

## IASC policy paper: Roundtable on visa systems and long-haul recruitment in the agricultural and care sectors

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### Introduction

In February 2022, Independent Anti-Slavery Commissioner Dame Sara Thornton hosted an online roundtable in collaboration with the UK BME Anti-Slavery Network (BASNET).

Held under the Chatham House Rule, the roundtable explored the challenges of international recruitment in the agricultural and care sectors. It discussed the how labour shortages, and new immigration rules post Brexit, were changing the profile of the workforce. It also explored the added risks of long distance recruitment, and what extra measures businesses, government and law enforcement should be taking to protect migrant workers in the most culturally appropriate manner.

Attendees included:

- Agricultural scheme operators
- Recruitment companies
- Businesses
- Local councils
- The Gangmasters and Labour Abuse Authority
- Employment Agency Standards Inspectorate
- The Association of Labour Providers
- The Home Office
- The Foreign Commonwealth and Development Office
- NGOs
- Academics

### Context

For many years, the British has economy relied on a migrant workers to fill essential roles across a range of industries including; farming, construction, recycling, hospitality, cleaning, health and social care. However, recruitment routes have changed significantly following the UK's transition out of the European Union.

In an evolving scenario, government has been issuing short term visas for critically understaffed roles such as poultry workers and HGV drivers. It has also belatedly added care workers to the shortage occupation list. The seasonal agricultural worker visa scheme was expanded to 30,000 workers this year, with the option of adding a further 10,000 workers if necessary.

Employers were struggling to fill vacancies before Brexit. Now they are facing a perfect storm: many of the European nationals that went home during pandemic did not return. Others have relocated to find work inside the EU. A large proportion of Eastern Europeans with settled status have stayed on, but progressed to less labour-intensive and better paid roles. This has created an unprecedented number of minimum wage job vacancies. Despite initiatives such as Pick for Britain, UK nationals show little enthusiasm for filling those gaps.

As UK visa schemes open up to global recruitment, the worker demographic is shifting fast. Labour agencies from Nepal to Guatemala are aggressively promoting the UK as a lucrative employment destination. The number of workers from Ukraine, Russia, Belarus and Moldova has significantly increased. In the butchery and meat processing sectors, where the personnel shortage is particularly acute, the hunt for people with the right experience has expanded to South America and Southeast Asia.

Deceptive or bogus recruitment is not a new phenomenon, but chronic labour shortages, global poverty and the new immigration rules significantly raise the risk of unscrupulous agency activity directed towards the UK.

## Risk Areas

It was agreed by both companies and NGOs that the government's visa schemes play an essential role not only in supporting the economy, but also in giving opportunities and employment to overseas workers. This is particularly the case for those from poor backgrounds that are trying to break out of a cycle of poverty.

However, the recruitment process can create vulnerabilities in workers. A mixture of criminality, dubious practice or cultural factors can put migrants into unsustainable debt before they reach the UK. A number of factors were identified:

### **i) Application and travel costs**

Migrant workers must pay for their visa. When travel costs are added, migrants can typically be in debt for between £600 and £800 before they start work. Several attendees observed that these costs are unsustainable for individuals from very poor backgrounds.

Charging workers for a visa goes against the ILO guidance and the 'Employer Pays' principle that no worker should pay for a job. One attendee suggested that the visa cost often accounted for more than half of a migrant worker's debt.

### **ii) Corrupt agencies and the culture of recruitment fees**

Schemes such as the seasonal workers visa route clearly stipulate that workers should not pay a fee for their recruitment. Nevertheless, there is a culture in many of the labour sending countries of paying for favours and introductions. Many instances have been found of foreign-based agencies making charges before introducing workers into British schemes without the knowledge of scheme operators. In rural areas, there is a tradition of village elders making informal introductions in return for payment.

So deeply rooted is the culture of paying for a job that many migrant workers expect to pay for introductions, and in some cases feel more trust in the perceived party when they do pay. However, recruitment fees can leave workers trapped in debt, and may also leave their families vulnerable if they have borrowed from relatives, or used loan sharks to afford the escalating costs.

Workers are at particular risk if they do not speak English. Corrupt agencies may be filling out forms on their behalf, misleading them on the nature of the job, and grossly inflating the actual rate of pay. This could make a worker be more inclined to pay inflated fees not only for recruitment, but also for non-essential training and other unnecessary costs.

### **iii) Organised criminal gangs**

There is the risk of human traffickers and associated criminals bogusly recruiting people onto visa schemes, managing them into debt, then controlling and exploiting them in the UK. For example, NGOs had experienced cases of workers from countries such as Nigeria, Barbados and Ghana entering the UK already in debt bondage. They were forced to surrender passports and other documents and spend years working off the money they owed.

### **iv) Online Scams or misleading adverts**

Now the UK has opened up to recruitment globally, the potential for online scams is proliferating as bogus agencies pedal jobs that do not exist, leaving applicants vulnerable to identity theft, or having their bank details harvested.

### **v) Overstaying visas**

There is currently no monitoring of EU workers entering and exiting the UK. Some may be continuing to work in the UK without the required right to work documentation. Other workers may be overstaying visitor visas. Any worker that is undocumented is working illegally and will have no employment protection rights. They will be at high risk of exploitation from unscrupulous employers, and could be forced to work informally, illegally or be coerced into committing crimes.

### **vi) Potential abuse of the skilled worker visa route**

The skilled worker route is attractive for workers and businesses, and it also encompasses semi-skilled roles such as butchery assistants, poultry processors and bakers. Around 35,000 UK companies are skilled worker sponsors, and unlimited numbers of workers can be recruited. However, the question was raised around whether government was effectively monitoring potential abuses of this route.

### **vii) Cultural control**

In some parts of the world, criminals control workers through local cultures and belief systems. For example, in West African countries, agents will trick workers into heavy debt, then make them undergo ritualistic juju ceremonies, where they swear that they will not abscond with the money that has been “invested” in them. Once in the UK, migrants are controlled by fear for the lives of themselves and their families. This can be a strong factor in victims failing to come forward and report abuse, even if they know that there is a chance of being rescued.

**viii) Fear of shame**

Many victims of exploitation are ashamed to admit the abuse that they are suffering. They prefer to endure years of servitude rather than reveal to their families and friends that their new life abroad has not achieved the wealth and success that was promised. Some victims and their families hold the belief that the exploiter is effectively a “saviour”, giving them a rare and powerful economic opportunity. As a result, some victims’ families may even protect the exploiters, and not believe that their relative is suffering abroad.

## Specific area concerns

### **Agriculture**

One agricultural business talked of the challenges of seasonal working, where hundreds, or even thousands are recruited at the beginning of a season, but only stay for a limited period. In the past three years, the business has been recruiting from as far afield as Belarus, Ukraine and Moldova, as numbers of workers applying from EU countries such as Poland, Romania and Bulgaria decline.

In 2019, the first year of the government’s new seasonal worker’s pilot scheme, management heard rumours that workers from several countries were paying third parties fees to come to the UK.

To discover the true extent of the problem, the business initiated a programme of group discussions, encouraging workers to talk about their journey to the UK. Through this process, group facilitators mapped out where fees had been paid and charges made.

During these sessions, workers indicated that they thought the practice of paying fees was normal. As a result, the business has spent time educating the migrants on legitimate routes to avoid paying fees in the future. By arming migrants with the correct information, it was hoped that they would start spreading the message when they returned to their home countries.

The business also travelled to labour sending countries and carried out audits of the recruitment process, in order to retrospectively understand the issues. It is currently exploring the possibility of introducing remediation measures, for those that have been affected.

The business acknowledged that long term effort was needed to shift cultural beliefs and assumptions in the sending countries.

### **The care sector**

The care sector faces some differing challenges to agriculture. There are many types of jobs, from working in residential homes, to live-in care.

Unlike agriculture, labour providers to the sector are not licensed by the Gangmasters and Labour Abuse Authority (GLAA). One participant pointed out that, given that many care homes are small businesses, it is difficult for them to carry out effective due diligence on labour agencies.

Some aspects of non-compliance included the fraudulent use of national insurance numbers to register undocumented workers. Some workers were also subjected to unfair penalty clauses in their contracts, forcing them to pay back a large sum should they wish to exit employment early. As a result, they could be trapped into exploitative situations indefinitely.

The roundtable heard of a case study of a young underage girl trafficked into the UK from an African country. She and her family believed that she was going to work in the hair and beauty industry. However, after arriving, she was registered to an agency using a fake identity. She was forced to work long hours while the money went into someone else's bank account. This case was of particular concern because the girl clearly looked underage, but the agency had either failed to pick this up, or was ignoring it.

Roundtable participants noted that the care sector was behind the agriculture sector in terms of good practice, and some of the learning and principles should be transferred across.

## Emerging best practice

### Education and outreach

A recurring theme in the discussion was the need to educate communities and individual workers, to change the culture of recruitment fees, kickbacks and bribes in sending countries.

Some businesses are promoting the JustGoodWork app, which informs workers of their legal rights as well as realistic pay and conditions to expect in their destination countries. The app has been translated into a number of languages including Bulgarian, Romanian, Polish, Ukrainian, Nepali, Gujrati and Vietnamese.

Agricultural scheme operators have been collaborating on in-country advertising to let workers know that they should not pay a fee to enter the UK seasonal workers visa scheme. They issued an invitation for government agencies to become more involved with the strategy and campaign.

Operators have also been educating workers on their rights while they were in the UK. It was hoped that the workers would later influence their communities when returning home.

Outreach campaigns that targeted specific communities were cited as particularly effective. The GLAA recently ran a successful campaign targeting Romanian men. NGO Stop the Traffik worked with partners to run a campaign in Lithuania, targeting groups most at risk of forced labour. Following the campaign, 50% of the responders indicated that they could take preventative action. Similarly, a campaign targeting Latin American cleaners in the UK during the pandemic found that those that had been reached by the prevention programme were twice as likely to spot a fake job advertisement.

### Training

Some recruitment organisations said that they had put their employees through anti-slavery training, for example, on the StrongerTogether platform, and had been reinvigorating their training in recent months. One suggested that all GLAA licence holders could be asked to demonstrate that they had put their staff through relevant training on spotting the signs of exploitation.

## Intelligence

Participants acknowledged the importance of sharing data and intelligence on rogue actors and areas of concern. An 18-month pilot is running in the agricultural sector in which major suppliers and retailers are sharing data at an unprecedented scale, with the aim of tracking trends and potential indicators of exploitation. The findings of the Modern Slavery Intelligence Network (MSIN) will be used to inform future business strategy and also training materials for all participants. During the meeting, there was a general call for all parties – businesses, NGOs and agencies - to share more information and data.

## Building trust with local communities

Research has shown that there are very few channels of support for migrant workers in the UK, even from their own communities. In addition, studies found that even when workers saw posters in their native language, they were often reluctant to call the advertised helplines because they did not know the agencies behind them and did not necessarily trust them.

The meeting noted that building support networks for different nationalities was essential for increasing engagement and trust. Specialist NGOs with links to grass roots communities can play an important role in outreach, particularly because they have a closer understanding of cultural issues. For example, NGO Migrants at Work has been working with the GLAA to engage with and train employers.

## Recommendations from participants

During the course of the roundtable the following recommendations were made to reduce the risks of exploitation in both the agriculture and care sectors.

- Business and government should form more joint partnerships with grass roots organisations both at home and abroad, to better understand and address the cultural issues of migrant communities.
- Government, NGOs and business should collaborate more to roll out targeted education programmes for nationalities at risk.
- Licensed recruitment agencies should receive training on modern slavery and spotting the signs.
- Training materials should be made available for labour providers in sourcing countries, and translated into local languages to ensure full accessibility.
- High visa costs can be a significant contributing factor to workers being forced into debt before they start work. The government should consider low cost visas for workers from poorer regions.
- Poor quality and unsanitary accommodation can be a problem for workers. Labour agencies, councils, and visa scheme operators need to monitor standards more closely.
- All parties should share data on trends and indicators of exploitation to help build a fuller intelligence picture for the UK.