

Uk migrant workers: history and policies



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Introduction

There has been a large increase in the number of migrant workers in the UK in recent years (McKay, Craw & Chopra, 2006). These increases have been spurred on by globalisation, the gaps opening in the UK labour market and legislative changes that provide many and varied methods for coming to the UK. While many migrant workers move into highly skilled jobs, there are also a significant number who carry out low-paid, low-skilled jobs in the UK. The pay and conditions in these jobs has become the focus of much interest, especially in the wake of the shocking deaths of 23 migrant workers harvesting cockles at Morecambe Bay. This essay, therefore, critically examines the history of migration and current policies, the ways in which migrant workers have been exploited, health and safety risks they face and legal protections that have been put in place.

History of migration and migration policies

The history of migration into and out of the UK is well established (Sriskandarajah & Drew, 2006). In the past the result of this movement has been that people have generally left the country: usually heading for Australia, New Zealand Canada. Then, more recently, people increasingly moved out of the UK to Spain and France. It wasn't until the 1980s that the UK became a country which had a net influx of migrants (Sriskandarajah, Cooley & Kornblatt, 2007). Net immigration reached its highpoint in the UK in 2004 at 222, 600; a year later it fell back by around 40, 000. There were a number of actors that caused this change. Dobson et al. (2001) explain that one reason for this change to net immigration was that the highly skilled could command better wages and obtain an improved lifestyle in the UK. In

addition there was also a large increase in the number of asylum applications at this time (Home Office 2006). Further, with the addition of new member states to the EU, there was increasing migration with 605, 375 people successfully registering to work in the UK from these new member states (Home Office, 2007).

Despite the net immigration to the UK, many do not intend to stay permanently. Spencer, Ruhs, Anderson and Rogaly (2007) found that only one-quarter of those immigrating from East and Central Europe intended to stay permanently. Others again, can be considered irregular migrants. These are people who have come to the UK without the correct authority.

Pinkerton, McLaughlan and Salt (2004) estimate there could have been as many as 430, 000 illegal immigrants in the UK in 2001. This number has been questioned, however, by Dorling (2007) who suggests this figure might incorrectly include US military personnel stationed here, and others, thereby artificially inflating the numbers.

Whatever the true level of migrants in the UK, both legal and illegal, there have been clear changes in immigration policies over the last few decades. Laws regarding migration into the UK have also changed rapidly and a large variety of different ways of entering the UK have been developed (Dench, Hurstfield, Hill & Akroyd, 2006). A recent Home Office report finds that there about 50 different methods for people migrating to the UK for both work and study (Home Office, 2005). Five schemes are identified as particularly important by Dench et al. (2006). The first of these is the Seasonal Agricultural Workers Scheme (SAWS). This was introduced to allow workers living outside the European Economic Area (EEA) to work in the UK carrying

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out seasonal work in the agricultural industry. Under this scheme 16, 250 people each year who are over the age of 18 and in full-time education are allowed to enter the UK for a period of six months to carry out mainly unskilled work. This includes picking and packing of crops and the handling of livestock. The regulations allow that workers may move employers in that period to take into account the variability in the harvest. Workers are supposed to be paid the minimum wage and provide accommodation, for which they are allowed to charge £27 a week.

A second scheme is the Worker Registration Scheme (WRS) which applies to people from the eight Accession States (those that have just joined the EU). In order to prevent mass immigration and the immediate claiming of benefits, workers moving to the UK are required to register, and only once they have worked without a break for 12 months are they entitled to full benefits and other rights. A third scheme is the Sectors Based Scheme (SBS) which is designed to allow workers to enter the UK to do a casual or short-term job. This only applies to two particular sectors: food manufacturing and hospitality although it has since been withdrawn from hospitality because of abuse (Home Office, 2005). A third scheme is the Highly Skilled Migrant Programme (HSMP) which is designed to allow highly skilled workers to enter the UK. The Home Office (2005) report states that many migrants entering the UK under this scheme are doctors or are working in the area of health. A fifth category, and the largest method of entry, is through business and commercial work permits. Broadly, this allows companies to recruit from outside the UK if they are unable to fill a position with a UK national, or it

allows them to move individuals between countries within the same company.

Motives for migration

At the highest level of analysis one of the main reasons for immigration is globalisation. Globalisation refers to a number of forces which includes the increased connections between knowledge centres, easier access to communications, easier and cheaper travel and an increased flow of labour (Somerville, 2007). Generally, then, there is much greater integration across large economic areas such as Europe. It has been argued that one of the defining signs of globalisation is immigration (Castles & Miller, 2003).

Somerville (2007) argues, therefore, that one of the major factors at the heart of globalisation and so migration is economics. As economic pressures change in the UK, so do the types of jobs for which immigration occurs. Salt and Millar (2006) show that in 2005 the industry in which most work permits were issued was health and medical services (26.1%). This was followed by computer services and management and business administration (18.1% and 11.8% respectively). Migrants are, therefore, clearly responding to the particular needs that the UK economy presents to them more readily than those already in the UK. This effect has been amplified by the fact that the UK has seen a period of uninterrupted growth of the economy from the mid-1990s until recent years.

Thus there are considerable macroeconomic effects affecting the increased levels of migration into the UK. These types of findings are also reflected in equivalent microeconomic phenomena. Blauw (2002) has examined the reasons why employers have a tendency to use migrant workers. Blauw

(2002) found that while employers tended to look first in the UK labour market, if they couldn't fill the positions they had available they began their search amongst migrant workers. Research carried out in Northern Ireland by Bell, Jarman and Lefebvre (2004) found that migrants were required in particular to fill both skilled and unskilled gaps in the labour market. It has also been found that migrant workers are often seen by employers as being 'better workers'. Reed (2005), for example, investigated migrant workers in the food manufacturing industry. It was found that the use of migrant workers had decreased the amount of sickness leave as well as the turnover of employees.

Many of these findings were backed up by research into employers of migrant workers by Dench et al. (2006). They also found that in the agricultural industry domestic workers simply did not apply for the jobs that required filling, while in the hotels and catering industry domestic workers were not prepared to work the flexible hours that were required for the job. Dench et al. (2006) points out that it is natural to assume that perhaps employers were not trying very hard to fill their jobs with domestic workers, given that migrant workers frequently provide cheaper labour. This idea, though, was strongly denied by employers who claimed that they had made extensive efforts to recruit domestic workers, but without success. Some employers in the agricultural sector reported that when they tried to recruit from the Jobcentre, potential employees would come for an interview just so that they could prove they had been for an interview, so that could claim benefits. Other employers in the same sector explained that domestic workers would often quit after only a few days' work. On the other hand

migrant workers often worked hard and stayed in the job. Some similar results were seen in the hotels and catering sector. The approach to their work that domestic workers showed was very low compared to the dedication that migrant workers displayed.

The amount of skill required for the job was also an important factor for employers (Dench et al., 2006). A good example was in the construction industry where employers especially valued Polish workers who were highly motivated and could fill the gap in skills that were seen in the industry. A similar picture in relation to skills was also seen in other industries. In the Finance and Accountancy sector employers complained that they couldn't get workers with the right qualifications. As a result they had agencies who would search globally for the right candidates. Overall, though, employers understood that the reason that they recruited migrants was that the same amount of money meant more to them than it did to domestic workers.

Of course not all employers accepted migrant labour, some said they were unsure exactly what standards foreign workers were trained up to, and others thought that their lack of fluency in English was a problem (Dench et al., 2006). Despite this, many employers saw considerable advantages in employing migrant workers. Migrant workers were much more reliable and likely to show up for work than domestic workers – some employers even had to remind workers to take their annual holiday. Employers also saw much lower levels of turnover with migrant workers. This was probably influenced by the fact that those registered on the WRS have to reregister if they move their employer. Further, employers reported that migrant workers were much more hard-working than domestic workers. This meant they were

often prepared to work longer hours and were enthusiastic about doing overtime. Although not mentioned by many employers it was also clearly a factor that migrant workers were more likely to be satisfied working for the minimum wage than domestic workers. Similar findings for why migrant workers are employed are also revealed by McKay et al. (2006).

There are also considerable incentives from the migrant workers' perspectives to come to the UK for work. Unsurprisingly one of the main motivations is the availability of work and the lack of work in their country of origin. Research conducted by Norfolk County Council and YMCA Norfolk (2005) found migrant workers were primarily motivated by the relatively high rates of pay in the UK compared to their country of origin. Many were particularly interested in learning English, especially those who were from countries that had recently joined the EU.

Exploitation of migrant workers

The motives for migration in terms of globalisation and its specific effects on the labour market clearly set up a situation in which exploitation is a possibility. A recent Trades Union Congress (2007a) report looked at whether migration hurts migrants. They conclude that despite the advantages for employers and the immediate advantages perceived by some migrant workers, there are also significant problems faced both at the macro- and microlevels. The World Bank (2005), for example, has examined the effects on worldwide economics of the international flow of labour. This finds that migrant workers themselves are certainly better off working outside their own country, however, migrants who stay in the same country actually do worse over the long-term.

Looking more specifically at the situation in the UK, though, reveals a much more mixed picture about the question of migrant workers. A variety of studies have attempted to look at the actual working conditions of migrant workers. A report from the Health and Safety Executive has looked closely at the types of risks to which migrant workers are exposed in the workplace (McKay et al., 2006). These authors point out that some previous evidence suggests that migrant workers face significant levels of exploitation in the workplace. Lawrence (2004), for example, has pointed to how the food industry has used migrant workers in order to drive down costs and increase productivity. There have also been a series of high profile cases in which migrant workers have been injured at work. In the worst of these at Morecambe Bay in 2004, 23 Chinese workers lost their lives while picking cockles when they were caught in rising tides.

Evidence from the Citizens Advice Bureau (2004), though, suggests the abuses of migrant workers are more systematic. They provide evidence from a number of different sectors about the conditions under which migrant workers are employed. In the care home sector it has been found that many well-qualified workers from other countries, such as nurses, have been promised work of a similar level in the UK but end up in positions that are significantly below their level, such as carrying out cleaning or other menial tasks. Employers will also frequently hold onto the migrant worker's passport so as to be able to intimidate them. As a result of this sort of intimidation, many migrant workers report finding it difficult to make any kind of complaint against their employer as they are reliant on the money earned to

send back home to their families. Consequently there is unlikely to be any change in the migrant workers' position.

Within the cleaning sector, the Citizens Advice Bureau (2004) report that there are a number of ways that migrant workers have been exploited. They report on migrant workers who have been recruited to clean motorway service stations for £600 a month, of which £200 is deducted for living costs of a shared room in a house. These workers did not receive a contract of employment, a National Insurance number or a payslip. The Citizens Advice Bureau (2004) also report on the recruitment of foreign nationals at universities in the UK who are given cleaning jobs after being told they will be paid in arrears – then they are simply not paid at all.

Within the hospitality sector more abuses have been seen. Again, the Citizens Advice Bureau (2004) report that workers are hired for cleaning or working in restaurants but are not given National Insurance numbers, or contracts, and are paid below the National Minimum Wage. In the agricultural industry, the Citizens Advice Bureau (2004) report that migrant workers negotiate with 'gangmasters' who present themselves as employment agencies. Workers frequently face very poor accommodation as part of the agreement for which they pay relatively high rates from their wages considering the accommodation provided. The Citizens Advice Bureau (2004) have received complaints on a number of common themes. These include very low rates of pay, no provision of payslips, non-payment of National Insurance contributions, very poor accommodation that is often overcrowded and the risk of dismissal from the job without going through the proper procedures.

The findings of the Citizens Advice Bureau (2004) were also echoed by Dench et al., (2006). These authors found reports of many of the same problems, as well as stories that some gangmasters in East Anglia were only paying migrant workers £1 per hour. This was done legally by paying the minimum wage but then claiming back a huge proportion for accommodation. Migrant workers are not just taken advantage of by employers. There are reports of some people charging migrants for the privilege of finding them accommodation and work. Considering the reports from the Citizens Advice Bureau (2004) and other anecdotal evidence, it seems likely that migrant workers' well-being would be significantly affected by their working conditions. Shields and Price (2003) examined the psychosocial well-being of migrant workers in the UK in relation to different labour market outcomes. They found, perhaps unsurprisingly given the evidence reviewed so far, that the health of the badly treated migrant workers is particularly poor. In addition they have significantly lower levels of psychological well-being.

Health and safety risks of migrants

Considering the many reported disadvantages which migrant workers face in the workplace, it is useful to examine the risks to which they are exposed. McKay et al. (2006) carried out a study of 200 migrant workers who were interviewed across five different areas in both England and Wales. One of the aims of the study was to assess whether migrant workers were placed at any greater risk than other workers who were of domestic origin. McKay et al. (2006) point out that one of the key issues in health and safety is the provision of training. One-third of those who were interviewed in this study

indicated that they had not received any training. There was, however, a considerable difference depending on the sector in which people worked. Those who worked in the public sector were significantly more likely to receive training than those who worked elsewhere. It was thought that private sector employers' attitudes were that once migrant workers had obtained certification they would leave for better jobs.

Clearly one of the problems in training is language. Shellekens and Smith (2004) found that communication was made particularly difficult through the use of slang and technical terms. Some employers did provide instructions in different languages but these translations were not always reliable, or were reliably read by migrant workers. Training was also limited in the sense that while there was sometimes induction training, there was unlikely to be any ongoing training. There was also considerable confusion about who was responsible for providing the health and safety training in the first place. For example in cases where migrant workers were employed by an agency, respondents to the research were unclear whose responsibility the training was. Overall McKay et al. (2006) argue that migrant workers are likely to be at a disadvantage in terms of adequate training in their jobs compared to other workers. Consequently it is understandable that around half of the migrant workers McKay et al. (2006) interviewed had no knowledge of health and safety procedures in their workplace. In terms of equipment there was some confusion uncovered in the study about whether adequate protection was provided – migrant workers often claimed they weren't given full equipment while employers claimed they did provide it.

A similar level of contradictory messages was received when migrant workers and employers were asked about the number of accidents that occurred in the workplace. A quarter of migrant worker respondents indicated that they had suffered or witnessed an accident – a relatively high proportion (McKay et al., 2006). Many also said that accidents were not reported for fear of endangering their jobs. On the other hand, employers stated that accidents were rare and that all accidents, even the most minor, were reported and recorded. Employers did say, though, that they knew migrant workers were brought up in a culture of blame and so would be unlikely to report accidents. Despite the confusing picture, McKay et al. (2006) conclude that levels of accidents are probably higher amongst migrant workers. This is partly due to the fact that employers who agreed to be interviewed were probably more likely to have good procedures in place along with the fact that migrant workers who have experienced problems are also more likely to come forward for the interviews. This might partly explain the gap in reporting.

The general welfare of workers was also examined by McKay et al. (2006) who looked at the temperature of working conditions, the breaks, noise and chemicals. They found, again, that there was confusion over breaks with employers generally saying that breaks were allowed, while migrant workers saying that they often weren't – or at least that their pay was docked if they did take a break. Similar differences were seen on the question of temperature – many migrant workers worked in the extremes of temperature. For noise and chemicals there were few differences seen between migrant and other workers. Other types of complaints about

working confirmed the findings of the Citizens Advice Bureau (2004) report: that migrant workers work long hours and often did not have written terms of employment.

As a result of these findings the Trades Union Congress (2007b) have made a number of recommendations to improve the working conditions of migrant workers. They argue that all accidents should be reported, that there should be sufficient provision of first aid and welfare, that the correct protective equipment should be provided along with adequate training and information. This training and information should be accessible and therefore translated into the relevant language should this be required. Finally the TUC recommends that migrant workers should join a trade union so as proper support and organisation can be provided.

Legal protection for migrant workers

Since migrant workers are so susceptible to exploitation it is natural to ask what legal protection is in place to improve their working conditions. Since, as McKay et al. (2006) point out, migrant workers are amongst the most vulnerable, they certainly require extra protection. One particular problem identified by McKay et al. (2006) is the behaviour of some ‘gangmasters’ and how it has been addressed by extra legal protection. A gangmaster is someone who is responsible for the payment and supervision of a whole group of workers. While some gangmasters behave properly, others have been identified as the cause of serious problems. Anderson and Rogaly (2005) have found that the employment relationship can be seriously confused in the case where migrants are employed through gangmasters. Surveys of gangmasters have found that only 10% of them follow the law on

employment and 40% were breaking the law in at least six different ways (Lawrence, 2004).

To attempt to combat some of these problems the Gangmasters (Licensing) Act 2004 introduced extra protection for those working in the fisheries and agricultural sectors. This purported to introduce the criminal offence of contracting with gangmasters who had not followed the proper licensing procedures. These licensing procedures are an attempt to check agencies and gangmasters follow the proper employment procedures such as reaching the relevant health and safety standards. The Act has been severely criticised, however, as since it came into force the Department for Environment Food and Rural Affairs (DEFRA) has been very slow to draw up the regulations. Also, since the regulations have been drawn up it has become clear that the original powers of the Act have been significantly reduced (Davies & Freedland, 2007).

One of the clearest ways in which this legal protection is limited is that it simply doesn't cover the vast majority of migrant workers, who work in industries other than agriculture or fisheries. But even in the industries that it does cover, there is a level of scepticism about whether it will make a huge impact (McKay et al., 2006). Employers pointed out that the actual standards required in the licensing were relatively low and that much more stringent measures need to be put in place. The coverage of the system across the country also appears to be patchy. There was evidence that gangmasters had moved from one part of the country to another in order to avoid regulation. In addition, many felt that the audit itself didn't look too closely into the actual past working practices of the gangmasters and agencies

themselves. Finally, there were also questions about how well these new laws would be enforced.

Conclusion

The motives for migration appear to be strong in the current labour market situation: globalisation, skill shortages and the sheer availability of certain jobs in the UK mean that migrant workers are in demand. Changes to immigration policies have meant that there are now a variety of schemes available for migrant workers to come to the UK. Overall the point should be made that the effect of migration on both the host and home countries is probably positive. Unfortunately it has become clear, due to recent studies, that a significant proportion of migrant workers, particularly those working in low-paid, low-skilled occupations, are being exploited. This exploitation appears to run right from the simple bending of rules to the complete flouting of standard UK employment practices. Both Health and Safety and TUC investigations have uncovered serious shortcomings in the treatment of migrant workers. New rules have been introduced by Gangmasters (Licensing) Act 2004 to try and curb the illegal practices of gangmasters and agencies. Despite this, and despite the young age of the legislation, these rules have been roundly criticised for failing to provide adequate protection for migrant workers. Not least of these criticism is that the legislation doesn't cover the majority of migrant workers. Clearly much greater levels of regulation are required to protect those migrant workers who are at the highest risk of being exploited in the UK labour market.