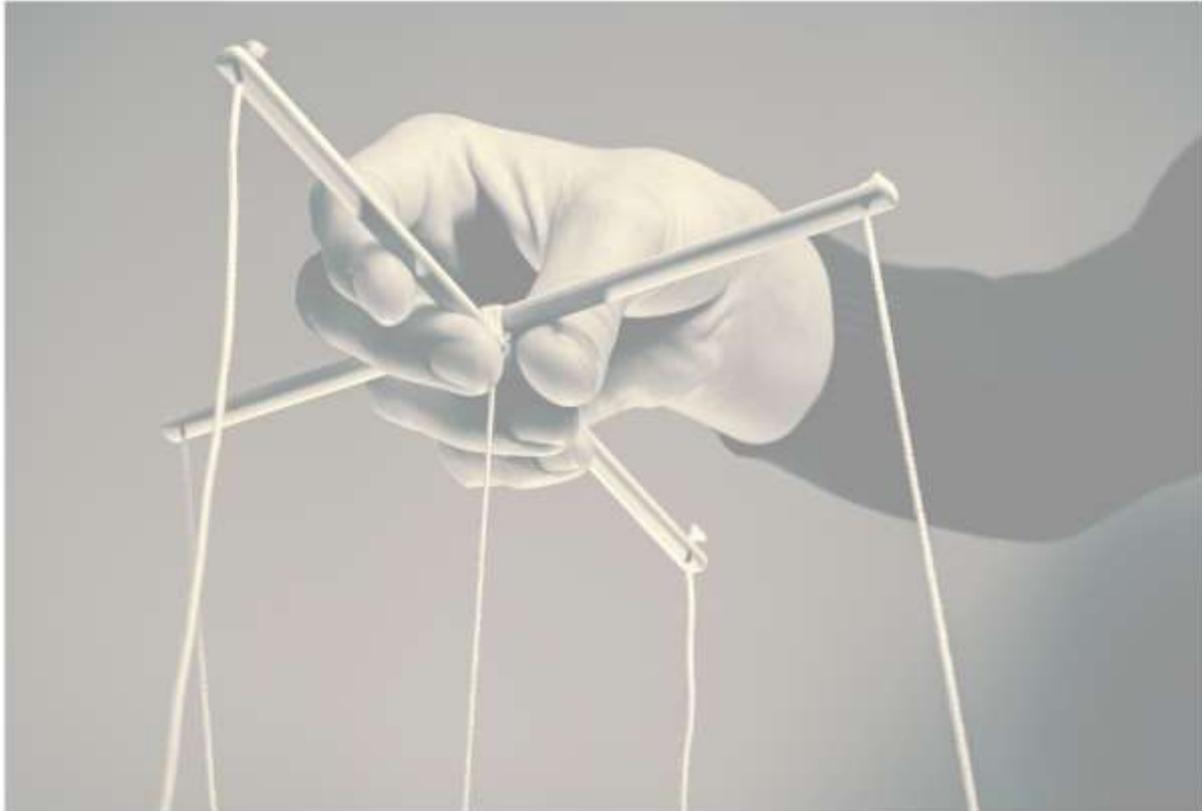


When Work Doesn't Pay

Revealing Exploitation in Scotland's Online
Labour Recruitment



we believe everyone deserves
to live in freedom with dignity and respect

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Into the sunlight

SOHTIS
Survivors of Human Trafficking in Scotland

1. CONTEXT

Human trafficking is said to be the greatest human rights issue of our time. It is a violation which preys on some of the most vulnerable in society. The Human Trafficking and Exploitation (Scotland) Act¹ defines it as 'the trading of adults and children for the purpose of personal gain or profit'. Human trafficking is a complex and often hidden crime which abuses human rights and dignity.

There is growing evidence that this is not only an international issue but one which 'pervades every county and every community of the United Kingdom'.² Victims of human trafficking have been found in all 32 local authorities in Scotland, in rural areas as well as towns and cities. The 2019 National Referral Mechanism (NRM) data for Scotland shows an increase of 125%³ of potential victims of human trafficking recovered compared to 2018. This is thought to be only 'the tip of the iceberg', with many more victims expected to be going unidentified. Despite COVID-19 lockdowns, evidence of forced labour has continued to cause law enforcers and anti-trafficking NGO'S significant concern. High profile cases, such as within the textile industry in Leicester also brought this briefly to the attention of the wider public.

In an enquiry into human trafficking in Scotland in 2012, the Scotland Commissioner, Baroness Helena Kennedy QC, stated her aspiration that 'Scotland will pioneer a zero-tolerance approach to human trafficking'.⁴ In 2017, the Scottish Government launched their Human Trafficking and Exploitation Strategy which aims to eradicate human trafficking by identifying and supporting survivors, disrupting perpetrators, and addressing the conditions which foster trafficking. Following a consultation period, this Strategy is now under review.

The Drivers of Human Trafficking

One of the main drivers of trafficking and exploitation is poverty. It is therefore the cause of gravest concern that the effects of the COVID-19 pandemic (which is already seeing low paid workers denied work entitlements, threatened with dismissal and facing unemployment) will put people at higher risk of destitution and vulnerable to exploitation.⁵ Whilst financial support provided by the Government is welcome, it is however, thought to have failed to cover significant groups of workers leaving them at increased risk of exploitation.⁵

The Effects of Human Trafficking

The effects of human trafficking are known to be significant on individuals, with impacts acknowledged to be 'profound and enduring; both in the risk associated with exploitation and abuse, and in the longer-term psychological impact of being enslaved'.⁶ The effects for victims in Scotland, include potentially serious injury and/or health risk(s) due to poor living and working conditions and resultant harms caused by trauma.⁷

Research carried out by the NHS also evidences the negative effects from the earliest stages of recruitment through to reintegration into society.⁸ These harmful impacts of trafficking on victims', physical, psychological and mental health issues (including PTSD) have been reported at all stages of what has been termed the, 'migratory and exploitative nature of a multi-staged trafficking process, which includes: recruitment, travel-transit, and exploitation'.⁹

Perpetrators are known to inflict a combination of psychological and physically controlling behaviours on victims with fear and feeling powerless being among the most frequently described experiences cited by victims in research carried out by The Joseph Rowntree Foundation.¹⁰

There is also increasing evidence that the impact of human trafficking extends beyond those experienced by individuals, to having long lasting effects on families, communities and the wider society. The transgenerational effects of human trafficking make the importance of breaking the cycle of exploitation even more essential and urgent.

2. RESEARCH SCOPE

The aim of this research was to explore to what extent online labour recruitment is putting people at risk of abuses (including human trafficking for forced labour) in Scotland.

3. ACKNOWLEDGEMENTS

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4. SUMMARY

Labour shortage, financial pressures and inconsistent human resource practices may create opportunities for the online recruitment of exploitative labour in Scotland.

The demand for low paid, low skilled labour, combined with a post COVID climate of financial insecurity, increase in remote working, reliance on technological communications and the relaxation and outsourcing of human resource and recruitment practices is a lucrative environment for traffickers.

'When Work Doesn't Pay' exposes the ease with which perpetrators of labour exploitation are able to capitalise on this using digital platforms for online labour recruitment and makes recommendations for the prevention of future labour exploitation and protections for victims.

5. BACKGROUND

In the UK, human trafficking is considered a low risk, high reward crime and is often associated with serious organised crime. The largest percentage of victims recovered from human trafficking and entering the NRM in Scotland in recent years have been subjected to forced or compulsory labour.¹¹

“Forced or compulsory labour is defined as all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.”

International Labour Organization Forced Labour Convention, 1930 (No. 29)¹²

In the UK, forced labour has most commonly been found in industries associated with low-paid, low-skilled labour, such as construction, hospitality, manufacturing, agriculture, fishing and other service industries. There is also thought to be a higher risk of labour exploitation where there is demand for flexible and temporary workers.

Forced labour practices are the acts done to a worker by an employer or employment agent that are exploitative and, if severe enough and/or numerous enough, may constitute forced labour. The Joseph Rowntree Foundation (JRF) has developed the following list of situations and conditions that constitute labour abuse derived from the International Labour Organization (ILO) indicators:¹⁰

- Upfront fees/debt bondage
- Threats and bullying
- Disciplining through dismissal
- Productivity targets and surveillance
- Overwork
- No breaks
- Underwork/indebtedness
- Non/under-payment of wages
- Deduction/charges
- Withholding ID
- Threat of denunciation
- Tie-ins (work authorisation)
- Tie-ins (accommodation)
- Tie-ins (money)

Joseph Rowntree Foundation¹⁰

According to the 2019 NRM data, 60% of those potential victims of human trafficking recovered in Scotland were cases related to labour exploitation.³ It is thought that, despite this, there remains significant underreporting, which may be due to a reluctance or inability of those affected to come forward, and a lack of awareness by frontline agencies, statutory services, and the general public.

Forced labour is considered a serious crime in Scotland and in 2020, the First Minister of Scotland confirmed her commitment to ensuring Scotland does not become a place where 'individual workers adhere on sufferance'.¹³

FORCED LABOUR CASE STUDY

- Male in his 50's held in forced or compulsory labour for little or no pay
- Working in hospitality and retail services
- Crimes allegedly stretching over a 7 year period
- Not permitted to leave his place of work without permission
- Not permitted to have contact with family or friends
- Refused medical care resulting in life changing injuries
- Victim was identified on presenting at the NHS with serious medical conditions
- Victim has since been provided with appropriate care and support

6. LABOUR RECRUITMENT

Over the last 15 years the profit margins of recruitment agencies in Scotland have been shrinking. This can be attributed to the combined market forces of a saturated competitor market, readily available labour from Europe and customer's working within the long supply chains of major retailers who may pressure suppliers to reduce their margins. Labour is generally the most expensive part of these supply chains and the introduction of the National Living Wage has contributed to businesses looking for savings in areas including recruitment services.

'There are over 3000 recruitment agencies in Scotland, only 900 of which are members of the Recruitment and Employment Confederation (REC). They range from the 'one-man-band' agencies to global multi-national organisations who have a presence in every major city in Scotland. There are numerous cases of individuals in recruitment agencies either knowingly or unknowingly becoming involved in the supply of modern slaves. Past cases show that one rogue staff member can allow hundreds of modern slaves to pass through their books.'

Shan Saba (Director, Brightwork Recruitment)

These pressures combined with a shift to digital recruitment and monitoring, have led to an increased risk of exploitative labour practices, including extreme forms such as modern slavery.¹⁴ As a result of pressures on their profitability, some recruitment agencies have adopted practices which increase the risk of exploitation in the labour chain. In addition, in anticipation of Brexit, the UK has seen a reduction in migration over the last few years which has consequently contributed to difficulties for recruitment agencies in meeting the labour demands of their customers. This increases the risk of recruitment being further outsourced or the weakening of standards of recruitment practice.

Clear links have also been established between the risks of exploitative labour and labour recruitment during the COVID-19 pandemic. The full extent of this will likely remain unknown until significant time has passed,¹⁴ however, with staff shortages due to illness and self-isolating, there is evidence of shortcuts in recruitment and reduction in human resource procedures which may exacerbate existing recruitment difficulties.

7. METHODOLOGY

This research, conducted over a twelve week period in 2020, combined a review of relevant literature with desk research and online analysis. Intensive job searches were used on a variety of online platforms in order to identify the extent to which people may be recruited for forced or compulsory labour.

The criteria used for the research focused on factors which may increase dependency by the employee on the employer, and/or increase the employees' vulnerability or isolation. Six elements of the Joseph Rowntree Foundation¹⁰ and ILO Forced Labour Indicators were used as below.

- Upfront fees
- Overwork (long hours)
- Non/under payment of wages
- Deduction/charges
- Tie-ins (accommodation)
- Tie-ins (money)

In addition, employment opportunities which advertised no English language required, cash in hand payments and provision of travel to and from place of work were also considered risk factors. The requirement of prospective employees to provide their own PPE or where they were advised that there was no requirement to follow COVID-19 regulations was also included.

A risk factor scoring of low, medium and high was allocated to each post eligible for inclusion within the research. The presence of 6 or more of the 10 indicators was considered high risk of potential labour exploitation, 3-5 medium risk and 1-2 low risk. The collated evidence was reviewed and actioned by an anti-trafficking expert and intelligence of high risk cases reported to the Modern Slavery Helpline.

Searches were carried out on well-known UK employment recruitment platforms and less familiar platforms including some in other languages other than English. The search terms used included "jobs with accommodation", "jobs for foreign nationals", "cash in hand", and "jobs for international workers".

An online translation tool was used in order to carry out the searches in languages used by some key target demographics. These included Russian, Bulgarian, Romanian and Slovakian. The search terms used were “work in UK/Great Britain/Scotland”, “jobs in UK/Great Britain/Scotland”.

Eligible job postings were allocated a code and populated into a spreadsheet containing 26 fields which included the forced labour indicators set out above and additional categories, including role, region, location, date, team or an individual, gender specific, contact details, Companies House registration, language, driving requirement, PPE provision, and any relevant web link. Screen shots of job advertisements were taken in order to capture evidence in the event that the posting was taken down at a later date.

8. FINDINGS

The following findings were made during the course of the research into online recruitment of potential forced labour and exploitation in Scotland, over the twelve week period using the methodology outlined above.

- In total, 200 job postings were found which raised concerns of recruitment for labour exploitation. Of these 200, 50 posts met the criteria of being highest risk.
- Posts in the highest risk category included explicit references to charges for recruitment, travel and accommodation and salaries below the minimum wage.
- Posts considered in the highest risk factor group offered opportunities across a range of industries, with the service industry making up 61% of the total.
- No requirement for English language was a common theme in the high risk posts.
- Of the 50 high risk factor posts, 10 advertised specifically for female only applicants, whilst only 1 specifically requested male.
- The research found that double the number of adverts on recruitment platforms were made by recruitment agencies compared to those made directly by employers. Named companies within the high risk category often had multiple and repeat postings.
- Employment opportunities posted on larger well known recruitment platforms who publish Modern Slavery Statements on their websites contributed to a quarter of the posts included within the research and all of these were considered the lowest risk for potential exploitation.

- All postings in the medium and high risk factor categories were found on lesser known platforms and were predominately targeting non-native English speakers. Postings in Bulgarian, Russian, Slovakian, Romanian and Polish presented the highest risk for exploitation with those in Romanian, Slovakian and Polish being 80% of the postings within the highest risk factor category.
- Whilst the role of social media platforms for labour recruitment (such as Facebook) was outside the scope of this research there were concerning indications during the course of the study that these platforms were also being used for the recruitment of exploitative labour.
- The research found that those postings falling within the high and medium risk categories were more likely to include less transparency on the steps taken to ensure meeting COVID secure guidelines were in place. It was found that some prospective employers were advertising no quarantine necessary for overseas arrivals and the need for employees to provide their own PPE. It was noted that these appeared to correlate with industries which have been associated with COVID outbreaks.

Advertisement from Slovakian Job Portal

Position: Waitress (must be female)

Remuneration: £6.45-£8.72/hour

Additional Information:

Accommodation and meals deducted from salary

Recruitment fee applies

Must provide own PPE

Advertisement from Bulgarian Job Portal

Position: Food Processing Worker

Remuneration: £7.50-£7.70/hour

Additional Information:

Accommodation provided, deducted from salary

Recruitment fee deducted from salary

9. RECOMMENDATIONS

As has been documented in the past, it is clear that human trafficking and exploitation (including forced labour) cannot be eradicated by a single intervention or organisation. This will require multi-agency strategies including the Scottish Government, Police Scotland, NGO's, the private sector and the general public working together. Following on from this research, we make the following recommendations:

Prevention & Identification

- A greater understanding of the role digital platforms play in the recruitment of exploitative labour and other forms of trafficking in Scotland, such as, sexual exploitation.
- Increased regulation of the agency recruitment sector.
- The development of pathways of intelligence along with trusted and shared knowledge among key stakeholders including Police Scotland, NGO's, Local Authorities and the private sector are required in order to assist in the early identification of potential victims, identify recruitment entry points and bring perpetrators to justice.
- The voices of survivors are heard in order to build effective prevention and protection models.
- Strengthened engagement between enforcement authorities, trade unions and other employee representative bodies to build intelligence in areas of concern or poor practice.
- A requirement for employers of all sizes and across all sectors to ensure all staff participate in specific training tailored to their role; enabling them to spot the signs of human trafficking and fostering a culture which ensures employees find it easy to report concerns.
- Clear guidance should be available to employers on their responsibility for exploitation in their human resource supply chain(s) and the risks associated with outsourcing employment services.
- Employers are incentivised to use their position to raise the ethical standards within the recruitment industry by insisting on quality monitoring and auditing from their labour suppliers.
- Strengthening of the Modern Slavery Act 2015¹⁵ giving more legislative powers to fine, prosecute and name those businesses involved in exploitative practices.

Improved Protection

- Employers to develop effective ways of engagement with employees, raising awareness and increasing understanding about the nature and signs of labour exploitation especially amongst groups at greater risk of exploitation. This should include information on how employees can discuss their terms and conditions, safely report concerns with all this available and displayed in their language.
- A greater role for trade unions and other bodies is enabled to support the wellbeing and rights of employees, with a focus on the greatest risk sectors, roles and employees.
- Consistent, timely and quality victim care is in place during intelligence gathering, recovery operations and in crisis care in line with the Slavery and Trafficking Survivor Care Standards.¹⁶
- Access to quality ESOL provision is made essential for all employees below B1 Level English language.

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