Contemporary forms of slavery as affecting persons belonging to ethnic, religious, and linguistic minority communities

Submission by the Rights Lab, University of Nottingham and De Montfort University on labour exploitation in England's garment industry

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Overview

This submission draws on findings from a project examining labour exploitation in the garment industry in England. The project sought to generate an empirically informed understanding of community resilience and vulnerability to exploitation in the city of Leicester (UK). The project examined the garment and textile industry through stakeholder and worker experiences and priorities, to analyse the local problem of labour exploitation and interventions that might minimise or prevent its occurrence. The research took a multi-method approach, comprising a literature review, workshops, and interviews with stakeholders (including manufacturers), as well as focus groups and interviews with garment workers.

Evidence of contemporary forms of slavery

Is there evidence of minorities being subjected to contemporary forms of slavery (e.g. forced labour, bonded labour, forced/child marriage, descent/caste-based slavery and related practices) in your country/community? If so, please provide information relating to the profiles of victims and the nature and extent of their exploitation and abuse. What additional traits and characteristics, including gender, age, sexual orientation and disabilities, have made them more vulnerable?

Although this project did not find examples of modern slavery or trafficking, it provided extensive evidence for a range of labour abuses consistent with the concept of a continuum of exploitation (Skrivankova, 2010), including wages being paid below the UK's national minimum wage, wages being withheld, health and safety breaches, and a minority of accounts that suggested potential cases of forced labour and child labour.

Vulnerability factors

What types of personal, situational and structural factors push minorities into contemporary forms of slavery in your country/community?

Participants in our study cited a range of factors that restricted their employment options, with a number of these factors contributing towards a situation of financial precarity and a degree of isolation from or non-integration with the wider community. According to workers, the fear of losing their job and the lack of alternative employment were the two main factors that prevent workers from reporting problems experienced in the workplace. At a personal level, a lack of ability to speak English was frequently identified as a limiting factor, alongside caring responsibilities for children or partners and/or low employability (e.g. skills and qualifications). In addition, immigration status and legal rights to access work affected participants' abilities to access employment in the mainstream economy and restricted their options.

Situational factors included the need for employment that was close to home due to either a lack of ability to drive or access public transport. Structurally, these issues were more frequently a problem for women than men, and in our study there was some evidence that certain minority groups experienced more labour abuses than others. Lack of opportunities within some minority communities may make these groups more likely to accept exploitative work practices in garment factories. A number of workers also mentioned how some employers deliberately exploited workers' vulnerability – in particular, their limited alternative employment options. Persuasive or sometimes threatening strategies (which sometimes included bullying and physical violence) were deployed using the ultimatum that workers could accept the conditions or leave.

Key vulnerability factors contributing to exploitation and impeding reporting for persons belonging to minority communities in England's garment industry include:

- Fear of losing employment
- Lack of alternative employment
- Language barriers
- Caring responsibilities
- Low employability (lack of skills and qualifications)
- Immigration status

Are there wider political, economic, social, religious and cultural factors making persons belonging to minorities vulnerable to these practices?

Where regulatory regimes rely on the worker or victim reporting as a key means of enforcement, there is a risk that more isolated individuals and minority groups may be left more vulnerable to exploitation, because their limited options and access to community support present significant barriers to them taking action to report labour abuse. Additionally, respondents often described the futility of engagement when they did utilise avenues of reporting, highlighting the impact of historical failures in the enforcement of rights and standards on communities' perceptions of the authority.

Measures to address exploitation of minority communities

What has your government done at the local, national, or regional levels to protect minorities from being subjected to contemporary forms of slavery in your country? Please share examples.

It has been argued by some literature and stakeholders that governmental policies towards the policing of immigration and the intensification of hostility towards undocumented and illegal

immigrants, are a relevant factor in the Leicester garment sector. This is a documented feature of the demographic composition of the labour market within Leicester and its garment industry, and a characteristic that compounds vulnerabilities to labour exploitation and creates a potential barrier for participant engagement with enforcement and reporting agencies.

However, our research also found that many garment workers are longstanding residents, and fully documented, though not always fully integrated with wider UK communities, particularly in terms of ability to use English. Some local initiatives are now encouraging a move towards some more community-based approaches, and partnership working on a locality basis, particularly by enforcement agencies with other community partners, could be a valuable step in prevention.

What mechanisms exist in your country to report instances of contemporary forms of slavery as affecting members of minorities? How actively are such mechanisms used by members of minorities and to what extent have they been able to access justice and remedies? What are the main obstacles/challenges in this regard?

Our research suggested that workers were unlikely to report labour abuses due to repercussions they feared facing (such as losing their jobs) language barriers, a lack of alternative options, previous negative experiences of reporting, and a lack of knowledge and confidence in approaching the intermediaries or agencies who could assist and enforce the law. This finding is particularly important because it shows that even if people recognise their precarious and exploitative working conditions, such recognition will not automatically translate into willingness to report or to act upon it in the absence of alternative employment, skills, or language training. Solutions suggested by our study included the provision of free confidential community advice services in a range of languages appropriate to local workers, and the development of improved community links by enforcement agencies.

> Free confidential community advice services in multiple languages and enforcement agencies developing stronger community links would improve reporting of abuses by minority communities in England's garment industry.

What have non-governmental entities, including businesses and educational institutions, done to provide equal access to decent work and quality education in your country? Please share examples.

One promising educational development is a recently-designed level one qualification in worker rights and exploitation, which has been developed by the Gangmasters and Labour Abuse Authority (GLAA) and Skills and Education Group. The qualification can be used with a wide range of adult and younger learners, and an evaluation of the pilot phase showed that it had potential to increase knowledge of reporting mechanisms and trust in agencies that could assist with addressing workplace abuses. The evaluation can be found at https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/resources/reports-and-briefings/2021/october/learning-about-labour-rights.pdf

What has been the role of civil society organisations, faith-based organisations, trade unions, and human rights defenders in protecting minorities from being subjected to contemporary forms of slavery? Please share examples.

The garment and textile industry in Leicester remains highly fragmented with few workers being members of unions. Despite many participants experiencing egregious examples of

workplace exploitation (including poverty pay and wage theft, workplace intimidation, and dangerous working conditions), workers lacked knowledge of their basic working rights, and evidence of workplace organising was limited. In our study, we undertook a survey of Leicester garment workers, using a convenience sample involving 115 respondents, and found that most respondents (87%) knew that they are entitled to minimum wage, which also came strongly through in the open-ended questions where workers complained about being paid below minimum wage. However, other rights are much less known to the workers. Rights related to free health and safety training and protective equipment were some of the least known, with only 57% and 64% of survey respondents reporting awareness of them. At the same time, more of our survey respondents said they knew they were entitled to receive regular payslips (79%) and paid annual holiday days (77%).

There are systemic issues of non-engagement amongst participants with formalised structures of worker organisation (such as unions). Many were open to the idea of organising to resolve workplace issues, but they needed more information and to identify organisations or individuals they could trust.

Civil society organisations played a key role in local intervention strategies. Minority participants described the importance of learning skills and participating in courses which empowered them and aided their resilience. For example, a local women's centre cultivated strong links to many marginalised groups and minority communities within Leicester, and served as a trusted intermediary for support and targeted intervention (employability courses, sewing instruction, English courses etc). These served as important assets of community resilience which raised awareness of participants statutory rights and empowered them with labour market knowledge.

Community groups and trusted intermediaries within minority communities can provide an important entry point for interventions.

The impact of Covid-19 on minority communities

What has been the impact of the COVID-19 pandemic on minorities, including the related adopted measures and its social or economic effects with regard to contemporary forms of slavery? What actions has your government taken to protect them?

The Covid-19 pandemic in 2020 presented a critical juncture for Leicester's garment industry, when media reports surfaced of many Leicester garment factories remaining open despite national lockdown measures, sustained by orders from retailers who were pivoting to selling leisure wear online and experiencing a high rate of growth. In response to the public health risks and documented labour abuses that were highlighted, the industry was subject to sustained critical attention from the media and regulatory and enforcement services from May 2020 onwards. Although our study indicated that this has resulted in some factories improving working practices and offering the minimum wage, many others have since closed down as retailers source orders elsewhere. Such responses are thought to be either due to reasons of reputation, or because manufacturers operating within the law struggle to compete with the low prices offered by those working in the 'grey' economy or other economic settings (such as Morocco) where wage rates are believed to be lower than those paid to some in Leicester.

Key challenges and recommendations

What are persisting obstacles/challenges in preventing minorities from being subjected to contemporary forms of slavery?

Key challenges for minorities and migrants arose from additional financial pressures that they faced, as well as structural and regulatory barriers to obtaining decent work. Additional costs faced by these households included:

- Private tutoring costs for education, due to the need for additional English lessons for children and the aspirations of parents for their children to have better work prospects;
- High costs incurred by paying English–speaking intermediaries or 'agents' for simple services such as online welfare benefit applications; and
- Raising sufficient funding for family members to join them in the UK.

These were in addition to the financial pressures faced by many low-income households through unemployment or under-employment, rising rental costs, energy prices and food bills. Universal anti-poverty measures are therefore essential in preventing labour exploitation of minority communities, in addition to specialist service provision and language training for minority communities.

What recommendations do you wish to propose in order to effectively address these ongoing challenges and protect minorities from contemporary forms of slavery?

Improving English skills was noted by respondents as desirable and something that would help improve worker livelihoods. Other suggestions included increased working hours and support for more opportunities for workers that fit parenting responsibilities and gender role expectations.

Legal advice and education on labour rights and labour exploitation delivered by community organisations would be beneficial. When asked about the willingness to contact trade unions, NGOs etc, workers indicated a lack of knowledge about these support mechanisms and organisations. Empowering workers from diverse ethnic backgrounds is important to enable them to overcome the perception that "in a white factory" rules would be respected, or that "a white worker" would be treated better. Further, it would help to solve instances where such discrimination exists, or the law is discriminately applied.

Some initiatives to benefit workers are currently being operationalised and rolled out within Leicester, including those with trade union backing and involvement. However, this research suggests that if these initiatives adopt traditional trade union strategies of organising, they face significant challenges—not least in establishing meaningful trustful connections with workers from complex multi-minority communities, with whom they do not share any existing relations. This is not an insurmountable task, but a challenging one which must be centred on establishing and building trust in these communities—a priority minority workers raised in discussions of worker organisations.