per week during term time. Consequently, some are employed in part-time work to cover living costs and fees.<sup>13</sup>

## Migrant workers in London

London is home to the highest number of migrant workers in the UK, both for EU and non-EU nationals. The UK's migrant population is heavily concentrated in London. In 2021, it was estimated that around a third of EU (31%) and non-EU nationals (34%) in the UK resided in London.<sup>14</sup> Approximately 37% of the London population was born outside the UK, compared to 14% of the UK as a whole. The largest migrant groups come from India (323,000), followed by Romania (176,000), Poland (149,000), Bangladesh (139,000), Pakistan (130,000), Italy (126,000) and Nigeria (117,000).<sup>15</sup>

The London migrant labour market includes a large number of workers in both high and low-paid jobs. In the past decade, London has accounted for the highest number of workers on skilled worker visas in the UK.<sup>16</sup> However, both EU and non-EU nationals are disproportionately represented in low-paid work. Relative to population size, low-paid workers in London are more likely to be migrants. The Learning and Work Institute estimated that in 2020, more than two in five (45%) workers in low-paid work were migrants.<sup>17</sup>

## Labour exploitation

Labour rights experiences exist on a continuum, ranging from decent work (work that is under conditions of freedom, equity, security and human dignity) to labour rights violations (e.g. unpaid wages, discrimination in the workplace, working in unsafe environments, a lack of holiday and sick pay), to extreme forms of exploitation, including forced labour and human trafficking (forms of unfree labour).<sup>18,19,20</sup> This understanding of labour exploitation is referred to as the continuum of exploitation (see Appendix 2 for more detail on the definition and risk factors for exploitation).

The risk of labour exploitation is particularly high for those with insecure or no immigration status and those employed in low-paid jobs, including in the care, construction, hospitality, and cleaning sectors, which are the main sectoral focuses for this report. Some workers, however, may not be aware of their rights at work. For example, research conducted by the Refugee Workers Cultural Association with workers from Turkey found that 40% of respondents were unaware of key rights such as sick pay.

Lack of access to rights such as sick pay and holiday pay has been reported in research on the experiences of migrant workers in the gig economy, hospitality sector, cleaning sector, and among live-in care workers.<sup>21,22,23,24</sup>

A key area of concern for migrant workers is issues linked to pay. Income insecurity and difficulties in earning the minimum wage is a common issue for couriers employed in the 'gig economy'. Couriers pay can end up below minimum wage when factoring in all working hours, including time spent waiting for deliveries, and expenses such as fuel.<sup>25</sup>



Another study that focused on the Latin American community in London found that three-quarters earned less than the London Living Wage<sup>iii</sup>, with around one in five reporting to have not been paid for work carried out.<sup>26</sup> Similar problems have been identified in the hospitality and cleaning sectors, and among live-in care workers with raised concerns over wages, including unpaid overtime, not being paid on time, being paid a lower rate than promised, incorrect deductions, and unclear payslips.<sup>27,28</sup>

Sexual harassment can also be a common occurrence in low-paid sectors that are heavily reliant on women migrant workers, including the cleaning, care, and hospitality sectors.<sup>29</sup> These sectors often have a high percentage of management positions held by men which can act as a barrier to reporting harassment.<sup>30</sup> This also intersects with workers' immigration status and living arrangements. Those that live with their employer, for example in live-in care work, may be unable to leave exploitative conditions due to being reliant on their employer for accommodation.

<sup>iii</sup> The London Living Wage refers to the rate set by the Living Wage Foundation, rather than the National Minimum Wage set by the UK Government.

Finally, racism, xenophobia and discrimination, including by co-workers, managers, and customers has been reported as a common experience for many migrant workers in London.<sup>31</sup> This discrimination can contribute to burnout and mental health problems, while also leading people to feel unwelcome or excluded.<sup>32</sup> Groups that experience a high level of discrimination are likely to have fewer employment options and are often restricted to low-paying and insecure employment. As a result of having fewer employment options, workers may be less likely to push back against or report abusive or exploitative practices.<sup>33</sup>

Despite the issues faced, there are significant deterrents to seeking support. Workers in low paid sectors are less likely to have savings and are less likely to be resilient to losses of income. For workers whose main concern is maintaining their income, and potentially accommodation, fear of losing work can act as a deterrent to reporting abuse.<sup>34,35</sup> At the same time, workers with insecure immigration status are often not willing or able to report abuse due to the fear of being reported to the Home Office.<sup>36</sup>



## Systemic barriers to support

There are several systemic factors operating at a national level which affect the likelihood of migrant workers seeking support, or receiving the support they need.

First, labour market enforcement in the UK is centred around compliance and heavily reliant on individual workers to report violations of labour standards. Labour market enforcement is also highly fragmented (depending on the severity of the issue and/or the sector the worker is employed in), and it is not always clear where to go for help, which can make it difficult for workers to navigate. The UK also fails to meet international standards concerning labour inspections, with only 0.45 inspectors per 10,000 workers, compared to the recommended one inspector per 10,000 workers.<sup>37,38</sup>

Second, the UK's 'hostile environment' is a series of measures taken by the government aimed at making it difficult for undocumented migrants to live in the UK, including by creating barriers to accessing housing, employment, health care, and opening bank accounts.<sup>39,40</sup> Research by FLEX and the Labour Exploitation Advisory Group (2017) found the 'hostile environment' made migrant workers feel less confident in their rights and entitlements.<sup>41</sup>

Data is routinely shared between labour inspectorates/police, and immigration enforcement, with joint inspections taking place on occasion.<sup>42</sup> This is despite the fact no labour market enforcement agency has a legal duty to check workers' immigration status for immigration control purposes, or report workers with insecure immigration status to the Home Office immigration enforcement teams. This makes it difficult for migrant workers, especially those with insecure immigration status to cooperate with labour inspectors, due to the fear of being brought to the Home Office's attention.<sup>43</sup>

Without the cooperation of workers, inspectors are less likely to identify potential victims of modern slavery or document labour rights issues. The Low Pay Commission, for example, found in 2022 that joint inspections prevented people from reporting the underpayment of minimum wage.<sup>44</sup>

Third, there have been large real-term budget cuts to legal aid provision in recent years. Between 2010 and 2019, there was a 32% decrease in real terms in funding to the Legal Aid Agency.<sup>45</sup> There is also currently a shortage of qualified caseworkers across all levels of legal provision the UK, including legal aid. Organisations struggle to recruit caseworkers with the required level of accreditation. When new funding is available, it often results in a shifting of capacity from one organisation to another without increasing the overall level of support available.<sup>46</sup> Moreover, in the case of England and Wales, large areas of support were removed from the scope of legal aid under the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Evidence also suggests that a large volume of failure to meet demand is the result of poor-quality decisions by the Home Office, Legal Aid or Tribunal.<sup>47</sup> Moreover, in the case of England and Wales, large areas of support have been brought out of the scope legal aid under the Legal Aid, Sentencing and Punishment of Offenders Act 2012.<sup>48</sup> Similarly, The National Referral Mechanism (NRM), which is the UK framework for identifying, referring, and supporting victims of modern slavery, provides support for individuals including legal aid for immigration advice but<sup>49</sup> does not include legal support for employment-related issues (eg, unpaid wages, breaches of employment contract). See Appendix 3 for more detail on Legal Aid.



## Access to advice and support

The advice and support sector in the UK is currently facing unprecedented demand, driven by a long tail of problems and backlog from the pandemic and acutely exacerbated by the current cost of living crisis. The majority of advice and support services assist their community with multiple issues – from financial hardship and debt, to benefits and employment, housing, legal problems, domestic violence, and more. This means that in many services, the current demand for support with financial hardship and connected problems is constraining capacity and demand is outstripping what can be offered.<sup>50</sup>

The scope of advice and support offered to migrant workers differs based on the type of organisation they reach out to. Voluntary sector advice and support organisations, and community and frontline organisations largely provide mainstream advice and support not tailored for migrants. For legal advice and representation, including, for example, representing workers in a court or at a tribunal, support organisations may need to refer workers to legal aid providers, including law centres or other advice organisations that have the appropriate regulation, legal training, and legal aid contracts.<sup>51</sup> Both support organisations and legal aid providers play a crucial role in workers accessing justice and support. Community-based organisations typically have the trust of users, but do not always have the specialist expertise to support them.<sup>52</sup> Further, some users may not trust legal aid provider organisations or understand that they are separate from state authorities. Consequently, the collaboration between support organisations and advice specialists is an effective pathway for supporting those in need.

There are several barriers that migrants face in accessing support services and legal advice in the UK. Language barriers and unfamiliarity with administrative and support networks can result in people not understanding the rights they are entitled to or where they can go to seek support. This consequently leads to difficulties in accessing support for matters related to healthcare, employment and labour rights, immigration advice, housing benefits, and labour exploitation.<sup>53,54,55</sup> Some of those that come from lower-income backgrounds or are employed in low-paid jobs, have low levels of formal education or digital literacy, and have few social ties in the UK have also been found to face increased difficulties in accessing support services. Gender-based discrimination, cultural barriers, stigma and disbelief by authorities also reduce the likelihood of people reaching out for support. Moreover, due to these barriers, people may seek informal support from other members of their community rather than go to formal support services.<sup>56,57,58</sup>

The legal advice crisis is having dire consequences for those seeking assistance. ATLEU, in a survey with frontline support and advocacy organisations, highlighted that 90% of respondents had struggled to find a legal aid immigration lawyer in the past year.<sup>59</sup> Moreover, more than half of respondents (55%) in the study noted that the lack of access to timely and quality legal advice and representation had left survivors they support unable to access appropriate accommodation or destitute, almost all (97%) said it caused survivors stress, anxiety, or contributed to poor mental health, and 29% said it had left survivors in a situation of exploitation.

## The London context

In addition to the general barriers to support in the UK, there are also some barriers specific to the context of London. London has the largest and most comprehensive advice network in the UK but here too, demand is outstripping supply.<sup>60</sup> The Money Advice and Pension Service reported that London has seen a 30% increase in demand for debt advice (compared to an 18% national average), highlighting the pressure on services.<sup>61</sup> Demand still outstrips supply in London.

London's high cost of living has been worsened by the cost-of-living crisis and GLA research has shown that the situation is now particularly acute for those on low incomes, and black and minority ethnic Londoners (as well as the disabled and young, single parents).<sup>62</sup>

UK inflation, which hit a 40-year high in 2022, has not impacted society evenly. Low-income households in the UK are more likely to spend a higher proportion of their income on essential items, such as energy and food, which have been two of the biggest contributors to the recently high inflation. Prices of food and non-alcoholic drinks rose at the fastest rate in more than 45 years, up 19.2% in the year to March 2023.<sup>63</sup> Electricity prices rose by 66.7% and gas prices by 129.4% in the same period.<sup>64</sup> Latest data indicates that households with the lowest income spend more than twice as much of their household budget on gas and electricity than the richest households. In London specifically, non-discretionary spending is predicted to increase substantially, with the lowest income households required to spend more than 80% of their budgets on essentials, including food, energy, and housing.<sup>65</sup>

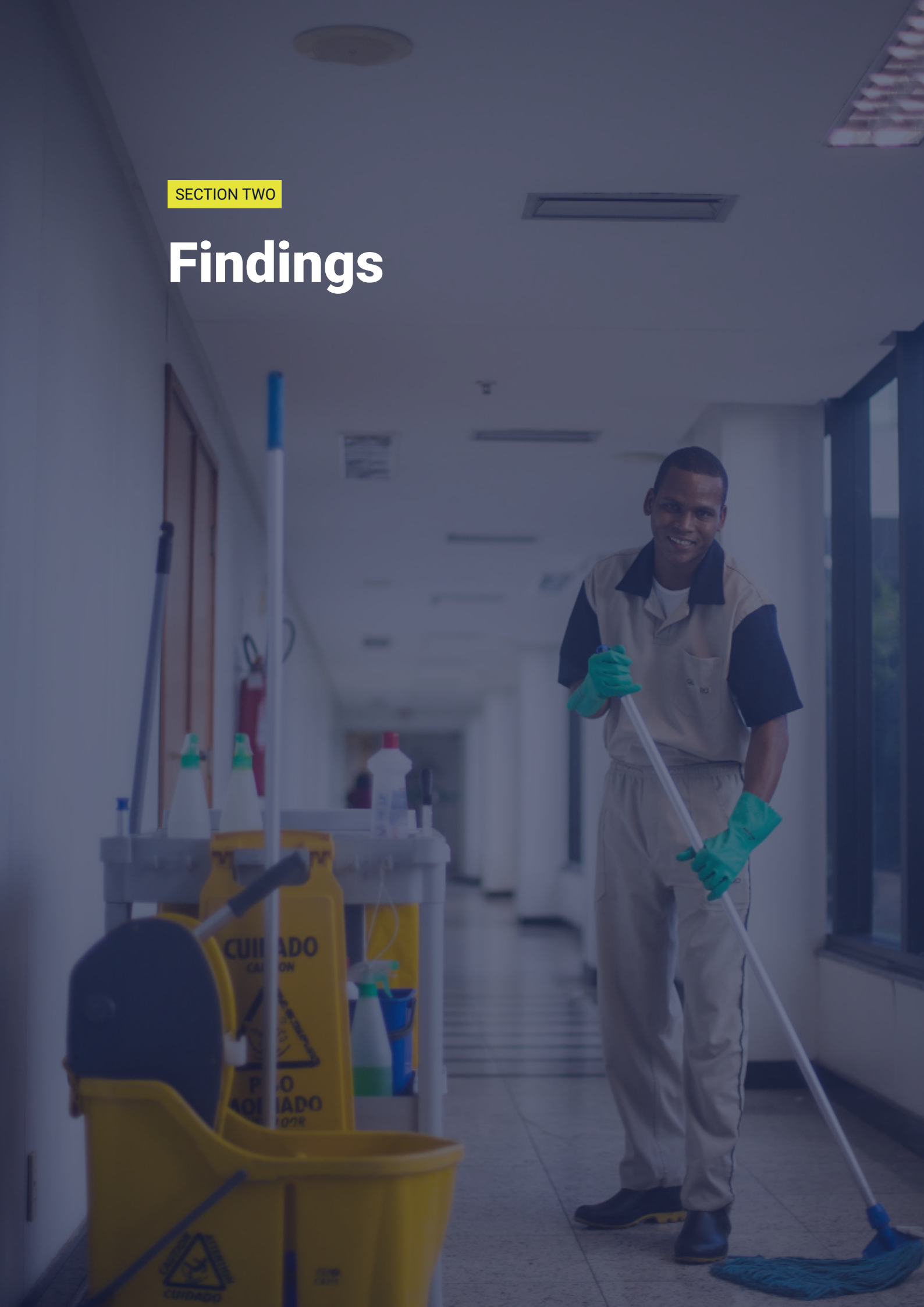
Financial stress and insecurity can act as barrier to reporting issues at work. Research by FLEX has shown that financial stress can result in migrant workers not reporting issues out of fear of losing their jobs.<sup>66</sup>

Finally, London has a large and complex advice network. This is positive in terms of providing accessible and suitable options, but can lead to individuals being overwhelmed with choices and unsure of who to reach out to for assistance.<sup>67</sup> Likewise, while there are no official statistics, it is estimated that London is home to the largest population of people with insecure immigration status in the UK. The difficulties resulting from the UK's 'hostile environment' mean there is a high demand for support from individuals with complex cases and support needs.<sup>68</sup>



SECTION TWO

# Findings



## The experiences of migrant workers

Migrant workers who were interviewed as a part of this research had experienced a wide range of employment rights abuses and labour exploitation while working in London. The issues that migrants have experienced can be mostly categorised into the following groups: pay, contracts, unsafe and unfair work practices, and finally, intimidation and abuse. This section will also touch on the impact of vulnerability due to discrimination, and finally about the overall understanding of worker rights.

### Pay

Problems with pay is one of the most common issues raised by migrant workers.

Several migrant workers discussed how they would be underpaid for hours that they had worked. In these cases, they often end up working overtime or would be assigned additional hours by their boss but would then not receive the pay to reflect this extra work:



*In a hotel, I used to work between 10 to 12 hours per day, but I was just paid for eight hours ... Unfortunately, that overtime wasn't paid.*

**Woman, Latin American, Hospitality and Domestic Worker, ID 23**

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Another frequent issue is being paid for work 'under the table'. Without pay checks, which migrant workers who were paid in cash typically do not receive, they are unaware of if their tax or National Insurance is paid – but the likelihood is that it is not.



*Yes. I would like to have a contract with an employer because it's much better, it's more clearer. If they manage to pay your NI, your national, it's much better again.*

**Transwoman, Asian, Cleaner, ID 16**

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*It means I didn't have a pay check, they paid me the money practically by hand, I didn't have a bank account.*

**Woman, Latin American, Cleaning and Hospitality, ID 9**

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In some cases, migrant workers discussed how they would sometimes be left waiting for months to receive their wages for the work they have done. They also explained that when pressing their employers, they would receive no explanation for why they have not received their pay.

## Contracts

An employment contract is a legal, binding agreement that is between the employer and employee. This contract lays out details regarding the conditions of employment from when the period of employment begins. Typically, a contract should include statutory minimum entitlement to things like job role, working hours, grievance and disciplinary procedures, holiday and sick pay. In the context of migrant workers, this may also include details around visa sponsorship, where eligible. In some of the interviews, migrant workers revealed they had never received a written contract at the beginning of their employment. In these situations, the lack of clarity from having no written contract led to further issues within their workplace.

In some cases, the employer would offer specific terms when offering the job, but withdraw these same terms after employment began, an issue known as contract substitution:



*The same as the offer letter was all false, it's all fake. We have signed offer letter before coming here and then a month after, prior coming here, they have changed the offer letter. They have changed that. Before when we passed the interview, they promised that, 'This is our agreement, solicitor fee, visa application fee, it will be all shouldered by the company', but no, we have changed it after a month and totally everything we have to pay monthly, it'll be deducted from our salary.*

**Woman, Asian, Carer, ID 38**

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A lack of a written statement of terms and conditions, rather than just a verbal contract, also means that the tasks that they are required to do for their role are not clearly laid out, meaning they are often given extra tasks that fall outside of the agreed upon role:



*In terms of finding new staff, that kind also, that was not my job description, but I was doing that work as well.*

**Woman, Asian, Carer, ID 24**

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Migrant workers without documentation that sets out their terms of employment are at risk of labour exploitation as they have no clear outline of their roles, and no way to negotiate the terms, putting them at risk of deception during the recruitment process. It also means that many migrants are unaware of their rights regarding issues such as bank holidays, hours they are assigned to work, and sick and holiday pay.



*They did not give me the option to travel, to ask for holidays, to ask for vacations. So, I had to leave my job, I had to quit, I had to go back and find a job again ... I don't know, maybe at that time it was the need, the money, one didn't even understand English, the language, it was all complicated. It was complicated. So, I had just arrived and what I was doing was that I wanted to earn my salary and continue working.*

**Man, Latin American, Hospitality, ID 47**

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## Unsafe and Unfair Work Practices

In the UK, there is the right to a safe work environment in which employers have to protect and provide adequate safety measures for employees during their work hours. This right means that all workers should be able to feel safe whilst they are working. However, this is not always the case. Migrant workers had encountered a range of issues within the workplace regarding their safety.

Some felt that the work they were doing, and their workplaces in general, were often causing occupational risks, which would then go unaddressed by their employer.



*Yes, I had such problems regarding the health and safety because I haven't been asked to do the training regarding health and safety at work. So, I need to ask myself and to chase managers and head office to give me that even the simple things, if it's fire, I even don't know where the meeting point and the fire exit.*

**Woman, European, Hospitality, ID 37**

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Predominantly, experiences of unsafe workplaces had occurred in either construction or cleaning, as roles in these sectors often involve the use of dangerous equipment, whether this be machinery or chemicals.



*At one time, the lady of the house handed me this solution that I was supposed to dip the silver in. The moment I opened the container, fumes came out. I had to put on a couple of masks just to keep myself from inhaling it. Even with a couple of masks on, I can still smell it ... after doing that, coming home that day from work, doing that thing, polishing that silver, I had a headache and it lasted for two days.*

**Transwoman, Asian, Cleaning, ID 14**

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## Intimidation and abuse

Intimidation and abuse can take the form of withholding important documents from migrants who may wish to leave their current employment. By holding these documents hostage, migrants will often remain in unsafe work environments, putting themselves in harm's way. In one case, a domestic worker had their passport withheld. Their workplace was abusive, but with their passport withheld they felt trapped. You can read their story in more detail on page 46.



*I asked the attorney how to do this, because my passport [was] there and my employer, she took [it]. Then I have the attorney of Kalayaan, she [helped] me how to get my passport ... Just until now I am ...waiting for the update.*

**Woman, Asian, Domestic Worker, ID 3**

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*This vulnerable worker told how their boss would subject them to physical abuse, such as taking their phone and throwing "away from me the cell phone thing".*

**Woman, Asian, Domestic Worker, ID 3**

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Physical abuse was also reported in another case when the manager's wife came up to the worker and, as a form of punishment for cleaning with a dirty mop, tried to force them to smell the mop:



*And she, with another supervisor, took the mop and told me, "Smell it, it's smelling bad". And I said, "I'm not going to smell that. I'm not going to smell the mop" ... It was very degrading that they wanted to do that to me. So, I didn't let myself at that moment. I responded and said, "I am not going to do that; I have no reason to do that. If the colleague in the morning did not change the mop, I do not have to smell the mop every time I come, whether it is clean or not".*

**Woman, Latin American, Cleaning and Hospitality, ID 9**

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## Vulnerability due to discrimination

Within the workplace, discrimination can leave people more vulnerable to different forms of labour abuse and exploitation. Migrant workers highlighted how common this experience was for them within the workplace, and that they would often experience this from both their employers and other colleagues.

Racial and nationality-based discrimination were the most common forms of discrimination encountered. In most cases, skin colour would be the target of the abuse:



*You can see it in the CCTV that they called me a brown fly.*

**Man, Asian, Hospitality, ID 39**

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The discrimination that some migrant workers encountered came from other migrants in the same workplace, but typically those from a different country or ethnic background. Often, tensions arose when one ethnic or linguistic group would be the majority in that workplace and discriminate against others. This type of discrimination may be overlooked or even implicitly sanctioned by employers. Even when migrants experience discrimination from colleagues as opposed to management, this can cause a general feeling of fear or anxiety which prevents them from feeling comfortable in the workplace and might compromise their employment rights. In some instances, it would take the form of linguistic exclusion, with instruction only being given in the majority language, for example:



*Of course, they are among themselves... I have met Romanians, people from the East, who have had to help me. In other words, the manager, the supervisor of the construction company, tells them that they have to help me, whatever I say, pass me the cables, connect me, and they don't like it very much... And so that's it, but not the rest, because you practically work on your own.*

**Man, Latin American, Cleaning, Construction and Hospitality, ID 47**

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Some migrant workers also experienced discrimination based on their gender or sexuality. In some cases, this abuse even extends into being subjected to abuse in front of customers:



*There was an incident that one of the waiters in the group went to the workplace in the middle of the restaurant, out of the blue, he was shouting at me: "You are a whore. You're a whore"*

**Man, Asian, Hospitality, ID 39**

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## Fatimah's story

Fatimah (ID 26), aged 34, from Malaysia, came to London in 2019 to work in the charity sector. She described feeling like her professional experience and high level of qualification in her home country was not recognised in the U.K. "It was very hard to get a job that matches my level of experiences and skills... minoritised workers are not getting promoted as much."

Fatimah felt apprehensive about the lack of diversity in her workplace, noting that when she joined her current workplace there were only "about four minority ethnic people in an organisation of maybe 60, 80" people, despite the company stating their ongoing commitment to creating a diverse workforce. She described her experience of being silenced when she tried to raise her concerns about the lack of diversity and how it doesn't reflect the communities the charity serves:



*There was a bit of resistance whenever we [talked] about ... "why is it not diverse?" ... When me and my colleague, when we first joined within first one or two months, we said that, "Let's talk about EDI and stuff," and we [formed] our own EDI group.*

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Despite a company wide commitment to create more robust EDI structures, Fatimah felt that when employees from specific racial backgrounds tried to support this by forming their own EDI group, they were deliberately excluded by management.



*Then we were told off by our manager, like, "Oh, you guys shouldn't form this group". ... It's almost like they feel threatened by a few of us who want to do serious work about promoting equality, diversity, and inclusion and telling us to shut it down, silencing us.*

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On top of the exclusion of specific ethnic minorities from EDI initiatives, Fatimah described consistently facing microaggressions in her place of work on the basis of her nationality:



*In one of my one-to-ones, one of my new colleagues ... she said, "Oh, I'm just wondering, what language do Singaporeans speak, because your English is very good?"... It's almost like saying that people who look like me can't speak English well ... I find that offensive.*

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Fatimah went on to describe her positive experience with a support service run by people from her religious community in validating her experiences and providing practical advice:



*MWC [is] ... an organisation that brings Muslim women together for mentoring opportunities to match mentor to mentee, for networking opportunities ... I spoke to my mentor about the things that I was struggling with in [workplace] as well. I was part of this Muslim women mentorship program, and my mentor is this South Asian-British lady, and she was affirming my experiences, basically. A lot of people affirmed my experiences, so it's not just me.*

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## Knowing their rights

Although many migrant workers experienced significant abuse of their labour rights, many had not immediately recognised these issues as exploitative at the time they occurred. The peer researchers also noted that during interviews some still seemed unaware of the severity of the issues they were talking about or that what they were describing was illegal.<sup>iv</sup> The misperception of what is happening can often arise when the issues that they are experiencing in the UK are not considered exploitative in their home country, and are considered to be 'typical' work experiences.

<sup>iv</sup> In all instances, peer researchers provided participants with a list of useful resources and organisations they could contact for support with their employment situation.



*I took it as a joke because I come from a country where there's no [discussion about] racist discrimination, modern or old slavery. My mind is not set on [these] kind of words, and I'm taking them as a joke.*

**Woman, Eastern European, Care Worker, ID 6**

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In many cases, people only realised that they were experiencing exploitation when family or friends pointed this out to them.



*Actually, on my second week or third week of working with them, my boyfriend advised me to call. Actually, he also called the Citizens Advice because I don't know anything about it. He told me about the working condition that we need to have a break at least 11 hours because I really don't have any idea about it.*

**Woman, Asian, Carer, ID 2**

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## Seeking advice and support

### First steps

As this report reveals, many migrants do not recognise that they are being exploited or, if they do, are unaware that they have legal rights and recourse within the UK. This can make the initial steps to seeking advice and support complex and may delay migrants in seeking out formal support. In other situations, migrants may realise they are being treated poorly but not be aware that formal support services exist to help them. As one hospitality worker from Brazil noted:



*You come from your country and there is no service for migrants in my country, so I never thought there was one here.*

**Female, Latin American, Hospitality, ID 25**

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The vast majority sought out help informally first, turning to family, friends or colleagues for advice on how to handle difficult situations and general emotional support.



*Yes, colleagues, as a place to rant. Talk about it. Feel affirmed about the kind of challenges you face.*

**Female, Asian, Hospitality, ID 26**

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Often in these cases, family and friends are the first to point out the abuse or exploitation that a person is experiencing, and to help the person acknowledge what is happening. Friends and family can be more appealing options to turn to for help because they may have experienced exploitation before or have a better understanding of the UK context and available support options.



*People just call in, people come in to the office. Even though we say we don't have a drop-in service, we actually ... get friends, family members of someone who has been [exploited] ... saying that 'oh I need this', then they just bring them.*

**Charity and Community Organisation, SP9**

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One advice provider also indicated that social networks might even be called upon to intervene directly with the employer:



*The first thing anyone with a grievance will do is call up the person who recommended them for the job and then asked them can you resolve this matter and they might not go to the manager directly. They might ask that other person to speak for them.*

**Charity, SP3**

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## Finding solutions at work

Some workers also attempted to resolve situations via their manager or supervisor in the first instance but were unsuccessful and found them unwilling or uninterested in tackling the issues raised. Occasionally escalation had been successful, by triggering formal processes, but even HR departments can be part of the problem.

One man told how, as a care worker, he was required to work an extreme number of hours and was denied time off. He pushed himself to his limits and was also struggling with an abusive partner at home. At one point, he fainted at work with exhaustion, but his managers did nothing. He became depressed and started to phone in sick more regularly, at which point he was accused of taking too much time off:



*I've had one meeting with HR manager. In my opinion, she was communicating with me a little bit arrogant, which I do believe is because I'm a young person. She is an experienced lady. I'm a young person, so she can talk from different stages to me that, "Oh, what is your point of view on that? You have this much absence in last year." Then she couldn't answer my question, "If you know my absence for last year, you know how many hours I actually worked last year, so now count it, put it in weeks, and you will have that my absence was basically that I was dead tired, that I just couldn't wake up in the morning and I couldn't get to work.*

**Male, Eastern European, Currently Unemployed, ID 12**

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Ultimately, this man ended up experiencing significant mental health issues, was hospitalised, and subsequently did not return to his job. He is now unemployed and seeking new work.



## Making contact with advice services

Migrant workers are often not familiar with the UK system of advice and support organisations – and sometimes the range of options can feel overwhelming and make it hard to identify which organisation is best to approach. Frequently, if migrants directly have used advice services before, or have family and friends that have had good experience with a particular service, they will often signpost these to friends and fellow migrant workers.



*Since I joined FDWA, Filipino Domestic Workers Association ... I always sought the support ... Since I joined, I even tell my other colleagues in the same situation [about FDWA] ... because [they] the one teaching us our rights, what to do. [They] are encouraging us.*

**Woman, Asian, Carer and Cleaner, ID 32**

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This system of referrals within a workplace or community is also something that advice providers see on a day-to-day basis.



*And often it's, you know, once we help that individual, if they've had a positive experience, which more often than not they do, they will inform other cohorts of, you know, potentially applicable service users who then come to us.*

**Charity, SP6**

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Only two migrant workers interviewed had attempted to actively research options for advice and support and address the situation they were experiencing on their own. In both instances they had researched their legal rights online, in response to being accused of misconduct by their employer. These workers contacted organisations who they felt could help – in one instance including paid-for but low-cost legal advice – but so far, neither has been able to satisfactorily resolve the situation.

This level of personal investigation into options and attempt to seek legal remedy was not common among the migrant workers interviewed in this research. It is notable that in both instances it occurred as a response to a specific 'crisis point' which resulted in a deep sense of injustice. Similarly, one service provider observed:



*Our clients only come to us once they've exhausted or they've stressed themselves to the point where they can't think of another solution.*

**Charity, SP3**

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Together, this suggests that often migrant workers don't come forward until there is a trigger point (whether acute moment of crisis, or when a chronic problem – eg, around pay or working hours - becomes unbearable), with a tendency to rely on family, friends and colleagues for support until that time.

## Indirect routes to support for employment abuse

The numerous crises affecting the UK in recent years – including the Covid-19 pandemic and the cost-of-living crisis – have also shaped migrants' experiences of work and affected their help-seeking behaviours.

A few migrant workers reported that during the pandemic, the need to seek urgent help with issues such as paying bills or accessing a food bank pushed them to make initial contact with an advice/support organisation – although this did not provide support for employment issues beyond finding other work. A 47-year-old Filipino domestic worker explained how they left their job because of long working hours with no breaks:



*We [didn't] have a break since we [were] working long hours from 7am and we finished at 11.30pm...When the pandemic happened, I was jobless, so I needed support in terms of financial, looking for job opportunities and some food subsidies ... I've been here for 12 years, and I only know Kanlungan [from] during the pandemic ... Somebody told me about Kanlungan and then I Googled it ... They helped me in terms of they gave me a part-time job ... Then they also provided some food assistance ... I find them very helpful and very accommodating. It's nice to have this kind of organisation ... especially for Filipino domestic workers.*

**Man, Asian, Carer, ID 1**

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Other migrant workers reported having initially made contact for support with issues such as mental health problems or racism and bullying (sometimes linked to their workplace experiences). As such, facing other challenges alongside or as a result of employment rights abuse and exploitation can be a prompt to seek help.



## Migrant workers and mental health

Mental health considerations factor into migrants' experiences in several ways. A large proportion of migrant workers interviewed mentioned struggles with mental health including anxiety, depression and stress levels which negatively impacted their ability to function. While some migrants may arrive in the UK already experiencing mental health struggles – which can be compounded by the isolation and stress of moving to a new country – a significant proportion attributed these to bad experiences at work.

Due to the complex nature of seeking out mental health support in the UK, and the extended wait times for help, migrants are often left unsure of who to turn to for immediate support. Some people may feel afraid to seek medical help more generally and are also intimidated to ask for mental health support. As an asylum seeker from the Philippines describes:



*I think morally we have to focus on the mental health as well ... It's just like, of course, your wellbeing-ness. Not only physical but mentally...Because I think sometimes you don't care of yourself anymore or your body and then you don't seek or you don't seek advice [about] what to do. Or just if you're afraid to go to the hospital or to the emergency if you're feeling something else wrong. Especially if you're an irregular person, there's a fear.*

**Transwoman, Asian, Cleaner, ID 16**

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This report also shows that mental health problems can make the process of navigating the system and identifying who to approach for support (and how) with employment rights abuse or exploitation feel especially difficult, if not an insurmountable challenge. Mental health problems can also make it harder for people to act on the advice they are given.



## Barriers to seeking support

Analysis of migrant worker experiences reveals that the barriers to seeking formal advice or support are complex and cut across several areas: practical and logistical challenges, personal or cultural variables, and a fear of serious consequences including deportation or loss of income. Figure 1 summarises the different barriers migrant workers face.



Figure 1: The barriers to seeking advice or support.

These barriers can come into play throughout a migrant worker's journey of seeking advice or support – they may hinder them from taking even the first steps, or cause problems later on, as the demands of different stages in the process fluctuate and change. What may have felt achievable at the outset can later feel impossible.

### Practical barriers

Practical barriers can include language barriers (migrants not being confident with their English, or a lack of support services available in their native language); IT barriers, such as lack of access to a phone or reliable internet connection for filling out online forms; and worries about the cost of services for people who may be unaware of the free resources available to them.



*A lot of them do come with very limited English speaking skills and sometimes no IT skills other than what they can do on the phone.*

**Charity, SP3**

Logistical considerations also play a role. There is usually the requirement to make contact by phone or in person, which can be difficult for those in shift work, and makes it difficult to avoid an employer or colleague overhearing a phone call. One Filipino advice and support organisation offers contact via Facebook Messenger and this was very popular with members of that community.

A mapping and analysis of advice and support providers across London also revealed that often there is a requirement to provide a significant amount of documentation to access support, particularly from pro bono employment law services (eg, a contract, payslips, National Insurance number). This can be difficult to gather for someone facing labour exploitation and may intimidate or overwhelm potential users. Additionally, many services have ceased to offer drop-in sessions since the Covid-19 pandemic, further reducing accessibility.



## Personal and cultural barriers

Personal and cultural factors can also play a role in preventing migrant workers from seeking help. These include a social stigma around asking for help (especially for migrants from certain backgrounds, such as men from the Latin American community), a preference for relying on family and friends, and mental health issues such as anxiety which make it difficult to reach out for help.

In some communities it is outside of the norm to seek help and is not something that people will automatically do. This compounds the challenge as even if an individual recognises they are having their rights abused, they are much less likely to consider looking for support in the first place.



*Interviewer: Do you think that this lack of thinking, or considering whether such assistance exists, is due to the cultural context in Colombia?*

*Interviewee: Of course, that's why. You don't ask.*

**Man, Latin American, Cleaner, ID 18**

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Specifically, service providers highlighted men from Latin America as those who would be least likely to seek out for this reason.



*I suspect that strong ideas of masculinity in Latin American culture could prevent many men from seeking help and support.*

**Service Provider Survey Response**

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Further, some migrant workers do not seek help because they do not feel that the problems they face are particularly severe, linking back to the gap in understanding about the rights of employees in the UK. A Bolivian migrant working as a cleaner described her experience of verbal and physical abuse at work, but not understanding until later how serious the offences were:



*They were very abusive ... [but] it was basically through acquaintances that I came to realise that they really weren't treating their employees well ... And I think sadly the people I was starting to communicate with didn't know either. So, we were all very new to this.*

**Woman, Latin American, Cleaner and Hospitality, ID 9**

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The review of London-based advice and support services conducted alongside these interviews also suggests that organisations do not always advertise their services in ways which would help migrants overcome these barriers. For example, many service websites focus primarily on the more extreme end of labour exploitation, with an emphasis on modern slavery and trafficking – this can prevent users from understanding the full spectrum of labour rights abuses and may contribute to the idea that their problem is not serious enough to warrant help.

Finally, mental health challenges factor into migrants' experiences. While not all mental health struggles may be directly caused by labour exploitation, they can make it more difficult to seek help once exploitation occurs. Complex referral processes and long wait times for help can demotivate or exhaust those who need help with workplace issues, but who are already struggling with mental health. An Eastern European woman who worked in a hospital setting described her lengthy search for help, in which she contacted a union and local MP for support after facing discrimination at work. She also contacted her GP because of the toll that stress was taking on her health, but found the advice she received to be unhelpful. Her stress levels caused her to give up on seeking medical help as well as other forms of advice:



*From my point of view, I think I did more than I could do, but I felt that I'm let down, so I lost any interest in trying to find something else. I did not have the strength to start all over with all the issues that happen and explain to the people.*

**Woman, Eastern European, care worker, ID 6**

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Another worker, who faced a challenging visa situation, stated that she had not sought out formal advice services because she was too sad and tired to think about approaching them:



*I think I was too sad and with having some issues here to solve and so that's why I didn't apply because I was a bit tired and mentally tired and of course I had some things to solve or I was thinking about doing some other things. That's why I didn't do that.*

**Woman, European, unemployed, ID 4**

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## Fear of consequences

Practical, personal and cultural barriers are all compounded by a fear of the consequences of speaking up. Often this is exacerbated by a lack of trust in authorities, sometimes due to the experiences of other migrants they may know.

For almost all, there is a very real fear that speaking up or challenging their employer will result in losing their job and, as a result, their income. This is a risk that few can afford to take, particularly in the current financial climate, and so any job can often be preferable to no job, at least in the short-term.

For those with an insecure immigration status, or whose visa is tied to their employment, the fear is that they could end up facing more severe consequences as a result of having been working without permission to work, or result in a removal of their right to remain and work in the UK.



*Our labour migrants, particularly women and domestic workers, who, because of their precarious situations and these are tied to their employers. If abuse or violence occurs in that, they have limited options for themselves to be able to leave or even to stay here in the UK because they're only bound to a six-month visa to their employer, which they cannot switch.*

**Community Organisation, SP8**

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Additionally, several service providers pointed out that migrants fear a formal complaint against an employer could lead to a chain of consequences such as an investigation by the Home Office.



*There's a worry that there might be a further kind of more detailed, sometimes unwarranted, inspection of that individual's circumstances. And you know the Home Office is just like any other public body. They can get things wrong as well, so that can, that can have a knock-on effect on someone's immigration status for sure.*

**Charity, SP6**

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## Mateo's story

Mateo (ID 34), aged 41, is from Latin America and works in the construction industry. He has faced exploitation while working in the sector, as well finding employer communication around working hours and conditions was only given to workers who spoke English.



*The agency charges us a weekly commission for belonging to them ... [but] when you get sick or when you want to take a vacation, you are not entitled to [be paid for] that ... So, you can't take a vacation, but you have to save, because you know that [anytime] that you are going to stop going to work, you are not going to be earning any money ... if you get sick, you lose a lot.*

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Mateo felt he knew something was wrong, but did not know where to look for support and also felt he had to endure exploitation by his employment agency as they were the reason he was able to work.



*I don't know who I could complain to or ask for help ... I mean, I think the laws are wrong from the moment we work for an agency and we are obliged to belong to that agency in order to be able to work.*

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## Experiences of seeking advice and support

Experiences of approaching organisations for advice or support are mixed. Migrant workers report multiple challenges when making contact with formal advice services. Some of the main difficulties described include:

1. Being signposted to other organisations, due to the complexity of their case or the intersection of employment, legal, and immigration advice required. This often happened without a warm referral.
2. The process is slow and bureaucratic, requiring too many calls to chase things up.
3. Having to repeat their story at each stage, thereby reliving trauma.
4. Long timelines for help.

The mapping of services also shows that many are only open traditional office hours, potentially representing a barrier to some workers who cannot reach advice services during these times.

Repeated referrals and signposting or failed attempts to find help can lead to people giving up in their search for advice. If one or more organisations says that the problem is too complex, it can be demoralising and lead to an assumption that the same will be true for other organisations. Having to tell the same story repeatedly is mentally and emotionally exhausting – and can feel futile if no practical help is forthcoming as a result.

The reality of repeated referrals is frustrating for all involved. As one service provider describes:



*I've had conversations with clients who have come back and said, 'listen, you sent me to the Law Centre or you sent me here and I did tell them everything and they did initially help. But then now they can't help. So, can you help us?' And I'm like, no, we can't because we originally signed posted you because we don't have that service.*

**Charity, SP3**

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This is echoed by migrants themselves:



*[On free advice service] "They are not helpful at all. They are just like, dealing with a surface issue and they're just kind of ticking boxes of what they want to say ... And they always feel very rushed ... I just [spoke] to my university one, because I couldn't find access to a different one. The public regional one is a wellbeing service line. And they are always a busy line ... then they refer me to the other support, which they will send me an email and cc me in, but after a week, [another] student [will] reply to my email again, so I have to update it with them ... which is bad, because they already promised to give me this kind of additional support, which I find very annoying.*

**Woman, Asian, Hospitality/International Student, ID 20]**

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One charity also noted another point where migrant workers tend to drop-out of the process is:



*Once we've explained to the client the actions we can take and it involves kind of this formalising of those kind of employment rights substantively, particularly when it comes to speaking to their employer. I think that's when they get a little bit nervous.*

**Charity, SP6**

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Mainstream advice organisations seem less equipped to provide suitable advice and support than smaller, specialist organisations. Several migrants who consulted mainstream advice services described being told to simply look for another job as a solution to the problems they faced. Furthermore, migrants do not always fully understand the information or advice offered to them from organisations like ACAS or mainstream advice services. This is due to a range of issues, such as language barriers and the complexity of the information provided. The narrowing of legal options through restricted visas, the Nationality and Borders Act and the 'Illegal Migration' Bill suggest that advice organisations will face increasing limitations in their ability to help people.



## Reyna's story

Reyna (ID 38), aged 33, from Asia, described her experience of labour exploitation working in the care industry. Her employer would only inform her of her work rota for the following day at 10:00PM the day before, not pay employees any overtime they worked and refused to share her contract with her:



*We'll never know [where] we'll be, like [whether] it's a morning shift the next day, 7:00 AM or maybe off, [for a] rest day. If we'd like to go somewhere, we never know [if] we have a rest day tomorrow and we have already spent the entire night waiting for it and we cannot plan ahead of time ... Overtime is never paid. I think we are only paid [a] maximum of 10 hours a day, but [altogether] we have worked ... for 12 or 14 hours, but they will not add that on our pay ... We are not provided with a contract copy, we are only given [the] offer letter. Whenever we ask [for] official documents ... they will just try to ignore it.*

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Reyna contacted a free legal advice service to see if there were any grounds to take legal action against her employer, or to access support for the financial, legal and psychological ramifications of her job.

When approaching the services she was referred to, Reyna felt frustrated that none of the services available to her could offer tailored support for migrants experiencing workplace exploitation. She eventually gave up her search for support and found another job because she was tired of having to repeat her story several times to services that, in the end, could only refer her somewhere else:



*[I contacted] Citizens Advice, but I had to wait for like an hour to get an agent. [The] agent just [told] me broad information and also directed me to another hotline, which could help me better because Citizens Advice, it's general information ... I consulted Samaritans, which is [for] mental health issues ... Samaritans is really good ... I didn't take any action aside from just consulting them because they didn't have any other alternative solution as well, just referring me or just listening to me, that's it ... [Citizens Advice] directed me to go to [the] Job Centre [and] the [National Careers Service] ... They just referred me to National Careers, [the] Job Centre, or leave the country. That's it."*

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*I took their advice to go to [the] Job Centre ... [the] National Careers [Service], but nothing was really pushed through ... I was left [with] zero solutions or outcome. Samaritans is just a listening agent, that's it. You can vent out and then tell them what your frustrations are ... That's all. Nothing really [escalated] to another level so I [moved] on to another opportunity.*

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## The role of unions

Some migrant workers were members of a union, either before they faced exploitation, or in response to a specific problem arising at work. In some cases, there was awareness of unions as an option because they are also common in the relevant sectors in their home country.

Interactions with unions were mixed, reflecting positive and negative experiences as well as, in some instances, a lack of knowledge about what joining the union might involve or worries about how union membership might impact employment.

Positive accounts of unions stressed how unions helped workers achieve a higher wage and contributed extensive legal advice:



*Yes. Well, with the union we did very well. I think they took all our list of demands and they even oriented us to see what rights we could achieve. So, we were oriented, we did the struggle and it was satisfactory. They led us to get the Minimum Living Wage for London, which increased what we received in pay. Then our sick pay and vacation pay. As a group. But they supported us individually because each case was different. And I remember that in this case it has been quite a lot of work on the part of the union's lawyers themselves, in our cases and, in my particular case, for example, I was also supported in the catering work, which was also leaving me out.*

**Woman, Latin American, Hospitality and Care worker, ID 22**

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Others echoed the conviction that union membership had helped protect them at work and was worth the effort of joining, including a male supervisor in the cleaning industry who had been accused of harassment when performance managing a member of this team. The union helped him to successfully defend himself against the accusations.

Other migrants expressed fear or mistrust of unions, or a lack of understanding of what unions could provide.



*I was working so much, one of my new colleagues came to me and she was actually asking me if I'm having a union, if I'm paying membership of a union, which I didn't because I didn't know that something such as union exists. She recommended [a union] for people because they can actually stand by me if I'm having such work problems or something like that. I didn't know from which side to grab it or what to do, who to call, how to deal with it. Which means that I am a member of union, but they didn't help me actually with nothing.*

**Man, Eastern European, care sector worker, ID 12**

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Some workers were concerned that joining a union may negatively affect their relationship with their employer, and have avoided joining a union out of fear of repercussions.



*I probably never joined [a union] because of the lack information and how it works because I always thought that it might affect my employer's attitude towards me. So it kind of can make even worse if I join the union.*

**Woman, Asian, Care Worker, ID 37**

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In some cases, particularly for those with insecure immigration status, unions were not an appealing option as people were unsure of whether they qualified for union support. Depending on the sector and the union, different unions may be less helpful to undocumented workers, agency workers, and those who have not been in their positions for a certain length of time.

As one undocumented worker described:



*I know when you're undocumented, [just from] personal advice, ... I can't be a member of a union to complain to them ... I don't know [my] rights. I'm just trying to get [them] to stop and then [I'm] going to have to pay for it ... If [I have] regular status [as a migrant], I'll be a member.*

**Man, Asian, care worker, ID 28**

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Whether or not these workers' impressions are accurate, they reveal the extent to which migrants, particularly those who are undocumented, may be confused as to who qualifies for union support. Additionally, the requirement to provide personal and professional information can be a barrier to those with irregular immigration status. Unlike other forms of advice and support services, joining a union at the point at which a problem arises may not be helpful, as in some cases workers may need to be members for a certain period of time before they can access support. Furthermore, most unions do not offer integrated case work on employment and immigration issues.



## Getting help

While many of the migrant workers spoken to for this research had either given up on resolving their situation, others were still pursuing different options. In some cases, they were still trying to find the right organisation to support them, while others had cases in progress.

Those with ongoing cases were generally positive about the help and advice they were receiving. It is of note that those who report greatest success in pushing through the system to obtain (or be on a path to) a resolution, have faced fewer of the barriers identified previously, or have been able to overcome them.

Personal resilience and determination to see the process through has been critical. Alongside this, they variously identify skills and assets which have helped them, including: strong English language skills enabling them to understand and navigate the advice and legal sector; relatively strong understanding of their rights; and good support from organisations, including signposting to mental health support when needed.

For example, in one case, a Filipino man encountered bullying and extended work hours within his hospitality role. He first tried to raise these issues with his employer, but this did not solve the problem. He describes himself as “familiar with industrial conflict at least” [ID39], with a good level of English, so he found navigating the advice sector within London easy.

Advice and support in these cases has come from a range of organisations, including a large mainstream advice provider, and community organisations dedicated to supporting migrant workers. Information from organisations like ACAS is also mentioned.



## Althea's story

Althea (ID 3), aged 33, from Asia, was brought by her employer to the UK to work as a domestic helper for a family in London. The intense nature of her job led her to her working 14 to 15 hours per day.



*My [employment] is like 7 in the morning until 12am, that's like 14, 15 hours ... taking care of the kids. There is four kids and a mother and a father ... I [was] working there before in Hong Kong. She [brought] me [to] London.*

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Althea went on to describe the physical and verbal abuse she faced from her employer, including physically taking and throwing a mobile phone at her, repeatedly calling her stupid and only offering her expired food to eat. Althea worked alone, and this made her increasingly vulnerable to the abuse she experienced from her client.



*My employer, they are not very good for me, they abuse [me]. For example, she threw [at me] the cell phone ... she's shouting, for example, like, [I'm] stupid, every day. [They] do [that] every day for a mistake. A mistake [on the] job.*

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Although she tried to resolve the situation with her employer, after several months of abuse, exploitation and harassment, Althea felt she had to accept the cruel treatment in order to avoid further aggression from her employer.



*I already told the employer, but [they] always do this [to] me. She gives me [expired] food ... I showed it [to] the employer, but she's angry [at] me ... [so] I always accept the food.*

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Althea was trapped by her employer as they had kept her passport. Desperate to leave the abusive situation, she messaged her friend who signposted her to Kalayaan, a charity providing practical advice and support for migrant domestic workers in the UK. She approached Kalayaan, asking them for help on how to safely leave her employer while also getting her passport back.



*For the abuse, I asked Kalayaan [what] to do step-by-step. Where step one, how to [leave] the employer. [What] to do [if] the employer, she [abuses] you, then Kalayaan [explained what] to do.*

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Kalayaan provided Althea with a lawyer, who was able to start the legal process of recovering her passport from her employer.



*Then I [had] the attorney of Kalayaan, she [helped] me to get my passport ... from my employer. The attorney, she is helping [the] processing to get my passport from the employer. I [messaged] the attorney [asking] how to get [it] and then [she] said, I updated for you how to get your passport from your employer.*

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Althea is still waiting for another update on where her passport is but feels better knowing her case has been assigned and is in progress.

She believes community-led support services such as Kalayaan are vital in providing support and education on employment rights for migrant workers so they can recognise when they are being exploited and, particularly where someone may struggle with English, they can provide comprehensive support in a service users native language.



*Kalayaan is good and [a] success and we have seminars. Every seminar we need to listen, how to [protect our rights] here in London. This in Kalayaan is important. English [was not easy] for me. I had someone to help [with] the language ... I feel [there is] very big support there. Not only [for] me, more [for] Filipinos [whose] employers [are abusive].*

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Despite her harrowing experience, Althea is feeling positive:



*At this point ... [I] need to [just] enjoy the new freedom.*

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## Services that work for migrants

Alongside the barriers and challenges to seeking formal advice and support, migrant workers are clear about what types of services work best for them. In general, they prefer services which:

- Are dedicated to supporting people from migrant backgrounds – who understand the challenges faced by migrant workers and are experts in the intersection of immigration, employment rights and the law.
- Understand their cultural context and who speak their language.
- Offer practical support with obtaining better work/employment.

Organisations which fit this description elicit greater trust from migrants, who feel more confident that the advice and support will be more relevant to their needs. They are more likely to believe that the solutions proposed by such services will not risk their immigration status or livelihood. Some migrant workers also mentioned the need for sector specific expertise, where support could be provided not just for exploitation or abuse, but also for general in-work support. In addition, some workers identified value in organisations that can offer a wider range of support for issues such as mental health or social connections.



*If I knew there was a service like this, I would call them to find out what kind of help they would be able to give me in terms of mental health, because when you come to a new country and I'm by myself, I would like to talk, maybe have a support group to talk to other people who are going through what I'm going, low wages, paying really high fines, not having friends, sometimes not being able to express yourself as better, as good as you would on your own language. I think I would like some support or even with some things that we don't understand that works differently, but I never knew there was a support for migrants."*

**Woman, Latin American, hospitality worker ID 25**

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The features of services desired by migrants, and their perceived benefits, are echoed in the work of advice and support providers who work on behalf of migrant workers. They see themselves as responding to this demand and that having a close connection to their community is instrumental in providing people with the help and support they need. For example, one organisation highlighted how being migrant run and led helps establish better relationships with advice seekers:



*They often hear about us through word of mouth or through colleagues, because I think what happens is they rely on kind of us being a trusted organisation. The fact that we're migrant-run and -led. And once they're able to understand that and hear that, that is when they engage with us.*

**Charity, SP6**

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Another provider also noted the way that personal trust leads to better relationships with clients:



*You know a lot of our caseworkers know the client, but they know their families and they go for dinner at their family houses and it forms really beautiful relationships. And I think it does, it does become like almost a friendship because we are there.*

**Charity, SP4**

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These positive examples of relationships between migrants and service providers suggest areas where support can be strengthened based on what works best for those seeking advice.



## Existing advice and support provision

### Existing provision across London

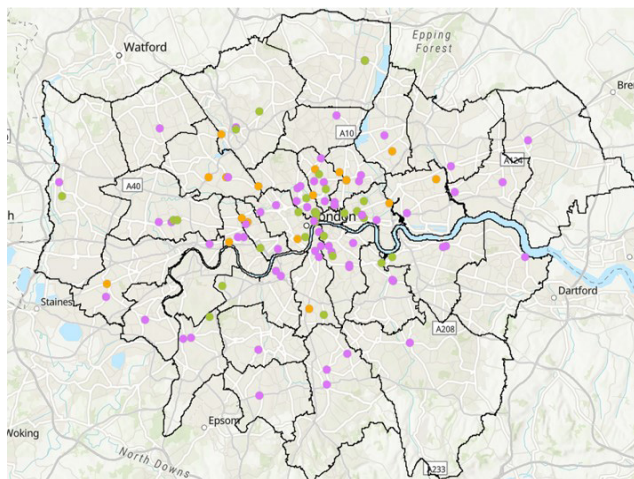
Desk research has identified 114 organisations across London that advertise offering free advice in relation to employment rights abuses and labour exploitation. These include large, mainstream providers including branches of Citizens Advice, pro bono legal services offered by higher education institutions, often as part of student training programmes, as well as specialist community-based organisations which typically focus on public provision of employment rights or legal help, supporting migrants from specific backgrounds, or supporting people within a specific geographic area of London with a range of issues.

Organisations have been included the map of services (Figure 2) if they state on their website (or social media) pages that they provide advice to individuals on employment rights, without requiring a referral. There are some additional organisations that have not been included because they require a referral with specific qualifying criteria. These include the Anti Trafficking and Labour Exploitation Unit (ATLEU), the Law Works Project, and the Free Representation Unit.



*We tend to work at the kind of more severe end, we tend to take people with particularly complex cases... We have limited resources so we tend to focus those where we think people are especially vulnerable ... because of the second tier advice.*

**Charity with Legal Advice, SP1**

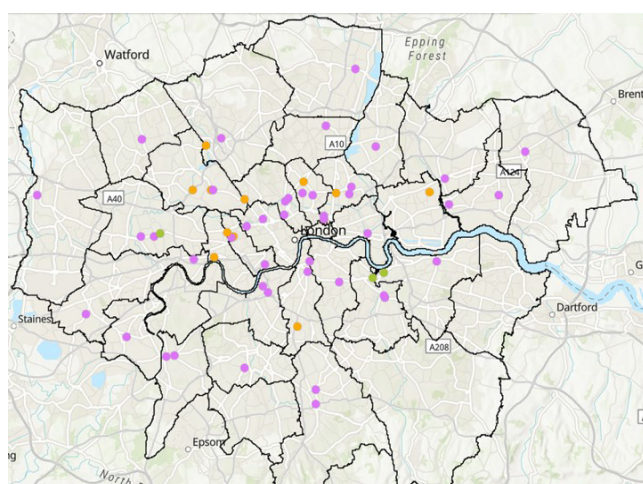


**Figure 2: Map of organisations providing advice on employment rights and labour exploitation in London. Orange points identify community organisations, while purple identify mainstream advice services. Green points designate pro bono legal services.**

The majority of services are concentrated in inner London boroughs. Of these 114 organisations:

- 107 state they provide (general) legal advice as well as employment rights advice
- 64 state they provide immigration advice (support with visas, immigration policy etc) as well as employment law advice
- 60 state that they provide (general or unspecified legal advice and immigration advice, as well as employment-specific legal advice.

The latter group of organisations are likely to understand the complexity of the situations that many migrant workers experiencing employment rights abuse and exploitation face. It is at the intersection of these areas of expertise where many migrant worker cases reside. This highlights the constraint on capacity across London to support people who find themselves needing this kind of help.



**Figure 3: Map of organisations whose websites identify that they offer support in all three areas of employment rights, immigration and legal advice. Orange points identify community organisations, while purple identify mainstream advice services. Green points designate pro bono legal services.**

Finally, another five organisations were identified, not included in the map in Figure 2, which state that they offer immigration and general legal advice but do not specify whether the legal advice would cover employment rights. It may be that these organisations would be able to provide migrant workers with relevant advice in relation to employment rights abuses or labour exploitation, though it is unclear whether they have specialist expertise in this field.

The picture of geographic inequality in access to advice and support across London is reflected in previous work by others and mapping in 2021 showed that seven out of the 32 boroughs in London do not have a legal aid provider.<sup>69</sup> The disparities were also highlighted by service providers, including one who noted that “London funders [refer] to Enfield Council as an advice desert”, which causes a strain on services in neighbouring areas and limits availability of support for local residents.

This picture of advice service provision across London is based purely on desk research and, as such, reflects only the information that is publicly available. Other migrant community organisations exist, and are doing good work to support people facing abuse and exploitation, but their online presence is limited. In particular, this report does not include any services specifically for Albanian or Sudanese migrant workers, despite the data suggesting people from these communities are increasingly vulnerable to abuse and exploitation.<sup>70</sup>

Finally, it should be noted that community sector advice organisations and pro bono legal services are not the only option open to some migrant workers. Many may be members of, or eligible to join, a union through their workplace.



## Demand vs. capacity

One of the ambitions of this research was to attempt to quantify the scale of demand and unmet need for advice and support from migrant workers for employment rights abuse and exploitation. Unfortunately, this has not been possible, in part due to the pressures on advice services that are over capacity and stretched in their delivery. Employees at many organisations contacted as part of this study said they were unable to complete the survey or participate in interviews precisely because they are so busy.

Thus, while this report is unable to quantify its extent, it is clear that demand significantly outstrips capacity to provide support, particularly when many services are also experiencing high demand for other types of advice that they offer as a result of the cost-of-living crisis (eg, financial and debt advice, housing support etc). This is also reflected in the experience of migrant workers, who report long waiting times for help.



*Last year, we kind of hit another record of clients helped ... it's been kind of been kind of rising exponentially each year and we expect that to continue this year as well.*

**Charity, SP6**

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The lack of capacity is also compounded by the fact that individual cases can be extremely time-consuming, even those which are not the most complex. Advice providers speak about the time required to support with initial assessments, through to “being able to ...dedicate the time for kind of long-term intervention ... often they have ...an ongoing issue or an ongoing claim and that requires ... regular catch-ups, regular interventions”. The most complex cases, which end up in the courts system, can often take years to resolve.

None of the organisations spoken to as part of this research expect their waiting lists or response times to shorten in the near future. As a result, most organisations find themselves in a position where they must refer people on to other advice and support services, either within the community and third sector, or to services offered by local authorities, for example.



*Each advisor has kind of like a list of the clients or list of enquiries that they're dealing with and you know they're taking that in order of kind of priority and urgency. So that's kind of a way that we kind of filter our cases.*

**Charity, SP6**

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Referrals are typically made due to capacity issues, but also where an organisation lacks advisors with the necessary technical expertise or language skills.



*With our limited capacity, let's say to give advice and not even to give legal advice. We're not, we're not allowed to do this. So, we really exhaust our efforts on proper sign posting and being able to reach out to charities who can help them with practical needs.*

**Community Organisation, SP8**

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## Challenges facing advice and support services

### A funding gap

Almost inevitably, capacity is primarily constrained by a lack of sufficient and sustained long-term funding to underpin delivery of advice and support services. Complex case work requires significant investment in recruiting, training and employing advisers, as well as the time for staff to support migrants through the lifetime of their cases. Advice providers are piecing together funding from multiple sources, which typically come with differing timeframes, KPIs, and reporting expectations, further increasing the burden on organisations.



*Getting the qualified and committed staff as well retaining staff is a problem, especially when you as an organisation you rely on funding, which can be quite fickle sometimes. So when the funding ends, you know you have to let good members of staff go ... And another big problem is the cash flow as well ... you know, getting payment for the work that we've done from leader organisations because of various delays for various reasons but when the work has been done. In the meantime, as a charity, we need to keep staff in place and keep paying salaries, and so that's got implications for the cash flow.*

**Charity, SP2**

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Funding sources are varied, including charitable and philanthropic (from the National Lottery Community Fund via smaller foundations, to individual donations), to local councils and central government departments, including the Home Office. Critically, however, two core sources of funding have been significantly reduced or removed in recent years.

European Social Fund programmes have no guaranteed replacement source of income and, even more critically, cuts to Legal Aid have dramatically reduced capacity for legal advice – reflected in comments from both organisations referring clients for legal aid, and organisations who offer legal aid case work.



*Unfortunately, we are struggling. It's so, so difficult. We have had to turn people down because we don't have capacity, you know - and it's like I could have another two case worker immigration advisers in the team and still we would have to have, you know, criteria ... The main issue for us is the legal aid you know, in terms of legal aid issue that it's been becoming limited.*

**Charity and Community Organisation, SP9**

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*The biggest issue will just be capacity ... We take a tiny number of people; we're a really small charity and we're really specialist. We rarely take on new clients. The cases run for years, so the reality is that it's probably not the issue with finding us because we're pretty well known. So if, if you know we're in legal aid directories, we're known by a lot of kind of community organisations, NGOs, we could expand the number that ... knew about us. But the difficulty is how does that help them because the chances that to be able to take many cases are really slim.*

**Charity with Legal Advice, SP1**

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## Drowning in documentation

Service providers also face considerable burdens when it comes to the volume of documentation that must be produced. This can relate both to the documentation expected by funders, as well as the burden of documentation placed on migrants who are seeking help. Funders might expect an organisation to note down and keep details of those who come seeking help, which is not always practical and may result in a lack of help for the most vulnerable populations who need help most:



*We need funders to understand that a lot of our advice can't be documented and then we need to have a bit of freedom for those clients that need that support ... we can maybe document the case but not the details. And we need funders to understand that, and we need support around that as well ... Everything cannot be black and white because we're then we're only providing advice to people who probably already are supported by the system, so they have access to benefits, they have access to housing, they have a way of getting access to all of these things and we're not supporting the most vulnerable at all ... The people who need that support are the most vulnerable, and we shut our door to them because we can't take their details or we can't support them. And that's not how we should be.*

**Charity, SP3**

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There can also be unrealistically high expectations for the types of documentation expected from advice seekers, especially if they are seeking legal aid. This intersects with language barriers and cultural issues, as migrants might not be able to access documents in their home country, or struggle to read and fill out forms in English.



*And hurdles like all of the paperwork that you might need for legal aid, for example. I mean, that's really quite a rigorous set of requirements that people can find it really difficult to provide the evidence of. They often have to get evidence from home. [There] may be relationships back home which are pretty ... strained and people may not understand why. I had one client where, you know, just to be able to communicate with them, they had to, they spent over a day and a half having to walk out of their village to get to like the local telephone or fax machine. These things are often quite complicated. You [are] actually asking an awful lot every time the legal aid agency says we want up to date evidence. That means because, you know, [an] estranged husband back home doesn't necessarily have pay slips and things like that to provide.*

**Charity with Legal Advice, SP1**

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Even in less extreme cases, basic documents like intake forms can take a long time to complete, requiring staff capacity to be used on translating and explaining these items to advice seekers, thereby making each case take longer to address. As one charity described:



*The paperwork has been quite onerous and vast and it would definitely not be possible for the clients to complete. For example...registration forms or ... even the assessments. I mean, we genuinely had so many clients ... who did not speak a word of English.*

**Charity, SP2**

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## The need for integrated employment and immigration legal expertise

The need for integrated employment and immigration legal expertise is a major constraint facing service providers. Immigration and employment law support are typically offered separately. To be effective they need to ideally be available within one organisation.

Legal and immigration advice are highly regulated, meaning not all services have the right accreditation to provide these forms of support. As one support service worker observes, the constraints around providing legal advice curtail the ability of service providers to fully provide for their clients' needs:



*In my case, since I'm handling employment concerns, the roadblock is always the legal representation. If we could have more resources, actually we could provide that because one of the limitations is providing the legal advice. We can't do that because that's regulated. But if we can already give it and we don't have to refer it because of the overwhelming system, then we can do more for our service users.*

**Community Organisation, SP8**

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This is closely linked to the issue of repeated referrals for those with complex cases, that can result in them dropping out of the system.



*I just leave it because it'll be a hassle ... the guy from [free legal advice centre] just called me and documented everything. Then he compiled all the details that he got from me and then he just emailed me ... [that] they referred me to [employment rights org], [saying] that [employment rights org] will be the one who will be helping me about my work situation, but they've told me the same thing. Also, they are not sure about the advice because there is an immigration issue.*

**Woman, Asian, Carer, ID 2**

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If a client needs legal aid, the effort and length of time for referrals slows down the process, meaning migrants are left in exploitative situations for longer. Integrated legal advice would help speed up the process of getting help to users, by cutting down on the time spent on referrals.



## The desire to provide holistic support

Organisations are concerned about their ability to fully support migrants who need their support. Depending on the nature and main focus of the organisation, they may be concerned about their ability to:

- provide culturally appropriate services and help those who do not speak good English.
- offer help with related issues such as mental health, trauma, housing, health, etc.
- offer the correct support, depending on the complexity of the issues.

Several service providers noted the difficulty of working with clients who might be facing a range of other issues in their personal and professional lives, such as insecure housing, poor mental or physical health, illiteracy or struggles with English. This can directly impact the ability of service providers to give meaningful help and build consistent relationships with advice seekers.



*But just in terms of practicalities ... there are individuals who may not have their kind of really basic needs being met. That's a ... massive barrier to being heavily able to work with someone in the legal case because if they're worried about whether they've got some where to live and whether they've got any money ... to buy formula ... you know, it's really basic stuff that a lot of people will encounter. It's very difficult to take instructions from someone who's hungry and you know that those little sort of really obvious things and unstable housing is just an ongoing issue for people. I think if they remain in exploitative situations that often make it very difficult for them to come and see you speak openly.*

**Charity with Legal Advice, SP1**

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There is also a strong desire to provide mental health support, or be confident that it is available through other channels. One charity noted that due to the stigma and cultural barriers for people from some communities, they prefer to be able to offer them via an 'indirect approach' with activities to reduce isolation, for example, alongside workshops on issues like anger management or sleep management.

Others note that mental health support can be important for those facing legal proceedings. There is a risk of re-traumatising people who have already been through difficult situations, for example through testifying at a tribunal, and a fear on the part of some service providers that their clients are not in secure enough situations to pursue legal action:



*Yeah. I mean ... It's a long haul for most people. You know, you should have good health. You should have lots of good family and friends, some good things going on in life. If you're going to be ... [pursuing] discrimination litigation in the employment tribunal. Not a bit of a precarious lifestyle with, you know, insecure housing and then anything, all the other things that may be knocking around.*

**Charity, SP5**

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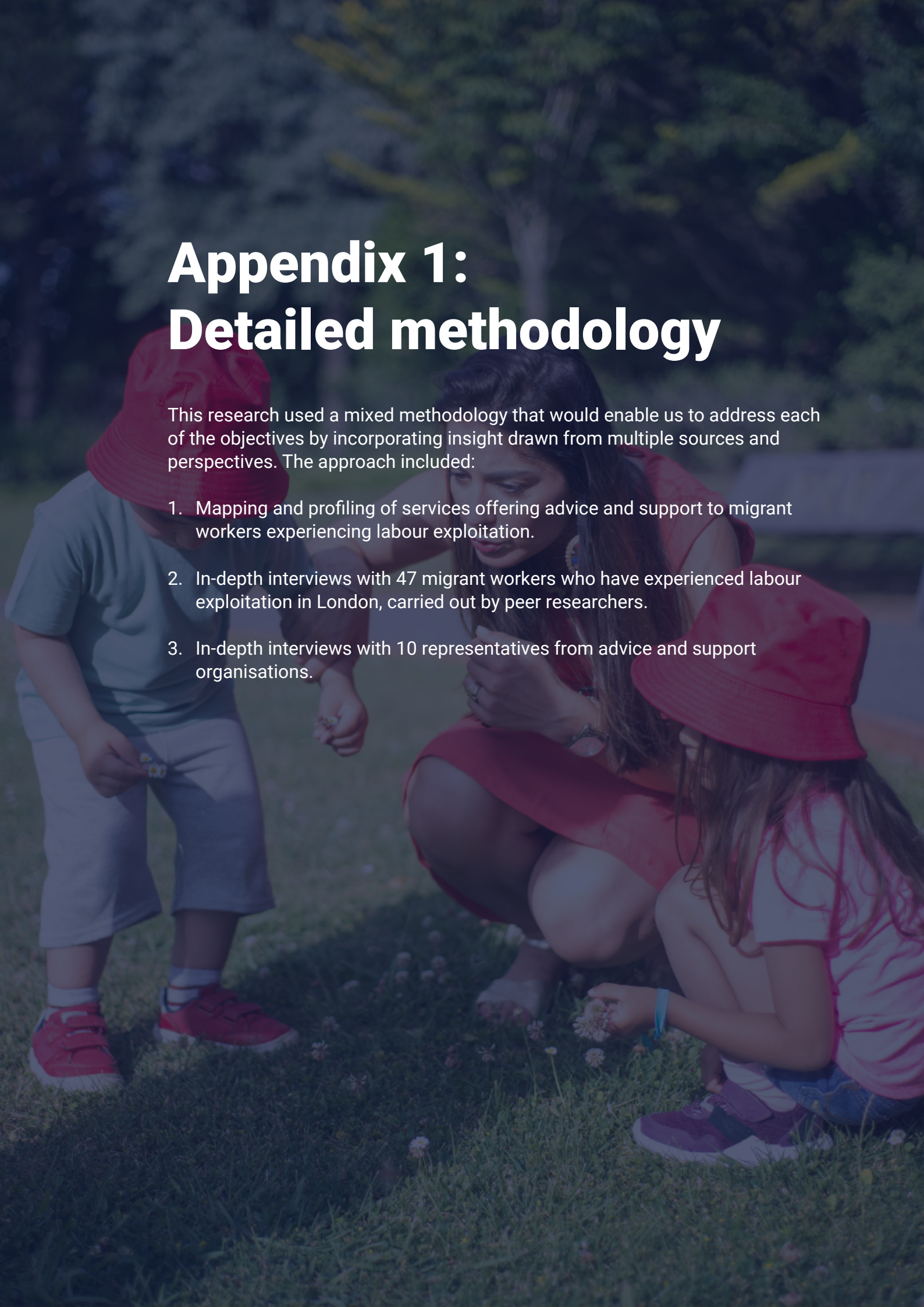


*You've got to be really aware of the fact that there are things that could be extremely traumatic and very distressing and you tend to be working with people who already have pretty fragile mental health and may be quite unwell. And so it's looking at how you work with them over a period of time to manage and minimise impacts on them. So for example, it might be that you know when you get disclosure of documents or when you get witness evidence from the other side that that individual needs [help]. The fact that that someone else is probably going to be putting forward a case that's absolutely diametrically opposed to them, and it is full of lies, that you can warn someone about that. But the impacts on them when that happens ... can often be really detrimental to their mental health. So one of the things we might do is work out with if they've got a therapist or a counsellor in place or support workers in place, people that they trust and you look at how you anticipate ... the particular points in the case and also make sure that support network knows what's coming [and] when it's likely to happen.*

**Charity with Legal Advice, SP1**

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A woman with long dark hair, wearing a red sleeveless dress, is crouching on a grassy field. She is looking down at small white flowers on the ground. To her left, a young boy in a light blue t-shirt and white shorts is also looking at the flowers. To her right, a young girl in a pink t-shirt and blue shorts is crouching and looking at the flowers. All three are wearing red hats. The background is a blurred green field with trees.

# Appendix 1:

## Detailed methodology

This research used a mixed methodology that would enable us to address each of the objectives by incorporating insight drawn from multiple sources and perspectives. The approach included:

1. Mapping and profiling of services offering advice and support to migrant workers experiencing labour exploitation.
2. In-depth interviews with 47 migrant workers who have experienced labour exploitation in London, carried out by peer researchers.
3. In-depth interviews with 10 representatives from advice and support organisations.

## Mapping and profiling of migrant support and advice services

A structured approach was adopted to mapping advice and support services across London. This included:

- drawing on existing directories including the existing [Mayor of London's Map of Services for Migrants, Refugees, and Newly Arrived Communities \(arccgis.com\)](#) and identifying those which specifically offered relevant services
- adding in all Citizens Advice branches and free legal services that we were able to identify
- cross-referencing against lists of London advice and support services held by The Young Foundation and FLEX
- internet searches, taking as their starting points a) each borough, b) common migrant groups, c) specific sectors, and d) employment rights
- a social media call-out.

Each identified service was added to a spreadsheet and tagged with relevant information (location, nature of services offered, and opening hours), designed to be integrated into the existing Map of Services for Migrants, Refugees and Newly Arrived Communities.

## Peer research

Six peer researchers from migrant communities across London were recruited through a combination of targeted engagement via relevant community organisations and social media adverts. All peer researchers were paid for their time, including training, data collection and analysis.

Following recruitment, peer researchers undertook an immersive training programme. This covered research methods, research ethics, safeguarding, data protection and self-care as a researcher. The team also received briefings on what constitutes labour exploitation and how to identify the signs and were given information with details of services to whom they could refer participants if needed.

The peer researchers then worked with The Young Foundation and FLEX team to co-design the interview guide, within the framework of the project. After piloting the guide, peer researchers then conducted research, identifying participants through their networks.

The peer researchers aimed to speak to migrant workers who had experienced abuse of their labour rights and exploitation across the spectrum, but targets were not set in relation to this. Those who have experienced trafficking to the UK are fewer in numbers and often more hesitant to speak about their experiences. As a result, no participants in the research reported having been trafficked to the UK. Peer researchers did not conduct a formal assessment of whether someone's experience met the definition of modern slavery, as this fell outside the project scope. However, many of the experiences reported contained elements consistent with the Home Office's indicators for modern slavery.<sup>71</sup>

At the mid-point and end-point of data collection, the peer researchers came together to analyse their findings. The peer researchers were also invited to contribute their own stories to this report and review the written report before publication.

## Interviews with advice and support services

Interviews with advice and support service providers were carried out through video calls by The Young Foundation's researchers. Interviews lasted between 30 minutes and an hour, depending on the availability of the service representative. The interviews covered the diversity of different types of advice and support services offered across London:

- Five are part of a national advice network
- Four operate independently
- Two are more mainstream advice and support services, geographically focused
- Five are focused on supporting people from a specific migrant background
- Two are focused on providing help with labour rights and exploitation

Interviews were recorded and transcribed, and then subject to thematic analysis.

## Limitations

This research has some limitations:

First, the research would have been strengthened if peer researchers had been recruited from a wider range of migrant backgrounds and able to carry out a greater quantity of interviews. This reflects the challenge presented by the project scope and timings, as well as limited reach into specific groups.

Unfortunately, the project failed to attract applicants from some communities, despite direct engagement with relevant community organisations. Although attracting a large number of applicants in total, many lived outside of London and so lacked the connections required to carry out the work. The timeframe also posed a challenge, with the recruitment period coinciding with the end of year and new year festive period. As a result, some migrant communities and sectors (particularly construction) are under-represented in this research.

Second, an original part of the research plan had been to conduct a survey of advice and support services to understand in greater detail the types of support they offer. However, despite extensive online promotion and targeting of the survey, and direct approaches via The Young Foundation and FLEX to over 80 organisations, take-up was extremely low. This seriously limited ability to estimate the scale of demand by migrants and levels of unmet need, and ability to profile in more detail the services currently being offered, delivery models and funding models.

Feedback during the qualitative phase clearly indicated that advice and support services are under so much delivery pressure at the current time, largely due to the cost-of-living crisis, that they do not have capacity to engage with research. Many service provider representatives were keen to point out that it was an inability to participate, rather than an unwillingness, and that they fully recognise the importance of doing more to support migrant workers facing labour exploitation.

Third, the number of advice and support services interviewed as part of this research was lower than hoped and it was not possible to arrange focus groups that brought representatives together to discuss the issues. This is directly connected to the capacity issues already outlined.

Finally, external events created some challenges for the peer researchers. In particular, one community was subject to immigration raids across the sector where many migrant workers are employed during the fieldwork period. This posed barriers as trust in people representing external organisations or with links to official bodies (including the GLA) was damaged, reducing people's willingness to participate in the research.

## **Appendix 2: Labour exploitation**



## What is labour exploitation?

Labour rights experiences exist on a continuum, ranging from decent work (work that is under conditions of freedom, equity, security and human dignity) to labour rights violations (eg, unpaid wages, discrimination in the workplace, working in unsafe environments, a lack of sick pay), to extreme forms of exploitation, including forced labour and human trafficking (forms of unfree labour).<sup>72,73,74</sup> This understanding of labour exploitation is referred to as the continuum of exploitation.

This conceptualisation assists with moving away from the narrative that only the most egregious violations of workers' rights should be investigated, to one that recognises that solving the root causes of exploitation and abuse can assist everyone within the world of work.

In the UK, labour exploitation is most often discussed in the context of modern slavery. This is an umbrella term that encompasses both human trafficking and slavery, servitude and forced or compulsory labour.<sup>75</sup> The UK has primarily treated labour exploitation as a criminal offence rather than focusing on its structural causes.<sup>76</sup> In 2015, the Modern Slavery Act was introduced to consolidate modern slavery offences. This approach has resulted in a reactive system, where workers are only able to receive support and protection when they meet a certain level of severity. This can lead to workers that experience issues that do not reach this threshold struggling to get support.<sup>77</sup>

## Factors that increase the risk of exploitation

Several factors can increase the risk of labour exploitation for migrant workers in the UK. Migrants experience compounding, and multidimensional precarity based on their position in the labour market, for example being in low-paid and insecure work, their lack of immigration status and circumstances as migrants, for example experiencing language barriers and being subject to immigration restrictions, and experiencing intersectional discrimination, including but not limited to factors related to race, gender, class, sexual orientation, and age.<sup>78,79,80</sup>

Workers within the UK have varying degrees of access to work, residency, and welfare rights based on their immigration status. This has created what has been referred to as a 'hierarchy of vulnerability', which is a stratified system where some people have greater access to rights and protections than others.<sup>81,82</sup>

Common restrictions and conditions on UK visas and rights to stay include, but are not limited to:

- No right to work (for non-work visas)
- Limits on type of role or labour sector
- Conditions on the right to change employer and type of job
- Limits on or restrictions around working hours
- Minimum earnings threshold
- No Recourse to Public Funds (NRPF) or conditional access
- A time limit on the length of stay
- Limits on the number of times a visa can be renewed
- Not being allowed to renew a visa in-country
- Not allowed to switch onto other visas or apply for permanent residence

The impact of these restrictions on vulnerability to labour abuse and exploitation is not always straightforward and depends on how the restrictions interact with each other. For example, having strict conditions for changing employers and job type will present more risk for someone in a low-paid position, that is reliant on their visa sponsor for accommodation than for someone in a high-income position that does not have multiple dependencies.<sup>83</sup>

The lack of safe and fair migration routes into the UK for low-paid jobs can encourage employers to engage workers that do not have the right to work. Migrants with insecure immigration status are at increased risk of exploitation as their immigration status provides employers and recruiters with tools for coercion, including the threat of making a report to immigration enforcement services.<sup>84</sup>

People with No Recourse to Public Funds (NRPF), which is where an individual has no entitlement to most welfare benefits, is a condition that is applied to most individuals with limited leave to remain in the UK, as well as anyone with insecure immigration status (including pre-settled status). This condition has been found to cause harm to migrants, by denying them access to support, forcing them into destitution and or debt.<sup>85,86,87</sup> For workers in high-risk sectors, or those working in the informal economy, having NRPF can create a high level of dependence on their employer making it difficult to challenge or exit situations of abuse.

Migrant workers often have to pay for several up-front fees to move to the UK, including visa fees, travel costs, and health surchargers. Previous research has shown that a high percentage of migrant workers in the UK have had to go into debt to pay for their visa costs.<sup>88</sup>

Moreover, despite this being illegal in the UK, migrant workers may be charged recruitment fees by employers or intermediaries. When workers are unable to pay these costs, they may need to take out loans, which can have inflated interest rates. This can result in workers going into debt, which is a key driver of labour exploitation, as workers then become dependent on their employers to pay back loans.<sup>89</sup> This can result in debt bondage, a form of forced labour.

Corresponding to the sectors in which they work, or as a result of their immigration status, people from some migrant communities are more likely to be at risk of or identified as experiencing labour exploitation. These include people from Eastern Europe (particularly Albania, Bulgaria, Poland, and Romania), Vietnam, and China.<sup>90</sup> Other research has identified Filipino women as being particularly vulnerable, along with increasing numbers from Eritrea and Sudan.<sup>91</sup> However, the process of being identified as a victim of modern slavery in the UK is increasingly narrow, and often unattractive to people who may be victims, which can result in groups that are vulnerable to exploitation not being identified or individuals not consenting to enter the system. For example, when migrants do not have secure migration status, they will often feel unable to report instances of abuse and exploitation to the police or other authorities, due to the fear that authorities will prioritise their immigration status over the exploitation they have experienced.<sup>92</sup>

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**Many thanks to ATLUE for providing input on legal accuracy and recommendations.**



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