



University of
Nottingham
Rights Lab

Understanding risks of exploitation for vulnerable migrant workers in the UK during Covid-19

Report



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This project – Understanding risks of exploitation for vulnerable migrant workers in the UK during Covid-19 – was undertaken by the Rights Lab (University of Nottingham).

The Rights Lab is a University of Nottingham “Beacon of Excellence” and home to the world’s largest and leading group of modern slavery researchers. Through its five research programmes, impact team, and INSPIRE project, the Rights Lab is underpinning antislavery with an advanced research agenda, collaborating with civil society, business, and government, and elevating survivor-informed research as a key part of knowledge production to help end slavery.

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The views expressed in this report are those of the authors and not necessarily of the Modern Slavery PEC.



The Modern Slavery and Human Rights Policy and Evidence Centre (the Modern Slavery PEC) was created by the investment of public funding to enhance understanding of modern slavery and transform the effectiveness of law and policies designed to prevent it. With high quality research it commissions at its heart, the Centre brings together academics, policymakers, businesses, civil society, survivors and the public on a scale not seen before in the UK to collaborate on solving this global challenge.

The Centre is a consortium of six academic organisations led by the [Bingham Centre for the Rule of Law](#) and is funded by the [Art and Humanities Research Council](#) on behalf of [UK Research and Innovation](#) (UKRI). Read more about the Modern Slavery PEC [at www.modernslaverypec.org](http://www.modernslaverypec.org).

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Executive Summary

Since 2016, labour exploitation has consistently been the most frequently reported form of exploitation of potential victims of modern slavery identified and referred to the National Referral Mechanism (NRM) in the UK (ONS, 2020, p.13). Labour exploitation is defined in this report as a continuum which ranges from decent work to milder labour violations, severe exploitation and forced labour (Scott, 2017; Skrivankova 2010). This project aimed to understand how Romanian and Bulgarian migrant workers in the UK (particularly seasonal workers) had been impacted by Covid-19.

The research methodology included:

- A literature review looking at the connection between migration and labour exploitation within the last 10 years.
- The sample included 439 respondents of which 68% were Romanian and 38% Bulgarian. 62% worked in the food industry, 19% in agriculture, with the remaining 19% working in construction, hospitality, cleaning and warehousing industries.
- 25 semi-structured interviews with stakeholders including businesses, labour authorities, migrant workers, NGOs, unions and other organisations representing business interests.

Data collection took place between January and March 2021, with all data collected online or via partner organisations.

Key challenges that workers faced:

In general, workers were satisfied with the Covid-19-related protective measures taken within their workplaces, including in relation to transport, hygiene, healthcare access and social distancing, although 25% expressed a degree of dissatisfaction.

67% of the workers sampled were negatively affected by the Covid-19 pandemic, The most significant negative Covid-19 impact reported was reduced working hours (36%) followed by struggling to pay rent (25%) and 18% who had to borrow money. The impact of Covid-19 on income reduction may mean that many workers are indebted.

Those working on non-permanent contracts were most likely to experience reduced hours, struggle to pay rent, and need to borrow money, with zero-hours and seasonal workers struggling most.

Surveys, NGOs and community groups indicated that Roma communities were likely to have experienced the pandemic most severely in comparison to non-Roma Romanians and Bulgarians.

Beyond the impact of Covid-19, people reported that since they have been working in the UK, they experienced a number of problems at the workplace, including: emotional abuse or threats (14%), not being issued with a work contract, payslips and P45 (11%), working below minimum wage (10%), not receiving holiday pay, not being allowed to take holiday and withholding wages (7%), lack of breaks (5%) and physical abuse (4%). 43% of the respondents had to borrow money before they first came to the UK.

38% of respondents who found a job before coming to the UK got their job through an acquaintance. A further 36% only found their job after coming to the UK. Most people therefore did not sign a contract before coming to the UK.

Agriculture and food industries were most likely to offer employees a written contract for all work carried out.

11% paid a fee to an individual, agency or employer to gain their job, despite this practice being illegal in Romania, Bulgaria and the UK.

We also identified numerous problems workers were experiencing in the workplace:

- 14% reported emotional abuse or threats, 11% not being issued with payslips, work contract and P45, 10% working below the minimum wage, and 7% not being allowed to take holiday pay, not receiving holiday pay and having wages withheld.
- Roma, who represented 17% of the total sample of respondents, were significantly more likely to report emotional abuse, not being issued with a contract, not being issued with payslips and working below minimum wage.
- In general, those working in the food and agriculture industries experienced fewer problems than those in other industries.

When asked why they might not report problems, the main barrier was language (41%) followed by being worried about losing the job (28%) being unsure where to raise the issue (24%) and feeling no one would act (24%).

Workers faced five key challenges during Covid-19:

1. Reduced (furlough) income or statutory sick pay not meeting living costs.
2. Additional pressure to meet targets or complete, both paid and unpaid, overtime.
3. Potential for cross-contamination due to living in close proximity with colleagues, and having to move sites.
4. Paying for travel and a job in the UK which may not exist.
5. Limited inspection or regulatory oversight.

During the pandemic Businesses also faced challenges which included:

- Higher costs for procedures, guidelines and PPE.
- Limited ability to audit supply chains.
- Concerns over labour shortages and incomplete work, particularly at the end of the Christmas season.
- Poor responsiveness from agencies that were offering advice and inspections.

Examples of good practice were also identified. These included businesses collaborating to develop shared guidelines, topping up furlough schemes, buddying schemes to check on mental and physical wellbeing, and ensuring that workers received an agreed level of hours during the pandemic.

However, businesses were concerned about the intersection between Covid-19 and Brexit, with widespread expectations of a possible labour shortage in 2021. The main concern was “we will not run out of people. We’ll run out of legal people” (Interview 7, 2021).



Summary of Recommendations

Post 30th of June when the EU settlement scheme will be completed, we encourage DEFRA and other stakeholders to collect data on the numbers of workers required for both edible and non-edible agriculture. The Government should make these figures publicly available.

The Government should ensure that levels of statutory sick pay are sufficient to cover basic needs; reducing zero-hours contracts and taking action to penalise furlough fraud.

Enforcement agencies, NGOs and employers should provide accessible information about key aspects of employment in community languages and promote relevant helplines and apps. Key organisations including the new Single Enforcement Body would benefit from a higher profile.

The Government, the GLAA and the future Single Enforcement Body should proactively develop communications campaigns that engage with existing social media networks, in community languages, in order to share important information, for instance, around applying for visas and accessing support to report workplace abuses.

NGOs within migrant communities should be recognised and publicly funded (potentially through business-rates) to take on roles as advocates for migrant workers. Funding provision should also be dedicated to improving language skills amongst recently arrived groups via courses offered by further education providers and employers.

Employers have a responsibility to inform people of their labour rights and should conduct training in home languages, and ensure that training anticipates the needs of workers with lower levels of literacy. Companies should provide workers with an employment contract written in their home language. The new Single Enforcement Body could share and promote draft model contracts in multiple languages to promote good practice.

Employers should provide workplace support such as drop-ins, help lines and buddying schemes. Information about holiday pay or leave could be included on payslips.

Powerful business and media interests should consider alternatives to “shaming” businesses that are open about systemic and supply chain problems and prepared to address them. A culture of openness and collaboration has been essential throughout the pandemic, and is important to help all sectors deal with examples of criminality.

The resources, skills, scope and visibility of the new Single Enforcement Body should be increased to ensure that there is capacity to address the full range of labour violations that can lead to exploitation.

Trade Unions should actively develop programmes to support migrant and seasonal workers, and work with community-based NGOs to increase representation amongst their membership.

Introduction

Labour exploitation is the most frequently reported form of exploitation of potential victims of modern slavery identified and referred to the National Referral Mechanism (NRM) in the UK (ONS, 2020). In her 2020 annual report, the UK's Independent Anti-Slavery Commissioner, Dame Sara Thornton, highlighted the need to focus on the issue of prevention in relation to labour exploitation in sectors that employ large numbers of low or semi-skilled workers, particularly where those sectors employ a substantial migrant workforce, such as agriculture, construction and hospitality (2020, p. 27).

Foreign workers are most likely to be victims of labour exploitation in the UK. Temporary migration programmes, by definition, restrict certain rights for migrants, and this may increase risks of exploitation (Lenard and Straehle, 2012; Strauss and McGrath, 2017; Hennebry and Preibisch, 2012). Migrant workers often work in low-paid and flexible jobs, and are less likely to be members of trade unions than non-migrant workers (Turner et al., 2014). According to 2019 statistics from the NRM, the system of support for victims and survivors of modern slavery in the UK, the top three EU nationalities of referrals reporting labour exploitation in the UK, were Romanians (222/371), Polish (75/109), Bulgarians (35/61). This translated, for example, to 222 cases of *labour exploitation* of Romanian nationals referred to the NRM by Police forces in England alone, out of a total of 371 cases recorded in the NRM. However, many individuals who might be eligible for support choose not to enter the NRM (The Home Office, 2014), and researchers often assume that the real figures are higher than those that are reported.

The agri-food industry has been at the centre of UK-focussed labour exploitation research for a number of years (Scott et al, 2012; Skrivankova, 2014). The industry relies heavily on seasonal workers who, through the temporary nature of their contracts, are more vulnerable than other workers. In 2016, in the UK, 8% of potential forced labour victims referred to services came from the agri-food industry (2% from agriculture and 6% from food processing) (UK Government, 2016).

Two of the largest nationalities working in the agri-food industry in the UK are Bulgarians and Romanians. Since 2013, citizens from Romania and Bulgaria, also known as A2 countries, were able to freely come and work in the UK, after restrictions on the labour market were lifted. The number of migrant workers from the two countries has continued to rise over the intervening years. By 2017, it was estimated that two thirds of the seasonal workforce in horticulture were from Romania and Bulgaria (National Farmers Union, 2017, p.1).

Romanian and Bulgarian workers form the focus of our investigation, as they are consistently amongst those most likely to be victims of labour exploitation in the UK. This study explores these workers' understanding of labour rights under UK law, their working conditions, and whether workers are prepared to accept exploitative conditions or have the necessary tools and knowledge to report irregularities in their workplace. We pay special attention to Romanian Roma workers who are generally subject to considerable economic vulnerability, discrimination and exploitation (Allamby et al, 2011).

This project's aim was three-fold.

- To identify the impact of Covid-19 on Romanian and Bulgarian workers, and examine their experiences of labour conditions during 2020.
- To assess the lessons learnt by the agriculture¹ and food industry in response to managing the workforce and business needs in time of crisis.

¹ By "agriculture" we refer to all work carried out on farms and greenhouses.

- To propose policy options to prevent and minimise future vulnerabilities by examining other comparable countries' responses.

The Covid-19 pandemic triggered a global crisis with severe economic and health consequences. The impact on the UK food supply chains caught both government and businesses off-guard, with consumers worried about food shortages and agricultural producers concerned that a shortage of seasonal workers would lead to wastage of food harvest and irrecoverable financial loss. Consequently, many questions were raised about the impact of the pandemic on migrants' journey to the UK, workers' welfare, and the ability of businesses to manage the emerging crisis.

Although it was not a central aspect of our research, it is also important to recognise that the fieldwork for this study took place at a time when the UK left the European Union, during transition from freedom of movement to a points-based immigration system. This change in workers' status impacted their social security and future opportunities. For this reason, we included questions about awareness of settled status² within our data collection and explored the implications of Brexit in qualitative interviews.

- Our research design goes beyond methods employed in previous labour migration studies, which typically rely on anecdotal evidence or small N-sample interviews. By combining surveys with interviews, we produced, to the best of our knowledge, the first large-scale study of its type conducted on agri-food seasonal workers in the UK. Empirically, this research makes an important contribution by assessing the risks and challenges that Covid-19 brought to employees, giving voice to some of the most vulnerable in the society, and their employers.
- The report is divided into five parts: a brief review of the current literature, methodology, findings based on surveys and then interviews, followed by recommendations that draw both on primary data collected and several case studies of best practice.

² Post-Brexit, EU citizens living in the UK need to apply for an EU settlement scheme to be able to continue to live and work in the UK after 30th of June 2021. Usually those who have lived in the UK for 5 years will acquire the settled status (UK Government, n.d.)

Literature overview

Labour exploitation is defined for the purposes of this report as being forced to work without pay, for low wages or for a wage that is retained by an employer or other third party; work which is forced and/or under the threat of a penalty and work that is performed in poor conditions. Labour exploitation can be seen as a continuum (Scott, 2017, p.7; Skrivankova, 2014) extending from the ILOs (2006) concept of “decent work” on one extreme, to severe exploitation on the other. In between these two extremes, the continuum incorporates a range of more common and subtle exploitative practices (Lalani and Metcalf 2012, p.6). There is a risk in normalising minor labour infringements which can subsequently lead to severe labour exploitation (Skrivankova, 2010, p.29).

Several authors have recognised that temporary migration programmes, especially in agriculture, tend to be exploitative (Lenard and Straehle, 2012; Strauss and McGrath, 2017; Hennebry and Preibisch, 2012). Studies on Romanians abroad have shown that they often live and work in poor and exploitative conditions (Ghinararu and Van der Linden, 2004; Palumbo and Sciorba, 2015), work in low-paid and flexible jobs, and are less likely to be members of trade unions than non-migrant workers (Turner et al., 2014). In his study of Spanish agriculture, De Castro et al (2019) found that agricultural work is generally not valued, and hence poorly paid and underappreciated. Similarly, in the UK, migrants, despite playing a critical role in the agri-food industry and representing approximately 40% of the food sector workforce (Rienzo, 2016, p.5), they are highly prone to exploitation. This creates a paradox where agricultural workers may experience hyper-visibility from the media and politicians focused on migration policies, and yet invisibility from food consumers, the wider political spectrum and the public. Through Covid-19, agricultural workers gained greater visibility in the UK, but the shadow of Brexit has also created tensions between public appreciation for the maintenance of food supply chains and less positive media coverage and public reaction to the continued dependence of agriculture on migrant workers (Evans, 2020).

This study was driven by the key research question of “What risks and challenges did COVID-19 bring for employers, recruiters and migrant workers in the agricultural and food packing industry in the UK?”. Several interlinked sub-questions were also addressed: “What understanding do workers have of their labour rights under UK law?”; “Do workers consciously expect and accept poor or exploitative conditions?”, “What learning has occurred within industry in response to managing the crisis and responding to workforce needs?”.



Methods

This project included desk research and primary data collection and was conducted between December 2020-March 2021. Desk research comprised a review of literature of migration to the UK and labour exploitation, and the theory of “subjective legal empowerment” (Porter, 2014) which partly informed the structure of the surveys and interviews. Through desk research, we also reviewed policies enacted during the pandemic by other countries that also rely on migrant workers with the aim of drawing lessons that could be then applied in the British context.

For primary data collection, the project used two methods. Surveys were conducted with a combined sample of 439 UK-based Romanian and Bulgarian migrant workers, employed both in seasonal and permanent jobs, mainly from the agricultural and food industry. As the “newest” arrivals to the EU, and given socio-economic and cultural similarities, we considered them equally relevant to the purpose of this research. The surveys were translated in both Romanian and Bulgarian language and took approximately 10 minutes to fill in. The survey had 24 questions, derived from the literature review, covering four sections: demographic data, pre-departure data, labour exploitation once in the UK, and impact of Covid-19 on workers’ livelihood. While the total sample size is 439, it varies slightly from one question to another due to the N/A or missing responses which were excluded. For example, in relation to industry, the percentage is calculated out of the 433 who provided responses for this question rather than the 439 of the total sample. For most questions, only a few missing or N/A responses were recorded, typically less than 12. The purpose of the surveys was to ascertain the impact of Covid-19 on workers’ labour conditions and well-being as a whole, capture the degree of awareness workers have of their work rights and the most common labour infringements reported, alongside potential barriers to reporting.

Given the relative difficulty in reaching a hard-to-find population, standard sampling strategies were not possible. As a report from Global Fund for Ending Modern Slavery states, “modern slavery [and labour abuse] is not an equal opportunity crime that afflicts the general population evenly or by chance” because victims cluster in groups defined by certain social demographics or geographical areas meaning that probability-based sampling strategies may lead to highly skewed results (GFEMS, n.d., p.11). We therefore employed multiple methods for data collection. Surveys were disseminated online through Facebook posts on community groups of Romanians and Bulgarians from areas where a large concentration of migrants exists. Project partners, which included NGOs (both community organisations and labour service-oriented organisations) and businesses also supported the dissemination of the survey online; this was done through phone calls to their service users, and promotion via text messages, posters in the workplace or attachments to workers’ payslips. Some surveys were also disseminated on paper; pre-paid envelopes were sent to union members and contacts that had access to workers and the surveys were sent back to us, once completed.

We also conducted 29 semi-structured interviews and informal conversations with a range of stakeholders including 4 large businesses from the agri-food industry, 3 NGOs and 2 community organisations that work closely with migrant workers, 3 unions members, two of which were also employees in a food processing plant, 3 GLAA staff members, 2 business associations, 2 representatives of Romanian authorities in the UK, 2 labour providers, 1 food bank, 2 councils, 1 local council employee and community activist, 1 academic researcher and 3 workers. All interviews were carried out online or by phone. Interviews ranged from 30 minutes to two hours. The purpose of the interviews was two-fold: to explore and provide further explanation of the findings from surveys particularly on the impact of Covid-19 and barriers encountered by workers when reporting labour infringements, and to identify policy recommendations that are designed to minimise migrant workers’ risks to exploitation and support businesses. By combining surveys with interviews, we were able to attain a better picture of the labour exploitation situation among Romanian and Bulgarian migrant workers in the UK.

Limitations

Data collection took place between January and March 2021. In the UK, this coincided with the third wave of national lockdown measures, which means that all data were collected online or via partner organisations. This has affected the sampling process initially planned, where the researchers would have reached out to workers directly. We have overcome this limitation by partnering with “gatekeepers”, in other words NGOs and businesses that work closely with communities and individuals that the study targeted. All the necessary measures were taken to ensure the anonymity and safety of all respondents were preserved, in accordance with the University of Nottingham ethical guidelines.

Due to the non-random, purposive (i.e. where individuals are selected on the basis that they are knowledgeable about or experienced with a phenomenon of interest) and “snowball” (i.e. where study subjects recruit future subjects from among their acquaintances) nature of the sample, we cannot claim that the findings are generalisable to or representative of the migrant Romanian and Bulgarian population in the UK. Nevertheless, we believe that by working with NGOs we reached out to those more likely to be vulnerable to exploitation (approximately 150 surveys) and by working with businesses who granted us access to their workforce (approximately 270 surveys), we have attained a mixed sample which captures a range of experiences, from very positive reports of working conditions to routine work infringements and exploitative work conditions.

Given that the target population is hard to reach, this study also provides novel data, and valuable initial information that could form the basis for more in-depth study in the future.



Findings

Demographics

The sample analysed includes 439 respondents. 52% are Romanian, 32% are Bulgarian and 17% Roma, with most being Roma Romanian. Within the 84% Romanians and Bulgarians a limited number of respondents reported to identify themselves with “other”, such as Hungarian Romanian, for example. Due to their very low presence in the sample, their integration in the society and shared characteristics with the majority of the population, and hence a lack of significant marginalisation as seen in the case of Roma, we did not create a separate category for them. The sample meets our initial selection criteria which referred to Romanian and Bulgarian nationals working largely in low paid jobs, particularly in the food industry (62%), agriculture (19%), with the remaining (19%) working in construction, hospitality, cleaning, delivery and warehouses.

The sample is gender balanced, 51% male and 49% female. Just over one third of the respondents were 25-34 years old (37%), followed by an equal distribution among the remaining three cohorts of 18-24, 25-44 and 45+ (21%). The sample was collected from different geographical regions of England, including Kent, Worcestershire, Nottinghamshire and Greater London.

The level of education of respondents ranges from no school (6%) and primary school (15%) to university (15%). The majority have completed high-school (31%) or a vocational school (26%) (Fig.1). The level of education is linked primarily to literacy level, and to some extent to English language level. The 21% who have no schooling or have just completed four years of schooling, are likely to struggle to read and write. Of those who report having either no schooling or are only educated up to primary school, 56% are Roma. Regarding English language level, English is learnt by 99%, respectively 73% of primary schools students in Romania and Bulgaria (EU Commission, 2017, p.169), and hence the ability to read work contracts, understand work rights and operate better in the workplace. However, this knowledge is likely to depend on the total number of years spent in education and on the rural and urban settings.

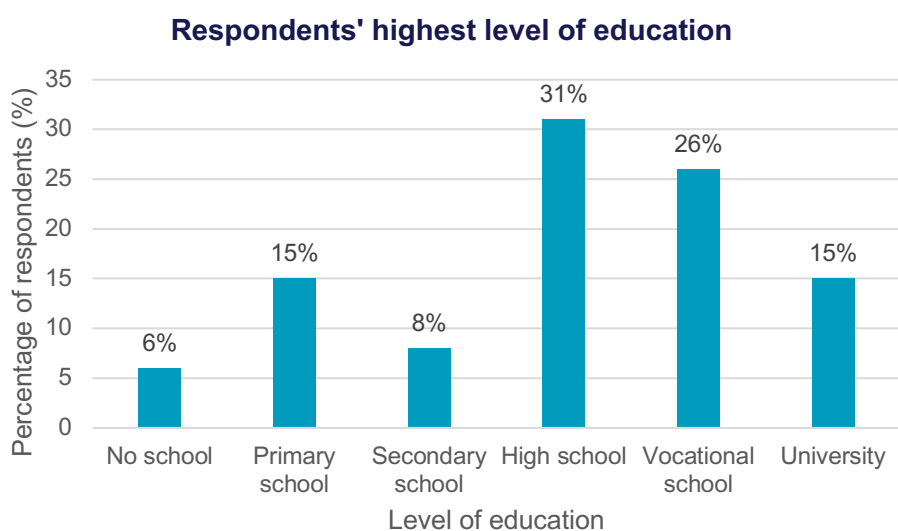


Figure 1: Respondents' highest level of education

According to the income reported, 16% of respondents earn below £500 per month (after tax), the majority of 64% earn between £500-1,300 per month and 20% earn between £1,300-£1,800 per

month. We also know that the sample is varied and 27% of respondents have been in the UK for less than a year, 32% for 1-3 years, 22% for 3-5 years and 19% for more than 5 years.

The findings also show that most respondents reside in private accommodation, but a significant 36% share accommodation with other people outside their family and 19% live in temporary accommodation such as caravans and containers. 8% live in accommodation provided by employers (Fig.2). The type of accommodation is important because degrading living conditions imposed by the employer, recruiter or third-party without the informed consent of the employee are classed as involuntary work under ILO guidelines of forced labour (ILO, 2018). Seasonal migrants working on farms often reside in accommodation provided by employers and irregularities are not uncommon (FLEX, 2021). Illegal gangmasters are also known to organise shared accommodation for workers who are charged exorbitant amounts of money for inadequate living conditions.

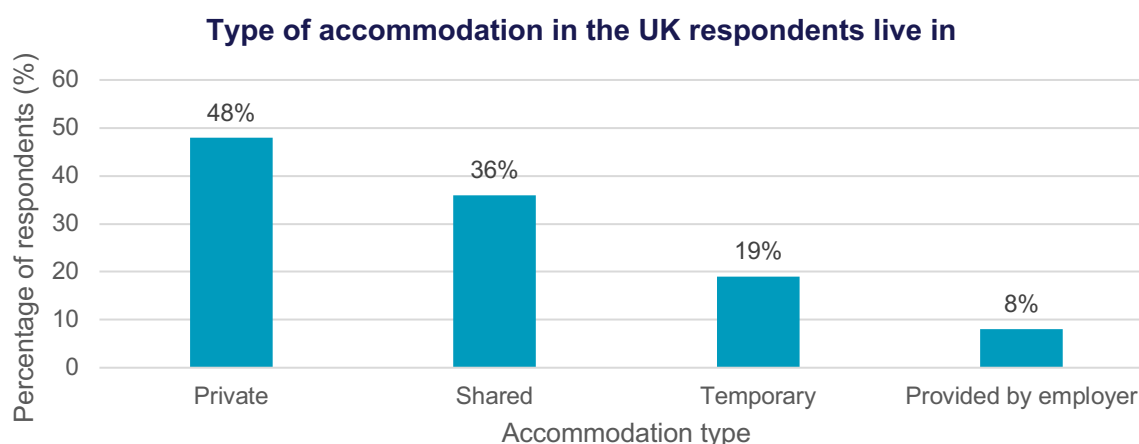


Figure 2: Respondents' accommodation type in the UK

Over the last year, 40% of the workers surveyed had permanent contracts, 18% zero-hour contracts, 17% seasonal contracts, 14% a mix of permanent and seasonal contracts, and 4% were self-employed. 6% of the respondents were “not sure” about their type of contract. When asked about whether they had received a written work contract, 67% respondents had received written contracts for *all* of their work, but a significant proportion of 21% received a contract only for “some of the work” carried out and 13% received no contract at all. Agriculture and food industries were most likely to offer employees a written contract for all work carried out, with only 11-12% of the sample reporting that no contract was received for any of the work undertaken (Fig.3); this may be due to the fact that these two industries are regulated by the GLAA. We also know that some workers hold two jobs, for example, a permanent one which is complemented by a seasonal job when the opportunity arises. In other cases, people may have moved from a seasonal to a permanent job. Having a contract as opposed to not having one potentially increases one’s chances of knowing their working rights and enables them to access certain benefits, offering a degree of protection against exploitation. A permanent contract further provides a steady income and more stability, while those working on temporary contracts move more from one employer to another, are less likely to be embedded into the system or a community, and potentially more susceptible to exploitation. Some of these hypotheses are tested in this report.

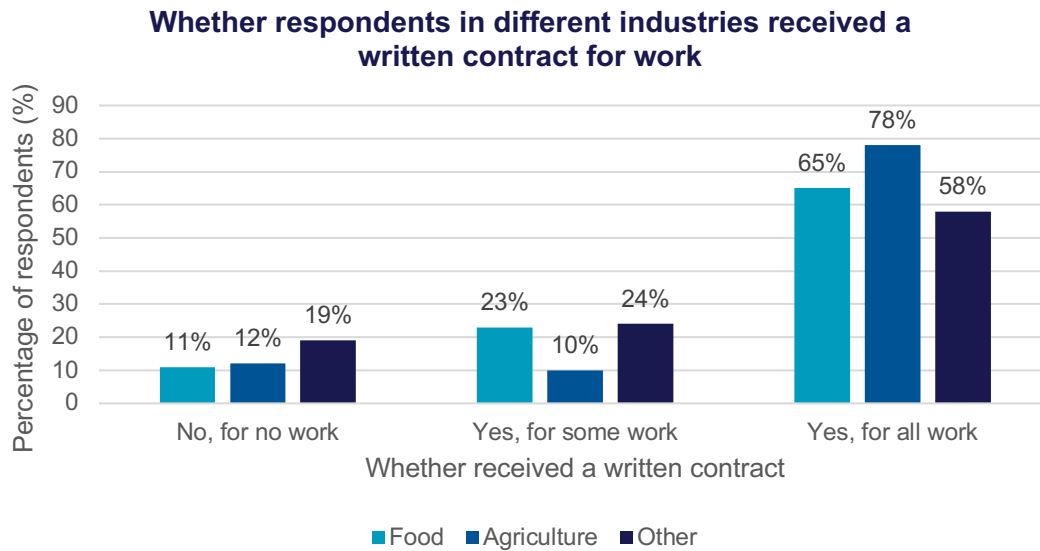


Figure 3: Whether respondents in different industries received a written contract for work

Before coming to the UK

One section of the survey was devoted to actions prior to arrival in the UK. The survey indicates (Table 1, Fig. 4) that as many as 36% of the respondents did not have a job when they arrived in the UK. 38% of the respondents found a job through an acquaintance, 12% through a local agency, 7% through a British agency or direct employer. Only 6% found a job online. The reliance on agencies is not surprising due to the nature of the industry surveyed and our sample, which included workers contracted via agencies. This aligns with views from the industry; a large food packing company described the risks that these workers expose themselves to: “Most people come with no contract, on buses that drop them in the middle of town, where agency workers wait for them and greet them to offer them jobs in an industry that is always short staffed. People have no clue about the cost of living etc. and they just follow friends and relatives who tell them that they can earn £8 an hour” (Interview 19, 2021).

Table 1: How respondents found their job before coming to the UK

How respondents found their job before coming to the UK	Count	Percent (%)
Through an acquaintance	167	38
I didn't have a job, I found one after I arrived in the UK	159	36
Through an agency in my home country	51	12
Through a foreign agency/employer	29	7
Online	28	6
Other	5	1
Total	439	100

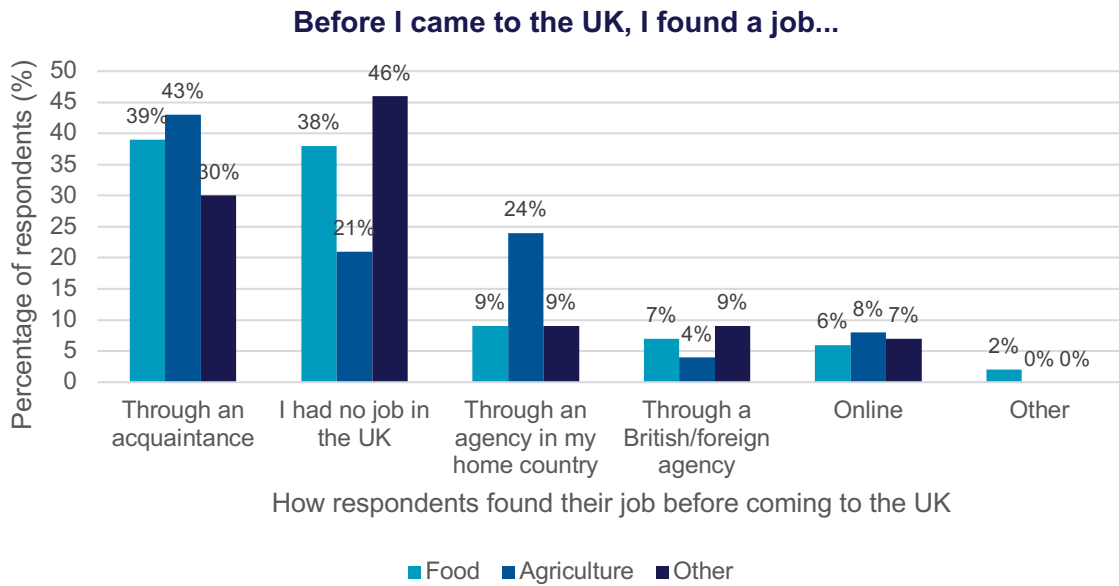


Figure 4: How respondents in different industries found their job before coming to the UK

Given that a significant 36% of respondents did not have a job when they first came to the UK, most had not signed a work contract either (64%). Only 30% had signed a contract that they understood before they arrived in the UK and 6% had signed a contract, but did not understand it.

One of the common problems related to migrant workers is the process of recruitment. People are often charged fees for finding a job, either in their home countries or the UK, despite this practice being illegal in Romania (Ministry of Labour and Social Protection of Romania, 2021), Bulgaria (Bulgaria: Employment Promotion Act, 2001) and the UK. These fees range from a couple of hundred pounds to as much as a thousand pounds or more, if other services are included. Among the respondents surveyed, a majority did not pay a fee, but 11% did pay a fee to an individual, agency or employer (see Fig. 5 for a break down by industry). While the percentage may not seem significant, this still represents 48 people from the sample. Considering that over half of the sample in our study was recruited by large companies under a high degree of scrutiny for compliance with the law, it is possible that our sample under-represents the still prevalent practice of paying a fee to recruiters, in line with anecdotal forum and media reports from Romania and Bulgaria and findings from interviews (Budusan, 2019; Forum sopftemedia, n.d.; European Union Agency for Fundamental Rights, 2014; Interviews 7, 18, 19, 2021).

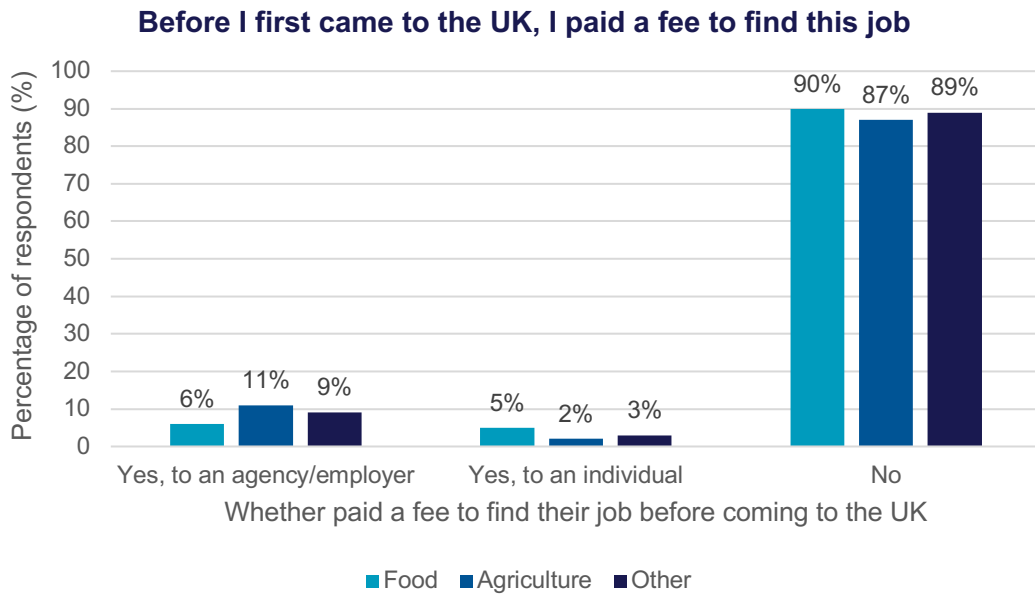


Figure 5: Whether respondents in different industries paid a fee to find their job before coming to the UK

One further significant finding that may have long-term repercussions for the migrants is that 43% of the respondents sampled had to borrow money before they first came to the UK (Fig. 6). We know that 27% respondents came to the UK less than a year ago. Many of these individuals may still be indebted. When combined with the effect of Covid-19, including job loss, being placed on a furlough scheme or statutory sick pay, debt may have further increased. Debt may also explain why people are more likely to accept certain exploitative conditions, if individuals feel that they have no alternative to enable them to make an income and cover their debt.

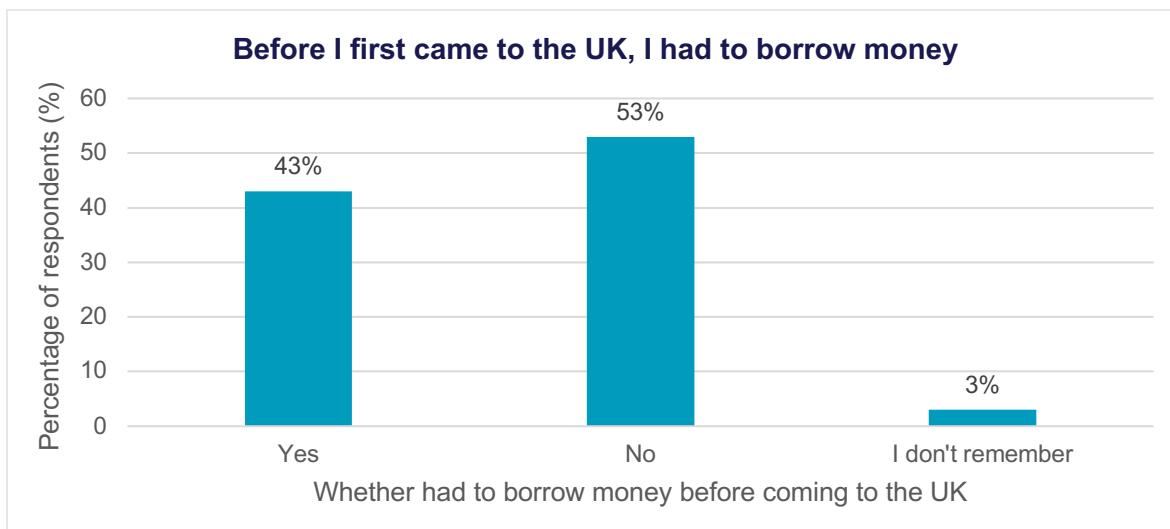


Figure 6: Whether respondents had to borrow money before first coming to the UK

The next two sections discuss the challenges that the pandemic presented to workers and then to business, combining the data obtained from surveys with interviews.

Challenges encountered by the workforce as a result of Covid-19

The impact of Covid-19 on the workforce was measured through two questions: their level of satisfaction with different situations at work and outside it, and the impact of Covid-19 on their working conditions, health and income. The first chart below (Fig. 7) indicates that 50-60% of the respondents were satisfied with a range of protective measures related to the workplace, from hygiene and social distancing at their workplace to transport and accommodation provided by employer, where that was the case. Similarly, respondents were satisfied with the ability to access healthcare and the information about healthcare received from their employers or recruitment agency. On average, 25% of respondents were dissatisfied or very dissatisfied with all situations.

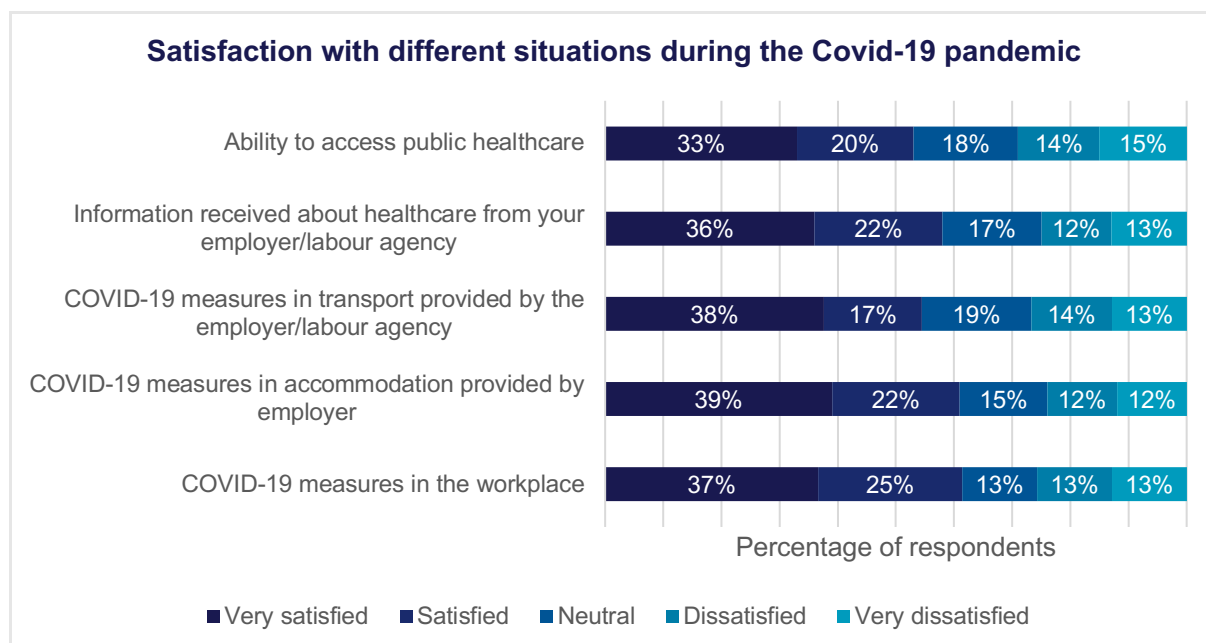


Figure 7: Satisfaction with different situations during the Covid-19 pandemic

Over the years, the agri-food industry has been under scrutiny for its working conditions and accommodation, with additional health risks sometimes arising from cramped working conditions and unsanitary housing (GLAA, 2018; Case, 2018; Andriescu, 2020). The chart below (Fig. 8) indicates that a majority of the people surveyed were generally satisfied with the protective measures put in place at the workplace, but a significant minority were not. Those employed in the food industry expressed slightly more satisfaction than those working in agriculture.

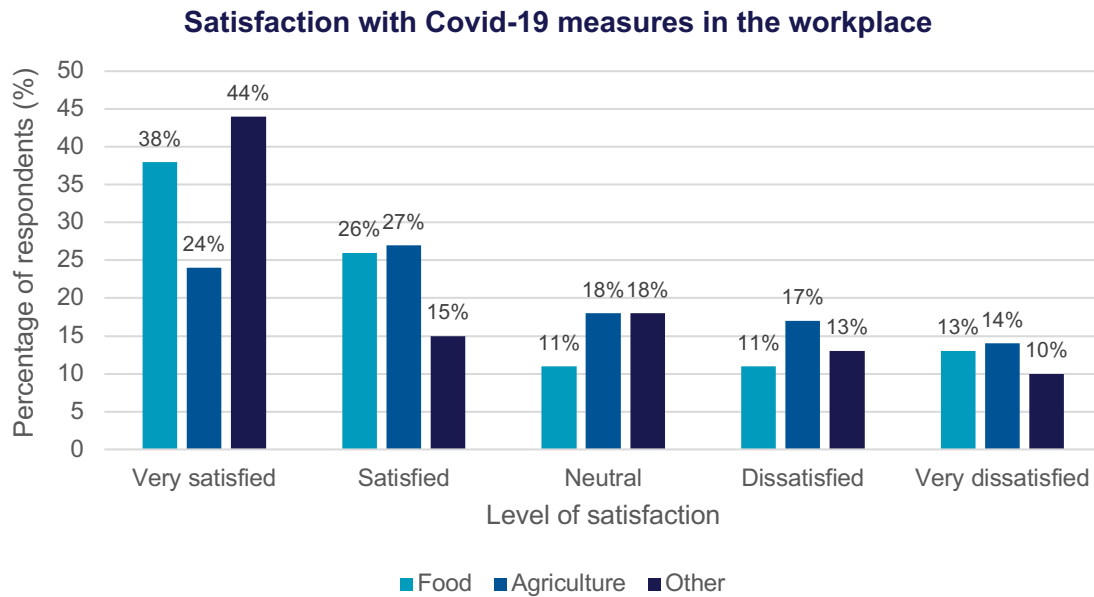


Figure 8: Satisfaction with Covid-19 measures in the workplace, specifically “social distancing, face mask wearing, hygiene to keep you safe”, by industry

Regarding the negative impacts of Covid-19, the most significant issue reported by 36% of respondents was the reduced number of working hours, followed by 25% who struggled to pay rent, 18% who had to borrow money specifically from a friend or a bank, 9% who were not allowed to take breaks at work and 9% who had their wage reduced. A smaller number of people also reported that they lost jobs (6%), had to access food banks (4%), to borrow money from people they did not know well (4%) or to do unpaid overtime (3%).

From these findings, debt stands out as a recurrent topic, and remains a concern particularly for those who have not been in the country for long and are still trying to repay an initial debt from when they first travelled to the UK. The respondents who reported not being allowed to take breaks and not being paid for overtime work provide evidence of poor practice and potential abuse in the workplace. Such conditions may be due to an increase in orders and pressure to deliver these in time during the pandemic, or may be a continuation of previous practices at the workplace, which were accentuated in this period. While a series of vulnerabilities emerged for the large majority, 16% of the respondents reported no impact at all.

When looking at individual industries (Fig.9), it becomes clearer that the least Covid-19 impacted workforce category are those working in the agriculture industry, while those working in “other” industries had a significantly higher rate of having been furloughed and receiving a reduced salary. Nevertheless, problems were reported in the food industry too: 39% reported reduced working hours, 27% struggled to pay rent, 20% had to borrow money from a friend or bank and 7% had to rely on a food bank.

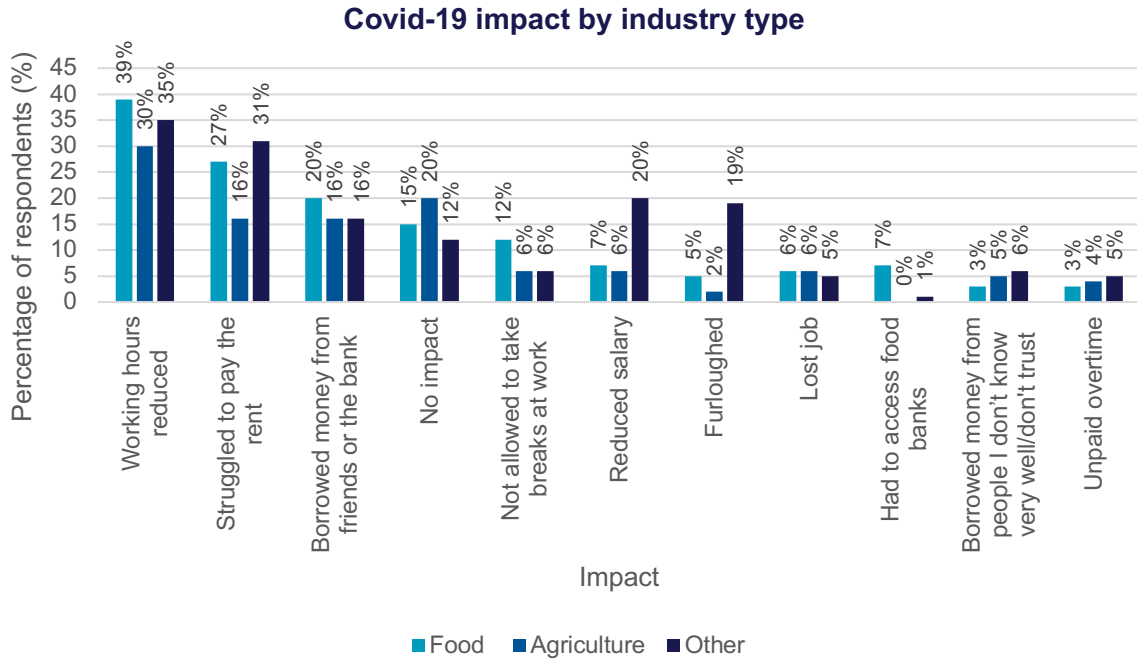


Figure 9: Covid-19 impact by industry type within the last year

When breaking these figures down by contract type, there is evidence that those working on non-permanent contracts were the ones most affected by the pandemic, excluding those “self-employed” who represented a relatively small number of respondents and “not sure” (Fig. 10).

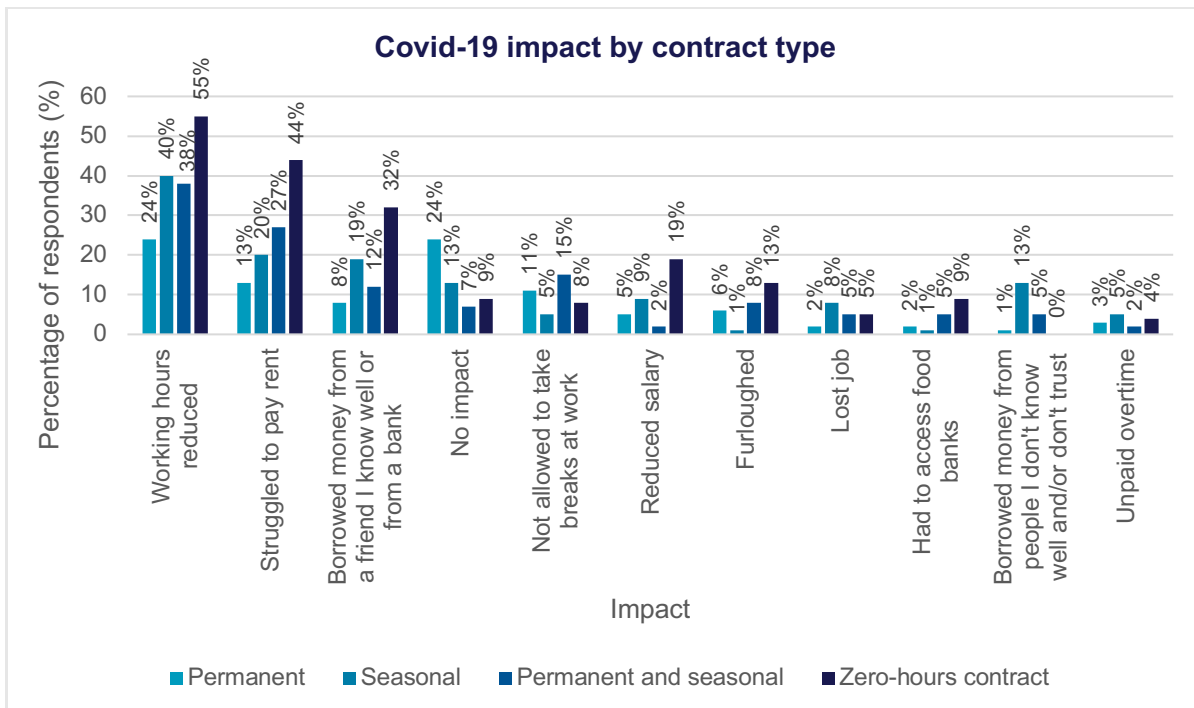


Figure 10: Covid-19 impact by contract type within the last year

40% of seasonal workers reported reduced working hours compared to 24% of those on permanent contracts. This pattern was similar for struggling to pay rent and borrowing money from a friend, with zero-hour contract workers and seasonal workers struggling most. Not surprisingly, seasonal workers were more likely to have to borrow money from people they did not know well. This may be related to the difficulty in obtaining a bank account and having less-established networks of trustworthy acquaintances.

Similarly, the Roma ethnic group was identified as having experienced the harshest impact of the pandemic, in comparison to non-Roma respondents surveyed, according to several NGOs and community workers. A community worker that collaborates with over 20 schools in London and hundreds of Bulgarian Roma parents, summarised the impact as follows:

The Bulgarian Roma community took a hard hit under Covid. Loss of income and no financial support received because they don't know how and where to access it. Many left the country because they could not afford to pay rent, because they had to access the NHS and are not registered in the UK, and the kids have lost a year of schooling because they didn't have the necessary technology to access online classes (Interview 9, 2021)

Beyond the problems reported above, we identified five further key challenges that workers faced during the pandemic. These are discussed in detail below:

1. Reduced (furlough) income or statutory sick pay not meeting living costs.

Covid-19 exacerbated problems for those who were already paid on minimum wage. Some people were suddenly made redundant or furloughed, with little warning. Even companies that provided key goods such as fruit, meat, or packed food had to close certain sites, particularly where production depended on the hospitality sector which has been closed for most of the pandemic. Sometimes recruitment was accelerated at certain sites, but production could be segmented and localised. Where outbreaks happened, some factories temporarily closed and workers furloughed with only 80% of their wage covered. It is important to highlight that approximately 80% of the survey respondents were on minimum wage or below and a 20% reduction had a significant impact on their income.

Moreover, workers who tested positive for Covid-19 and/or where required to self-isolate, had to rely on statutory sick pay of £95.00 a week. Anecdotally, the requirement of self-isolation appeared inevitable for those working in factories and living in tight knitted communities in areas close to factories. In many cases, this sum would not cover rent and basic living expenses in the UK. This may explain why a significant number of respondents reported experiencing difficulties with covering the cost of rent, as well as the increasing reliance on foodbanks across the country. "The Independent Food Aid Network, IFAN, reported a 62% increase in emergency food parcel distribution in October 2020 compared with October 2019. Independent food banks also saw a rise of 88% over the period February to October 2020 compared to the same period in 2019" (Tyler, 2021, p. 3). A foodbank that serves a large community of Romanians and Eastern Europeans, due to its geographic location, details further:

When Covid started – we were a hub that offered advice and guidance to the local Eastern European community, but we soon transformed into a food bank with funding from the local authority; initially, we had about 70-80 people per week who came to the food bank, but since February the numbers increased to approximately 150 people a week. People struggled. Most of these people work in construction (on zero-hour contracts) or in cleaning, which is informal employment, so no furlough is available. (Interview 1, 2021)

A union we interviewed reported that it had intervened on behalf of hundreds of workers at their factory, to ensure furloughed workers had their income topped-up (Interview 2, 2021). The same union reported that their company preferred to keep people furloughed even if the orders eventually

increased because the overtime and night shifts pay changed during Covid-19, meaning that it became more profitable for the company to keep some workers on furlough and pay the existent active workers overtime. This led to some workers registering 15-16h of work per day, totalling 75-80h a week. This was despite the fact that the factory's policy stated that the maximum number of hours of work permissible per week were 55. Unions members reported that overtime was somewhat imposed, and workers were often notified in the last minute, when they were ready to finish their shift.

However, in other employers, examples of good practice were found:

[Interviewee]: And we also did the same [topping up the furlough scheme] for people who were ... shielding so we topped up those to their full normal wage as opposed to statutory sick.

[Interviewer]: And was that seen, as you know, goodwill, or... did you see that as an important thing from the point of view of retention... given what we've been talking about?

[Participant]: Yeah, and also giving them, you know, is it if you're suddenly told you're at risk from, especially in the early days I would say, of severe illness or death, the last thing you need to be worrying about is you haven't got enough money as opposed to what you're used to. So yeah, it just seemed like the right thing to do, really. (Interview 3, 2021)

2. Additional pressure to meet targets or complete overtime.

When businesses furloughed employees or employees were on sick leave, this increased the pressure on the remaining workers, who in some instances meant additional hours being allocated and paid as overtime. In the survey, 18% of respondents reported having done paid overtime. However, the manner in which overtime was enforced was at times problematic. An employee in a food factory and union member explained:

Normally, if a company wants people to work overtime, they have to ask them in advance with 24h [notice]. During Covid, people were told, not asked, 15-30 min before the end of their normal shift that they have to stay extra to finish an order. The managers would come around on the floor and notify everyone that they have to stay longer. It was phrased in such a way that you had to stay and it didn't matter if you had kids, family or other duties to do outside work. In some cases, the pressure to deliver was so high that even breaks to call and notify the family that you'll run late were not permitted by the floor managers (Interview 4, 2021).

A large British Union also confirmed that they received reports of employment practices deteriorating in the food industry with less flexibility at the workplace being offered and employees experiencing an increase in pressure due to a surge in demand, but with little attention being paid towards workers' wellbeing (Interview 5, 2021).

3. Potential for cross-contamination

In certain geographical locations, a significant section of the community is built around large factories and business. Due to the infectiousness of Covid-19, if an outbreak happens at the place of work, it is very likely to spread in the community and vice-versa. A business with a site in Scotland reports that "most people live in that area, and there's a large number of people who are related, so we ended up taking the decision to close the site for a fortnight while everybody self-isolated because our absence level was so high" (Interview 3, 2021). In a different community in England, a similar problem was highlighted, but no measures were taken until it was too late: "A risk of cross contamination in the whole community exists – the virus spread not only within the company site but to schools, parents, etc." (Interview 4, 2021).

A risk of cross contamination also existed due to agency practices of sending people from one workplace to another. A local director of Public Health England asked for this practice to be stopped. However, such practices generally continued. One employee recounted his experience:

I started work in agriculture but by 3.30pm a lower back pain struck, my hand froze and my legs went. I collapsed. I smoked 2 cigarettes and I thought I'll then get back to work, but I couldn't because of the pain. I told my Romanian supervisor that I cannot return to work and that I'd like to go back to the accommodation. But I was told, no, take a little tray and sit on it and wait. I sat, waiting for time to pass and the shift to end, so that I can go back to the accommodation which was 1h away. It was cold. I asked to wait in the car, but the manager wouldn't let me, he wanted me to sit on the tray in the field because he was worried others will follow me to the car too if he allowed me to go. Work was hard in the field and so I asked to be transferred to something that wouldn't take such a toll on my body. The agency gave me a job in a warehouse in a different city. I travelled there and I had to check in to a hostel nearby the warehouse where other workers were living. I was placed in the room that I shared with three other people. When I got there, none of my roommates were in. When they came back from work, three Bulgarians, they were not happy to see me there. They had an "ugly" reaction, shouting and asking why I was let in the room without them being notified. They were upset. They asked me when I came into the country and if I had done a Covid-19 test prior to my arrival. I said no and they got really worried. Some of them were so concerned that they had two masks on. They were worried about Covid-19 and that they may be placed in quarantine on statutory sick pay if I was infected. They didn't want to lose their pay because of me. I understood their concerns. There was no supervisor [from the employment agency] at that point in time, so I packed up, called a taxi and went to a friend who luckily didn't live far. The labour agency got upset that "I ran away from camp", but there was nobody there at that time so what was I meant to do?! (Interview 6, 2021)

4. Paying for travel and a job in the UK which may not exist.

Several businesses and a community worker reported noticing during the pandemic an increase in unethical recruitment, whereby individuals are asked to pay in advance for travel and access to jobs in the UK that do not exist. One of the large British businesses interviewed, relates:

I think we're on our 10th or 11th example now of workers paying for work. Catching a flight coming over to the UK, expecting a job and accommodation for the money that they paid and it [that job] doesn't exist. If they [exploiters] want to make €2000 out of somebody, they say: okay come and pay for a job, I'll get you a flight, arrive in the UK, here's the telephone number, phone up this person and so on. And they've got everything, all sorted for you. The workers get on their EasyJet flight, they land at Stansted, they pick up the phone [and ring us] and we go "Who are you?" [We've got] No idea. Now to put it into context, I probably saw two cases in the whole year prior. In the whole year prior, I didn't have any clandestines on the back of a lorry. Since Christmas we've had three lorries. [It is] Because people know that there are tighter restrictions. So firstly they're paying upfront or they're becoming committed to debt, presumably, and then they get here and then they find actually yeah, that they come illegally. So there's an additional lever over them and they are provided labour informally (Interview 7, 2021)

In these types of instances, businesses are left in a dilemma. If workers turn up on their doorstep because they were misled and paid a fee to an exploiter, the businesses can take them in and find them a job, but this indirectly benefits the exploiter. The alternative is to turn their back to the workers and leave them vulnerable to potentially further exploitation.

5. Limited inspection and regulatory oversight

During the first year of the pandemic, the GLAA staff was not classed as key workers (Interview 16, 2021). The GLAA suspended in-person inspections, in line with government guidelines, although they did continue to conduct inspections via telephone. Although not ideal, this proved to have some advantages. First, the GLAA has only 13 inspectors, so phone inspections saved time, according to Association of Labour Providers (ALP) as many as 400 hours a year per inspector (2021), and hence allowed more cases to be managed. Second, when a GLAA inspector carries out an in-person inspection, he/she typically speaks to a small number of workers, and often remains in sight of the

supervisor. Despite being far enough away to maintain a private conversation, supervisors remaining in sight, and being interviewed at the workplace, exercises a degree of pressure which may prevent workers from disclosing too much information. In contrast, by using the phone interview method, an agent can ask the agency to provide him with a list of 30 workers, from which he then randomly chooses 5-6 interviewees. In this manner, workers can speak at length outside their working hours, in the comfort and safety of their own accommodation, and the respondent remains completely anonymous (Interview 8, 2021). In the long run, the GLAA may want to consider using both in-person and online or telephone inspection methods to reach out to a larger sample of respondents.

Problems in the workplace

Beyond the impact of Covid-19, this report also inquired into the problems that people have faced at the workplace, over time, since they have been working in the UK (Fig.11). Based on the survey, the most common problems experienced in the workplace are emotional abuse or threats (14%), not being issued with payslips (11%), or P45 (11%), and working below minimum wage (10%). Problems around having wages withheld, not being allowed to take holiday or not receiving holiday pay were also reported. Significant differences are noticeable when comparing the Roma (72 respondents) with the non-Roma population (365 respondents)³. Roma are more likely to experience problems in the workplace, including physical abuse (17% compared to 2%) and emotional abuse (26% compared to 12%), not being issued with a contract (31% compared to 7%), not being issued with payslips (24% compared to 9%), and working below the minimum wage (18% compared to 8%).

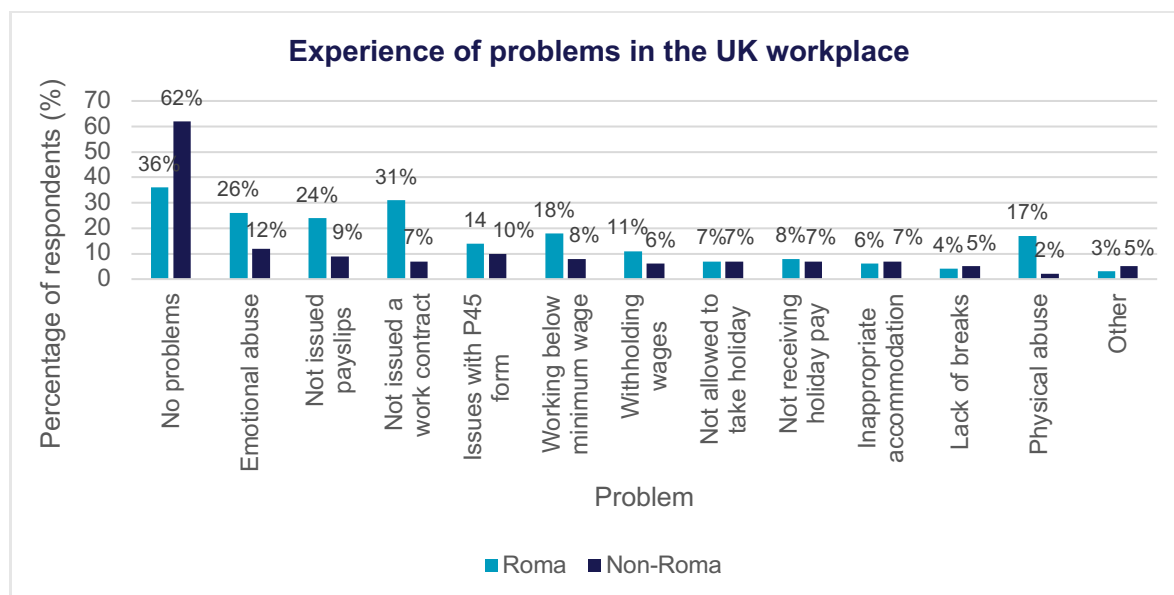


Figure 11: Problems experienced in the workplace by nationality

³ We excluded those who provided N/A responses to this survey question.

If the figures are broken down by industry, food, agriculture and other, one main finding stands out. Those working in food and agriculture industry experience fewer problems in the workplace which may be indicative of the fact that the two industries' licenses are regulated by the GLAA. Several other differences appear. 13% of those working in agriculture deem the accommodation provided by the employer to be inadequate. 15% of those working in the food industry reported emotional abuse and 10% that they were not issued with contracts, both figures are higher than the situation experienced by those in the agriculture industry.

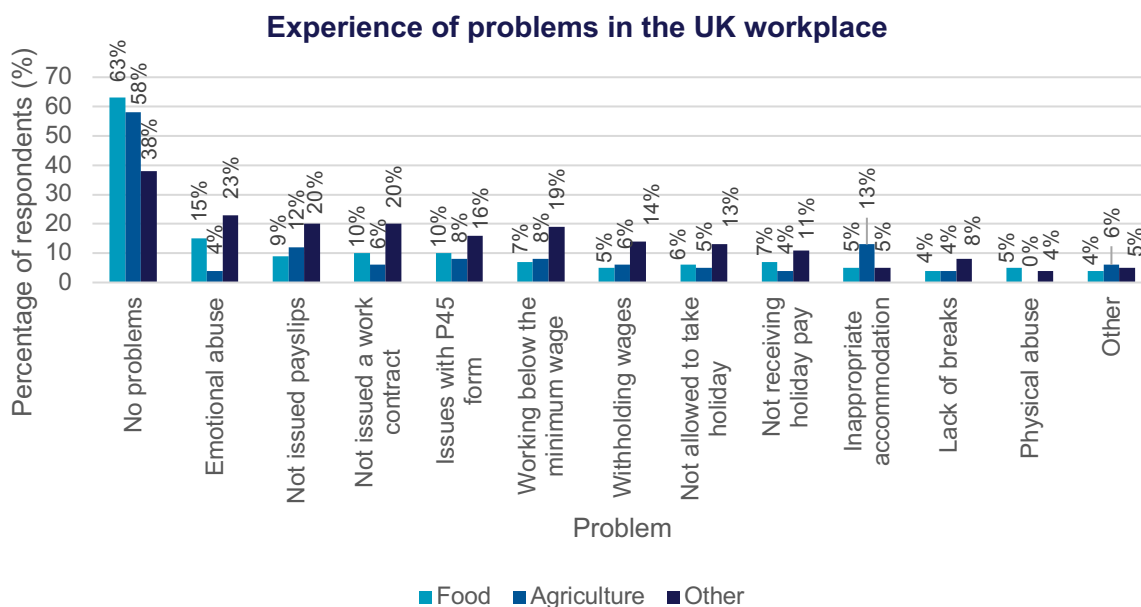


Figure 12: Experience of problems in the UK workplace by industry

Out of the respondents who elaborated on their answers in the “other” category, many reported to have been “lucky” that they were not affected by the pandemic and that work continued as before, in safe conditions. This echoes the view of over 50% of the respondents from the food and agriculture industry who have not experienced any problems in the workplace. In some cases though, people described difficulties. One respondent referred to the pandemic and claimed that “In the factory I think there should be less people working on a shift because of the risk to transmit the virus faster (in crowded places)”. Another respondent explained:

Everything closed down as soon as the pandemic started and my salary dropped overnight. We had to survive from one wage only because my husband didn't receive 80% from the government [part of the furlough scheme] and we had to live from my wage alone. I lost my job in autumn 2020 on the basis that they had to do staff cuts due to the pandemic and I wasn't given paid maternity leave either (Respondent)

Similarly, someone else reported: “Because my wife lost some of her hours of work (worked reduced hours), I had to get another job (I worked both in food processing and food packing industry)”. In another instance, people referred to the correlation between access to the health care system and the workplace:

There are difficulties encountered when accessing sick pay. The services are slower for people who cannot work at the moment, waiting lists to the GP are also longer, which directly impact on one's ability to work. For example, the sooner you see a doctor, the sooner you can recover and

can restart work, or you can get a letter which stated that you are “unfit for work” which allows you to receive an income. But because of the pandemic the waiting time doubled.

When speaking to NGOs and community organisations about the problems workers from all industries raise with them, they highlighted a number of issues. There was strong agreement that the lack of accurate information on workers’ rights and language skills constitute barriers, among others. Beyond this, an NGO focused specifically on providing support to those facing precarious conditions states that casual contracts, no redundancy pay, non-payment for work already conducted, lack of holiday pay and non-existent or fake payslips are the most common issues they see (Interview 11, 2021). All these aspects have been reinforced repeatedly by other interviewees. A community worker from London who works with 8,000 families of Eastern Europeans, the largest group being represented by Bulgarian Roma, particularly stressed that people employed without a contract and not getting paid for the work done is one of the common issues encountered (Interview 9, 2021). After 1-2 months of work, when workers realise they will not be paid, they quit. At the same time, he underlines that people are ready to accept extremely small amounts of money for the work undertaken. For example, it is common for Bulgarian Roma to seek work in small businesses such as corner shops, restaurants or carwashes.

They tend to get paid £2-3 per hour and are pleased with that. They work 10-15h every day with no day off and no holidays or holiday pay. Many don’t have a contract, a national insurance number and so are living and working outside the “formal” system. This causes difficulties for accessing the NHS which is a massive issue in the community (Interview 9, 2021)

Another NGO dedicated to supporting Roma communities confirms similar cases where people get paid as little as £3p/h, as opposed to the current minimum wage of £8.72p/h, or are not paid at all after delivering a couple of months of work as common occurrences (Interview 12, 2021). A community worker warns that “breaking this chain” of exploitation may mean that people may be left even without the possibility of earning the £2-3 an hour that they make now; as he explains, “Institutions are also reluctant to act because they don’t have the necessary resources to support the community and the support plan is not clear” (Interview 9, 2021). Romanian authorities recognise that they too have to tread a careful line as they are often accused that “you made us leave home, [Romania, due to lack of jobs/income etc] and now you don’t let us work here either” (Interview 13, 2021).

According to a Romanian public official, most instances when Romanian nationals in the UK request assistance is when:

They are exploited outside the licensing framework, so basically, they are brought here by unlicensed individuals, persons, friends and so on, and then they end up in, I don’t know, in a Chinese restaurant. The Chinese restaurant was quite recurrent at some point. When we had a report from these kinds of farms and from seasonal workers, they are mostly about working conditions, hours and house accommodation. And during the Covid obviously health and safety concerns in terms of infection and so most of them were actually sorted out when they contact us (...) by discussing with the employer and so on. So, not exploitation per se just, you know, issues with working conditions and misunderstanding about long hours and so on (Interview 23, 2021).

Labour rights

One common assumption about why migrant workers experience a range of issues at the workplace is because they are unaware of their rights (Beels, 2017; European Union Agency for Fundamental Rights, 2019). Over the last couple of years, several campaigns informing workers of their rights have been initiated by the GLAA, Romanian Embassy in London, and NGOs. For example, a Romanian NGO, Eliberare, have secured partnerships with airports across Romania to particularly target

seasonal workers by distributing “business cards” like leaflets with a helpline and website where one can find information about work rights abroad.

Our study shows that the vast majority of workers generally know their rights; however, there was a basic lack of knowledge around some essential aspects. For example, respondents reported either not knowing or not being sure of their right to minimum wage (22%), entitlement to holiday pay (21%) and that they should not be charged for getting a job (18%). The least known issue which is also one of the most common problems raised by NGOs and the GLAA (Interviews) is the fact that workers should not be charged for training or equipment. The fact that they may be entitled to statutory sick pay is also not commonly known.



Figure 13: Knowledge of key workers' rights

When running a logistic regression⁴ examining predictors of knowledge of rights and controlling for the effects of the other variables in the model (Table 2) we found that ethnicity stands out, with Roma being significantly less likely to know their rights compared to Romanians. Additionally, there are some statistically significant associations related to work contracts. Specifically, those on zero-hour contracts have reduced odds of knowing their rights when compared to workers on permanent contracts. Furthermore, having a written contract for all work undertaken is associated with greater odds of knowing one’s rights, compared to those with no written contract. Time in the UK has a statistically significant association with knowledge of rights, with those who have been in the country for 1-3 years and 3-5 years having increased odds of knowing their labour rights than those who have been in the country for less than one year.

⁴ Logistic regression is a statistical model used to predict binary outcomes. The results for each predictor variable hold constant the effects of the other predictors in the model.

Table 2: Logistic regression examining predictors of knowledge of rights

Dependent variable:	
Knowledge of rights †	
	OR (CI)
Ethnicity/Nationality (ref. = Romanian)	
Roma	0.216*** (0.091, 0.500)
Bulgarian	0.679 (0.338, 1.362)
Gender (ref. = Female)	
	0.789 (0.456, 1.362)
Income per month (ref. = Less than £500)	
£500-£1300	1.313 (0.625, 2.712)
£1300-£1800	2.645 (0.914, 8.234)
Education (ref. = Primary school or less)	
High school/secondary school	1.058 (0.463, 2.337)
Vocational school	1.279 (0.507, 3.177)
University	1.268 (0.416, 4.014)
Time in UK (ref. = Less than a year)	
1-3 years	2.021* (1.041, 3.970)
3-5 years	3.214** (1.367, 8.091)
More than 5 years	1.837 (0.807, 4.326)
Contract type (ref. = Permanent)	
Seasonal	0.532 (0.228, 1.264)
Permanent and seasonal	0.507 (0.221, 1.181)
Self-employed	0.654 (0.161, 2.834)
Zero-hours contract	0.400* (0.179, 0.890)
Not sure	0.790 (0.251, 2.736)
Industry (ref. = Agriculture)	
Food	1.036 (0.470, 2.223)
Other	0.775 (0.291, 2.034)
Written contract (ref. = No, for no work)	
Yes, for some work	1.827 (0.766, 4.394)
Yes, for all work	3.613** (1.651, 7.957)
Constant	1.211 (0.275, 5.310)
Observations	400
Log Likelihood	-176.098
Akaike Inf. Crit.	394.196

*p<0.05, **p<0.01, ***p<0.001

†The reference category for the dependent variable is knowledge of at most half of the rights included in the survey questions. Therefore, the model predicts likelihood of knowing more than half of the rights included. The model excludes respondents who had missing/NA information for the dependent and predictor variables. Odds ratios are reported, with confidence intervals in parentheses.

While employees may be less familiar with certain labour rights, as we discuss next, there are several other factors that explain why they may continue to stay in exploitative working conditions or why they may be reluctant to report problems identified at the workplace.

Reporting problems at the workplace

Respondents were asked, hypothetically, if they had experienced problems at work, to what extent would they be confident in undertaking a number of tasks to report this problem (Fig.13). Talking to their employer/manager about their problem was the most common choice, followed by reporting it to the police and collecting more information about the case. Contacting the GLAA was the least preferred option with only 33%. This is most likely to be due to the limited awareness that workers have about the GLAA, which emerged from several interviews with NGOs (Interviews 9,11,12 and 14, 2021). When independent and anonymous support lines are offered by employers, these are rarely used. A large UK labour provider reports that their multilingual “independent helpline received less than 5 calls a year and reports via GLAA maybe three times that” (Interview 10, 2021).

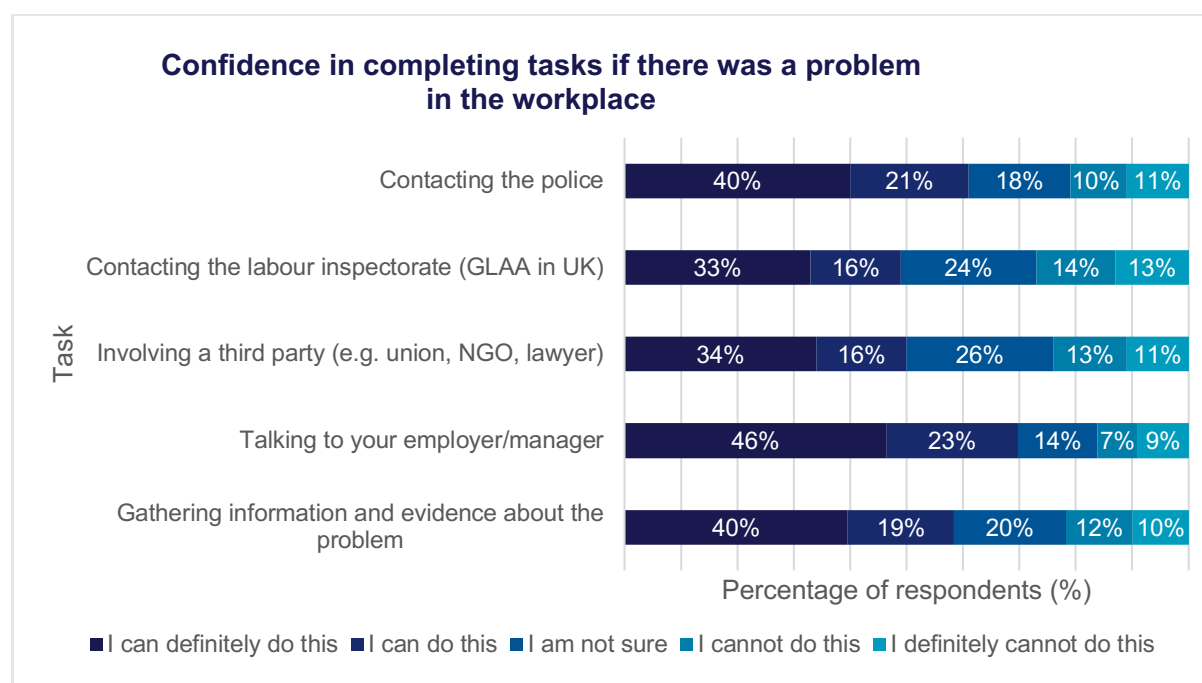


Figure 14: Confidence in completing tasks if there was a problem in the workplace

Logistic regression models examining predictors of confidence in completing the range of tasks listed above reveal several significant associations. Holding constant the effects of the other predictor variables, one of the main differences is between Romanian/Roma - Roma have reduced odds of being confident in undertaking all tasks, other than contacting the police, when compared to Romanians. Confidence is frequently associated with income. Income is significantly associated with three of the tasks: speaking with the manager/employer, contacting the labour inspectorate, and contacting the police. For these tasks, those earning £1300-£1800 per month have increased odds of confidence compared to those earning less than £500 per month. For contacting the police there is also a statistically significant difference between those earning under £500 per month and those earning £500-£1300, the latter with greater odds of confidence. Respondents with a contract for all work also had increased odds of being confident in gathering information, speaking with their manager/employer, and contacting the police compared to those with no contract.

The models also have somewhat counterintuitive findings in that time in the UK does not seem to be at all associated with workers’ confidence in undertaking any of the tasks.

Curiously, gender is only associated with confidence in contacting the police. Men have greater odds of being confident in contacting the police than women. This raises questions regarding why women are less confident in approaching the police and perhaps less trusting.

Table 3: Logistic regression examining predictors of confidence in completing tasks to resolve workplace problems

	Dependent variable: Confidence [†]				
	Gathering information and evidence	Speaking with manager/employer	Contacting a 3 rd party	Contacting the labour inspectorate	Contacting the police
	(1)	(2)	(3)	(4)	(5)
	OR (CI)	OR (CI)	OR (CI)	OR (CI)	OR (CI)
Ethnicity/Nationality (ref. = Romanian)					
Roma	0.389* (0.175, 0.844)	0.296** (0.129, 0.667)	0.263** (0.103, 0.617)	0.236** (0.095, 0.546)	0.603 (0.276, 1.320)
Bulgarian	1.107 (0.640, 1.925)	0.817 (0.436, 1.535)	1.547 (0.908, 2.652)	0.881 (0.517, 1.497)	0.952 (0.540, 1.681)
Gender (ref. = Female)	1.079 (0.689, 1.693)	0.827 (0.494, 1.380)	1.088 (0.698, 1.697)	1.262 (0.812, 1.969)	2.305*** (1.459, 3.684)
Income per month (ref. = Less than £500)					
£500-£1300	1.071 (0.537, 2.111)	1.440 (0.692, 2.959)	1.280 (0.639, 2.583)	1.912 (0.960, 3.901)	3.092** (1.572, 6.217)
£1300-£1800	1.353 (0.576, 3.173)	3.228* (1.201, 8.978)	1.663 (0.722, 3.868)	2.462* (1.074, 5.763)	3.025* (1.301, 7.195)
Education (ref. = Primary school or less)					
High school/secondary school	1.305 (0.643, 2.618)	1.347 (0.621, 2.866)	1.068 (0.516, 2.205)	0.869 (0.419, 1.777)	0.971 (0.473, 1.959)
Vocational school	1.123 (0.521, 2.399)	1.068 (0.455, 2.466)	1.651 (0.763, 3.578)	1.002 (0.464, 2.148)	1.180 (0.532, 2.586)
University	1.349 (0.549, 3.326)	0.792 (0.293, 2.123)	1.325 (0.546, 3.220)	0.933 (0.380, 2.275)	1.541 (0.617, 3.878)
Time in UK (ref. = Less than a year)					
1-3 years	1.067 (0.594, 1.911)	1.008 (0.514, 1.965)	0.985 (0.551, 1.759)	0.956 (0.538, 1.694)	0.689 (0.381, 1.231)
3-5 years	1.147 (0.586, 2.256)	0.610 (0.286, 1.289)	1.098 (0.564, 2.138)	1.213 (0.626, 2.354)	1.700 (0.839, 3.501)

More than 5 years	0.627 (0.311, 1.257)	0.570 (0.253, 1.281)	1.112 (0.555, 2.235)	0.797 (0.397, 1.593)	0.960 (0.472, 1.954)
Contract type (ref. = Permanent)					
Seasonal	0.777 (0.399, 1.526)	0.559 (0.269, 1.171)	0.810 (0.416, 1.580)	0.807 (0.417, 1.566)	0.870 (0.430, 1.782)
Permanent and seasonal	1.294 (0.651, 2.643)	3.324 [†] (1.266, 10.508)	1.579 (0.809, 3.152)	1.273 (0.662, 2.484)	0.935 (0.474, 1.872)
Self-employed	2.723 (0.778, 11.410)	1.384 (0.368, 6.183)	0.953 (0.282, 3.159)	1.043 (0.312, 3.425)	0.733 (0.220, 2.459)
Zero-hours contract	0.702 (0.366, 1.354)	0.505 (0.249, 1.029)	0.737 (0.379, 1.430)	0.570 (0.292, 1.104)	0.807 (0.415, 1.581)
Not sure	0.761 (0.282, 2.097)	0.622 (0.219, 1.852)	0.826 (0.302, 2.230)	1.098 (0.405, 3.001)	2.133 (0.733, 6.750)
Industry (ref. = Agriculture)					
Food	0.846 (0.446, 1.575)	0.751 (0.350, 1.552)	1.019 (0.553, 1.868)	1.006 (0.547, 1.841)	0.862 (0.450, 1.627)
Other	1.096 (0.488, 2.455)	1.368 (0.535, 3.491)	1.309 (0.602, 2.848)	1.392 (0.638, 3.047)	0.934 (0.411, 2.117)
Written contract (ref. = No, for no work)					
Yes, for some work	1.836 (0.818, 4.207)	1.420 (0.603, 3.348)	0.817 (0.351, 1.900)	0.853 (0.367, 2.002)	1.416 (0.641, 3.147)
Yes, for all work	3.214 ^{**} (1.570, 6.773)	3.188 ^{**} (1.502, 6.828)	1.444 (0.690, 3.051)	1.886 (0.904, 4.029)	2.269 [*] (1.117, 4.644)
Constant	0.591 (0.165, 2.078)	1.459 (0.369, 5.761)	0.464 (0.127, 1.650)	0.444 (0.119, 1.597)	0.278 (0.075, 0.994)
Observations	406	407	405	405	405
Log Likelihood	-245.006	-200.703	-248.318	-250.237	-239.009
Akaike Inf. Crit.	532.012	443.406	538.636	542.474	520.019

*p<0.05, **p<0.01, ***p<0.001

[†]Confidence (1) = either "I can definitely do this" or "I can do this", whilst not confident (0) = either "I am not sure", "I cannot do this", "I definitely cannot do this". The models predict confidence. The model excludes respondents who had missing/NA information for the dependent and predictor variables. Odds ratios are reported, with confidence intervals in parentheses.

Respondents were also asked in a multiple-choice question to hypothetically identify reasons for which they may not report potential problems identified at their workplace (Fig.14). An overwhelming 41% identified language as the most significant barrier to flagging up problems at the workplace. The second most common reason, expressed by 28% of the respondents, was fear of losing their job. The

third most common reason for not reporting problems is explained by a lack of knowledge about the mechanisms through which problems can be raised, as well as the belief that workers' view does not matter. 22% of respondents recognised that they do not know what labour rights they have, which is in line with the earlier findings over labour rights.

Some respondents further detailed their answers, explaining why they have been reluctant to act in the past. One answer reads: "I reported some issues that were not fair and they started bullying other colleagues who were in my network [of friends]". Similarly, someone else recounted that "The guys who tried to raise the issue of the number of people on the farm - they left them in caravans and did not call them to work. The [recruitment agency] office that supervised our stay on the farm specified that they would deal with the problem, [but] in fact, no analysis of the situation was carried out. The manager who was assigned to the farm from time to time threatened to be fired [fire us]". Others took a distinct stance and valued obedience: "I prefer to listen and do what I am asked to do" and "as long as I do my job well, I have no issues". Numerous respondents also clarified that they would certainly stand up to defend their rights if problems arose, but they were pleased with good working conditions which did not require further actions.

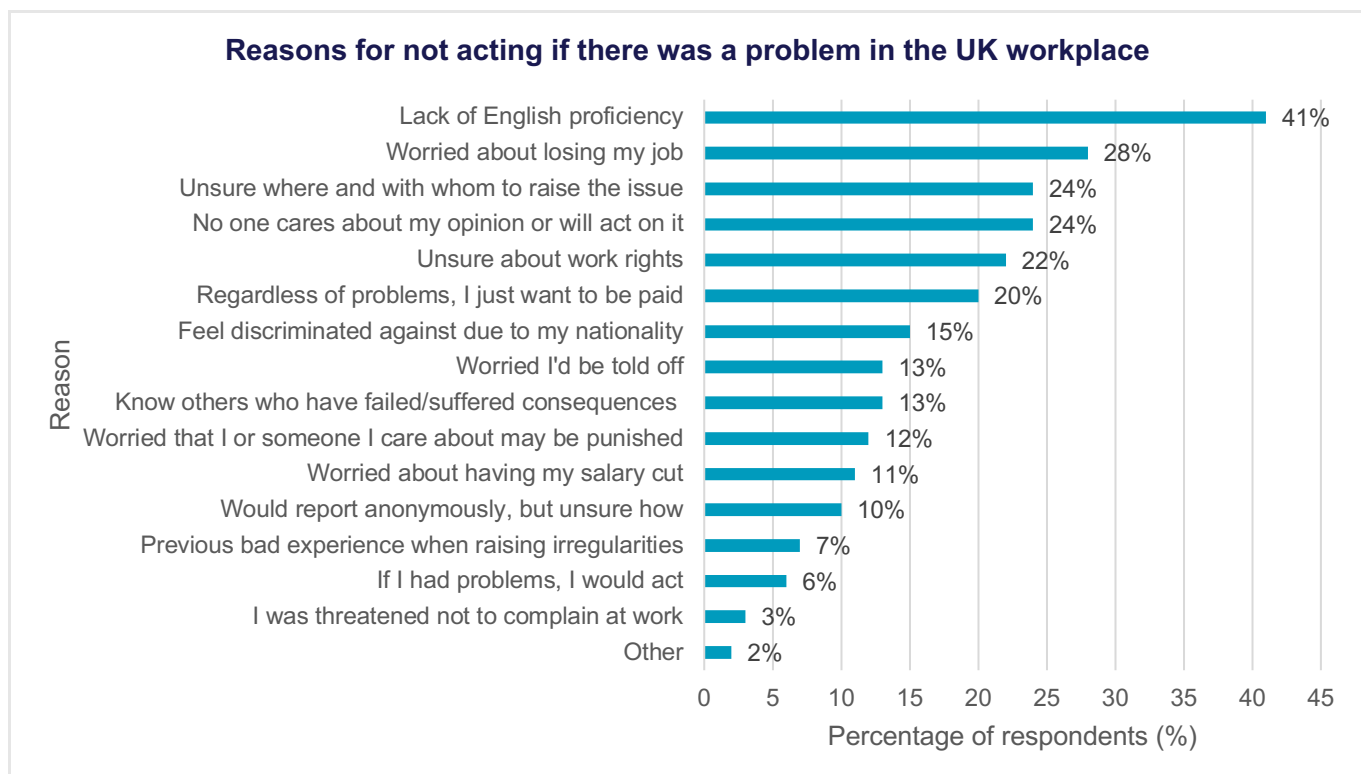


Figure 15: Reasons for not acting if there was a problem in the workplace

Similar barriers to reporting problems experienced by workers also emerged from interviews. Fear of dismissal, facing disciplinary action, and recrimination of their colleagues were reported by both unions and NGOs (Interviews, 2021). Others have pointed out that many do not realise they are subject to precarious working conditions and do not identify themselves as victims. Here, several cultural factors need to be taken into account, and a comparative lens is needed. First, most migrants working in low-skilled jobs come from rural areas of Romania and Bulgaria where they are likely to have experienced worse living and working conditions than the ones in the UK. "Their resilience is so strong that whatever basic/substandard conditions they get in the UK, conditions are not shocking because they are likely to be better than the conditions that they had previously" (Interview 13 and 14,

2012). Romanian authorities (Interview 13, 2021) also warn that the “inhuman conditions” of accommodation decried in the UK, for instance, are a matter of perspective. Most workers come from rural villages where running water, for example, does not exist, so living, even in the UK perceived sub-standard conditions, often does not represent sub-standard conditions for some of the rural Romanian workers if placed in comparative perspective with what they are used to.

Second, migrant workers are likely to come to the UK, as shown in Table 1, through acquaintances and with no job secured prior to embarking on the journey abroad. This means that they are often trapped into a chain of networks where social obligation towards a friend and acquaintances who found them the job, complemented by a concern that they may create “problems” for others, works as a barrier to reporting irregularities.

Third, when adding the lack of language and digital skills to reporting a problem anonymously online or on the phone, the likelihood of reporting further decreases. Even if one sets aside the risk of losing their job, the chance for a worker with low skills and limited English of getting a new job is low. Moreover, the equivalent of an easily accessible “job centres” like the ones in the UK does not exist in Romania or Bulgaria; even recruitment agencies are hardly, if ever, present in rural Romania or Bulgaria.

Fourth, fear of authorities or lack of trust in authorities based on experiences from their own countries will act as an obstacle in reporting labour issues (Interviews 11, 13, 14, 15, 22). The Roma community, for example, have often faced discriminatory practices in their home countries and historically there has been a lack of trust in authorities and fear that they will be seen as perpetrators instead of victims. Most migrants in low skilled jobs come from villages and their negative experiences are based on their dealings with local authorities rather than national authorities (Interview 14, 2021), whose professionalism can be questionable. Corruption has been a significant problem in Romania and Bulgaria that has pushed many to leave the country (Crisan et al, 2018; Hail, 2020) and is closely linked to lack of trust in public officials (Lagarde, 2018). This may consolidate the concern that “nothing will be done” even if irregularities are flagged up. Dealing with authorities may also be linked to “mistrust in one’s abilities to deal with bureaucrats, it’s a class issue, not only a trust issue” (Interview 11, 2021).

Fifth, culturally, the older generation, in particular, is resilient and is not used to speaking about their problems, social pressure, stigma and discrimination are common in tightly knitted groups or communities. NGOs and community hubs are rare outside the big cities in Romania and Bulgaria and they largely remain a foreign concept to many. Accessing such a service abroad is therefore not a known or a natural choice.

Other reasons why workers may not report abuses include the fact that they are financially driven and have a short-term perspective on their stay in the UK. Workers “express gratitude even for a meagre amount of money earned” (Interview 9 and 14, 2021) and work in the UK on a temporary basis only, planning to return home once they saved sufficient money. Their main aim is to keep their job, save money and ensure they can send remittances back home.

Additionally, many workers arrived in the UK post 2013 when restrictions on Romanians and Bulgarians joining the labour market were lifted. This coincided with post-austerity period where significant cuts were made to a range of public services. The newer wave of migrants has been therefore left with less infrastructure in place, less guidance and support regarding how the system can be navigated. A community worker explains:

When Romanian and Bulgarian entered [post 2013] what I noticed is that things have been put in place, let's say for other nationalities at the time. For example, agencies were mainly working in their own language, Polish, Lithuanian Latvian. There were translations for let's say going to the Doctors and another access to different services was translated in Polish, Lithuanian Latvian. People with skills occupied a position in community. So when Romanian and Bulgarian came,

these services stopped providing such support. Also, I felt that generally Romanian and Roma had very little information on rules and regulation in the UK (...) and they missed out (Interview 20, 2021).

Limited services combined with a low education level and literacy skills which made people reliant on others who could share information and navigate the system, enhanced workers' vulnerabilities. This applies particularly to Roma community, as due to low literacy rates (European Union Agency for Fundamental Rights, 2014) and close family ties, "they are mainly trusting and following directions are given by the others [within the group]" (Interview 20, 2021).

People that I feel are abused work on a field. I cannot make that connection with them. I see them in the group, driven to do their shopping and being picked up all the time. I can't approach to speak with them (...) I am aware that some of them were brought in [the country] to work by a gang, [they are] working in a field where they are brought in by bus straight to the location from the accommodation where they live in multiple occupancy, etc. The gang would be taking them to work and even doing the shopping by van, so it's all controlled by the gangmasters. Sometimes, the gangmaster would be Romanian or sometimes they would be from another nationality. I am also aware that the gangmasters will swap them in the groups, so they work in here only for about 3 months, right? And then, they take them back and bring another load in and so on. So that has obviously stopped workers from accessing the registrations or, let's say the GP or they perhaps don't have a National Insurance or NHS number. If they wanted to attend any services, for example, they would be asked for a number which they couldn't provide.

The problem with this is that, and I think the main issue is, the language and lack of education of their rights in UK. Even with some information given, most of Romanian and especially Roma nationalities are happy with the arrangements. Although I see it as abuse and slavery, they see it as "better than what I had before", and it's very difficult to have a conversation about their rights and how they can move on from there and better themselves. You know to have access to other agency work, education, that sort of things. I have tried my best offer free English language courses which they can, you know, help them in the future and that was a really, extremely difficult (...) The biggest barrier is the will of actually changing themselves, yeah. So if they don't have a willingness of changing something, we cannot implement that (Interview 20, 2021).

Overall, while it is important for workers to know their rights, we believe this is a more nuanced discussion. Workers are constrained by other things too, by debt as the survey showed, by the nature of the initial recruitment process and social networks in which they function, lack of language skills and confidence in their ability to get another job, resilience and financial drive, as well as a comparative perspective with their home countries which may skew their perceptions of their situation, among others. Of course, during a crisis, where employment is scarcer and movement is constrained, some of these vulnerabilities are amplified. We subscribe to the view that "Lacking sufficient work or income, people are more willing to accept exploitative conditions without protection or the ability to complain" which presents a risk of a "continuum of exploitation", whereby bad working conditions easily deteriorate into serious forms of labour exploitation, such as forced labour and human trafficking" (Hoff, 2019).

Challenges encountered by businesses

Given the interconnection between business practice and worker welfare, it was important to capture the experience of businesses during the pandemic within this study. This section looks at the challenges businesses faced in more detail. It draws on interviews with four businesses, two of which are some of the largest in the agriculture and food industry and employ a large number of Romanians and Bulgarians, one large recruitment company operating in these sectors, and two organisations that represent businesses.

Covid-19

Higher costs

By January 2021, the UK's GDP was down by 9% in comparison to February 2020 (ONS, 2021). Undoubtedly, managing the effects of the pandemic was a costly exercise for businesses. Farmers were reportedly forced to “restructure businesses, increase borrowings or face insolvency as result of falls in agricultural commodity prices, the food-service sector shut down and decline in demand for certain products” (Thomson Reuters, 2021). The horticultural sector has also been hit by the government's requirement to temporarily close businesses at a peak time for selling their products; for example, farmers reported that over 200,000 tonnes of potatoes did not make it to their destined food industry and over 1 million litres of milk have been wasted (Thomson Reuters, 2021).

Businesses incurred costs for putting in place new procedures and guidelines, and personal protective equipment (PPE). Recruitment and staff retention also became more difficult as new labourers were difficult to find; in some cases people moved to a different employer or wanted to leave the UK earlier due to fear of being stranded in the UK (Interviews 7 and 10, 2021).

A meat business provides some examples of good practice:

I think we spent somewhere in the region, during [the pandemic] up until about September/October, around 2 1/2 million [pounds] on protective equipment and changing ways of working, shift patterns so that people weren't all congregating at the same time, plastic screens, etc. We've employed Covid marshals to make sure people are social distancing on their breaks. There's daily audits done weekly to check that all Covid measures are being followed. We also have been participating in, where we've had small outbreaks, in lateral flow testing. On our sites and we need to have a negative test lateral flow test done before we can go on to site. And then restricting, we've restricted a lot of people from traveling in between sites, and...movement between sites and allowing visitors into sites. We have a Covid incident management team to deal with any issues or cases as they come up. (Interview 3, 2021).

Due to the late government response to the pandemic and the limited guidance in place, in some instances businesses were forced to put in place their own guidelines.

The government guidance on Covid was useless. Um, so we set up together with, so it's a group for retailers and suppliers we set up a website called foodfarmhelp.com and that was designed to bring together everybody's best practices and templates etc for a production kind of site and then also a farmer or a grower level. We also worked with Public Health England and others to develop guidance, templates, best practice, you know, what to do if you have an outbreak, how to manage it, what paperwork you should have, what kind of policies and procedures you need. So, we set that up specifically because there was a gap in government guidance or government assistance. As in it wasn't, there wasn't any [guidance] really. We basically paid a consultant to take all the logos off everything and kind of pull anyone else's is together, so it was people like bigger food companies and us. Take all the logos off anything that referred to our sites and then just create one kind of standard format. I would say amongst certain suppliers and customers it is normal practice to

collaborate and having that number of retailers and suppliers doing it. But then also we involved trade bodies, certainly we've never worked with Public Health England, and managed a kind of consultancy resource to do everything we wanted to do. Normally we develop things ourselves so this [experience] was a new thing (Interview 3, 2021).

Another key stakeholder in the industry confirms that:

factories who had breakouts, where there was no real guidance from public health. Where it felt like if you had a break out the- and this was initially, you know, there was no test and trace system. Tracing systems that were operated didn't work and companies had to set up their own tracing systems. Those who had a breakout didn't feel like they were being supported by Public Health England" (Interview 24, 2021)

A different business also explained how a new document called the Risk Assessment Method statement that they developed now exists under health and safety law. This allowed them to continue to run inspections on sites.

So we will scope out everything that they want to do. Then we look at that and apply our rules to it that we require for the protection of our workers, them and our staff, and add our managers that are involved in the audit. We then establish that some could be done remotely and some could be done on site and then we agreed it all. Once it was agreed that that was how we could then facilitate on that site and another site would be slightly different... that was then enshrined, if you like, closed off sent to the audit company and if you want to come in and do an audit, absolutely fine, there's your guidance. (Interview 7, 2021)

In some instances, the government test and trace system was conflicting with businesses' tests, creating confusion among workers. One company reports that they ran daily tests for all their staff, but the track and trace system would still warn workers on their phones that they would be fined if they went to work because someone else had been infected previously in their proximity. The company would ask workers to ignore the track and trace system because the daily tests were meant to overrule the track and trace, "but people didn't always trust us or knew what it was best for them to do" (Interview 3, 2021).

While some businesses have invested in prevention, others reacted too late to introduce protective measures at workplace or introduced marshals to maintain distance among workers, only to dismiss them later, claiming that they need to make financial cuts (Interview 4, 2021). As one interviewee put it, "Covid was new territory for many business leaders who are now judged not only for their profits but for their moral standing" (Interview 19, 2021).

Limited view into supply chains by businesses

Despite observing good practice amongst some businesses, it was less clear what happened within their supply chains, particularly at the end of chains where most exploitative practices often occur (Trautrim et al., 2020; Benstead et al., 2020). Due to Covid-19, one business explained:

our supply chain, because we weren't able to get out there and verify, one of the big impacts of Covid is we became blind. Because we've not been able to get out, verify and establish whether certain things and controls have been put in place. All we can do is speak for ourselves and know that we've done everything that we can. We've spoken to our suppliers and they have told us that, but we're not verified it. (Interview 7, 2021)

Another interviewee reported: "All clients are still audited either via an internal processes or via an external auditor. Naturally a desk audit is not as reliable as a physical visit." (Interview 10, 2021). A potential decline in the quality of audits was reported across the world and in different industries. This was sometimes put down to a lack of site inspection or due to the business model of companies who due to Covid required an immediate extension of their supplier base leaving them with no time to run a comprehensive modern slavery risk assessments (Trautrim et al, 2020; Hodge, n.d.).

Exploitative practices in relation to subcontracting work and supply chains remain a major concern across industries and more needs to be done in this sense by all parties involved. Despite the audits, there are issues to be considered around the self-regulatory standard for businesses, that is, the auditing company is only obliged to report abuses to their clients and not externally (Crane et al, 2019, p.98). The mandatory human rights and environmental due diligence law which is currently debated at the EU level may provide future recommendations on this (Anti-Slavery International, 2020; OHCHR, 2020).

Concerns over labour shortage and incomplete work

Concern was expressed over a labour shortage throughout the pandemic, particularly around Christmas, which is a busy for companies that produce seasonal goods and rely on seasonal workers; in light of Brexit and Covid, uncertainty remains over whether workers will return for the next seasonal peaks (Interview 7, 10, 19, 21, 25). Interviewees operating in food businesses that offer permanent jobs tend to be less concerned as workers are well settled in the workplace and the local community. One business operating in the agri-food industry reported that their initial concerns were alleviated because people who lost their jobs in other industries filled in the places they had available, however the restrictions associated with the pandemic raised this concern again.

We were concerned that there would be labour shortages. They didn't transpire because there was large numbers of workers that were kicked out of other industries. They were able to come into our sector. If anything, we saw more welfare issues. Because we had an abundance of workers who weren't getting a full week's work. So, therefore, we were seeing people that weren't eating lunch. And therefore when we were questioning them why they weren't bringing in lunch ('cause that's a health safety and welfare concern, somebody doing an 8 hour shift and not having anything to eat), we were then finding out that they were only getting one day's work a week. However, what we have then seen throughout the rest of the year is a drop off of workers. More and more workers returning home. Now there's a raft of reasons for why they've done it. Some are saying because they can't get work. Some are saying because if they're going to be put in lockdown, they might as well be in lockdown in their home country with their home families, yeah, but there's been a number that have returned. How big's that number? (Interview 7, 2021)

Similar concerns about workforce shortage are raised by other businesses. A survey organised in November 2020 with 116 labour providers and 110 food growers and manufacturers indicated that in 2020 they experience acute labour shortage, i.e. 50% of businesses reported shortages of lower skilled workers and 77% of labour providers were unable to meet clients' requirement, with 40% expecting to be unable to meet client demands for Christmas (ALP, 2020). A source disclosed knowledge of several reports "around farms reverting to the more informal mechanisms of circumventing the use of licensed labour providers, and operating with those in their community who said we've got workers, do you want them? I had a couple of reports of that" (Interview 24, 2021). Moreover, on average 93% disagreed with the Government's decision of not retaining a migration route for lower-skilled workers since many reported that costs to source labour are increasing (ALP, 2020) and acute labour shortages were expected to follow in 2021 (ALP, 2020; Interview 7, 2021). An interviewee occupying a senior position in large business concerned about workforce shortages explains that "when people come [to the UK] they have in mind that they'll be working for 12-14 weeks and then return home or build a life here. They move from one job to another as they want to progress from agriculture to manufacturing to shops and then acquiring the skills/experience to set up their own stuff or use the skills they had prior to arriving in the UK, for example hairdressing salons etc". The interviewee criticises the Government for thinking in "boxes", i.e. "thinking that workers come and want to come just for picking salad ignoring the progression and trajectory of a migrant's life" (Interview 19, 2021).

Poor responsiveness from agencies that were offering advice and inspections.

Businesses also explained that Covid-19 implied further risk assessment which meant that regulatory agencies they worked with could not respond to reports of suspected modern slavery cases as quickly as business needs required. In the words of a business:

Unfortunately, the GLAA is not quick enough, so for a GLAA investigator to get something back on a high priority is 2 weeks at the moment and Nottingham Intelligence is unresponsive. So if you've got a problem and you've got a suspicion so in this case, when this case started, you're talking 10 people we were suspicious [of being involved in modern slavery]... you need somebody then and there. And, for example, when I phoned one of the investigators, the only way I could guarantee it would get in there the next day, because otherwise they have to do a Covid-19 risk assessment, which takes a week 'cause they haven't got the resources to do, is to involve the police, hence calling the police for a safe and well check because then it's already a criminal investigation so they can respond without having to do a risk assessment" (Interview 3, 2021).

Case study: “pre-agreed” and well organised exploitation

A business describes one of the cases of labour exploitation identified by chance during the pandemic, in the summer of 2020. The case is complex and it involves a well organised criminal network that presented challenges to workers, businesses and authorities alike:

One worker said he is sick, the company said “we'll get you home”, but he said “I don't know where I live”. It turned out 17 other people were identified to be exploited. The head of the ring was making £1,700 per person because she was giving each worker £150 [per month] and wasn't charging them for transport and accommodation. It was difficult to convince the victims to realise the exploitative situation they were in because they said they agreed with the “head” on this amount of money prior to them departing from Romania. Victims were moved into hotels, but they didn't want to go into NRM, i.e. they didn't want to be placed in a hostel at the other side of the country, with no job, and alone, and couples wanted to stay together. In three years, we had only one worker referred into the NRM and 20 others didn't want to be placed in the NRM. We offered instead a permanent job and got their wages back too. We paid half and the other half was paid by a modern slavery charity. It nevertheless cost the company £35,000 to cover the expenses for 17 people, but we thought it was the right thing to do. Later, it emerged though that out of the 17 victims, 11 were in cahoots with the head of the ring. After subsequent police investigations, it turned out that the head was also investigated for drugs, and her family and acolytes were charged for trafficking and prostitution. The businesses participated along the police in the raid carried out at the residence where workers lived. The head of the criminal ring acted as if it was the most normal thing in the world. She was clearly used to it. The police arrested the two victims through which we realised that there were irregularities happening, to pretend they did not collaborate with the police and protect them. However, the police were too slow and the new legislation around charging people makes arrests difficult, which means that people get away, and this is exactly what happened in this case too. They [the perpetrators] left to their country to escape further investigations and they returned after a number of months where they most likely picked up their illegal activities again. This investigation was made more difficult by Covid-19 because we had to do everything in a Covid-19-safe measure there. It's more about kind of having space so there were 16 of them [victims] all together so it was trying to get to their homes and their properties and get them out, together with the GLAA and the police, you know, we ended up with kind of 11 or 12 cars just to be able to do it in a Covid-19-safe manner and then having to find room because you can't put them all in together. And have a room big enough for them to be able to stay once we got back onto site etc. So more logistical challenges derived from the pandemic. And what had happened in this case is that the controllers that were working on the site and acting as the controller's eyes actually came through a different agency earlier, set themselves up, got themselves promoted to supervisors, and then controlled two lines. When the storm of Covid-19 came, most of the staff that

were based in the office, either they didn't want to work in the office or were home during the first lock down. So all the checks and balances weren't happening, and that's how the controller got somebody into the office that was infiltrating, that was working for her. (Interview 3, 2021)

Good business practice from other countries

We have drawn on several other countries, i.e. Germany, Italy, Spain and Canada, which similarly to the UK rely significantly on migrant workforce in the agricultural sector. By looking into these countries, we were able to examine their approach towards their temporary workforce during Covid-19. Findings from this short analysis feed into the recommendations.

Germany

Political pressure mounted in Germany to enforce new legislation for workers in the meat industry after several Covid-19 outbreaks originated from meat industry premises. Terms were agreed to the “occupational health and safety monitoring act” (*Arbeitsschutzkontrollgesetz*) on 27 November 2020 (Happ, 2020). The legislation also aims to improve standards for accommodation of seasonal workers in both agricultural and meat industries, including when such accommodation is located off-site. This includes requirements for accommodation “to be equipped with facilities for washing and drying clothes and dining areas have to feature facilities for preparing and storing food and for washing dishes”. (Happ 2020).

On 1st January 2021, contract work was banned for companies in the meat industry with 50 or more workers, with this extending to temporary agency workers from 1st April 2021 (Happ, 2020; Erol and Schulten, 2021). Businesses were instead required to directly employ workers, now liable for abiding by accommodation and hygiene regulations, which was previously commonly avoided when using subcontractors (Scheid, 2020).

Other measures to be enforced include the introduction of a digital system to log working hours in order to ensure that the legal requirement for workers to not work more than 10 hours per shift is met. Fines for violations have also increased from €15,000 to a maximum of €30,000 (DW, 2020; Happ, 2020). Furthermore, inspections will be expanded, with a new inspection ratio of at least 5% of workplaces per annum (Erol and Schulten, 2021).

Such measures can be seen as a first step in tackling issues raised by groups such as the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT), who have emphasised the deleterious role played by subcontractors in the meat industry in consistently weakening labour standards and the consequent role this has likely played during the Covid-19 pandemic. The use of subcontractors has been linked with longer workdays, disproportionate unpaid overtime compared to workers who are directly employed, and inappropriate accommodation standards (EFFAT, 2020, p.8).

New laws that came into force in June 2020 recommend German employers to send the pertinent documents to seasonal agricultural workers in their preferred language, prior to their arrival in Germany. The documents include employment contract, and a contract about ancillary costs, information on living and working conditions, such as hygiene rules and proof that the worker is covered by health insurance (Curtain, 2020).

Canada

Throughout 2020, multiple scandals broke out in Canada after over 1,700 migrant farm workers were infected with Covid-19 in Ontario alone and three others died (Faraday, 2020). Amid concerns over the safety of migrant workers, the Canadian Government was forced to act and a number of measures were taken: it increased the number of inspections, provided more support to workers, and imposed severe sanctions on farmers not complying with the standards required.

Bibeau, federal Minister of Agriculture and Agri-Food, warned that “employers will be responsible for ensuring that workers are free of COVID-19 symptoms before getting on the plane and enforcing self-

isolation measures after arrival in Canada”, otherwise they risked losing the right to hire foreign workers (Greenhouse Canada, 2020).

Inspections have also been ramped up and an additional 200 people have been trained to conduct labour inspections. Inspectors’ authority also been broadened. According to the new bill passed by the Government in December 2020, inspectors can now “issue compliance orders where an employer is found to have contravened provisions of Part III of the Code (Standard Hours, Wages, Vacations and Holidays), the corresponding regulations, and conditions related to excess hour permits” (Anandarajah et al, 2020). Penalties can “range from issuing orders to laying charges, with the maximum charge at \$1.5 million for a corporation and \$100,000 for an individual, along with the possibility of a 12 month prison sentence” (CBC News, 2021).

Spain and Italy

In an attempt to cope with potential labour shortages in the agricultural sector during the Covid-19 pandemic, countries such as Spain and Italy have introduced various measures to make these jobs more attractive. Spain targeted foreign workers and the unemployed in particular in order to minimise disruptions in the food supply, with an aim of hiring 75,000-80,000 workers to avoid a shortfall (thelocal.es, 2020). Foreign workers whose work permit expired between 15th March 2020 and 30th June 2020 were automatically extended until 30 June 2020. Subsequently, this was extended to 30 September 2020 (European Migration Network/OECD, 2020, p.10). 18 to 21-year-old third-country nationals who held a residence permit were also issued a temporary work permit (European Website on Integration, 2020). During the pandemic, the unemployed in Spain have also been allowed to work in the agricultural sector whilst being able to claim unemployment benefits (thelocal.es, 2020)

In comparison, Italy introduced a regularisation scheme in May 2020 which targeted the thousands of undeclared migrant workers in the agricultural sector, along with care and domestic workers, to minimise labour shortages and aim to better protect the health of its citizens (ETUC, 2020). The measure is inclusive to various groups of workers, including EU and non-EU migrants and undocumented foreign workers (Open Society European Policy Institute 2020, p.10). If foreign nationals’ residence permits had expired after 31st October 2019 but they could prove that they had worked in the relevant sectors, they could apply for a 6-month permit to search for work in these sectors. Alternatively, employers could apply on behalf of their foreign employees who were in the country before 8th of March 2020 for fixed term contracts (Open Society European Policy Institute 2020, p.10).

Such policies potentially give a glimpse into how post-Brexit Britain will have to grapple with the implications of increasing competition for agricultural workers.

Overall, these brief case studies show how the Covid-19 pandemic pushed different authorities to act by tightening regulations around workers’ welfare, some of which were long overdue.

The intersection between Covid-19 and Brexit

Covid-19 alone brought unprecedented challenges for both workers and businesses, but its intersection with Brexit has given rise to further complications which risk increasing workers' vulnerability to exploitation and trafficking. Two points are of critical importance, one around the extent to which businesses will manage to recruit sufficient workforce and interlinked with it, the extent to which labour abuses, exploitation and trafficking are likely to intensify. The introduction of the new visa system and seasonal workers programme, which allows only 30,000 workers in the edible horticulture, may lead to workforce shortage. This remains uncertain due to the lack of data available and the flow of workforce in the past.

The number of seasonal workers needed in the UK agricultural industry is unknown. Estimates vary from 40,000 to as high as 90,000. A large labour provider explains some of the difficulties: "We estimate the industry needs circa 40, 000 workers if those workers stay for the whole season and are flexible in the type of seasonal work they will do. In reality not all workers stay for the full season or will do all jobs required which pushes the number up towards the 70, 000 estimated by the NFU" (Interview 10, 2021). On the DEFRA website there is no information published on this. Taking into account the returnee rate, particularly in light of Brexit, and the completion rate are crucial to enable us to have a better estimation of the labour demand in key industries. This will support businesses, inform better migration policies and domestic initiatives such as the Pick for Britain Campaign – whose success was highly questioned. A large labour provider reported receiving 15,000 applications, but with a level of successful placement of 3%. Out of the 450 UK based workers, including British and EU citizens living in the UK, less than 4% completed their assignments (Interview 10, 2021). Another source reported 5% success in recruiting British workforce based on a survey conducted with multiple businesses operating in the agricultural sector (interview 25, 2021). Jobs in the agricultural industry are usually located rurally, people are unwilling to move, or undertake physically demanding work and as one labour provider explains, even when recruitment was initially successful, as soon as the industry reopened, people returned to their original jobs or took up jobs in hospitality or cleaning (Interview 7, 2021).

Beyond this large discrepancy in the data, as one of the businesses bluntly put it, the main concern is that "we will not run out of people, we'll run out of *legal* people" (Interview 7, 2021). According to the new rules, the programme will operate with four scheme operators, including Pro-Force and Concordia, the two largest recruitment agencies in the UK in the agri-food industry, and two other agencies unnamed yet by Department for Environment, Food and Rural Affairs (DEFRA). Workers will be sponsored and employed directly by these operators, who will in turn place workforce where demand is needed. Despite the initial concerns over tying a worker to an employer which in the past has been seen to lead to an increase in vulnerability and potentially exploitation (Clibborn and Wright, 2020; David et al, 2019), one of the operators explains:

We're the next best thing in terms of avoiding a farm being in complete control of that worker, because the worker can be transferred somewhere else, albeit we have to be involved in that process. So in the last 12 months under the pilot we had 447 transfers granted, so that's about 10% of the workforce moved jobs. It was 100ish that were refused and they would have been refused for the worker wasn't performing to the right level at one farm, so we wouldn't transfer them to a new farm (Interview 10, 2021).

It is nevertheless important to monitor this matter and draw lessons from the Seasonal Agricultural Workers Scheme (SAWS) and ensure that the scheme operators are not in the majority of the cases

the same as workers' employers, and that workers avoid a tight relation of dependency by being reliant on employers for both work and accommodation (FLEX, 2019).

Workers will therefore be able to retain some choice and negotiation power about where they want to be placed, which is extremely important. A researcher who works closely with farmers states that it will be the relationship between smaller farmers and agencies that will present “the greatest opportunity for organised crime groups to shift their business practise” because it is underdeveloped and smaller farmers may struggle to compete and attract workforce, particularly in a labour shortage (Interview 21, 2021). In light of Brexit, “those farmers that are lucky enough to already have those relationships in place (...) those relationships will have to be developed beyond the workers themselves. Farmers will have to make those links with agencies that that that can get these people and who can, you know, assist with the visa application process and all of the bureaucracy that surrounds it” (Interview 21, 2021).

The lack of data or conflicting existing data leaves a question mark around this matter and we may have a more accurate picture only once the settled registration process ends on 30th of June 2021, the deadline by which EU citizens need to register if they wish to continue to live legally in the UK. Based on the survey we conducted, a large majority of the respondents have applied for settled status. In many cases, support has been offered to fill in the application forms by recruitment agencies, businesses, NGOs, embassies and local councils.

Table 4: Applications made for (pre-)settled status

(Pre) Settled status	Count	Percent (%)
Yes, I have applied	389	89
No, but I intend to apply	31	7
No, I will not apply	8	2
No, I am not sure what I will do	5	1
I am not sure what settled status means	4	1
Total	437	100

Covid-19 and Brexit compounded multiple challenges for organisations and authorities that support workers. Three NGOs reported during interviews in February 2020 that public services and bodies are asking people for confirmation of settled status if they wish to access certain public services, despite legally not being allowed to do so until 30th of June 2021 (Interview 11, 12, 17, 2021). This occurred against the backdrop of multiple public services running at lower capacity than usual since the pandemic began, leaving some people feeling “stranded” and without support (Interview 11, 17, 22). A Romanian official explains further the impact of Brexit and Covid-19 on workforce and their workload:

You have the working restrictions now. And you also have the travel restrictions, and very often you see both these restrictions happening and you know, taking shape at the border. So we already had several cases of Romanian nationals, including seasonal workers (...) we had like 80, a couple of weeks ago being stopped at the border. So, seasonal workers to be stuck at the border. They were brought here by a well-known recruitment company, and they were under the impression that they could still bring them here, because some of them, not all of them, had been in the UK before the end of the year, in the last six months of the year. So based on the USS system, those in the

UK before the end of the year can still apply for settled status until the end of June. So they brought them here and they argued with the border force. Anyway, there was a long discussion. We got involved as well, trying to convince them that, well, based on what we knew from the recruitment agency and from some of the nationals that got in touch with us, the bus drivers and so on, they still have a right to apply so they can still work in the UK until the end of June, and Border Force or an employer should not check the status until the end of June. That wasn't the case and they were refused entry. Firstly, some didn't have a visa for seasonal workers who need a visa and secondly some of them didn't comply with the Covid-19 restrictions. (Interview 23, 2021).

Post-Brexit, with the introduction of the new point system and the settlement period coming to an end, with businesses facing potential labour shortages and people still grasping the new rules, more such instances are expected to occur.

On the other hand, before the end of the year. I've seen other cases where bigger recruiters here in the UK have already applied for settled status for seasonal workers here in the UK so hundreds of ID cards being sent to Liverpool with their applications. They approached the embassy to ask because of course the application was delayed. It took a few months for them to obtain the documents back and they wanted to travel back to Romania obviously for Christmas, so they approached the embassy saying look guys, I've lost - all of them have lost their documents...we need travel documents for 80, 90 people (Interview 23, 2021).

From March to June-July, the Romanian embassy in London received around 12,000 calls and 11,000 emails from citizens seeking advice on how to find flights to leave the UK to solve accommodation issues; the backlog of applications for passports became months long which in turn had a domino effect upon settled status and visa applications.

I had to shift somehow the whole system by you know, usually we deal with passport requests, applications, people coming here and we assist them on the spot. You issue documents and so on. And this is 90% of our activity. 10% is consular assistance like in these cases. During the pandemic from March all the way to July, June, June, July, August even, we had to change this percentage. So 90% of the activity was consular assistance and only 10% issuing documents (Interview 23, 2021).

During the pandemic, competition for workers in key industries such as the agri-food industry has amplified as seen from the Italian and Spanish case studies too. The costs and extra bureaucratic steps required to now access the UK labour market may mean that businesses may have to make employment packages more attractive in order to retain and attract their seasonal migrant workforce.



Discussion and conclusion

1) Work contracts

Covid-19 has brought prominence to the wider problems of low statutory sick pay and zero-hour contracts for migrant workers, and a new issue in relation to the furlough scheme and fraud around it. First, statutory sick pay is insufficient to meet basic needs and more protection for low paid and low-skilled workers is needed to facilitate isolation during periods of illness. Second, several of our interviewees agreed that the reduction or elimination of zero-hour contracts “would totally disarm gangmasters from taking advantage of people” (Interview 20, 2021). A stable employment contract, albeit seasonal but securing a specific number of hours for a specific period of time, would help to minimise people’s need for multiple jobs, limit dependency on third parties for accessing additional employment and give migrant workers security for longer term periods and the ability to settle in one place. As one interviewee commented, “Zero hours contracts concept is a boon for OCGs [organised crime groups], because they know they can pick and choose” (Interview 21, 2021). The precarity of zero-hour contracts needs to remain visible on the public agenda until regulatory gaps are addressed and social protections are strengthened (ILO, 2016).

2) Access to employment-related advice

Based on the surveys, the majority of workers surveyed express confidence in collecting data, reporting abuses and have some knowledge of their rights. Their agency appears to be restrained by factors such as low income, a lack of confidence in their language skills to report problems at work and ethnicity. Based on interviews, debt, social pressure and cultural aspects may also impede them from identifying themselves as victims and reporting exploitative situations. Another issue that emerged from this research is how to enable people to access the correct information. In a culture where “word of mouth” remains the preferred source of information, official websites such as that of the GLAA (which has a low profile amongst workers) or Romanian Embassy are less likely to be accessed. There are several dozens of very active social groups of Romanians across the UK, some displaying as many as 50,000+ members, but the (pro-active) presence of key organisations is absent from these platforms and disinformation is widespread.

Moreover, it is important not only to inform people of “what I am entitled to” but “how do I get it” (Interview 14, 2021). Enforcement agencies, NGOs and employers have a responsibility to inform people not just about their rights, but how to access help. This needs to include provision of accessible information in community languages and ensuring the promotion of existing options for contact (helplines, apps etc). Key organisations including the new Single Enforcement Body would benefit from a higher profile.

Fraud around the furlough scheme has taken a toll on government coffers, with estimations of fraudulent claims being as high as £3.5 million (BBC, 2020). It has also impacted on workers who were uncertain whether they were furloughed or not. Several NGOs and workers we interviewed were suspicious that some companies had furloughed people, cashed in the 80% the government offered, but did not inform the workers and in some cases reduced their hours or left them on statutory sick pay where possible. It is therefore important to raise awareness about how people can check their personal tax account to verify who has paid taxes in their name and how much was paid (Interview 11, 2021).

Given that one of the common problems reported is the lack of holiday pay and awareness about entitlement to holiday pay, companies could also improve information by showing it on payslips or informing workers of their holiday days.

3) Support for workers

A major problem identified through this research is that inductions and trainings received by workers, as well as contracts, are often in English and not delivered in workers' own language, even if often there are no specific employment language requirements. A worker describes his experience:

when I first got a job at this factory it was through an agency; together with 5-6 other friends, we walked in and asked for work. At induction day at the factory where we were placed, out of 20 people, only one spoke English, that was me. We were all shown two video-clips, one on health and safety measures and one on modern slavery at the workplace, both in English. Then we were asked to fill in a test in English. At that point, the agency worker left the room under the excuse she needs to use the bathroom. She came back only when the test was filled. Because I was the only one who spoke English, I dictated the answers in Romanian to everyone else. The agency person gave us some time and returned when we had finished. We all got employed (Interview 2, 2021).

However, despite employers being aware of the low level of English of their employees, trainings take place in English. When unions asked for the training to be conducted in a language that reflects the composition of the workforce, the company simply asked workers from the factory to act as interpreters (Interview 2 and 4, 2021). A more systematic approach should be taken where companies provide workers with trainings in the language that reflects the composition of the workforce, as well as translated work contracts and information about their working and living conditions, as seen in the case of Germany. Nevertheless, further challenges arise when part of the workforce is illiterate. Trainings through videoclips and pictograms are examples of good practice that can overcome these challenges (Interview 3, 10, 2021).

Other good business practices include providing employees with key pieces of information in languages that reflect the workers' nationalities; dissemination of multilingual posters and leaflets; and collaborating with an NGO and providing 10 min drop-in services in various languages, where people can discuss issues encountered at the workplace (Interview 10, 2021).

The GLAA has set up helplines in multiple languages which reflect the nationality of the workforce in the industries that it oversees. Large employers can provide helplines themselves, but they are rarely used. A large recruiter and employer stated that "in terms of frequency of reports I would suggest our independent helpline received less than 5 calls a year", indicating that often workers prefer to speak directly to welfare officers on site (Interview, 10). However, and even if accessed infrequently,, they may still be beneficial as a safety net:

We have a phone line, confidential phone line for workers to call should there be a problem. It's not been used in the past 12 months at all. When I considered a couple of years ago actually 'cause it just doesn't get used, when I considered a couple years ago about taking it away because we're paying for this resource, actually a load of workers were upset about it, and the reason, their justification, was it's not about whether we use it or not. It's the deterrent. (Interview 7, 2021)

Workers could also be directed to helpful apps that can provide advice and enable them to report problems or concerns anonymously. Examples include the Clewer Initiative "Farm Work Welfare" App and "Just Good Work".

Other companies have initiated "buddy up schemes" where workers are buddied up with each other to give them a chance to talk about their work and home life, as a way of identifying signs of exploitation. In the same spirit, "mental health" campaigns that are not linked to modern slavery but may help to detect it, and represent good practice, particularly during Covid-19 and similar crises that exercise extra pressure.

"Are you OK?" Campaign. It's a very very simple system. We don't link it around modern slavery. We just ask people to ask a fellow worker, "are you OK? Are you OK?"- if somebody's not, at least they're having the opportunity to say "No actually, I'm not" (Interview 7, 2021).

The media needs to maintain a watchdog function to raise awareness of exploitation where it exists and apply pressure to ensure that abuses of power are addressed, but a “name and shame” approach is not always productive. Such tactics encourage businesses to cover up exploitative situations, rather than reporting it to the police, or drop suppliers where concerns of exploitation are identified, out of fear of receiving “bad press” themselves. In one incident reported by an interviewee, it was uncovered that 300 people were tricked by a company employee into paying for attaining a job, which turned out not to be what was promised. The company knew a national newspaper was writing a story on labour exploitation that week and did not want to be caught in it (Interview 7, 2021). When the fraud was uncovered, the company sacked that person, rather than reporting it to the police. This meant that they got rid of the problem for themselves, but the problem may have been re-created somewhere else. More widely, there are large supermarket suppliers who are extremely sensitive about the labour exploitation in their supply chain and their approach is to cut off the supplier straight away and distance themselves from it, so that their brand remains protected. The risk with this approach is that suppliers are less likely to come forward with cases of exploitation and more inclined to deal with them in-house, rather than tackling the root of the problem. Responsible businesses should not drop suppliers, but work with them to improve their practice and put in place more efficient safeguarding mechanisms. Due diligence checks and audits therefore remain essential in supply chains, but it also has to be acknowledged that crime happens not only within businesses but around them, through provision of housing, transport and other goods that allow gangmasters to exercise control over workers’ lives. Such challenges can only be addressed by a successful collaboration among businesses, suppliers and other public bodies and through a system where businesses are encouraged to report criminal exploitation.

Multiple businesses and NGOs reported the need for further collaborations within the industry and more data sharing. Broader collaborations may also help shed light on missing data around the agri-food industry and seasonal workers.

4) The vital role of community-based NGOs

Not only is there a need for a more robust online presence, but also for community presence. The limited presence of community organisations to bridge the gap between individuals and authorities is problematic (Interviews 17 and 20, 2021). Many Romanian and Bulgarian workers arrived in the UK post 2013 when restrictions on joining the labour market were lifted. This coincided with post-austerity period where significant cuts were made to a range of public services. The newer wave of migrants has been therefore left with less infrastructure in place, less guidance and support regarding how the system can be navigated.

Romanian authorities in the UK have recently started to “tour” the country so that they can reach more communities around the country, providing them with necessary advice and guidelines. These types of initiatives are welcomed, although it does not replace the role that a constant and well-established organisation could play in the community. Such organisations could also help prevent those who try to take advantage of the newly-arrived and offer services such as filling in a GP registration form, school enrolment forms or translating a letter in exchange for fees ranging from £50 to £400 for a “complete package” (Interviews 9, 12, 17, 2021). Further engagement with other institutions such as schools and churches may prove useful in reaching out to communities and ensuring culturally sensitive services are delivered. Similarly, better political representation of EU nationals at the political level to reflect the demographic of the EU citizen local population would improve the identification of needs at local community level and support integration (Bulat, 2020) in a culturally sensitive manner (Interview 9, 12, 22, 2021).

5) Enforcing labour rights

The UK government is currently restructuring labour market enforcement agencies, and the GLAA will soon be replaced by the new Single Enforcement body for Labour Rights. This research reveals some important findings to inform planning for the Single Enforcement Body. At present the GLAA is significantly under resourced. The compliance team has only 11 full-time and 2 part-time labour inspections on the payroll to cover the whole of the UK (Interview 16, 2021). The International Labour Organisation's guidelines recommends one inspector to 10,000, but in the UK this ratio stands at 0.4 inspectors per 10,000 workers (FLEX, 2020). The intersection between Covid-19 and Brexit makes resourcing for enforcement even more important. Almost unanimously our interviewees expected labour exploitation and illegal employment to increase post-Brexit. The points-based visa system means that some workers may find themselves living and working in the UK illegally if they are already based in the UK and have not applied for settled status or if they enter the UK as tourists with the purpose of working; these people are more likely to be at risk of exploitative work. Due to Brexit, there are more limited frameworks of cooperation between UK and European partners, which has reduced the ability to deliver cross-border task forces and police investigations (Interview 23, 2021). A higher number of inspections will be important to tackling the expected rise in exploitation.

Through interviews we also found that inspectors had different perspectives on the priorities of the GLAA, and that engagement with stakeholders seemed to vary across the organisation. The Single Enforcement Body also needs to clarify its priorities and make these obvious within their workforce and to external organisations. There is a lack of clarity over whether the GLAA stands for individual welfare or for collective welfare, whether they are interested in identifying criminal networks and trends or in prioritising individual workers' rights (Interviews 8, 15, 16, 22, 11). One NGO reported the language and focus on exploitation to be too dramatic at the expense of the most common labour infringements that occur (Interview 11, 2021). Accredited financial investigators on the ground would be a welcome addition to the current enforcement capabilities and could play a valuable role in assisting businesses to carry out investigation in a timely manner. On the whole, these observations support the ALP's call to improve the intelligence response, increase the number of inspections (currently 60% of licence holders have not been inspected within the last 5 years) and provide regular training to maintain inspectors' knowledge up to date (ALP, 2021).

The GLAA's current powers should be extended for the single enforcement body. Within the agricultural sectors, the Single Enforcement Body should be granted full powers to regulate farms that directly employ workers, which at the moment are beyond the GLAA's remit. At present, action of the GLAA is often limited to writing warning letters, which basically inform employers that some irregularities exist within their business and that they may be re-inspected. The Single Enforcement Body should have the authority to impose significant penalties, as in other comparable settings such as Germany and Canada (see p.49), that deter employers from engaging in illegal or precarious practices, and to ensure repayment of wages that have been withheld. Harsher prosecutions and restorative measures are needed to avoid previous loopholes where exploiters have been penalised only through insignificant fines (BBC, 2014), which shatters worker confidence in the authorities and in reporting abuses (Interview 8).

The Single Enforcement Body should also consider increasing its visibility. Workers and in some cases migrant workers who are union members did not know about the GLAA's existence or role. Enforcement presence could be stronger in the online space of communities that dominate industries prone to exploitation, and could also work closer with NGOs and Unions. A proactive approach rather than reactive approach to communications is needed, but of course resources are crucial.

6) The role of Trade Unions

Some national unions do not record nationalities of their members nor ethnicities. We strongly encourage unions to record these details because it may enable us to identify emerging trends or problems within different communities.

Attracting migrant workers, particularly seasonal workers, into unions is challenging, especially as unions offer fewer benefits due to the cuts in funding they experienced over the years. One union (Interview 5, 2021) describes a “mobile teaching program” for workers that used to run evening classes for workers, including foreign as well as British nationals who wanted to improve their language skills. These were sometimes purely English classes or English taught through flower arrangement or reading groups, providing a space for workers to pick up new skills. Language support used to be provided within factories as well. Pro-active engagement with unions may enable them to continue such projects and support workers within and outside the workplace.

7) Labour shortages

When at the March 2021 GLAA quarterly meeting, we asked 65 labour stakeholders, businesses, labour providers, labour associations and academics, about whether the level of labour abuse is likely to increase or decrease within the next year, 69% believed this is “likely” or “very likely” to increase, 20% believed it will not and 11% were uncertain.

In light of expected labour shortage over the summer of 2021, and changes in legislation post-Brexit, there may be an increase in exploitation amongst migrant workers who remain in the UK without the right to work, or have entered the labour market clandestinely on tourist visa. As several stakeholders indicated, the Home Office has not yet specified policy in relation to the prospective issue around EU workers remaining in the UK when they do not have the legal right to work (Interview 12, 17 and 24, 2021). As discussed earlier, Italy and Spain (see p.40), have already extended visa programs and also started a regularisation process for undocumented migrants with the aim to meet labour shortages, and address the well-being of the workers.

Summary of key recommendations

Recommendations for the UK Government:

- Ensure that levels of statutory sick pay are sufficient to cover basic needs.
- Reduce zero-hours contracts.
- Ensure the new Single Enforcement Body is appropriately staffed and resourced to monitor and address the full range of labour violations that can lead to exploitation, and its work and function highly publicised amongst employers and the general public.
- Fund and champion NGOs working with and within migrant communities (potentially through business-rates) to take on roles as advocates for migrant workers.
- Ensure funding provision dedicated to improving language skills amongst recently arrived groups via courses offered by further education providers and employers.
- Monitor cases of labour exploitation to identify and understand any impacts arising from the new visa system.

Recommendations for Enforcement Agencies (including the new Single Enforcement Agency):

- Develop communications campaigns that engage with existing social media networks, in community languages, in order to share important employment information, for instance, around applying for visas and accessing support to report workplace abuses.
- Develop draft model employee contracts, in multiple languages to promote good practice.

Recommendations for employers:

- Provide accessible information, in relevant languages, to employees regarding their employment rights in the UK, including information regarding relevant helplines (such as the Modern Slavery helpline) and relevant apps (such as Clewer Initiative “Farm Work Welfare” App and “Just Good Work”).
- Provide workers with an employment contract written in their home language
- Conduct training for employees in home languages, and ensure that training anticipates the needs of workers with lower levels of literacy.
- Provide workplace support such as drop-ins, helplines and buddying schemes
- Include information about holiday pay and annual leave on payslips

Recommendations for the media

- Consider alternatives to “shaming” businesses that are open about systemic and supply chain problems and prepared to address them. A culture of openness and collaboration has been essential throughout the pandemic, and is important to help all sectors deal with examples of criminality.

Recommendations for Trade Unions

- Ensure consistent records of members’ nationalities and ethnicities.
- Consider developing more programmes to support migrant and seasonal workers, and work with community-based NGOs to increase representation of migrant and seasonal workers amongst the membership.

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Interviews

Interview 1, food bank, online, 2021

Interview 2, union member and employee, online, 2021

Interview 3, national business, online, 2021

Interview 4, union member and employee, online, 2021

Interview 5, regional representative of a national union, online, 2021

Interview 6, worker, online, 2021

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