

## **BRIEFING**

# **NO WORKER LEFT BEHIND: PROTECTING VULNERABLE WORKERS FROM EXPLOITATION DURING AND AFTER THE CORONAVIRUS (COVID-19) PANDEMIC**

**APRIL 2020**

## **ABOUT US**

Focus on Labour Exploitation (FLEX) is a UK-based charity that works to end human trafficking for labour exploitation, both in the UK and worldwide. To achieve this, FLEX conducts research and advocacy to prevent labour abuses, protect the rights of trafficked persons and promote best practice responses to human trafficking for labour exploitation. Further information on FLEX's work and all of our research publications and policy briefings can be found on our website at [www.labourexploitation.org](http://www.labourexploitation.org).

## **SUMMARY**

This briefing examines the impact of the Coronavirus pandemic on the risk of labour exploitation in low-paid and insecure employment in the UK. Drawing on interviews with workers and frontline services, it proposes emergency measures to ensure all workers are protected against financial destitution and exploitation while the UK works to contain the virus and its impact.

## **INTRODUCTION**

This briefing builds on the understanding that labour exploitation is part of a spectrum ranging from labour compliance through to labour law violations, culminating at extreme exploitation in the form of forced labour.<sup>1</sup> Research by FLEX and others shows that experiences of labour exploitation are not static; instead they can move along the spectrum as a result of changes to their personal (e.g. age, disability), situational (e.g. migrant status, employment type) and/or circumstantial (e.g. economic destitution) vulnerabilities.<sup>2</sup> Often these vulnerabilities intersect and can compound each other, making certain groups more likely to experience labour exploitation. People who are at risk of poverty, destitution and/or who do not have support systems and networks on which to rely are at higher risk of exploitation, including modern slavery offences.

The pandemic has triggered unprecedented government action, including emergency measures affecting all sectors of the labour market, labour inspections and access to support. In this rapidly changing context, it is crucial to monitor closely the impact of the Coronavirus situation on the most vulnerable groups of workers, including:

1. **Workers in low-paid and insecure work.** People who are struggling to provide for themselves and/or their families are at higher risk of exploitation as their primary concern is survival. Fear of losing work, and any meagre income it provides, is a major deterrent to reporting abuse and many workers are willing to endure labour abuses and even exploitation in order to continue a subsistence standard of living. Insecure work arrangements, such as false self-employment and zero-hours contracts, create

<sup>1</sup> Klara Skrivankova, *Between Decent Work and Forced Labour: Examining the Continuum of Exploitation*, 2010.

<sup>2</sup> *Ibid*; Labour Exploitation Advisory Group (LEAG), *Labour Compliance to Exploitation and the Abuses In-Between*, August 2016; Focus on Labour Exploitation (FLEX), *Risky Business: tackling exploitation in the UK labour market*, October 2017; Genevieve LeBaron et al., *Confronting root causes: forced labour in global supply chains*, 2019.

further instability as workers are not guaranteed an income and can more easily have their work terminated.

Research shows that individuals in low-paid jobs spend most of their income on basic necessities, so they are less likely to have savings and therefore to be resilient to economic shocks affecting their incomes.<sup>3</sup> In the UK, 56% of all people in poverty are in work.<sup>4</sup> Among them are those working under insecure contracts or cash in hand in the informal economy<sup>5</sup> where they have limited access to employment rights.

Struggling to make ends meet, low-paid workers are at high risk of falling into debt and facing destitution. Research shows that workers in low-paid sectors like agriculture, cleaning, hospitality, the gig economy, warehousing and domestic work – all sectors heavily affected by the Coronavirus outbreak – were, prior to the pandemic, already at higher risk of experiencing labour rights violations, such as underpayment, excessive working hours, denial of sick pay and other entitlements.<sup>6</sup> Several of these sectors were highlighted as high risk by the government’s appointed Director of Labour Market Enforcement (DLME).<sup>7</sup>

2. **Migrant workers.** Migrant workers are disproportionately represented in low-paid, precarious and informal work.<sup>8</sup> They may also face additional situational vulnerabilities compared to non-migrants, including language barriers, limited support networks and lack of knowledge of labour rights or where to access support. Government policies affecting migrants, such as restrictions on accessing social protections (e.g. no recourse to public funds) create additional vulnerabilities for migrants. **Undocumented migrants** are particularly at risk of exploitation because working without documentation is a criminal offence in the UK.<sup>9</sup> Research has found that many documented and undocumented workers do not report their employers when they experience abuse and exploitation for fear that seeking help will lead to immigration enforcement action being taken against them.<sup>10</sup> This enables unscrupulous employers to continue imposing abusive conditions with minimal fear of repercussions. Some undocumented workers are purposely recruited, both from abroad and within the UK, for exploitative purposes, as the penalties that workers could face under the current rules act as a deterrent to them seeking help and therefore make them extremely vulnerable and more easily controlled.<sup>11</sup>
3. **Women workers.** Women are disproportionately represented in low-paid and precarious work. They may face additional vulnerabilities related to gendered cultural and structural issues, such as discrimination related to pregnancy and maternity, and gender-based violence and sexual harassment at work. These may make them more at risk of exploitation in the new circumstances. Women may also be vulnerable to exploitation due to carrying a disproportionate care burden, as this pushes them into more casual/flexible employment and makes them less able to leave abusive situations due to others being dependent on their earnings.

<sup>3</sup> Dean Karlan et al., *Savings by and for the poor: a research review and agenda*, March 2014; Beverley A Searle and Stephan Köppe, *Assets, savings and wealth, and poverty: a review of evidence*, July 2014; Angela Monaghan, *One in four UK families have less than £95 in savings*, The Guardian, 20 February 2017.

<sup>4</sup> Andrea Barry, *UK Poverty 2019/20: Work*, February 2020.

<sup>5</sup> Dennies Katungi et al., *People in low-paid informal work: 'Need not greed'*, June 2006; Colin Williams, *The informal economy and poverty: evidence and policy review*, March 2014.

<sup>6</sup> FLEX, *Risky Business: tackling exploitation in the UK labour market*, October 2017.

<sup>7</sup> Director of Labour Market Enforcement, *United Kingdom Labour Market Enforcement Strategy 2018/19*, May 2018; A; Director of Labour Market Enforcement, *Labour Market Enforcement Strategy 2020 to 2021: call for evidence*, December 2019.

<sup>8</sup> The Migration Observatory, *Migrants in the UK Labour Market: An Overview*, July 2019.

<sup>9</sup> Home Office, *Immigration Act 2016: Factsheet – Illegal Working (Sections 34-38)*, July 2016.

<sup>10</sup> LEAG, *Lost in Transition: Brexit and Labour Exploitation*, August 2017; European Union Agency for Fundamental Rights, *Protecting migrant workers from exploitation in the EU: boosting workplace inspections*, August 2018; LEAG, *Opportunity Knocks: Improving responses to labour exploitation with secure reporting*, forthcoming.

<sup>11</sup> LEAG, *Opportunity Knocks: Improving responses to labour exploitation with secure reporting*, forthcoming.

Many of these workers are at the heart of the UK's response to the pandemic: harvesting fruits and vegetables, processing and delivering orders, or cleaning hospitals and other public spaces to keep key sectors running and delay the spread of the virus. Others have suddenly lost their source of income and are in desperate need of support. In fact, the Institute for Fiscal Studies has estimated that those in low income are seven times more likely than high earners to work in a business sector that was shut down as a result of the Coronavirus pandemic in the UK.<sup>12</sup>

**The Coronavirus crisis is having a particularly strong impact on workers who were already at higher risk of experiencing labour abuses and exploitation. The crisis is also highlighting an urgent need for appropriate support and social safety nets, from adequate sick pay to protection against unfair dismissal.**

## **1. GOVERNMENT MEASURES TO CONTAIN THE SPREAD OF THE VIRUS AND CUSHION THE FINANCIAL IMPACT OF THE PANDEMIC**

Since the Coronavirus outbreak in the UK, the government has been working to contain the spread of the virus by encouraging self-isolation, social distancing and ordering the closure of a range of businesses.<sup>13</sup> It has also introduced vital emergency measures to cushion the financial impact of the pandemic on businesses and workers. These include:

- **£7 billion investment in the benefits system**, raising the standard Universal Credit allowance from £317.82 to £409.89 per month.<sup>14</sup> It also relaxed the Minimum Income Floor to allow those who did not previously qualify for this protection to benefit from it during the crisis.
- **Statutory Sick Pay (SSP) was extended** to cover sick leave from day one instead of day four to support employees falling ill during the pandemic or caring for dependants in the same household.<sup>15</sup> This provision is retroactive to March 13<sup>th</sup>.<sup>16</sup> To support Small and Medium Enterprises (SME), businesses with fewer than 250 employees will be able to reclaim costs with SSP for up to 14 days per worker.<sup>17</sup>
- **Employment and Support Allowance (ESA) was extended** so that eligible workers with a disability or health condition who have been advised to self-isolate can claim support from day one instead of day eight.<sup>18</sup> To qualify, workers must have paid enough National Insurance contributions in the last two to three years.<sup>19</sup>
- **Coronavirus Job Retention Scheme:** Under this new scheme, "all UK employers with a PAYE scheme will be able to access support to continue paying their employees that would otherwise have been laid off during the crisis."<sup>20</sup> To access this scheme, employers can claim for 80% of the monthly salary, up to £2,500, of each employee who is placed on a leave of absence as a result of the crisis.<sup>21</sup> Employers may choose to top up the remaining 20% but that is not a requirement.
- **Coronavirus Self-employment Income Support Scheme:** This new scheme allows the self-employed to claim 80% of their average trading profits for the last three years, where applicable, up to a maximum of £2,500 per month (see below for exclusions).<sup>22</sup> To qualify, self-employed individuals must have submitted an Income Tax Self-Assessment tax return for the tax year 2018-19, traded in the tax year 2019-20 and intend to continue trading in the tax year 2020-21. In addition,

<sup>12</sup> Sarah Butler, *Coronavirus lockdown to hit low-paid, young and women hardest, warns IFS*, The Guardian, 06 April 2020.

<sup>13</sup> Lisa O'Carroll, *UK Coronavirus Lockdown: What You Can And Cannot Do*, The Guardian, 25 March 2020.

<sup>14</sup> Universal Credit, *Coronavirus and claiming briefing*.

<sup>15</sup> Department for Business, Energy & Industrial Strategy and Public Health England, *COVID-19: guidance for employees*.

<sup>16</sup> UK Government, *Statutory Sick Pay (SSP)*.

<sup>17</sup> Department for Business, Energy & Industrial Strategy and Public Health England, *COVID-19: guidance for businesses*.

<sup>18</sup> UK Government, *New Style Employment and Support Allowance*.

<sup>19</sup> *Ibid.*

<sup>20</sup> Department for Business, Energy & Industrial Strategy and Public Health England, *COVID-19: guidance for businesses*.

<sup>21</sup> HM Revenue & Customs, *Claim for your employees' wages through the Coronavirus Job Retention Scheme*, last updated 04 April 2020.

<sup>22</sup> HM Revenue & Customs, *Claim a grant through the coronavirus (COVID-19) Self-employment Income Support Scheme*, published 26 March 2020.

more than half of their income must come from self-employment and their trading profits must be less than £50,000 per year. Upon applying, self-employed workers must be trading, or have been stopped from doing so due to COVID-19 restrictions and have lost trading profits as a result of the pandemic.

## 2. TACKLING FINANCIAL INSECURITY TO PREVENT LABOUR EXPLOITATION DURING THE PANDEMIC AND ITS AFTERMATH

While these vital financial support measures are set to benefit many businesses, employees and self-employed individuals, several groups of workers are not covered by these safety nets.

**Table 1: Current proposed safety nets to deal with Coronavirus-related financial insecurity**

	Estimated population size <sup>23</sup>	Enhanced Statutory Sick Pay (SSP) <sup>24</sup>	Enhanced Universal Credit	New Style Employment and Support Allowance (ESA) <sup>25</sup>	Emergency income support schemes <sup>26</sup>
Employees and workers	27.7 million <sup>27</sup>	✓	✓	✓	✓
Self-employed	15 million <sup>28</sup>	✗	✓	✓	✓
Informal economy workers	2 million <sup>29</sup>	✗	✓	✗	✗
Any of the above with No Recourse to Public Funds (NRPF)	Unknown <sup>30</sup>	✓	✗	✓	Depends on terms of employment
European Nationals (EEA)	2.37 million <sup>31</sup>	✓	Must be habitually resident and have been resident for 5+ years, resulting in settled status or right to reside	✓	Depends on terms of employment
Undocumented migrants	674,000 <sup>32</sup>	✗	✗	✗	✗

<sup>23</sup> Please note: one individual can fall into more than one category at a time, meaning that their access to government safety nets varies according to their personal entitlements.

<sup>24</sup> This depends on the terms of employment. See Citizens Advice, *Check If You're Entitled To Sick Pay*.

<sup>25</sup> For contribution based ESA, worker must have paid a minimum National Insurance contribution for the last two to three years to qualify. See UK Government, *New Style Employment and Support Allowance*.

<sup>26</sup> Refers to Coronavirus Job Retention Scheme and the Coronavirus Self-Employment Income Support Scheme.

<sup>27</sup> Office for National Statistics, *Labour Market Overview, UK: March 2020*.

<sup>28</sup> Resolution Foundation, *Doing What It Takes: Protecting Firms And Families From The Economic Impact Of Coronavirus*, March 2020.

<sup>29</sup> TUC, *Hard work, hidden lives: the short report of the Commission on Vulnerable Employment*, 2008; HM Revenue & Customs, *Measuring tax gaps 2011: An official statistics release*, 2012; Colin Williams, *The informal economy and poverty: evidence and policy review*, March 2014.

<sup>30</sup> The UK does not publish official statistics on the number of people who have been granted No Recourse to Public Funds conditions to their visas.

<sup>31</sup> Office for National Statistics, *Migration Statistics Quarterly Report: August 2019*.

<sup>32</sup> Institute for Community Research and Development at the University of Wolverhampton, *London's Children And Young People Who Are Not British Citizens: A Profile*, 2020.

As shown in Table 1, the two recently announced emergency income support schemes are expected to benefit millions of employees and self-employed workers. As the Coronavirus Job Retention Scheme is offered through businesses, individuals depend on their employers' goodwill to have access to the scheme. In addition, those accessing the scheme are not entitled to National Living/Minimum Wage (NMW), meaning that some low-paid workers will find themselves with less income than they need to support themselves and their families. Workers who end up earning less than they need to survive or those who do not qualify for these new emergency income schemes may have no choice but to continue to go to work whenever possible.<sup>33</sup>

This presents a dual risk: first, as those continuing to work are exposed to greater risk of infection; and second, because they, alongside those who have lost their jobs due to the pandemic, are in desperate need of a new/additional source of income to avoid destitution. Unable to afford food and other basic necessities, low-paid workers become extremely vulnerable to labour exploitation, as they find themselves with no viable alternatives and are unable to say 'no' to unsafe and/or abusive working conditions.<sup>34</sup>

### **3. THE CURRENT IMPACT OF THE PANDEMIC ON LOW-PAID WORKERS**

To understand the impact of the current pandemic and related economic crisis on those in low-paid and insecure employment, FLEX interviewed nine workers<sup>35</sup>, two migrant community organisations and one grassroots union between 18<sup>th</sup> and 31<sup>st</sup> March 2020. These findings were complemented by information made publicly available in other workers' testimonies, by non-governmental organisations, unions, government representatives and the media.

#### **3.1 WORKERS ARE AT RISK OF, OR FACING DESTITUTION DUE TO LAYOFFS, ARE BEING DENIED ENTITLEMENTS OR THREATENED WITH DISMISSAL**

As businesses try to adjust to rapid changes in demand, workers are being laid off, having their hours cut or being unfairly dismissed.

*"The people we support, they work in low-paid casual jobs. This means they don't have a buffer – they don't have savings to fall back on under the current situation. We're seeing widespread loss of work, including people who are being dismissed unlawfully. We had clients with severe respiratory problems being told they should no longer come to work because the company didn't have protective equipment to protect them from the virus. The same thing is happening to pregnant women – they are no longer being called for jobs because they are at high risk of infection."*

**East European Resource Centre**

*"We've been getting calls from cleaners who are being laid off or having their hours cut now that offices and most businesses are closed. Most of them are in 'bogus self-employment'<sup>36</sup> but even those who have contracts are being dismissed with no notice."*

**Latin American Women's Rights Service**

FLEX spoke to childcare workers ("nannies") who are being laid off now that many parents are self-isolating with their children. Others, including *au pairs*, are feeling pressured by

<sup>33</sup> May Bulman, *Coronavirus: care homes refuse to give sick pay to workers told by government they must stay home*, The Independent, 05 April 2020.

<sup>34</sup> Genevieve LeBaron, *Confronting the root causes of forced labour: poverty*, 2019.

<sup>35</sup> Names marked with \* have been changed to respect workers' request for anonymity.

<sup>36</sup> 'Bogus self-employment' refers to individuals engaged on the basis that they are self-employed, but who are working under employment terms. See Antony Seely, *Self-employment in the construction industry*, House of Commons Library, Briefing paper No. 000196, 2019.

their employers to return to their country of origin in cases where demand for childcare has decreased.

### **CASE STUDY: CHILDCARE WORKER LAID OFF AS A RESULT OF THE PANDEMIC<sup>37</sup>**

Laura\* moved to the UK over one year ago from Spain. She worked as a nanny on a part-time contract. Since the COVID-19 started to spread over Europe she noticed that the family for whom she works began to ask her if she would consider going back to Spain. The family also offered to pay for her tickets to go back. She felt the family was trying to convince her.

When both parents started to work from home, Laura was told to stop coming to work as there was no longer a need for her services. Laura was told via text message that she will be paid until the end of the month. After that, her contract will come to an end. When Laura spoke to FLEX she had not been paid yet.

Laura is renting a room, which she shares with another person. She does not know how she will continue paying the rent and buying food. She is concerned that the quarantine will be longer than three months. While she can rely on her savings and support from her family in Spain, this is only enough for a short period of time.

Frontline service providers also highlighted a number of cases where, despite being entitled, workers are being denied SSP. Managers and supervisors are rejecting self-assessment certificates issued by the NHS and demanding sick notes signed by healthcare professions instead. With the many GPs discouraging patients from seeking medical assistance in person and others that have closed as result of the pandemic, workers who are unable to produce medical evidence are being threatened with non-payment of outstanding wages or SSP.

While some are being denied financial support to which they are entitled, many of those deemed by the UK government as 'essential workers' during the crisis, such as cleaners, security guards, delivery drivers and couriers, have never had, and continue not to have, access to SSP because they were forced into false self-employment arrangements by their employers.<sup>38</sup> This is causing high levels of anxiety around how they will support themselves and their families if they fall ill or develop symptoms that suggest they should self-isolate.

A security guard at St. George's University, member of the independent union United Voices of the World (UVW), explained:

*"From my own experience, I've witnessed the unfair treatment of the security staff during these uncertain times. It has been appalling considering almost everywhere else the staff have been sent home for their safety. Here, the security still has to come to work with no sick pay being implemented in case one of us contracts COVID-19."<sup>39</sup>*

## **3.2 LOW-PAID WORKERS IN SECTORS CLASSIFIED AS 'KEY' OR 'ESSENTIAL' ARE BEING PRESSURED TO ACCEPT UNSAFE CONDITIONS**

While some sectors are seeing increased dismissals, those working at the frontline are experiencing intense pressure to work long hours under unsafe working conditions.

<sup>37</sup> FLEX interview with worker, 24 March 2020.

<sup>38</sup> Owen Jones *et al.*, 'How do we survive coronavirus?' *Owen Jones meets low-paid workers*, The Guardian, 20 March 2020; Andrew Hillier *et al.*, *Wage pledge is no good for the gig economy*, The Guardian Letters, 22 March 2020; Ben Chapman, *Sacked by text message: Zero-hours contract workers laid off because of coronavirus' impact*, The Independent, 23 March 2020; Greg Howard, *I'm a delivery rider with suspected coronavirus. I haven't received a penny in help*, The Guardian Opinion, 24 March 2020; Mary-Ann Russon, *Coronavirus: 'How is £94 a week going to pay anyone's bills?'*, BBC News, 24 March 2020.

<sup>39</sup> Statement provided to United Voices of the World, 23 March 2020.

Cleaners, delivery drivers, couriers, security guards and supermarket cashiers described not being provided with sufficient information or protective equipment such as masks, disposable gloves or hand sanitiser, despite close proximity to high numbers of people throughout the day.<sup>40</sup> A cashier at a large supermarket in London told FLEX that workers were buying their own masks and wearing them voluntarily, as their employer was not providing them with equipment or instructions on how to protect themselves from the virus.<sup>41</sup> Domestic workers and carers still required to work are unable to distance themselves from the people for whom they are caring and are therefore exposed to higher risk of infection.<sup>42</sup>

At the time of writing, the government had exempted the construction sector in England from lockdown measures, meaning that construction sites are allowed to operate but social distance should be respected. Low-paid construction workers are concerned that coming to work could put them and their colleagues at high risk of infection, as most of them rely on public transport to get to work and are finding it difficult to follow social distancing measures at building sites.<sup>43</sup> The lack of clarity around what entitlements are available to workers who self-isolate means people are continuing to work despite the risks to their own, their families' and the public's health.

### **3.3 DEMAND FOR WORKERS IN HIGH-RISK SECTORS COULD LEAD TO A RISE IN EXPLOITATION LINKED TO OVERWORK, POOR HOUSING AND WORKING CONDITIONS, AND RETENTION OF DOCUMENTS AND/OR WAGES**

As workers in hard-hit sectors lose their jobs, the UK agriculture sector is desperately seeking workers to help pick and process fruits and vegetables in the coming weeks, when harvesting season is set to begin.<sup>44</sup> Between 70-80,000 seasonal workers are required every year to support British farms, with 99% of these jobs covered by workers from the European Union (EU).<sup>45</sup>

In preparation for Brexit's end to free movement, the government introduced the Seasonal Workers Pilot to bring up to 2,500 workers a year from outside the EU to work on British farms. Despite the risks of labour exploitation linked to restrictive temporary migration schemes<sup>46</sup> and without a publicly available evaluation of the pilot, the scheme was extended to 10,000 workers in January 2020. However, pandemic-related travel restrictions and controls have affected the number of people coming to the UK.<sup>47</sup> The National Federation of Young Farmers' Clubs are encouraging "students, job seekers and anyone who has been laid off due to the impact of Coronavirus" to fill in these jobs.<sup>48</sup> If those who have lost their jobs in cities move to rural areas to take up jobs in agriculture, it is essential that the UK government takes proactive measures to protect them against exploitative practices.

Agricultural workers are often paid close to minimum wage, many are highly dependent on their employer as the latter often provides their accommodation and in addition, they are often isolated from networks and communities. In terms of abuse and exploitation,

<sup>40</sup> FLEX interview with East European Resource Centre, 25 March 2020; FLEX interview with the Latin American Women's Rights Service, 25 March 2020; FLEX interview with United Voices of the World, 30 March 2020; United Voices of the World, *Our Stories: Coronavirus*; Ben Chapman, *Sacked by text message: Zero-hours contract workers laid off because of coronavirus' impact*, The Independent, 23 March 2020.

<sup>41</sup> FLEX interview with worker, 21 March 2020.

<sup>42</sup> FLEX interview with the Latin American Women's Rights Service, 25 March 2020; May Bulman, *Coronavirus: care homes refuse to give sick pay to workers told by government they must stay home*, The Independent, 05 April 2020.

<sup>43</sup> FLEX interview with East European Resource Centre, 25 March 2020; BBC News, *Coronavirus: Construction workers fear for their safety*, 24 March 2020.

<sup>44</sup> Johann Tasker, *Coronavirus: Urgent Appeal For Brits To Work On Farms*, Farmers Weekly, 19 March 2020.

<sup>45</sup> Office for National Statistics, *Labour In The Agriculture Industry, UK: February 2018*.

<sup>46</sup> FLEX, *The Risks of Exploitation in Temporary Migration Programmes: A FLEX response to the 2018 Immigration White Paper*, May 2019; UK Parliament, *Agriculture: Seasonal Workers*, 29 January 2020.

<sup>47</sup> UK Government, *10,000 Workers To Boost British Farming Sector*, 19 February 2020; Johann Tasker, *Coronavirus: Urgent Appeal For Brits To Work On Farms*, Farmers Weekly, 19 March 2020; Jamie Doward, *Fruit and veg 'will run out' unless Britain charters planes to fly in farm workers from eastern Europe*, The Guardian, 28 March 2020.

<sup>48</sup> Johann Tasker, *Coronavirus: Urgent Appeal For Brits To Work On Farms*, Farmers Weekly, 19 March 2020; Hops Labour Solutions. *Seasonal Work - Hops Labour Solutions*.

seasonal workers have previously noted poor housing conditions, lack of rest facilities and rest time between shifts,<sup>49</sup> and, at the more extreme end, reports show deceptive or coercive recruitment practices with workers being controlled through the withholding of identity documents and wages, as well as threats to workers, their families and properties.<sup>50</sup> Due to proximity, poor housing and other factors, these workplaces risk becoming hotspots for COVID-19 as has been raised by the European Federation of Food Agriculture and Tourism Trade Unions (EFFAT).<sup>51</sup>

### **3.4 WOMEN ARE LIKELY TO BE DISPROPORTIONATELY AFFECTED BY THE PANDEMIC BOTH IN TERMS OF INCREASED RISK OF DESTITUTION AND EXPLOITATION**

The World Economic Forum has warned that the Coronavirus may impact women much more than men. This is because the majority of health and social care workers working at the frontlines are women; childcare responsibilities are likely to fall disproportionately on women and increase as schools and nurseries close; and women, who already do three-times as much unpaid work than men, are more likely to care for relatives and dependants who contract the virus.<sup>52</sup>

Women are also overrepresented in sectors with high risk of exploitation and that have been heavily impacted by the pandemic in the UK. As a result, many women are already being financially affected by the crisis.

In the UK, 61% of the domestic worker workforce is made up of women,<sup>53</sup> with a significant proportion of this work being undertaken by migrants who have no recourse to public funds.<sup>54</sup> Women constitute 72% of the part-time workforce in hotel and accommodation services and are disproportionately represented in low-paid positions under zero-hours contracts, such as housekeeping and customer service. Similarly, women represent 73% of the UK's cleaning workforce,<sup>55</sup> where insecure employment arrangements in the form of zero-hours contracts, outsourcing or agency work. Migrant workers are also overrepresented in cleaning: 32% of cleaners in the UK are migrants, with numbers reaching 53% in London.<sup>56</sup>

With dismissal rates soaring in hospitality and domestic work, and increasing in commercial cleaning, migrant women are in a bind: they must find new jobs and continue working to prevent destitution, while also being expected to undertake care responsibilities now that schools and nurseries are closed.

*"Women who are still employed are struggling to work their regular hours because their children are now at home, so they have to take care of them. At the same time, those who cannot apply for Universal Credit, either because they cannot prove habitual residence or because they are not entitled, are being told they should contact social services for financial support. But mothers are terrified that social services might consider them 'unfit' to care for their children because they're struggling financially. They are scared that their children will be taken away."*

#### **Latin American Women's Rights Service**

<sup>49</sup> Gangmasters and Labour Abuse Authority, *Industry Profile - Agriculture, 2019*.

<sup>50</sup> Gangmasters and Labour Abuse Authority, *Industry Profile - Agriculture, 2019*.

<sup>51</sup> European Federation of Food Agriculture and Tourism Trade Unions, *COVID-19 Outbreak, workers in agriculture and food production deserve better protection*, 24 March 2020.

<sup>52</sup> Rosamond Hutt, *The Coronavirus Fallout May Be Worse For Women Than Men. Here's Why*, World Economic Forum, 12 March 2020.

<sup>53</sup> International Labour Organisation, *Domestic workers across the world: global and regional statistics and the extent of legal protection*, 2013.

<sup>54</sup> In 2019, the UK issued 20,000 visas for third country nationals to work as domestic workers in the UK; 11% of all the work visas issued for third country nationals during this period. See Dáire McCormack-George, *The Human Rights of Migrant Domestic Workers in the UK*, February 2020.

<sup>55</sup> British Cleaning Council, *The Cleaning and Support Services Industry: Research Report 2019*, 2019.

<sup>56</sup> *Ibid.*

Women who qualify for the proposed emergency income support schemes may also be disadvantaged financially: women's rights organisation Maternity Action has warned that the Job Retention Scheme and Self-employment Income Support Scheme disadvantage pregnant women, new mothers and parents in relation to the calculation of their earnings, and therefore reduce the amount they can claim under the support schemes. Maternity pay and benefits will also be affected. Maternity Action estimates that 500,000 pregnant women and millions of young families will be negatively affected by the way that earnings on current schemes are calculated.<sup>57</sup>

### **3.5 REDUCED INSPECTION AND LIMITED ACCESS TO ADVICE AND SUPPORT ON EMPLOYMENT RIGHTS AND WELFARE CAN LEAVE WORKERS UNPROTECTED AND MORE VULNERABLE TO EXPLOITATION**

FLEX has consistently noted that UK labour inspectorates are severely under-resourced. While the International Labour Organisation's recommended ratio of inspectors to workers is one to 10,000, the UK's ratio is approximately 0.4 inspectors per 10,000 workers.<sup>58</sup> During these uncertain times, labour market enforcement agencies' work is essential to address labour abuses and prevent exploitative employment practices. However, due to the COVID-19 pandemic, many of these agencies are now operating remotely and have reduced face-to-face inspections.<sup>59</sup> More than ever the government must ensure labour inspectorates are properly resourced to proactively monitor high risk sectors, and act on workers' reports of non-compliance.

In addition to this, confusion around entitlements has led to a sharp increase in the demand for employment rights and welfare advice. The Advisory, Conciliation and Arbitration Service (Acas) – the independent public body funded by the government to provide services to workers and employers – are now only accepting calls through their helpline, having stopped their online services due to excessively high demand. Acas has warned workers that "there will be longer wait times than usual due to exceptional circumstances."<sup>60</sup>

Frontline migrant and community organisations are also experiencing high demand for their services.

*"We're at the very beginning of this crisis but we're already seeing the initial impact: lots of people are losing their jobs, having their hours reduced. Those who are entitled to benefits are facing barriers accessing them – it's not a simple process, and many of them require translation and support during the application. Universal Credit lines are completely overwhelmed, and so are frontline organisations. And then there are those who are not entitled to benefits but who have lost their jobs. Before, they'd just try to find another job but now there are no jobs to take."*

**East European Resource Centre**

With most government announcements and guidance being published solely in English, migrant community organisations are working around the clock to translate essential information and update their service users on new safety measures and their entitlements. Migrants are also struggling to access the NHS online services and social protections due to a lack of comprehensive translated materials.

<sup>57</sup> Maternity Action, *End unfair treatment of pregnant women and new mothers in Covid support schemes*, 30 March 2020.

<sup>58</sup> FLEX, *Risky Business: tackling exploitation in the UK labour market*, October 2017; David Weil, *A strategic approach to labour inspection*, International Labour Review, January 2009.

<sup>59</sup> Gangmasters and Labour Abuse Authority, *Continuing To Protect Workers During The Coronavirus Outbreak*, 2020.

<sup>60</sup> Acas, *Twitter update*, 18 March 2020, 16:39.

*"Our service users are in need of support to fill in self-certificates for illness to send to their employers. The form is very straightforward, but it's only provided in English so we're having to assist them with this, on top of giving advice on employment rights, benefits, housing, etc."*

### **Latin American Women's Rights Service**

Migrants are unsure whether they are entitled to access the NHS and if they will be charged if they need secondary care. This lack of clarity is creating barriers to people accessing life-saving support. Meanwhile, those who are well enough to work continue to do so, as they cannot afford to stay at home to fully recover or self-isolate. A domestic worker told LAWRS: "I don't have the luxury to not go to work because I need to work to save up for my visa to be in this country". She is currently on a visa that has no recourse to public funds.

#### **CASE STUDY: HOSPITALITY WORKER HAS PAY INDEFINITELY SUSPENDED<sup>61</sup>**

Lucía\* got a new job working in a pub in early March 2020. Despite her work involving face-to-face interaction with the public, no new safety measures were introduced in the midst of the Coronavirus outbreak. She was told to wash her hands frequently but was not given hand sanitiser, gloves or masks. She felt unsafe working under these conditions but felt she had no choice, as she had just started working for this company.

When the government announced that restaurants, pubs and gyms should close, the pub where she works closed until further notice. The chairman of the pub chain she works for announced that workers will not be paid until the proposed Coronavirus Job Retention Scheme comes into force in late-April.<sup>62</sup> Lucía does not know if she will be eligible for this scheme because she was only three weeks into her new job when the government announced this new scheme. She is reluctant to apply for benefits, or find another job, as she does not want to risk losing access to the Job Retention Scheme, if she is entitled to it. Her partner, with whom she lives, was laid off from both of his jobs where he worked on zero-hours contracts, as there was no more work as a result of the pandemic. He has a "No Recourse to Public Funds" restriction to his visa so he is not entitled to Universal Credit or other social protections.

She is afraid of not being able to pay her rent or bills in the coming months and is considering moving back to Chile despite limitations on travel and risk of exposure to the virus. She is uncertain about her entitlements in the UK and feels that neither the government nor her employer are providing clear instructions to workers like her.

## **CONCLUSION AND RECOMMENDATIONS**

The pandemic presents asymmetrical risks for workers, based on a range of factors including personal characteristics, employment type and eligibility for current support schemes. A comprehensive and just response to the pandemic must not leave out significant groups of workers, many of whom play essential roles in our vital industries.

**Aside from exploring emergency income support for all workers, irrespective of employment arrangement or immigration status, the following recommendations aim at helping the UK government address current gaps in protection:**

<sup>61</sup> FLEX interview with worker, 25 March 2020.

<sup>62</sup> On the evening of 25 March 2020, the company announced that they were going to pay the workers for the week and that the Job Retention Scheme would come into force on 03 April 2020. See Sam Corbishley, *Wetherspoons staff to be paid on Friday for hours worked last week*, 25 March 2020.

1. **Require employers to provide personal protective equipment to all those required to work**, including domestic workers, carers, delivery drivers and cleaners.
2. **Extend Statutory Sick Pay to all workers** who are currently not entitled to this provision; and widely communicate to all employers that they must accept the online isolation note as proof of legitimate absence from work.
3. **End the Universal Credit five-week waiting period** so that those in need are not made to rely on charities and foodbanks to meet their basic needs during the crisis and before their first payments arrive.
4. **Suspend the No Recourse to Public Funds restriction** to ensure all people in need have access to welfare support during the crisis.
5. **Classify labour inspection as 'essential work'**, provide labour inspectors with adequate protective equipment and ensure that workplace inspections are carried out in high-risk sectors.
6. **Allocate emergency funds to increase labour market enforcement and advisory agencies' capacity** to respond to workers' enquiries and reports, to carry out preventative campaigns targeting businesses and workers in high-risk sectors, and to conduct proactive monitoring of working conditions in sectors of rapid workforce increase including, but not limited to, agriculture, food retail, delivery and cleaning.
7. **Extend the visas of those working under the Seasonal Workers Pilot** to reduce the impact of shortages in agriculture and help prevent abusive and deceptive recruitment practices.
8. **Provide accessible and sufficient emergency grants to frontline organisations** providing advice and vital support to workers at risk of exploitation, including migrant and community groups, and work with them to disseminate information on safety measures and emergency entitlements.
9. **Distribute emergency support** to those who are not entitled to Coronavirus Job Retention Scheme and Self-employment Income Support Scheme, including undocumented people, through a range of measures including cash grants, food banks, emergency shelters, public service providers, migrant and community organisations and digital vouchers.
10. **Protect public health by stopping NHS charging** to allow all migrants to access life-saving medical care for free during the pandemic.
11. **Prioritise public health over immigration status** by suspending all immigration enforcement action to allow everyone to follow the government's response to the pandemic safely.
12. **Suspend data sharing between statutory agencies and the Home Office for immigration enforcement purposes**, ensuring that data collected during the pandemic is not used for immigration enforcement action at a later stage to enable migrants with insecure immigration status to seek support without fear.
13. **Review access to social protections with a view to long-term adequacy**, in light of the crisis demonstrating the insufficiency of prior provisions.

---

**Focus on Labour Exploitation (FLEX)** is a UK-based research and advocacy organisation working to end human trafficking for labour exploitation.

## CONTACTS

Leticia Ishibashi, Networks & LEAG Officer | [leticiaishibashi@labourexploitation.org](mailto:leticiaishibashi@labourexploitation.org)

Lucila Granada, Chief Executive | [lucilagranada@labourexploitation.org](mailto:lucilagranada@labourexploitation.org)

Emily Kenway, Senior Policy & Communications Advisor | [emilykenway@labourexploitation.org](mailto:emilykenway@labourexploitation.org)

**[www.labourexploitation.org](http://www.labourexploitation.org)**