



One Workforce

Migrant Workers in Wales: A Trade Union Report



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Acknowledgements

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Summary of conclusions and recommendations

- Migrant workers are coming to Wales in significant numbers, although we cannot say with any certainty how many are here at any one time.
- Workers from the A8 countries have attracted the most attention recently but unions should be mindful that there are migrant workers of many other nationalities as well.
- The great majority of migrant workers are concentrated in low skill, low paid jobs. Migrant workers often work long hours, in sometimes demanding and unpleasant conditions, for low pay that is typically at or only very slightly above the National Minimum Wage.
- Poor conditions of employment are faced by migrant workers and Welsh workers alike. What distinguishes migrant from UK workers is migrant workers' inability to speak English and lack of awareness of their rights in the UK.
- The challenge for trades unions in Wales is to find ways to improve conditions of employment wherever the employees are from, at the same time as tackling the circumstances which make migrant workers particularly vulnerable.
- A number of unions in Wales are already doing a great deal to try to recruit migrant workers and to improve working conditions. However there is always scope to do more and in particular to work in a co-ordinated way.
- The following recommendations should be considered:
 - a. Challenge the myths**
 - unions should consider producing information to challenge commonly-held but incorrect beliefs about migrant workers, building on work already done by Wales TUC. Several local authorities in Wales have produced 'myth-buster' leaflets and these could be a model for unions to adopt.
 - b. Recruitment strategies**
 - Unions need to develop recruitment strategies explicitly to encourage migrant workers to join. This includes securing agreements with the employer or agency, as well as recruitment at local level.
 - **target hard to organise sectors**
Migrant workers' lack of involvement in unions owes as much to the sectors that they work in than the fact they are migrants. Unions therefore need to make imaginative and concerted efforts to recruit UK and migrant labour in non-

unionised sectors.

- **Communicate**

On the whole, migrant workers do not know about unions and they never will know unless unions communicate with them. Unions need to consider other, innovative ways of disseminating their messages and ensure that their regional and local officials have good links with community organizations. Unions also need to produce a wide variety of materials in different languages.

Unions need to complement their written material with a strong, face to face presence, either at the workplace or in the community.

- **Recruit 'like with like'**

Unions need to think how they can support migrant workers to encourage their peers to join a union, perhaps by recruiting migrant workers to full-time posts with this specific remit.

- **Support language learning**

There is considerable potential for unions to arrange or support language classes themselves or in partnership with others, geared to workers' language needs.

- **Sustain membership**

Unions need to find practical solutions to the dilemmas of organizing highly mobile workers. A cross-union working party could usefully be established to develop ideas.

- **Union co-operation**

The demands on union resources to recruit and support migrant workers is potentially substantial. Unions should consider co-operating on a range of different issues, from providing generic information to employing migrant worker 'advocates' to recruit their peers, to providing English language classes, to perhaps managing membership subscriptions. One way of supporting this co-operation might be through a Wales TUC-led migrant workers' support unit.

c. Campaign for better regulation and enforcement of employee rights

- The Welsh Assembly Government, CBI and Wales TUC should jointly agree a voluntary code of practice on the employment of migrant labour which all agencies and employers should be encouraged to adopt.
- Consideration should be given to a campaign to highlight those products manufactured in poor conditions in the UK.
- The Welsh Assembly Government should take a strategic approach to integrating migrant workers into mainstream society.

1. Introduction

Migration to Wales, as indeed to the rest of the UK, is nothing new. People have been coming here from all parts of the world for centuries, sometimes subsequently leaving or sometimes making a permanent home in Wales. From the Somalis in Cardiff Bay to the Italians in the Rhondda, Wales has a long history of being host to migrant workers.

The latest countries to 'export' their workers to Wales are the eight member states that joined the European Union in 2004 – the so-called accession states or A8 countries. Although by no means the only migrants to Wales in recent years, people from Poland, Lithuania, Latvia and the other states have attracted a great deal of attention, perhaps because of their numbers, and their concentration in certain industries and places. That Polish foods are as readily available in local shops in Merthyr Tydfil as white sliced bread and baked beans is an indication of the sheer visibility of these migrant workers.

The arrival of thousands of people from hundreds of miles away has generated a great deal of interest and concern. The Welsh Assembly Government has produced a 'welcome pack' to inform migrants of their rights and to signpost them to sources of help and support and commissioned several research projects, local authorities have taken the lead in promoting community harmony and cohesion, voluntary and community groups have helped and supported migrant workers, and last, and by no means least, trades unions have sought to tackle some of the serious employment problems faced by migrant workers.

A number of unions, both in Wales and the rest of the UK, have developed different approaches to recruit migrant workers into membership, although as this report will show, it has not been easy. The Bevan Foundation has therefore undertaken a small scale study to:

- to identify the number and characteristics of migrant workers in Wales;
- to identify the industries, occupations and areas in which migrants work;
- to explore the pay and other conditions of migrant workers;
- to identify what union interventions and initiatives have worked in supporting and organising migrant workers.

The study was undertaken through a mixture of desk research and interviews with union officials, other stakeholders and migrant workers at three case study locations. These were north east Wales (Wrexham / Flintshire), Merthyr Tydfil, and Llanelli. These were selected because of their concentration of migrant workers from the EU accession countries. In addition, we undertook a study of Filipino workers in Neath Port Talbot, because they present a contrasting picture, which will be published separately.

Unfortunately, it proved very difficult indeed to secure access to migrant workers and in the end only 3 were interviewed. Other researchers have found it similarly difficult and also very expensive to secure access to migrant workers.¹ We simply did not have the resources to employ translators and interviewers with language skills in Polish, Russian etc. Where appropriate, findings from these interviews have been used to illustrate key points but they are in no way representative.

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The views in this report are, however, those of the author alone and are not necessarily shared by any of the funders. The responsibility for any errors or omissions is also the author's.

¹ For example research in Flintshire found that it cost more than 10 times as much to interview migrant workers as other workers (Hold, M., Korszon, K., Kotchetkova, K. and Grzesiak, F. (2005) **Migrant Workers in Flintshire**, North Wales Race Equality Network)

2. Migrant Workers in Wales

Migrant workers are now a key part of the workforce in the UK, with about one in ten of UK workers having been born outside the UK. Rates of immigration have increased in recent years, and the destinations of migrants has broadened very considerably away from their traditional base in London and other major cities and towards rural and semi-industrial areas – with the result that, for the first time in many years, Wales has seen an influx of migrant workers.

Who is a migrant worker?

There is no single accepted definition of a migrant worker. Although the obvious features are that a migrant worker is someone who comes to the UK from another country and whose purpose in coming is work, there are many different ways of interpreting this e.g. the length of time someone intends to stay,² and whether or not their stay in the UK is permitted. The definition used in this report is that adopted in a recent study of the East of England,³ namely:

‘Those who have come to the UK within the last five years specifically to find or take up work, whether intending to remain permanently or temporarily and whether documented or undocumented’.

This definition is thus extremely broad as it includes **all** those who have come to the UK seeking work, from whatever country of the world, by whatever means, and however long they intend to stay – 3 weeks, 3 years or the rest of their lives.

Why do they come?

There is little doubt that migrant workers fill labour shortages and skills gaps. Many surveys show that employers are experiencing significant problems filling jobs at the bottom end of the labour market, and they have therefore turned to agencies or to direct recruitment overseas to fill them. Employers also report that employing migrant workers

² For example the International Passenger Survey only classes those who intend to stay for more than a year as migrant workers.

³ McKay, S., Winkelmann-Gleed, A. 2005, **Migrant Workers in the East of England**, London: Metropolitan University

is beneficial to them – they find them more willing to work long hours, to work flexibly, to work harder, and to have lower absenteeism and wage expectations.⁴

It is also clear that employers are sometimes very active in seeking out workers in other countries to bring to the UK. In contrast with popular stereotypes, it is simply not the case that migrants arrive in the UK on their own initiative – very many are actively recruited in their home countries either directly by employers⁵ or via recruitment agencies. Most agencies have offices and staff in the country of origin, for example one agency which operates in west Wales has an office in Warsaw and 16 staff.⁶ In the course of this research, we were told how some agencies showed potential recruits pictures of Polish workers in the UK alongside large cars.

For migrant workers themselves, the rationale is clear. They earn more in the UK than in their home country. On average, gross earnings in the UK are six times average earnings in Poland and Hungary.⁷ Individual migrant workers have said that pay has been a big motivator in various surveys,⁸ although some have also given other reasons such as seeking a better future for their children.⁹

How many migrant workers?

Given the prominence of migration to Wales in the media, policy and politics it is perhaps surprising that relatively little is known about the numbers and characteristics of people who have come to Wales to work. Although there is a great deal of anecdote, there is relatively little hard evidence and instead information needs to be pieced together from a number of different sources.

It is, unfortunately, impossible to say with any accuracy how many migrant workers there are currently in Wales. There are three different ways of counting migrant workers, each

⁴ Dench, S., Hurstfield, J., Hill, D. and Akroyd, K. (2006) **Employers' use of migrant labour - main report**, Home Office Online Report 04/06, London: Home Office

⁵ Direct recruitment is relatively uncommon although it is found in some industries e.g. the NHS and construction.

⁶ House of Commons Welsh Affairs Select Committee (2007), **Evidence by Mr M Spragg and Mr P McCarthy**, 3rd July 2007

⁷ Welsh Assembly Government (2006) Futures report, International Migration, http://new.wales.gov.uk/docrepos/40382/40382313/40382/688980/1191623/INTERNATIONAL_MIGRATION-e.pdf?lang=en

⁸ Hold, M., Korszon, K., Kotchetkova, K. and Grzesiak, F. (2005) **Migrant Workers in Flintshire**, North Wales Race Equality Network

⁹ *ibid.*

of which has some serious drawbacks which make them not very reliable Table 1 summarises the findings from the different sources, which are as follows:

- The **Annual Population Survey** suggests that there were 62,000 people living and working in Wales who were not born in the UK in 2006, 4,700 of whom were from A8 countries.

However, this figure includes people who may have moved to Wales many years ago, but under-estimates the number of recent migrants because it is based on responses from people who participate in the survey over a four-year period.

- **National Insurance** statistics (NI) numbers allocated to people in Wales from outside the UK suggest that 17,000 people have come to Wales since 2004. They have come to Wales from almost every country in the world, with just over half coming from the A8 countries.

However this number includes people who are not working (e.g. they need an NI number because they are claiming a benefit) as well as people who have subsequently left the UK.

- The **Workers Registration Scheme** shows that 17,745 people from EU A8 countries have registered to work in Wales since May 2004.

However this number does not include people who are self-employed or who do not register (which are estimated to be a significant number of all EU A8 migrants),¹⁰ but it does include people who have subsequently left Wales or the UK.

¹⁰ Anderson, B., Ruhs, M. Rogaly, B. and Spencer, S. (2006) **Fair enough? Central and East European migrants in low-wage employment in the UK**, York: Joseph Rowntree Foundation

Table 1 Migrant workers in Wales

	Residents in employment in Wales born outside UK (Annual Population Survey) 2006	National Insurance Numbers allocated in Wales May 2004 – May 2007*	Workers Registration Scheme - Wales May 2004 – June 2007**
A8 countries	4,700	8,990	17,745
EU non-A8	16,300	1,930	-
Rest of World	41,400	6,090	-
Total	62,400	17,020***	17,745
Wales as a percentage of UK	n.a.	2.4	2.5

*Notes** *based on the address of the applicant*** *based on the address of the employer**** *The total NI numbers allocated and refused between May 2004 and June 2007 is 19,020 – this figure is used in the Accession Monitoring Report.*

Despite the difficulties with the statistics, it is nevertheless clear that there is substantial migration into Wales from all countries of the world but in particular from A8 countries. The numbers of A8 workers currently living and working in Wales could, however, be as low as 4,700 or more than 18,000 – we simply do not know. However, it is worth noting that the proportion of migrants into the UK that come to Wales is relatively low.

Who are they?

Statistics on the characteristics of migrant workers in Wales, either in general or from A8 countries, are non-existent. Instead we have to rely on statistics and studies across the UK as a whole and focus on A8 workers. If we assume that A8 migrant workers coming to Wales are similar to those in the UK as a whole, then we know that:

- The great majority of migrant workers coming to Wales are Polish - two thirds of migrants from A8 countries registering with the WRS and 75 percent of migrants to Wales allocated an NI number were from Poland. Other studies have found

this predominance of migrants from Poland also.¹¹

- A further 20 percent of WRS applicants coming to Wales were Lithuanian or Slovakian, although these nationalities accounted for only 6 percent of NI allocations to A8 nationals in Wales.
- Eight out of ten migrants registering with WRS are aged 18 – 34. Other studies have also found that the great majority of migrant workers are aged under 40.^{12 13} However, a number of our interviewees said that older workers, i.e. aged 50 plus, were increasingly visible.
- Male WRS applicants only slightly outnumber female applicants – about 58 percent are male. Again, other studies have found that males outnumber females by roughly two-thirds to one third,¹⁴ although the proportion varies between different industries.¹⁵
- The vast majority of WRS applicants come to the UK alone – only 7 percent indicated that they were bringing dependents at the time they applied. If dependents come to Wales in the same proportion as they do across the UK, then only 1,100 children aged under 17 and fewer than 1,000 dependents over 17 have accompanied migrants to Wales since May 2004. However, in both north and south Wales several interviewees commented that the number of families migrating from A8 countries had increased.

¹¹ For example Hold, M., Korszon, K., Kotchetkova, K. and Grzesiak, F. (2005) **Migrant Workers in Flintshire**, North Wales Race Equality Network and McKay, S., Winkelmann-Gleed, A. 2005, **Migrant Workers in the East of England**, London: Metropolitan University

¹² 82% of the 200 migrants were aged 20 -39 in McKay, S. Craw, M. and Chopra, D (2006) **Migrant workers in England and Wales: An assessment of migrant worker health and safety risks**, London: HSE; 68% of migrant workers were aged 18 -34 in Anderson, B., Clark, N., Parutis, V. (2007); **New EU Members? Migrant Workers' Challenges and Opportunities to UK Trades Unions: a Polish and Lithuanian Case Study**, London: TUC; the 'vast majority' were aged 18 24 or in their twenties in the study by Dench, S., Hurstfield, J., Hill, D. and Akroyd, K. (2006) **Employers' use of migrant labour - main report**, Home Office Online Report 04/06, London: Home Office

¹³ Anderson, B., Ruhs, M. Rogaly, B. and Spencer, S. (2006) **Fair enough? Central and East European migrants in low-wage employment in the UK**, York: Joseph Rowntree Foundation

¹⁴ *ibid* and McKay, S., Winkelmann-Gleed, A. (2005) *op. cit.*

¹⁵ The study by Dench, S. et al (2006) *op. cit.* found 62% males in its migrant workers' sample, whilst that by Anderson, B. et al (2007) study found 64% male.

Where do they go?

The figures on National Insurance numbers and registrations under the Workers Registration Scheme show that migrant workers are highly geographically concentrated within Wales. About half of people counted under these schemes go to just four local authorities; Carmarthenshire, Wrexham, Newport and Cardiff. However, even in these areas migrant workers account for a relatively low proportion of total employment in the area, at just over 3 percent of employment. In more than half of local authorities in Wales migrant workers' registrations account for less than 1 percent of employment.¹⁶

However, these figures should be treated with even more caution than others because of the mobility of migrant workers. We were told of migrant workers at one plant in south Wales who were transferred temporarily to another plant in Cornwall when the south Wales plant had little work, and other studies have found migrant workers being bused considerable distances to work e.g. from Manchester to Deeside.¹⁷

Skills and Qualifications

According to the WRS, migrant workers from A8 countries on the whole tend to be less well qualified than the UK population – about 33% had no qualifications compared with about 13% of the home population. However, not all migrant workers are unqualified: approximately 40% of WRS registrations were by migrant workers have qualifications at NVQ level 4 or 5 compared with about 25% of the UK population. There is some evidence from surveys of migrant workers that many of those with higher level qualifications who come to the UK nevertheless end up working on low skill jobs here. For example 42 per cent of migrants surveyed in a study in 2004 had received vocational training but almost all were nevertheless employed in occupations that required little or no skill.¹⁸ One of the migrant workers we interviewed had come to the UK as a care assistant at a nursing home, even though she had a master's degree from her home country.

It is clear, then, that there is a growing number of migrant workers coming to Wales, although we do not know precisely how many. They are predominantly from Poland, are

¹⁶ Welsh Assembly Government (2007) **Statistics on migrant workers in Wales**

¹⁷ Hold, M., Korszon, K., Kotchetkova, K. and Grzesiak, F. (2005) op. cit.

¹⁸ Anderson, B. et al (2006) op. cit.

typically young and single, and more than half go to Wrexham, Carmarthenshire, Cardiff and Newport. The next section of this report considers the employment of these workers.



3. Migrant Workers' Employment

Just as we have very little hard evidence about the numbers and characteristics of migrant workers in Wales, we also have relatively little firm evidence about their employment. Instead, as before, a picture needs to be pieced together from a range of different statistics and studies and, again as before, where information specific to Wales is not available we need to assume that the position in Wales is broadly the same as the UK as a whole.

One of the key points to note in considering migrant workers' employment is that A8 migrants have the same rights, including employment rights, and freedom of movement as UK citizens, unlike migrants from outside the EU. Anyone migrating to the UK from outside the 15 European Union countries needs some form of permission to do so from the UK authorities. There are numerous different schemes which govern entry – a recent study estimated that there were more than 80 different routes of entry for nationals from outside the European Economic Area, some of which with very strict entry requirements. However, all that migrants from the European A8 countries wishing to work in the UK have to do is register their presence with the UK authorities during their first year of employment in the UK. People who are self-employed are not required to register at all, and there penalties for non-registration are modest.

Who employs migrant workers in Wales?

Figures from the Workers Registration Scheme (WRS) – see Table 2 - show that more than four out of ten workers registering to work in Wales worked in Administrative, Business and Management services, which includes employment agencies. A further 18 percent worked in hospitality and catering, and 15 percent in manufacturing. This profile is quite different to that of other regions and nations of the UK. Whilst agriculture has a high profile as an industry which employs significant numbers of migrant workers elsewhere, it does not do so in Wales. Wales has just 1 percent of migrant workers registering to work in agriculture – the same as London. The proportion of WRS registered workers in Wales that are in agriculture (2.9 percent) is significantly lower than the 20 percent recorded in the South West, and the 18 percent recorded in Anglia, the South East and Scotland. In contrast, the proportion registering to work in hospitality and catering in Wales is higher at 18 percent than in Northern Ireland, the north east of

England and Midlands (all of which had 10 percent or fewer of their registrations in that sector).

Table 2 Sectoral distribution of employers of registered workers, cumulative total, May 2004 - June 2007

	Number of registered workers	Percentage of total
Admin, Business and Management Services	7,735	44.4
Hospitality and Catering	3,095	17.8
Manufacturing	2,685	15.4
Agriculture activities	500	2.9
Health and medical services	1,020	5.9
Food, fish, meat processing	650	3.7
Construction and land services	525	3.0
Retail and related services	475	2.7
Entertainment and leisure services	395	2.3
Transport	325	1.9
Total in top ten sectors	17,405	100.0

As noted in chapter 2, more than half of workers are destined for employers in Carmarthenshire, Wrexham, Newport and Cardiff. In the case of Carmarthenshire, Wrexham and Newport the numbers of migrant workers can be clearly linked to local employers who make extensive use of agency workers, very many of whom are recruited in A8 countries. The businesses most often named in these areas are Dawn Pak foods in Llanelli, Avana Bakery in Newport, and a number in Wrexham, although they are by no means the only employers of migrant labour in these areas. Indeed, as some migrant workers settle in Wales an increasing proportion are moving into 'mainstream jobs' which they access themselves or through, for example, the local job centre or employment agencies. For example, two migrant workers we interviewed had left their original employer and now worked at local supermarkets.

What jobs do migrant workers do?

In the UK as a whole, the top twenty occupations that are filled by migrants from the EU A8 countries are almost all low-skill, low-paid jobs. Table 3 shows the top twenty occupations into which people registering under the WRS go. Together these employ two-thirds of all registered accession country migrants. Although figures on the occupations entered by A8 WRS applicants coming to Wales are not available, they are likely to be broadly the same although some occupations, e.g. farm worker / farm hand and fruit picker, may not be so important.

Table 3 Top Twenty Jobs for WRS registrations UK

Process operative	Crop harvester
Warehouse Operative	Food processing operative (fruit and veg.)
Packer	Bar staff
Kitchen and catering assistants	Food processing operative (meat)
Cleaner, domestic staff	Chef, other
Farm worker/ Farm hand	Administrator, general
Waiter, waitress	Driver, HGV
Maid / Room attendant (hotel)	Fruit picker (farming)
Care assistants and home carers	Carpenter / joiner
Labourer, building	
Sales and retail assistants	

Source: Accession report

Migrant Workers' Experiences of Work

There are undoubtedly some, perhaps many, migrant workers who are employed with reasonable terms and conditions that are legal and on a par with those of UK workers. Studies have found that many migrant workers are generally happy at work,¹⁹ whilst other studies have found that the great majority of migrants are not treated illegally.

However, there is nevertheless a minority, albeit perhaps a small minority, of migrant workers that is exploited and quite severely so, and the accounts of their abuse are consistent and persistent. It is worth noting that this study does not address issues about health and safety at work, or about racial abuse and harassment.

¹⁹ e.g. Hold, M., Korszon, K., Kotchetkova, K. and Grzesiak, F (2006) op. cit.

- **Pay**

The amount that migrant workers are paid has perhaps excited some of the greatest interest and concerns. As UK employees, migrant workers are covered by UK legislation e.g. on the National Minimum Wage. The WRS statistics show that the majority (77%) of people registering were expecting to earn between £4.50 and £5.99 per hour. In fact this tells us relatively little as the figure covers the whole period May 2004 – June 2007 and is a figure for workers on adult rates as well as those aged under 21. The fact that range includes rates below the current National Minimum Wage (NMW) is not, therefore, significant. The figure is also the sum which applicants expected to receive, which may of course be different to the amount actually paid.

More important are survey findings. Surveys of migrant workers themselves invariably reveal that a small proportion of migrant workers are paid below the NMW whilst, hardly surprisingly, surveys of employers tend to reveal that employers are all dutifully paying at or slightly above the National Minimum.²⁰ The TUC's UK-wide survey found that 57 out of 508 respondents reported rates of pay that were below the National Minimum Wage of £4.85 up to October 2005 and £5.05 subsequently. Only two of the 57 were under the age of 21 to whom the 'development' rate applies. Similarly, although employers are allowed to offset a sum to cover the cost of providing accommodation against employees wages up to a specified limit (£27.30 a week from October 2005), the TUC concludes that is 'unlikely that the proportion of those earning below the minimum wage can be explained by the accommodation offset'.²¹ In other words, about 10 percent of those responding to the TUC survey appeared to be being paid illegally low wages.

However other studies of migrant workers in UK regions^{22 23 24} have found that the vast majority of migrant workers are paid at or slightly above the National Minimum, although

²⁰ Dench, S., Hurstfield, J., Hill, D. and Akroyd, K. (2006) **Employers' use of migrant labour - main report**, Home Office Online Report 04/06, London: Home Office p 27

²¹ Anderson, B., Clark, N., Parutis, V. (2007); **New EU Members? Migrant Workers' Challenges and Opportunities to UK Trades Unions: a Polish and Lithuanian Case Study**, London: TUC p.11

²² French, S. and Möhrke, J. (2006) **The impact of 'new arrivals' upon the north Staffordshire labour market**, Centre for Industrial Relations, Keele University

²³ McKay, S., Winkelmann-Gleed, A. 2005, **Migrant Workers in the East of England**, London: Metropolitan University

they nevertheless identified some exceptions. Even the Home Office's survey of employers' use of migrant workers found evidence that, although no employers in the survey admitted to paying below the legal minimum, they all know of other employers who did.²⁵

What seem to be more widespread than payment below the NMW are dubious and sometimes illegal employer practices. For example, in one recent survey, one in four respondents reported that they had had at least one problem with pay.²⁶ Numerous other studies have also identified very poor and illegal employer behaviour, and most quote examples and case studies to illustrate these points. The problems reported by migrant workers in these various studies include:

- not being paid for all the hours worked (including overtime not being paid at all or payment only for full hours worked);
- no pay slip provided;
- discrepancies between pay slips and actual amount paid;
- errors on payslips e.g. NI numbers being incorrect or absent, miscalculations of tax deducted etc.
- errors calculating pay;
- overtime paid only at standard rate of pay;
- unauthorized or excessive deductions from pay e.g. for finding work, uniforms, transport to and from work, accommodation or food;
- holiday entitlement not given or, if allowed, not paid.

²⁴ Hold, M., Korszon, K., Kotchetkova, K. and Grzesiak, F. (2005) **Migrant Workers in Flintshire**, North Wales Race Equality Network

²⁵ Dench, S., Hurstfield, J., Hill, D. and Akroyd, K. (2006) **Employers' use of migrant labour - main report**, Home Office Online Report 04/06, London: Home Office

²⁶ Anderson, B., Clark, N., Parutis, V. (2007); **New EU Members? Migrant Workers' Challenges and Opportunities to UK Trades Unions: a Polish and Lithuanian Case Study**, London: TUC

Our own interviews with migrant workers indicated that, as might be expected, Wales is not immune from these practices. We heard allegations of the following all occurring recently in Wales

- workers being required to sign contracts immediately on arrival in the UK and after a 12 hour shift;
- contracts that specify that workers are self-employed but pay slips show that tax and national insurance are deducted;
- workers being over-charged to register on the Workers' Registration Scheme;
- different terms and conditions for local and agency / migrant workers;
- a hotel that pays workers per shift rather than per hour, irrespective of whether it is 6 hours or 10 hours;
- additional hours not paid at overtime rates;
- workers advised of whether or not they have work and the hours to be worked that day by text message;
- excessive deductions for accommodation which in one case had left a worker with 18p on which to live for 2 weeks;
- workers who were ill and unable to work being threatened with eviction from their tied accommodation;
- less advantageous leave entitlement in the English version of a contract compared with the Polish version;

One Polish worker at a food processing plant in Llanelli described how an agency, based in his home town, charged prospective migrants 1,050 zloty to be transported by bus to Wales. His rate of pay was £5.25 an hour, slightly above the then National Minimum Wage, but with deductions and variable hours he was often left with very little. His response to his situation was:

That's why I said, 'I'm not stupid. Enough – I not stay with [the agency].' ... Everyone knows but no one wants to speak about it 'cause they don't want to lose job. Me, I don't care. I said to [the agency], I said I'd find a job and I said 'bye bye'.

Another Polish migrant worked at as a care assistant at a nursing home in Llanelli. She too was recruited by an agency in Poland. She was asked to sign a 30 page contract, written in English, before coming here and although she spoke good English she was unable to understand its terms.

Hours of Work

The second aspect of employment that has been highlighted are hours of work. The Workers Registration Survey data notes 97 percent of migrant workers worked full time which is defined as more than 16 hours a week. Indeed, migrant workers' 'willingness' to work long hours is often cited by employers as a reason for recruiting them. The study for the Home Office describes this in some detail²⁷:

[Employers valued] their willingness to work long hours, beyond the normal working day. Several employers explicitly mentioned that migrant workers did not mind doing overtime; in fact they actively sought it to earn extra money. In the *Administration, Business and Management* sector, in East Anglia, employers made comments about the additional hours. One said that some migrant workers "will work all hours"; another that they "will work extra hours and do not need paying time and a half". In the *Agriculture* sector, employers also commented on their willingness to work long hours. One employer in the North East said that when English labour was employed in the fields, workers would only want to work half a day – e.g. from 6 a.m. to 1 p.m. – and this caused problems. In contrast, the migrant workers want to earn as much as possible and will work eight to ten hours days – "as long as they can earn plenty, they are happy". Willingness to work overtime was associated with another advantage mentioned by some employers, that of flexibility. By flexibility, they meant that they could ask migrant workers to change their hours, or come in, at short notice.

Numerous studies of migrant workers indicate that many workers work long hours, sometimes very long indeed. The TUC's study found that a quarter of respondents

²⁷ Dench, S., Hurstfield, J., Hill, D. and Akroyd, K. (2006) **Employers' use of migrant labour - main report**, Home Office Online Report 04/06, London: Home Office p. 32

reported working more than 48 hours per week but men were more likely to be working in excess of 48 hours (nearly one third of men). Forty six workers reported working an average of 60 hours a week or more.²⁸ Similarly:

- a study of migrant workers in the East of England found that ‘many migrant workers were working long hours and doing shift work’;²⁹
- a study of migrant workers in North Staffordshire found eight out of 36 were working more than 40 hours a week;³⁰
- Citizens Advice Scotland reports migrant workers experiencing ‘irregular patterns of work and long hours’;³¹
- a study of employers for the Home Office found that ‘there were also reports of migrant workers being expected to work extremely long hours’.³²

Several of these studies reported that long hours were much more common amongst agency workers than amongst those employed directly by the employer. Hours were also more likely to be longer where the employer provided accommodation and / or in the hospitality and catering industries, or where the worker spoke little English. We found several cases where employers or agencies used the provision of transport to require workers to undertake overtime:

.... [on] the afternoon shift, they were picked up by the agency bus, taken to work and before the end of the shift the supervisor would go round telling them to work on. [If they said no they’d] be sent home and told no work for them, but they were still being deducted travel etc.

One Polish worker in a meat packing plant in Llanelli reported that at peak times, he worked 6 p.m. to 8 a.m. with just two half hour breaks, only one of which was paid, for 6 days a week, a weekly total of 78 hours.

A theme that has had somewhat less coverage in various studies is the question of variable hours. Zero hours or annualised hours contracts are not uncommon, not least

²⁸ Anderson, B., Clark, N., Parutis, V. (2007); **New EU Members? Migrant Workers’ Challenges and Opportunities to UK Trades Unions: a Polish and Lithuanian Case Study**, London: TUC

²⁹ McKay, S., Winkelmann-Gleed, A. 2005, **Migrant Workers in the East of England**, London: Metropolitan University p 151

³⁰ French, S. and Möhrke, J. (2006) **The impact of ‘new arrivals’ upon the north Staffordshire labour market**, Centre for Industrial Relations, Keele University

³¹ Citizens Advice Scotland (n.d.) **Migrant Workers** Briefing note p.1

³² ³² Dench, S., Hurstfield, J., Hill, D. and Akroyd, K. (2006) **Employers’ use of migrant labour - main report**, Home Office Online Report 04/06, London: Home Office p 63

because they give the employer the kind of flexibility they seek as described above. One study somewhat surprisingly, commented that annualized hours could be attractive to migrant workers who could go home for long holidays.³³

More importantly, such zero hours or annualized hours contracts can leave workers with little or no pay. One agency in evidence to the Welsh Affairs Select Committee acknowledged that they employed staff on zero hours contracts, but claimed that if a worker had no work and hence no income, they would try to find alternative employment. However a Polish worker at a plant in Llanelli who, as reported above, sometimes worked up to 78 hours a week, at other times worked just one or two days a week. Out of this reduced wage he still had to pay his accommodation and transport charges to the agency:

When I wasn't working they didn't provide any other work. With hotel, I had deductions for accommodation ... and travel. When not working, they still took the same money. If I worked 6 days a week or one day a week it was the same. Was very hard to manage.

A union official in the same area also noted:

If [they] hadn't worked much over the fortnight and what they were earning didn't cover deductions, the deductions would be taken out of next pay which might leave them with £60 – 80 for two weeks.

We were told of one person who had been left with just 18p on which to live for 2 weeks.

Accommodation and transport

The provision of accommodation and transport linked to migrant workers' employment is widespread, not least because it eases migrant workers' transition to the UK, and also because there is often a shortage of accommodation in areas in which the workers' are based and little if any public transport. There is also an advantage to the employer of ensuring good timekeeping.³⁴

³³ McKay, S., Winkelmann-Gleed, A. 2005, **Migrant Workers in the East of England**, London: Metropolitan University p152

³⁴ House of Commons Welsh Affairs Select Committee (2007), **Evidence by Mr M Spragg and Mr P McCarthy**, 3rd July 2007

Almost a third of people responding in one recent survey lived in accommodation that came with the job,³⁵ a proportion which has also been found in a number of other studies³⁶ although not all.³⁷ People who work in the hospitality industry, and also in agriculture, were most likely to live in tied accommodation.

Reports of the poor quality of accommodation endured by migrant workers are legion. Experiences range from homes that are damp, unheated and lack the most basic of amenities, fire hazards, severe overcrowding of houses, rooms in multiple occupancy, accommodation in tents or caravans, new room mates arriving unannounced, no locks on room doors and so on.

There are also issues about the charges made to migrant workers for their accommodation and transport. Evidence given by then TGWU (now Unite) to the House of Commons Welsh Affairs Select Committee suggested that charges for accommodation were typically £50 a week, and that sometimes additional charges of about £40 a week were made for cleaning the accommodation. However, CSA, a major recruitment agency that supplies labour to a meat packing plant in Llanelli said in evidence to the same committee that the maximum they were currently allowed to charge by the Gangmaster Licensing Authority was £29.50 a week, excluding bills, and that this sum was not cost effective. However, one Polish worker in Llanelli reported that this agency had recruited him from Poland and placed him in a hotel or house owned by the agency, usually in shared rooms, for which he was charged £45 a week – somewhat more than the charge claimed by CSA. He added that no visitors to the hotel were allowed, even at weekends.

Not everyone reported that migrant workers' accommodation was poor – a care assistant at a Llanelli nursing home said that she was provided with three months free accommodation on arrival (although people recruited subsequently were required to pay) and was generally content with its quality.

³⁵ Anderson, B., Clark, N., Parutis, V. (2007); **New EU Members? Migrant Workers' Challenges and Opportunities to UK Trades Unions: a Polish and Lithuanian Case Study**, London: TUC

³⁶ McKay, S., Winkelmann-Gleed, A. 2005, **Migrant Workers in the East of England**, London: Metropolitan University and Centre for Local Economic Strategies (2006) **Sefton Migrant Study**, CLES

³⁷ French, S. and Möhrke, J. (2006) **The impact of 'new arrivals' upon the north Staffordshire labour market**, Centre for Industrial Relations, Keele University found only 2 out of 36 migrant workers in tied accommodation.

Transport is also an area where there are allegations of excessive charges. The agency CSA have said that they charge workers £7 per return journey for transport from their accommodation to their place of work, by bus or mini-bus, irrespective on the distance involved (typically 6 -7 miles for transport from Llanelli to the Dawn Pac plant at Crosshands), a total of £35 - £42 a week for anyone working 5 or 6 days, no small cost out of a meagre wage.

The role of agencies

All employment agencies are subject to legislation and in addition, those working in agriculture, horticulture and food processing must register with the Gangmasters' Licensing Authority.

As mentioned earlier, agencies are major employers of migrant workers. The TUC's latest survey found that more than a fifth of respondents were employed by an agency, rising to more than half of respondents who worked in manufacturing. A further 20 percent of workers in transport were employed by an agency.³⁸ A survey for the Health and Safety Executive in 2005 found that one in four of its respondents were employed by agencies.³⁹

More than 180 agencies are listed on the Gangmasters' Licensing Authority's website as providing labour to employers in Wales, ranging from large, well known companies such as Manpower UK and Adecco UK to sole traders. Nineteen of these agencies are listed as being based in Wales – they are shown in Table 4. Over the last 6 months the number of agencies registered in Wales has increased by a third.

³⁸ Anderson, B., Clark, N., Parutis, V. (2007); **New EU Members? Migrant Workers' Challenges and Opportunities to UK Trades Unions: a Polish and Lithuanian Case Study**, London: TUC

³⁹ McKay, S. Craw, M. and Chopra, D (2006) **Migrant workers in England and Wales: An assessment of migrant worker health and safety risks**, London: HSE

Table 4 Agencies in Wales registered with the Gangmasters' Licensing Authority

Organisation Name	Location	Public Register Status	Sector
Abacus Recruitment and Training Services UK Ltd	Torfaen	Licensed	Agriculture, horticulture, forestry, food packaging and processing
Acorn Recruitment Ltd	Newport	Licensed	Agriculture, horticulture, forestry, food packaging and processing
Beaulieu Contracting	Monmouth	Licensed (New Business)	Agriculture, horticulture, forestry, food packaging and processing
Blue Water Shellfish Suppliers UK Limited	Llanwnda, Gwynedd	Applied (New Business)	Shellfish gathering
Cymru Recruitment Ltd	Swansea	Licensed	Agriculture, horticulture, forestry, food packaging and processing
Databail T/A CSA Recruitment	Llanelli	Licensed	Agriculture, horticulture, forestry, food packaging and processing
Euro Resources Ltd	Flintshire	Licensed	Agriculture, horticulture, forestry, food packaging and processing
Gap Personnel Holdings Limited	Wrexham	Licensed	Agriculture, horticulture, forestry, food packaging and processing
J R Morgan	Powys	Licensed	Agriculture, horticulture, forestry, food packaging and processing
Labourforce Solutions Ltd	Neath	Licensed (New Business)	Agriculture, horticulture, forestry, food packaging and processing
Llanelli Shellfish 3000 Limited	Llanelli	Licensed (New Business)	Shellfish gathering
N W Catchers	Flintshire	Applied	Agriculture, horticulture, forestry, food packaging and processing
Nexus Personnel Ltd	Caerphilly	Licensed (New Business)	Agriculture, horticulture, forestry, food packaging and processing
Nu-Staff Group Limited	Monmouths hire	Licensed (New Business)	Agriculture, horticulture, forestry, food packaging and processing
P M R Direct Ltd	Pembrokes hire	Applied (New Business)	Agriculture, horticulture, forestry, food packaging and processing
Paramount Recruitment (Wales) Ltd	Rhondda Cynon Taff	Licensed (New Business)	Agriculture, horticulture, forestry, food packaging and processing
Recruitment Solutions Wales Ltd	Cardiff	Licensed	Agriculture, horticulture, forestry, food packaging and processing
Skills & Labour Limited	Merthyr Tydfil	Licensed	Agriculture, horticulture, forestry, food packaging and processing
Twenty-Four Seven Recruitment Services Ltd	Wrexham	Licensed	Agriculture, horticulture, forestry, food packaging and processing

Source: GLA public register, last updated 10th September 2007

First, it is no doubt that agency workers are significantly more likely to be exploited than other migrant workers as these quotations show:

Working for an agency clearly increased chance of reporting problems. 65.4% of those working for agencies reported problems at work, compared to 49.7% of those with other employers. Agency workers were also more likely to have multiple problems – 34.6% reported three or more problems, compared with 21.2% of non-agency workers.⁴⁰

There were many reports of illegal working and exploitation related to employment agencies. A general picture emerges that although there are many good agencies, this is also an area where a considerable amount of exploitation seems to occur.⁴¹

while there are agencies with ethical employment practices, our research has also uncovered very poor practices, with some agencies offering work at well below the National Minimum Wage level, while making significant deductions from workers' pay for matters like transport to and from work. One particular practice among several of the agencies was to demand the payment of fees from the workers before they are placed. This goes on despite the practice being illegal, under the Employment Agencies Act 1973.⁴²

The people we interviewed all said that migrant workers employed by agencies were often employed on terms and conditions that were less favourable than those enjoyed by 'core' workers who were typically local people. One union official described the arrangements in a north Wales meat processing plant:

There is an issue there where the local workforce has a grading system. Migrant workers don't, they just stay on bottom grade. Some quite clearly should be on much higher grades with their skills. We're going to look at that. They only go onto higher grades when they transfer over to the company.

⁴⁰ Anderson, B., Clark, N., Parutis, V. (2007); **New EU Members? Migrant Workers' Challenges and Opportunities to UK Trades Unions: a Polish and Lithuanian Case Study**, London: TUC

⁴¹ Dench, S., Hurstfield, J., Hill, D. and Akroyd, K. (2006) **Employers' use of migrant labour - main report**, Home Office Online Report 04/06, London: Home Office

⁴² McKay, S., Winkelmann-Gleed, A. 2005, **Migrant Workers in the East of England**, London: Metropolitan University

Another said that the different terms and conditions of agency and core workers made it very difficult for him as a union official to know whether or not the employer's actions were acceptable. Some of our interviewees reported that there were now fewer problems with the main agencies in Wales, in part because one agency that was said to have particularly poor practices no longer held the contract with a major employer and its successor agency were said to have better conditions. Another agency, CSA, had been inspected recently by a number of different bodies including the GLA as their Business Development Manager described to the House of Commons Welsh Affairs Select Committee:

We were subject to an audit in February and we were found to have achieved the gold standard. No problems could be found at all associated with our operation and our systems, whether it be from the systems of procedure, standards of accommodation or the way in which we approach our business.⁴³

Indeed, CSA are proud of their status as an 'ethical employer'. Whilst not going quite so far, union officials in both north and south Wales reported that agencies had improved recently. For example one official said:

At the beginning when it first kicked off relations between T&G and CSA were quite hostile. Over the last 18 months to two years the relationship is better. Obviously it's not perfect but we've brought issues to their attention and they've acted upon them.

He continued that most recently the agency had agreed to guarantee workers on zero hours contracts a minimum of 20 hours a week work: Nevertheless, this the same agency whose activities have prompted many complaints in the past, and their recent 'clean bill of health' from the GLA prompted disbelief in some quarters.

Despite the outrage that has accompanied revelations about the low pay, long hours, lack of guaranteed work and deductions from pay experienced by many migrant workers, many of these practices are in fact legal. Indeed, it seems that a great many employers are well versed in precisely what they can and cannot and carefully stay on the right side of the law. As one union official said to us:

⁴³ House of Commons Welsh Affairs Select Committee (2007), **Evidence by Mr M Spragg and Mr P McCarthy**, 3rd July 2007

... what's legal is appalling. ... Sometimes they act illegally but what they can do legally is mind-boggling. They don't need to be illegal.

In conclusion, it seems that the majority of migrant workers are employed on terms and conditions which are legal in most respects. Although it appears that conditions have improved, at least amongst some agencies, there still remains a minority whose treatment is clearly illegal. There is, therefore, more that should be done to eradicate illegal practices. Over and above this, however, is the question of whether more should also be done to raise standards above the absolute minimum. Although strictly legal, some of the conditions of work experienced by migrant and UK workers are hardly desirable and this too must continue to be the subject of on-going work by trades unions.

4. The role of trades unions

Unions have an absolutely vital role to play in protecting and enhancing the working conditions of migrant workers. However, this is important not only to protect vulnerable people from exploitation, but also to protect all working people, irrespective of their country of origin, from unscrupulous employment practices. All the major trades unions as well as the TUC are clear that they abhor the exploitation experienced by migrant workers. Many unions go further and welcome the positive benefits that migrant workers make to the UK economy and workforce and all unions are anxious to ensure that they recruit migrant workers.

There is growing evidence that migrant workers have **not** had a negative impact on the overall employment of the UK population – they have not ‘taken jobs’ (indeed some people have argued that they have helped to retain local jobs), they have not undercut wages as a whole, and they have generally benefited the UK economy. However there is also an emerging consensus that migration has helped to hold down the very lowest wages. Put simply employers have no incentive to pay more if they can get staff at, very close to or even below, the NMW.

A number of those we interviewed clearly saw that employers used agencies, and through them migrant workers, as a means of holding back pay and conditions:

I have a clear opinion. I think migrant workers issue is really an agency issue. ... agencies give employers an opportunity to put a brake on terms and conditions and in fact to move them down.

He said that employers told unions that agency workers provided a ‘buffer’ which protected core workers from compulsory redundancy at times of fluctuating trade, but he regarded this as a ‘trap’ into which unions had fallen.

Union Membership

Migrant workers tend not to join unions. Several studies have found that, in general, migrants tend to have few contacts with institutions outside work. If they had a problem, migrant workers most commonly attempted to solve it themselves or if an institution was

approached it was most likely to be the Citizens' Advice Bureau.⁴⁴ In other words, unions did not feature at all in most migrant workers thinking.

Union Membership amongst migrant workers

A number of studies suggest that union membership amongst migrant workers is very low. The Autumn 2005 Labour Force Survey⁴⁵ found that union membership amongst all A8 nationals was just 3.6 percent. The TUC's survey of Polish and Lithuanian workers also revealed that fewer than one in twenty five – 3 percent – had joined a trades union in Britain. Similarly, other studies have found that very few migrant workers were union members⁴⁶ – in one study none of the 205 migrants interviewed had joined a union.⁴⁷ Indeed, most trades unions do not appear to be able to identify which of their members are migrant workers.

Our interviewees said that in their experience union membership was generally very low amongst migrant workers, but also they suggested that there was some variation between workplaces depending, partly, on whether there was already a union presence.

The TUC report suggests that migrant workers may be less likely to join a union than other workers because they are younger and have been in the UK a relatively short time, whereas union membership tends to be positively associated with age and length of service. In addition, migrant workers are concentrated in sectors such as agriculture and hospitality which are notoriously badly organised irrespective of the origin of their workers. A study of migrant workers in the east of England found that the membership of those who were in unions was more related to where they worked, in that those that had joined a union had usually done so because there was a union in their workplace and not because of a particular commitment to trade unions. In other words, it may well be that the low levels of membership amongst migrant workers reflect the general challenges that unions face organizing certain workplaces and age groups rather than

⁴⁴ Anderson, B., Clark, N., Parutis, V. (2007); **New EU Members? Migrant Workers' Challenges and Opportunities to UK Trades Unions: a Polish and Lithuanian Case Study**, London: TUC

⁴⁵ Quoted in Anderson, B., Clark, N., Parutis, V. (2007); **New EU Members? Migrant Workers' Challenges and Opportunities to UK Trades Unions: a Polish and Lithuanian Case Study**, London: TUC

⁴⁶ Dench, S., Hurstfield, J., Hill, D. and Akroyd, K. (2006) **Employers' use of migrant labour - main report**, Home Office Online Report 04/06, London: Home Office and McKay, S., Winkelmann-Gleed, A. 2005, **Migrant Workers in the East of England**, London: Metropolitan University

⁴⁷ Anderson, B., Ruhs, M. Rogaly, B. and Spencer, S. (2006) **Fair enough? Central and East European migrants in low-wage employment in the UK**, York: Joseph Rowntree Foundation

because they are migrants. This is a very important point that has a bearing on how unions respond to the challenges.

The TUC report also touches on whether migrant workers from A8 countries may have pre-determined views on union membership, arising from, for example, attitudes to unions in their country of origin. It concludes that Polish and Lithuanian migrant workers are not necessarily opposed to trades unions in principle, as 54 percent of those replying to their survey said they would be interested in joining. The majority of those expressing interest in joining gave said it was because of what the union could do for them. However, a substantial minority gave reasons that were more consistent with achieving social change. These findings were paralleled elsewhere, with most migrants who had joined a union being found to do so either out of a sense of solidarity or as 'insurance' should things go wrong for them.⁴⁸

The TUC study found that migrant workers who were not interested in joining a union said this was because they either felt able to resolve problems themselves, or because of practical reasons. They found that only a small minority in this study appeared to be ideologically opposed to trade unions. However, a number of people we interviewed said that workers from A8 countries simply did not understand the British idea of a trade union:

We've been surprised when we've held meetings in Llanelli, knowing the background of Poland, of how little they understand how the trades union works... They've brought up issues about employment , .. We've advised them about raising a grievance, a grievance together, [and we] have to explain the procedures... to go through. I'm taken aback by lack of knowledge of how trades unions work.

Sometimes workers associated unions negatively with those in their country of origin. This view has been found elsewhere, e.g. amongst Polish workers in the food and construction industries in the north of England.⁴⁹ One of our interviewees in north Wales commented:

⁴⁸ McKay, S., Winkelmann-Gleed, A. 2005, **Migrant Workers in the East of England**, London: Metropolitan University

⁴⁹ Fitzgerald, I. (2006) **Organising Migrant Workers in Construction: experience from the North East of England**, London: TUC

It's the perception of trades unions. Because they were useless in socialist countries.

There seems to be some mistrust in the unions because of the links to communism.⁵⁰

A Polish migrant worker said he:

'never wants to sign up to a trade union ... there is too much politics with trade unions'.

This negative attitude or simple lack of understanding is a major hurdle for unions to overcome, in addition to the challenges that arise from the sectors in which migrant workers are based.

Organising and recruiting migrant workers – current action

The reality of organizing migrant workers on the ground is very difficult. Surveys show that the main reasons why recruitment is difficult are:

- fear of victimisation by employers and agencies;
- inability to communicate due to language;
- mobility and the temporary nature of much of the employment available;
- existing difficulties in organising the sectors, even in respect of UK staff;
- a lack of a tradition of union organisation among some groups of migrant workers or a suspicion of unions, based on their historic role in their country of origin;
- lack of support for union reps.

In addition, interviews with migrant workers in the East of England suggested that in some cases unions had not made sufficient efforts to approach them to join or to process their applications.

⁵⁰ House of Commons Welsh Affairs Committee (2007), **Evidence by Ms Charlie Jones** 14th May

Unions are clearly aware of the challenges they face and many are taking active steps to recruit migrant workers, through a number of different methods. The TUC's 2007 equality audit demonstrates the breadth of activity that is being undertaken, particularly by the larger unions, on both migrant workers and asylum seekers. In the case study areas in Wales, we found a wide variety of different activity being undertaken by trades unions, which included the following examples.

- **Provision of information in languages other than English / Welsh**

A number of trades unions provide information geared to the needs of migrant workers, for example informing them of their employment rights in the UK. For example the TUC provides information on its website and leaflets on rights at work for workers from A8 countries, as do a number of individual unions. Much of this literature is produced in languages other than English. The TUC leaflet on migrant workers' rights is available in Czech, Estonian, French, Hungarian, Latvian, Lithuanian, Polish, Russian, Slovak and Spanish as well as English. USDAW produces a basic recruitment leaflet in 35 languages, and encourages workplace reps to display multi-lingual information on the union notice-board at work and to circulate the TUC leaflet. UNISON, Amicus, T&G and GMB also provide publications in a number of different languages, aimed often at migrant workers, in languages including Urdu, Polish, Lithuanian, Estonian, Russian, Portuguese, Spanish and Dutch. UNISON makes available recruitment materials on its website and provides basic information about the union in 16 of the most commonly used languages, which are currently: Albanian, Arabic, Bengali, Chinese, Farsi, French, Gujarati, Hindi, Polish, Portuguese, Punjabi, Somali, Russian, Spanish, Turkish and Urdu. In addition to literature, some unions e.g. TGWU (now Unite) now operate a migrant workers helpline and are able to deal with enquiries in Polish.

The union officials we spoke to were all aware of and had used the literature produced by their respective unions, and those in other organizations e.g. race equality bodies were also aware of the TUC's leaflet and web pages (although one person commented that at the time they were out of date).

However, although literature alone may be a useful means of raising awareness, there are issues about its dissemination particularly to groups of migrant workers who work in wholly non-unionised workplaces and are isolated from other people through their work, accommodation and transport arrangements.

- **Liaison with community groups**

Links between unions and Polish community groups can be a vitally important way of establishing the credibility of unions amongst migrant workers and hence of facilitating membership.⁵¹ The study of migrant workers in the East of England notes that some unions have worked with local community groups, and that this has been particularly successful in relation to the Portuguese communities, where links with workers have been established and where some union recruitment has taken place.⁵²

Organisations such as the Polish – Welsh Mutual Association in Llanelli, local Catholic churches, and even local shops used by Polish workers – can all provide a means of access to migrant workers. For example, one study described how a union placed 60 copies of a leaflet about workers' rights in a local shop; the leaflets were gone in three hours.

In Llanelli, the TGWU (now Unite) had links with the Llanelli Credit Union and the town's Polish Centre. Unite provides advice and support on employment matters, makes presentations on workers rights to people attending the Polish Conversation Club, and is involved with social activities e.g. social evenings. At the same time, the Credit Union manages the payment of union members' subscriptions. In north Wales, some trades unions are actively involved in the North Wales Race Equality Network which brings together a wide range of bodies with a concern about migrant workers, amongst other matters. However this was not the case everywhere: in Merthyr Tydfil we were told that the Migrant Workers' Forum had folded and there seemed to be little contact between unions and local community groups both here and in Cardiff.

- **Language training**

Over and over again, union officials, migrant workers themselves and community organizations said that language skills were absolutely crucial to enabling migrant workers to exercise their rights as citizens and as workers. The importance of effective language skills cannot be stressed too strongly. One union official described how

⁵¹ Fitzgerald, I. (2007) **Working in the UK: Polish migrant worker routes into employment in the North East and North West construction and food processing sectors**. TUC / University of Northumbria

⁵² McKay, S., Winkelmann-Gleed, A. 2005, **Migrant Workers in the East of England**, London: Metropolitan University

equipping migrant workers with language skills enabled them to be aware of their rights and then tackle the issues themselves:

A key thing was English lessons and citizenship lessons. Once you had 4-5 people who understood they would take it back to others and things would move forward.

Others described how once a migrant had language skills they were able to 'break free' from agencies and find better employment. One migrant worker told us how he had done precisely this:

Problem is language, if you don't speak English you can't find job, can't change work because you don't understand what people say to you. ... Language is very important to getting on. I learnt English in about 7 or 8 months. I lost 7 months in Dawn Pak. Dawn pack was a bad time.

A number of unions across the UK have provided language classes for migrant workers, either off-site, sometimes in association with other providers, or very occasionally in partnership with employers. As well as helping the workers, some e.g. USDAW, have found that it has also helped to recruit members.

Our interviews suggested that English language provision varied hugely between areas. Formal ESOL (English for Speakers of Other Languages) classes held at local colleges were available in most areas. However a number of people we interviewed felt that provision was not always appropriate for migrant workers because class times did not fit in with workers' shift patterns, tuition was not always geared to workers' needs e.g. the emphasis on accreditation of learning, the level of tuition was too high, and there were sometimes waiting lists for classes, or limits on the numbers who could attend. These requirements are driven by the funders of ESOL provision – the Welsh Assembly Government. For these and other reasons a number of unions, either independently or in conjunction with others, were organizing language classes for migrant workers.

In Llanelli, for example, the preferred approach at the Polish Centre was to provide a Conversation Club which is run by English speaking Polish volunteers. Twelve to twenty Polish people attend fortnightly, with the emphasis on 'learning the familiar' – shopping, doctors and work. The classes have come to be a social event where friendships are

formed between different groups of Polish people, and also a venue for the local Unite union to contact Polish workers.

In North Wales, TGWU (now Unite) provided language classes at some workplaces (funded by the Wales Union Learning Fund) and its tutor also acts as an interpreter, mentor and advocate. Although some companies provided facilities for the classes, it was said that only one allowed workers to attend during work time. The union there had ambitious plans to set up a learning centre which would cover a range of issues including citizenship and workers' rights.

In Merthyr Tydfil, it was reported that there was a high demand for language learning and that all the ESOL classes at the FE college were full and there was a long waiting list for both day time and evening classes. This was despite the tutor trying to focus recruitment on those with minimum English language ability. Some classes were being organized by community groups at a community facility immediately next to a factory that employed a large number of migrant workers, but there was a need for more provision locally.

- **Peer support**

The idea of 'like recruiting like' has been identified elsewhere as one of the most valuable ways of reaching migrant workers:

[the] 'like recruits like' approach is vital to the development of sustainable strategies for organising migrant workers.⁵³

The study quoted above describes how several unions in the north west of England had recruited Polish workers as translators, organizers and in one case as a full time official. Similar developments have occurred in Wales. For example, TGWU (now Unite) in north Wales there is a Polish shop steward who was felt to be:

⁵³ Fitzgerald, I. (2007) **Working in the UK: Polish migrant worker routes into employment in the North East and North West construction and food processing sectors**. TUC / University of Northumbria

'Key to recruiting migrant workers. ... [It is] fundamental to be able to show him as an example. And also where there is an issue where a migrant worker has a disciplinary problem, he will try and help us.

In Merthyr Tydfil, a union official had identified a Polish worker at a food processing plant in Gloucestershire:

...what we've done is, I've found a rep ... who works for [deleted] in Gloucester and he and the branch sec ... have ... agreed to come and do two awareness-raising days in St Merryn.... We have some Polish literature but that's not enough.

For at least one union, getting more migrant workers actively involved and willing to help to recruit others was a high priority. The official who had already recruited the Polish shop steward said:

We need to progress it and get more stewards and cover each nationality. That's the aim of the shop stewards committee. A key aim. That then promotes working together.

As part of this, unions need to build trust. The study of recruitment of construction workers in the north east of England concluded trust was crucial to success and was most difficult to achieve. As the report warns, however: 'be aware that it takes a number of positive actions to build trust but just one undelivered promise to break it.'⁵⁴ At least one incident was recounted during our interviews that confirmed how easy it was for trust to be broken.

⁵⁴ Fitzgerald, I. (2007) **Working in the UK: Polish migrant worker routes into employment in the North East and North West construction and food processing sectors**. TUC / University of Northumbria p.19

5. Conclusions and recommendations

It is abundantly clear that migrant workers are coming to Wales in significant numbers, although we cannot say with any certainty how many are here at any one time. Workers from the A8 workers have attracted the most attention recently and are the focus of this report, but trades unions and others should be mindful that there are migrant workers of many other nationalities as well. Whatever the number is, however, these are workers who simply did not have the same presence in Wales three years ago. The rapid change in the cultural composition of many workplaces, as well as many towns and communities, is a challenge in itself.

In addition, it is also very clear that the great majority of migrant workers are concentrated in low skill, low paid jobs, despite the fact that they are themselves often relatively highly qualified. In Wales, as in the rest of UK, migrant workers often work long hours, in sometimes demanding and unpleasant conditions, for low pay that is typically at or only very slightly above the National Minimum Wage. We found some allegations of poor or illegal employment practices, although it does seem that conditions are improving, if only slightly. However, it must be stressed that much of the experience of migrant workers is entirely compliant with current UK legislation. It is not illegal to pay £5.35 an hour, it is not illegal to deduct £29.50 a week for accommodation or to charge for cleaning and transport, and it is not illegal to provide zero hours contracts. In many ways, the problems of poor conditions of employment that are faced by migrant workers are precisely the same as those faced by many Welsh and UK workers. Both have same the same rights, both suffer same low pay and long hours, and both are found in industries which are hard to organise. What distinguishes migrant from UK workers is migrant workers' lack of ability to speak English and lack of awareness of their rights in the UK – including their right to join a union.

The challenge for trades unions in Wales is to find ways to tackle the fundamental issues, which are about the continuing ability of employers to drive down terms and conditions of employees wherever the employees are from, at the same time as tackling the circumstances which make migrant workers particularly vulnerable, namely their lack of understanding of English, lack of awareness of their rights and, crucially, their lack of organization as union members.

As described in Chapter 4 of this report, a number of unions in Wales are already doing a great deal to try to recruit migrant workers and to improve working conditions. However there is always scope for these unions, and the others which are not so active, to do more and in particular to work in a co-ordinated way.

So, what might trades unions do?

Recommendations

The rest of the report sets out actions that we suggest trades unions in Wales should consider. Some of the recommendations concern challenges of which unions are already aware, but others cover areas which unions may not have considered to date or which require unions to consider working together.

1. Challenge the myths

Although the union movement has, as a whole, publicly welcomed migrant workers to the UK, that stance and the reasons for it have not necessarily filtered through to union members and activists. Although we did not find any evidence of any hostility to migrant workers amongst trades unionists, it would be surprising indeed if union members in general were immune from racism or concern about immigration that undoubtedly exist in wider society. Unions also need to overcome complacency about the need to recruit migrant workers.

One action that unions should consider, therefore, is producing information to challenge commonly-held but incorrect beliefs about migrant workers. Several local authorities in Wales have produced 'myth-buster' leaflets and these could be a model for unions to adopt. The Wales TUC has already published a leaflet on this subject and this provides an excellent platform on which to build.

2. Recruitment strategies

One very powerful message from this and other studies is that there are likely to be considerable benefits if trades unions develop recruitment strategies which are explicitly designed to encourage migrant workers to join. These, it is suggested, should reflect

the different ways in which migrant workers enter employment in the UK. So, for example, migrants finding jobs 'on spec' are best contacted via the local ethnic community in the UK, whilst migrants recruited by agencies in their country of origin, whether directly by the employing company or by an employment agency, are best recruited through union agreements with the relevant company or agency.⁵⁵

Whilst securing agreements with the company or agency is undoubtedly highly desirable, achieving those agreements is by no means easy nor can it be separated from the sheer hard slog of recruiting union members at the company's or agency's workplace. The rest of this section therefore concentrates on ways in which unions might recruit members at local level.

A number of key messages about possible actions emerge, which are as follows:

- **target hard to organise sectors**

A key message for unions is that migrant workers' lack of involvement in unions owes as much to the sectors that they work in than the fact they are migrants. Where there is a union presence at a workplace makes it more likely that migrant workers will join, along with their Welsh colleagues. Unions therefore need to make imaginative and concerted efforts to recruit UK and migrant labour in non-unionised sectors.

- **Communicate**

On the whole, migrant workers do not know about unions and they never will know unless unions communicate with them. As seen in Chapter 4, many unions have produced information in languages other than English for distribution to workers, either on paper or via websites, but these are of little use if workers do not see them. Unions need to consider other, innovative ways of disseminating their messages. These might include everything from liaison with local migrant workers' groups or associations, putting literature where migrant workers go – the local Catholic church, the local shop selling Polish goods, the local library etc, articles in Polish language newspapers and newsletters, and so on. To do this unions will need to ensure that their regional and

⁵⁵ NW study

local officials have good links with community organizations and that they are able to play a part in the various fora considering migrant worker issues in Wales.

Unions also need to produce a wide variety of materials in different languages, that might include posters and leaflets on specific subjects as well as general recruitment literature. Some of that material needs to address the very basic question of what a union is and does, given the lack of understanding that is apparent amongst some migrants. Another study has suggested that the TUC should produce a Polish language website⁵⁶ and the potential of text messaging as a means of disseminating information also needs to be explored. In addition, unions need to ensure that material produced in English is easy to read – regrettably some (including the TUC’s WorkSmart website) is not in simple language whatever the reader’s mother tongue.

Literature is not, however, enough alone. Unions need to complement their written material with a strong, face to face presence, either at the workplace or in the community. A visible presence was found to be vital to the successful recruitment of migrant construction workers in the north east of England⁵⁷ and was also endorsed by unions in Wales. Clearly this has important resource implications for individual unions – a point to be addressed later.

- **Recruit ‘like with like’**

Working with migrant workers who become union activists to recruit members of the same ethnic origin has been found to be a highly successful approach both in Wales and elsewhere. Unions need to think how they can support migrant workers to encourage their peers to join a union, perhaps by recruiting migrant workers to full-time posts with this specific remit. This is a resource-intensive approach and, given the relatively small numbers of migrant workers in Wales and the number of unions potentially competing for their membership, might be an issue on which unions could consider co-operating (again, see below). Those migrant workers who do work in this way will also need the support of their peers, both in Wales and elsewhere, and arrangements will need to be made to provide that support.

⁵⁶ NW England study

⁵⁷ ref

- **Support language learning**

The message that migrant workers want – and need – support to learn English is overwhelming. Whilst there is some language learning provision in further education and community organizations, there is considerable potential – already being realized in some parts of Wales – for unions to arrange or support language classes themselves or in partnership with others. This might be in workplaces or community settings, but should be specifically geared to workers’ language needs. Whilst the Wales Union Learning Fund has provided modest funding to an initiative in north Wales lead by TGWU (now Unite), there needs to be provision in all parts of Wales with a migrant workforce and which is cross-union.

- **Sustain membership**

Recruiting and retaining membership in a highly mobile, non-English speaking workforce that may not have bank accounts is no small challenge. Yet all the efforts to recruit members will be wasted if they are lost as soon as they switch workplaces, whether with the same employer or a different employer. Arrangements also need to be made to process applications quickly and to allow for short-term membership, for those workers who only intend to stay in the UK a short time. Similarly, a recruitment campaign will not have succeeded if the simple payment of subs by a migrant worker cannot be arranged. Unions need to find practical solutions to these dilemmas – a cross-union working party could usefully be established to develop ideas.

- **Union co-operation**

As already mentioned, the demands on union resources to recruit and support migrant workers is potentially substantial and clearly it would not be economic, or indeed desirable, for unions to undertake all these activities individually. It should also be remembered that the issues that many migrant workers face in Wales are fundamentally the same as those faced by Welsh workers. That said, there are clearly particular issues that arise from the cultural and ethnic origin of migrant workers that need to be addressed, in ways that meet their needs.

Unions therefore need to consider co-operating on a range of different issues, from providing generic information to employing migrant worker ‘advocates’ to recruit their

peers, to providing English language classes, to perhaps managing membership subscriptions. One way of supporting this co-operation might be through a Wales TUC-led migrant workers' support unit which would be able to undertake a number of these activities on behalf of individual unions, as well as acting as a focus for developing good practice and acting as a union voice on the issues migrant workers face. Such a unit would need to work closely with and not duplicate the work of established resources such as the Llanelli Polish Centre, activities in north Wales and the proposed migrant workers' centre in Cardiff. This should be a fixed term project (say 3 years) that has the explicit aim of 'mainstreaming' migrant workers and their concerns into union movement.

2. Campaign for better regulation and enforcement of employee rights

Even though many employers' practices that cause concern are legal, a great many are not. Some of the employers' practices that were reported to us and to others are flagrant breaches of UK law – irrespective of whether the workers are migrants or local people. Yet the regime of inspection and penalties is barely a deterrent to employers. For example the current penalty for paying below the National Minimum Wage is the (slight) risk of having to repay wages due to the worker and the even slighter chance of a £5,000 fine. The system relies on workers making a complaint themselves – there are relatively few NMW compliance officers undertaking unprompted investigations. The proposed increase in penalties is welcome but not enough. Similarly there are reported to be just 7 inspectors employed by the GLA to police licenced gangmasters. Whilst the GLA makes much of the 29 agency licenses it has revoked, it is but a tiny proportion of the total number of agencies registered. Similarly, the proposed ban on re-registering by agencies whose licenses have been revoked is also welcome but action needs to go much further.

A great many illegal practices, such as not providing adequate break or rest periods or unlawful deductions of accommodation charges from pay, do not have a ready system of redress, whether for UK or migrant workers and this too needs to be remedied. It is not clear, for example, from the various sources of information on employee rights that we have seen what a worker, whether UK or migrant, should do if his or her employer does not pay them for hours worked or requires them to work excessive hours.

3. A code of conduct

Intensified recruitment and support activity needs to be complemented by agreements between unions and agencies and employers of migrant workers to, at the very minimum, allow unions access to their workforce to promote recruitment. More substantial agreements also need to be developed to ensure basic employment rights are respected. The Welsh Assembly Government, CBI and Wales TUC should jointly agree a voluntary code of practice on the employment of migrant labour which all agencies and employers should be encouraged to adopt, and the adoption of the code should be accompanied by some form of 'accreditation' to indicate the employer's good practice to recruits. The Code of Conduct will need to be promoted and disseminated within migrants' countries of origin and amongst the migrant worker community here e.g. via Polish language media.

5. Harness consumer power

A great many of the employers whose practices cause concern manufacture products or provide services which are household names. Just as campaigns have highlighted retailers whose goods are produced in poor conditions overseas, so consideration should be given to a similar campaign to highlight those products manufactured in poor conditions in the UK. There should also be further consideration of ways in which public procurement, e.g. of meat products for catering, can avoid purchasing from employers whose practices may be illegal.

6. Strategic co-ordination by the Welsh Assembly Government

The Welsh Assembly Government has a key role to play in promoting the wellbeing of migrants who come to Wales. Although immigration and employment rights are not devolved issues, the economy, housing and most community services are firmly in the realm of the Assembly Government. The Assembly Government has been active in a number of ways to support the wellbeing of migrant workers, with activities ranging from publishing a welcome pack for new migrants to funding the Polish Centre in Llanelli and English language ESOL and union classes. It has also commissioned three different studies on aspects of migrant working in Wales, and has held a migrant workers' forum. Useful though these are there does not appear to be a strategic approach to the integration of immigrants into Wales, be they refugees or migrant workers. In particular,

links need to be made between the various different departments within the Assembly that are concerned with migration issues and between the Assembly Government and Whitehall, as well as with the private and voluntary sectors, and trades unions.
