

Modern-day slavery?



For most people, any thoughts of slavery are now firmly consigned to a shameful episode in our history. It is difficult to imagine that people in the UK today are still being bought and sold, mistreated and abused. Pamela Fitzpatrick argues that, two hundred years after the abolition of the slave trade, slavery is still very much alive and well.

What is slavery?

Slavery has been defined as a person who is: in forced labour; or owned or controlled by an 'employer', usually through mental or physical abuse; or dehumanised, treated as a commodity or bought and sold as property; or physically constrained, or who has restrictions placed on her/his freedom of movement.¹

Who are the modern-day slaves?

Modern-day slavery takes many forms. Some people are trafficked from poorer countries into the UK with promises of work or safety, only to find they are sold to work in prostitution. Others are recruited by gang masters and find they are forced to work for long hours in unsafe conditions, for very low pay. Some make their own way to the UK, but are vulnerable and may be easily coerced into dangerous and exploitative situations. It can apply to people living lawfully in the UK, such as asylum seekers, migrant domestic workers and other work permit holders, but who live in fear of deportation and are consequently vulnerable to exploitation. Even some seemingly protected European Union (EU) nationals are being exploited because of the restrictions placed on the new EU members in terms of access to benefits and housing.

Forced labour

In 2005 the International Labour Organisation (ILO) reported on the nature and extent of forced labour in the world today.² It concludes that forced labour cannot be equated simply with low wages or poor working conditions. It has two elements: the work or service is exacted under the menace of a penalty; *and* it is undertaken involuntarily. In its most extreme, the menace can be physical violence, restraint and even death threats to the person or her/his relatives. It can be threats to confiscate identity papers or passports. The ILO identifies situations in which people working illegally were threatened with being reported to the police or immigration authorities, or denounced to village elders in the case of girls forced into prostitution. Other penalties can include withholding wages, or threats of dismissal if workers refuse to do overtime.

Trafficked people

The ILO estimates that worldwide there are at least 2.4 million people who have been trafficked into forced labour.³ About two-thirds of these work in the sex industry.⁴ Amnesty International cites Home Office research, which found that up to 1,420 women were trafficked into the UK for sexual exploitation in 1998.⁵ This figure was based on reported cases, so the actual numbers are likely to be much higher. In industrialised countries such as the UK, trafficked people also carry out factory work, domestic labour, agricultural work and construction.

The ILO estimates that there are 600 gang masters operating in the UK. People who have been trafficked or coerced into working for them often find themselves in bonded debt, and unable to leave. In its report, the ILO highlights the case of a gang master who imported East European workers for illegal factory work. They had to work seven days a week to repay the cost of their transport to the UK, food and accommodation. Once the debts had been cleared, they were required to work for at least one year for either no pay or, at best, a few pounds of pocket money a week. Salaries were paid into a gang member's bank account. The workers were watched carefully, moved from house to house, and kept in isolation. Any breach of conditions, including sickness absences, was added to their debt or deducted from their pocket money. Control was maintained through beatings, and threats of assault on workers and their families.

Migrant domestic workers

Prior to 1998, migrant domestic workers were tied to the employer who brought them to the

UK, making them effectively bonded workers. Many campaign groups highlighted the abuse that some workers experienced. As a result, the Government amended the immigration rules to allow an independent immigration status to be granted to migrant domestic workers and also to provide certain basic protection in employment law. Even with these improvements, there are still shocking cases of abuse. Kalayaan is an organisation working specifically with migrant domestic workers. In 2005/06, of the 387 people who contacted Kalayaan:

- 86 per cent worked 16 hours or more a day;
- 71 per cent had experienced food deprivation;
- 70 per cent experienced psychological abuse;
- 56 per cent had no private room or space;
- 23 per cent had experienced physical abuse.

When in-depth interviews with migrant domestic workers were conducted, it was found that the majority had also been sexually abused.

Asylum seekers

In the last decade we have witnessed the introduction of extremely harsh benefit and housing restrictions for asylum seekers. These have been criticised by campaigning organisations, religious leaders and the courts. In one case, the Court of Appeal held that the restricted access to benefits was inhumane, stating:⁶

The regulations contemplate for some a life so destitute that, to my mind, no civilised nation can tolerate it.

Most asylum seekers are now excluded from social security benefits and only permitted to work if they have been waiting for an initial Home Office decision on their asylum application for over 12 months. The delay must be the fault of the Home Office. However, as approximately 90 per cent of initial decisions are made within six months,⁷ only a tiny proportion of asylum seekers are entitled to work lawfully. A parallel benefit system exists for asylum seekers. This benefit is paid at a much lower rate than regular benefits and is subject to restrictions, such as not living in the south east of England. Many asylum seekers fall through the net.

Accession state nationals

Even nationals from the EU may find that they are left destitute and vulnerable to exploitation. Following the entry into the EU of the eight Eastern European states ('A8 states') in 2004, and Bulgaria and Romania ('A2 states') this

year, changes to social security and tax credits legislation now means that nationals from these countries can be left without any means of support. In order to work, A8 nationals must register with the Home Office. Once in work, they can claim in-work benefits such as tax credits, child benefit and housing benefit, but if they lose their job in the first 12 months, they also lose their benefit entitlement. Bulgarians and Romanians are subject to even greater restrictions and are largely confined to working in the food processing industry or seasonal agricultural work. They are treated in the same way as A8 nationals in respect of benefits.

A recent BBC investigation found evidence of EU nationals being paid less than the minimum wage and becoming bonded to their employer through debts for accommodation and food. According to the GMB trade union:⁸

A migrant worker can get 20 pence at the end of the week, working 50 or 60 hours, after all the deductions agencies make...

UK response

The UK has taken some positive steps to deal with this issue, introducing legislation to criminalise all forms of trafficking⁹ and signing up to the European Convention Against Trafficking. This guarantees trafficked people a period of at least 30 days during which they can receive support and temporary residence permits if it is dangerous for them to return to their own country. But the ILO argues that more needs to be done than simply criminalise forced labour. There have been very few prosecutions for forced labour offences anywhere in the world and the structural concerns that give rise to it must be addressed. It calls for both labour market regulations and migration policies designed to reduce the risk of workers becoming trapped in forced labour situations. In addition, our social security system must be reviewed. A benefit system that refuses to provide a safety net for migrants and asylum seekers, whatever their circumstances, will always allow modern day slavery to flourish. ■

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1 www.antislavery.org.uk

2 *A Global Alliance Against Forced Labour*, International Labour Office, 2005, available at www-ilo.org/declaration

3 See note 2

4 See note 2

5 www.amnesty.org.uk/article

6 *R v Secretary of State for Social Security ex parte Joint Council for the Welfare of Immigrants* [1996] 4 All ER 385

7 Home Office, *Asylum Statistics*, 2005

8 www.news.bbc.co.uk

9 See for example, the Sexual Offences Act 2004 and the Immigration and Asylum Act 2004

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No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 4 Universal Declaration of Human Rights 1948