

Ensuring Safety and Dignity for Migrant Workers in the UK

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At work, we all need decent pay, safe and dignified working conditions and protection if our bosses seek to take advantage of us. But too often, our immigration system actively creates conditions where workers' rights violations can thrive, with the establishment of a two-tier workforce in which migrant workers – particularly those who are undocumented – suffer. We've seen the exploitation of migrant workers become endemic across the UK, particularly in sectors like care and agriculture. Workers' rights need to be strengthened, and the loopholes, restrictions and lack of redress that paves the way for exploitation, closed.

The UK has some of the most expensive immigration fees in the world which people must pay every few years on lengthy routes to settlement or risk being made undocumented, and a system of work sponsorship which can leave workers dependent on abusive employers. To make matters worse, hostile immigration policies like the Illegal Working Offence, right to work checks and No Recourse to Public Funds (NRPF) condition undermine equitable labour conditions and compromise the rights, security and well-being of all workers, and put undocumented workers at risk of detention, removal, or even criminal proceedings if they are identified by authorities.

The solution is to level up rights for all workers, as there can be no workers' rights without migrants' rights. To achieve this, we need meaningful change through simple, workable reforms to our employment and immigration systems.

Well-resourced and Effective Labour Market Enforcement:

- **Introduce a well resourced Single Enforcement Body.** All workers should be able to safely report abuse or exploitation and avail of protection and support, whatever their migration status. Preventing labour exploitation means having strong labour market enforcement in place to act on reports, and undertake proactive inspections of workplaces. At present, our labour market enforcement system is incredibly fragmented and is resourced well below international recommended standards. A Single Enforcement Body could help all workers to navigate and enforce their rights, while making sure that labour market enforcement can level the playing field for everybody.

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- **Ensure migrant workers have access to safe reporting.** There should be a clear separation between statutory bodies, such as the police or labour market enforcement, and immigration control. Migrant workers become more vulnerable to abuse and exploitation and less likely to report unscrupulous employers when they fear authorities will prioritise their immigration status over the harm they experienced and when employers are able to capitalise on this fear with impunity. This prevents police and labour inspectors from doing their jobs properly, which drives down conditions for all workers.
- **Increase penalties for labour market offences.** For example, non payment of wages, underpayment of the minimum wage, to act as a proper deterrent against non-compliance. Current penalties are too low and employers frequently get away without punishment or fines because of a culture of perceived 'self-correction'.

Workers' rights:

- **Ensure basic employment rights from day one.** Basic employment rights from Day One for all workers are necessary, to make sure that workers aren't left to wait for two years before they can access protection against unfair dismissal.
- **Introduce legislation to restrict the use of repayment clauses,** which are leaving workers trapped in exploitative employment and increasing the risks of debt bondage. Having restrictions on a statutory footing will reduce uncertainty and ensure workers can practically enforce their rights.

Empowering workers:

- **Ensure migrant workers have access to Trade Unions.** Trade Unions play a vital role in protecting and empowering migrant workers especially those in sectors where labour exploitation is a day to day reality. We need the next Government to take decisive action towards strengthening the opportunities to fight for rights and improvements to work terms and conditions, e.g. through repealing the Trade Union Act 2016.
- **Allow unions the right to access workplaces in the private sector.** All workers should have easy access to union engagement. Providing unions with access to workplaces would help thousands of workers gain knowledge of their rights, enforce their rights and provide the protection that union membership brings.

Giving workers options:

- **End the use of restrictive work visas.** The conditions of a work visa can determine workers' ability to access support and labour protections, including sick pay or state support when they're unable to work. Fundamentally, visa restrictions which create a dependency on an employer for both workers' income and their ability to stay in the UK limit workers' ability to challenge exploitation.
- **Ensure migrant workers are able to change employers.** All migration routes to the UK should be safe and offer a fair deal to workers, and give migrant workers the ability to change their employer in practice. This must include options for workers to renew visas with a route to settlement if in ongoing employment and if necessary to reinstate their status if they have been made undocumented, such as through the use of bridging visas.
- **Give people awaiting a decision in the National Referral Mechanism or on their asylum claim the right to work.** Many migrant workers who find themselves the victims of exploitation, abuse or debt bondage will become reliant on the National Referral Mechanism or an asylum application to keep them safe. Being trapped in the system and unable to work has a substantial impact on their mental wellbeing and stable recovery.
- **Improved Pathways to Regularisation:** Create and establish more accessible routes to regularisation for all undocumented workers and prospective workers in the UK. This must include a simplified and affordable application process, along with support services to help individuals regularise their status and maintain it via secure long-term permits.
- **End Hostile Environment Policies:** Policies and practices that criminalise and marginalise undocumented workers and other migrants without authorisation to work, such as the Illegal Working Offence and associated right to work checks, must be repealed. Ending government-sanctioned discriminatory practices would ensure that individuals can work without fear and better assert their labour rights, even if their immigration status is not yet regularised.

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Access to justice:

- **Ensure that all migrant workers can properly access tribunals:** by extending the 3 month deadline to bring a claim in the Employment Tribunal to at least 6 months. Workers should also not have to pay a fee to access the Employment Tribunal and Employment Appeals Tribunal. Properly fund the Legal Aid system and extend it to cover Employment disputes.
- **Improve resourcing in the tribunal system:** to quickly clear the existing backlog of employment tribunal cases, to prevent delays and to ensure appropriate staffing levels.

