



UNITE SUBMISSION TO THE COMMISSION ON VULNERABLE EMPLOYMENT

This response is submitted by Unite the union. Unite is the UK's largest trade union with 2 million members across the private and public sectors. The union's members work in a range of industries including manufacturing, financial services, print, media, construction, transport and local government, education, health and not for profit sectors.

Submission key points:

- **The extent of vulnerable working in the UK economy is wider than that suggested by Government statistics.**
- **Better enforcement of existing employment rights is welcome and necessary but it is not, in itself, a solution to the problems faced by vulnerable workers in the UK.**
- **Existing enforcement agencies need to remove all barriers to joined up working.**
- **The extension of trade union organisation, recognition and collective bargaining coverage should be seen as a central priority in addressing vulnerable employment.**
- **Equal treatment rights for agency workers are vital to address issues of exploitation, undercutting and potential problems relating to community cohesion.**
- **The most vulnerable workers are migrant workers – UK immigration policy, including the Workers Registration Scheme, has to be re-examined if the worst aspects of vulnerable working are to be tackled.**
- **The Government should also act to ensure that no workers in Britain are left behind.**

- **The remit of the Gangmasters Licensing Authority should be extended to cover all sectors of the economy, with licencing for all providers of temporary labour.**
- **Government at both national and local level needs to examine how its role as a major procurer of services can be better used to effectively enforce best employment practice.**
- **There needs to be an improvement in resources for community advice and legal services, particularly in areas pertinent to migrant workers such as immigration, employment and housing law.**
- **Steps need to be taken to improve migrant workers' access to ESOL training.**

1. INTRODUCTION

1.1 Unite is pleased to have the opportunity to make a submission to the Commission on Vulnerable Employment. Unite has been in the forefront of recent debate within the trade union movement, the Labour Party and the wider political arena on the issue of vulnerable workers.

1.2 Unite recognises that the Labour Government has introduced a number of reforms that have improved the world of work and have benefited low paid and vulnerable workers. The most important of these measures has been the introduction of the National Minimum Wage and the Low Pay Commission. The minimum wage has demonstrated that major Government intervention in the labour market to improve the position of low paid and vulnerable workers can be made without any adverse effects on either employment or the UK economy as a whole.

1.3 The Commission will recognise, however, that the UK labour market has changed significantly in recent years. These changes in the labour market, not least the employment of significant numbers of migrant workers, have brought with them levels of exploitation that have not been seen in the UK for many years.

1.4 Unite is concerned that the official labour market statistics do not present an accurate picture of the real world of work that our members are experiencing. The Commission on Vulnerable Employment has an opportunity to shine a light into those areas of the labour market which remain largely hidden from view.

1.5 It was examples of appalling exploitation of migrant workers in the agricultural and food processing sectors that led Unite to campaign for the introduction of the Gangmasters Licensing Act in 2004. The need for Government action in this area became terribly apparent after the tragic deaths of 23 Chinese cockle pickers in Morecambe Bay in February 2004.

1.6 The combination of the wide availability of migrant labour, combined with the lack of adequate employment rights for agency workers, plus the inadequate enforcement of existing employment legislation, has led to a situation where vulnerable employment is widespread in the UK economy.

1.7 Unite has made serious attempts to reach out and organise migrant workers. It has also received UMF funding for a migrant worker support unit. As a result of this experience it is clear that the issue of vulnerable working cannot be looked at without dealing with the issue of undocumented workers and aspects of the UK Government's immigration policy, in particular the worker registration scheme. There are a significant number of workers now in the UK economy who are being denied any employment rights at all. They are the most vulnerable of all workers and Unite hopes that the Commission on Vulnerable Employment will confront this issue head on.

1. WHAT IS THE NATURE OF VULNERABILITY?

2.1 Unite would agree with the Commission's working definition of vulnerable workers as essentially being about a disproportionate power imbalance in the workplace. Vulnerable workers are generally those excluded from employment rights as a result of their employment status, immigration status, lack of knowledge of their rights and lack of trade union organisation. This vulnerability is compounded by inadequate enforcement of existing employment rights and gaps in employment legislation.

2.2 Whilst vulnerability can affect workers of all nationalities, migrant workers can experience forms of vulnerability arising from specific types of exploitation which may be either unique to the migrant workforce, or particularly difficult to enforce in relation to migrant workers, than may otherwise be the case.

2.3 Whilst the UK has experienced economic growth and low levels of unemployment under this Labour Government, pockets of high unemployment and deprivation remain, especially in those areas with significant black and ethnic minority populations. More needs to be done to ensure that no section of the population is left behind.

3. WHAT FACTORS ARE LIKELY TO PLACE WORKERS AT HIGHER RISK?

EMPLOYMENT STATUS - AGENCY WORKERS

3.1 Agency working is well established in the UK economy. According to the The Recruitment and Employment Confederation (REC) the recruitment industry is responsible for placing 1.2 million temporary workers on assignment each week. In 2007 REC reported a record total industry turnover of £26,673 billion, up 7.3% on 2005/06¹. It is likely, however, that the number of agency workers in the UK economy is significantly underestimated, especially the numbers of agency migrant workers. It is the experience of Unite on the ground that there is an increasing casualisation in key low paid sectors of the economy.

3.2 A study undertaken by Dr David Biggs of the University of Gloucestershire on behalf of REC in 2005 stated that:

'Differences in the reported number of agency workers were observed between Government surveys and industry representatives. This demonstrated that Government surveys such as the Labour Force Survey (LFS) may well underestimate the numbers of agency workers in the UK.

In addition it was highlighted that many academic studies that have sought to investigate agency workers have used the LFS or other similar studies. This may have a serious limitation in studies of this nature as the data sources have different aims for collecting the data than the researchers. These surveys may also under represent individuals in the community, such as immigrant seasonal workers who may not have a fixed abode especially if they are working on farmland or in the tourist industry.

Indeed it may be difficult to gain primary data on agency workers or other types of temporary workers due to the precarious nature of their employment².

3.3 The arguments in favour of the prevalence of agency work are well rehearsed. The picture portrayed by both industry and Government is that agency work is a vital part of a flexible labour market, that they supplement rather than replace permanent workers, and that agency work offers a route to permanent employment.

¹ REC 2007 Annual Industry Turnover & Key Volumes Survey

² Satisfaction levels amongst temporary agency workers, a review of the literature. Dr David Biggs 2005

3.4 Unite contends that this is a false picture. In our experience agency work is all too often being used as a mechanism to bypass employer obligations. Unite has submitted substantial evidence to the Government that agency workers are paid considerably worse terms and conditions than the directly employed and clearly suffer vulnerability as a result of their insecurity of employment. Our submissions are attached as appendices to this submission.

WOMEN IN VULNERABLE EMPLOYMENT

3.5 Gender is a significant factor in the vulnerability of workers. As the Women and Work Commission reported, 'almost one in four women is working part-time as a sales assistant, a cleaner or a care assistant'.³ All these occupations are characterised by low pay.

3.6 Agency work is sometimes characterised as a positive mechanism through which women can find flexible work to suit their childcare needs. The reality is, as the Women at Work Commission pointed out, 'women are being crowded into a narrow range of low-paid, part-time jobs that do not fully utilise their skills'.

3.7 The Commission will be aware that the Government has acted, in response to the European Directive, to provide for equal treatment for directly employed part-time workers but no such legislation has been forthcoming for agency workers. This is despite the fact that, according to ONS figures, over 50% of female part-time temporary employees are either agency temps, 'casual workers' or 'seasonal workers'⁴. It is clear therefore that a great number of women are having to work in vulnerable employment and do not enjoy the protections afforded directly employed workers, or those on fixed-term contracts.

3.8 The prevalence of women in low paid, casual work will leave a legacy of poverty for older women because they generally do not have access to adequate pension provision.

3.9 The union's experience is that many women's working lives and career options are fundamentally affected by their caring responsibilities. This seriously restricts their opportunities for training at all, let alone retraining opportunities. It also means that women workers have less time to build up the experience and skills that equivalent men workers are building up at the same age so they find it harder to move from low paid and vulnerable work.

3.10 Women make up the majority of homeworkers, due partly to their caring responsibilities. Homeworkers are particularly vulnerable due to uncertain

³ Women and Work Commission, shaping a fairer future February 2006.

⁴ Source: ONS Labour Force Survey

employment status and the prevalence of bogus self-employment. For obvious reasons it has also been very difficult for them to be organised into unions. There is still a need to clarify the employment status of many of these workers, and while we strongly welcomed the changes already made to minimum wage regulations, more needs to be done to ensure effective enforcement of the minimum wage rules in this area.

3.11 Women from ethnic minorities are even more likely to suffer vulnerability of employment. TUC research has shown that black and Asian women are more likely to be in agency or temporary employment than white women.⁵

3.12 Many women, particularly lone parents, are forced into insecure working because of the lack of affordable and flexible childcare arrangements. Casual employment may allow a woman to fit her work around her care responsibilities but it does not generally lead to any career progression or security of income. As the Women at Work Commission pointed out a third of lone parents working part time 'are not earning enough to lift their families out of poverty. Nearly 900,000 are on benefits, making up the largest group of the nearly 2.3 million female claimants of key benefits.' In order to tackle vulnerable working women need access to both high quality flexible and part-time employment and flexible and affordable childcare.

3.13 In organised workplaces Trade unions play a key role in ensuring that women do not face discrimination in the workplace, that equal pay audits take place, that women have access to training, career development and flexible working hours that take account of their caring responsibilities. This is why it is important that the Government acts to ensure not only that equality is a statutory bargaining right but that union equality reps are given statutory rights.

3.14 The experience of Unite is that women migrant workers are particularly vulnerable to exploitation and abuse. One appalling example the union encountered was a young, pregnant Polish woman being forced to live in a car because she was evicted from her accommodation. The union has a strong experience of representing migrant domestic workers, who are mainly women, and whose effective slavery status pre-1998 directly contributed to the extent of abuse and exploitation they suffered. While there is still a level of abuse, current regulations achieved through this major campaigning in the 1980s and 1990s helped reduce the threat of abuse, and provided a more effective route out with basic human and employment rights protected. We remain deeply concerned at the potential threat to these achievements, which we believe would mean a return to pre-1990 conditions.

⁵ 'Black Women and Employment', TUC, April 2006 – full report available at www.tuc.org.uk/extras/bwae.pdf

IMMIGRATION STATUS

3.15 Whilst Unite has substantial evidence of exploitative processes targeted specifically at migrant workers, this group is not homogenous. Undocumented workers are most likely to suffer the worst types of exploitation and are therefore more vulnerable than other workers because of their lack of immigration status. Again even within this group experiences of exploitation may vary by gender, sector, language and other skills. The most vulnerable of all workers are therefore those who are undocumented. The Commission should be clear that the worst aspects of vulnerable working will not be dealt with in this country, whether through additional rights or enforcement whilst a significant number of the working population effectively have no rights.

3.16 Unite supports the principle of earned citizenship for undocumented workers although the union realizes this is a sensitive issue, the implications of which that need to be thought through properly.

3.17 Unite considers it essential for the Commission to support the principle of regularisation for undocumented workers and to commit itself to exploring this issue further. The credibility of attempts to end exploitation of all workers in the UK will be substantially undermined in the absence of a clearly defined and implemented programme of rolling regularisation.

3.18 In Unite's experience the Workers registration scheme for workers from A8 countries acts as a contributory factor in creating vulnerability among migrant workers. Workers who would otherwise be lawfully employed and who enjoy freedom of movement and establishment under the EU treaties are designated illegal workers due to the WRS. This is invidious and wholly unsustainable position in the medium term.

Unite would draw the Commission's attention to the call from the Federation of Poles in Great Britain to 'abolish the Worker registration Scheme for A8 workers as it has served its initial purpose but is now a restrictive and expensive bureaucratic burden on both employers and employees, limits the flexibility of workers in changing jobs and no longer serves any statistical or legislative purpose.'

3.19 This year Unite exposed the treatment of Hungarian Workers working for a franchise of Dominos Pizzas in Derby. In this instance these workers were suffering illegal deductions from pay, including for sub- standard accommodation. The following are extracts from statements taken from the workers. They illustrate well the range of issues faced by vulnerable migrant workers – lack of knowledge of rights, deductions from pay, uncertain hours, poor accommodation, and victimisation:

Worker 1:

'When I arrived to the UK nobody told me about the necessary documents and registrations to allow me to work here. (My manager) called me into her office telling me to complete a form. When I went in, there was a document on the table with the Home office logo. She asked me to complete the form. Then I thought everything was in order for me.'

'When we arrived to the accommodation I had no bed, I slept on the floor. I had to borrow money from my friends to buy a mattress.'

Worker 2:

'Nothing was ever said about our rights, documents relating to work at all. About a month ago xxxx came to me with two documents. He asked me to sign them both, I did not know what I was signing, but I thought one related to accommodation and the other to the Home Office.'

Worker 3:

' They told me that everything will be just fine, the accommodation will be good, the wages will be OK, we will have plenty of hours to work, but nothing was as they first told us. They did not pay me for 1 week, they did this there and also here in Derby and they did not pay me these weeks. They told me it had been paid, but I have two pay slip with the same date. They did not give me extra hours, though when I arrived here, they told me I would work full time, but this was not the case. I came here to help my parents as there is no work at home. When I asked xxxx about the holiday money he told me there was none, because he is not a bank!'

Worker 4:

This was the day when we completed the registration documents of the Union which we left on the bed. So they saw it when they were packing up our room. Since that day we were treated differently, whatever we asked they told us, if we did not like it we could go home. It was no use for me to ask them why I was only working 3 hours a day, since I was 'lured' here that I could work 48-52 hours a week.'

When these workers raised their issues with the employer, they were dismissed on the grounds of their refusal to sign the necessary registration forms, although of course none of them had refused to sign any form. This illustrates how the

workers registration scheme compounds the vulnerability of migrant workers from A8 countries.

3.15 In order to stamp out abuse, vulnerable migrant workers need to have the confidence to raise issues of exploitation at work without fear of arrest or deportation.

LANGUAGE BARRIERS

3.20 Language barriers are clearly a very significant factor in the vulnerability of workers. The lack of English language skills impacts on the ability of migrant vulnerable workers to understand their rights and to access training including health and safety. It also impacts on their ability to communicate with co-workers leading to isolation in workplaces and communities.

3.21 The removal of automatic fee remission for ESOL (English for Speakers of Other languages) was a retrograde step. It is unacceptable for the Government to expect that any employer who recruits workers from overseas will bear the full cost of any English language training. In Unite's experience this quite simply does not take place. Unite hopes that the Commission will take a serious look at necessary steps to ensure that Government and employers improve the access of migrant workers to English language training.

4. IMPACT OF VULNERABLE MIGRANT WORKERS ON THE LABOUR MARKET AND ON SOCIAL COHESION.

4.1 Research undertaken on this issue does not demonstrate an overall significant effect on wages in the UK economy. There is no doubt, however, that in some sectors and in some communities, the simple law of supply and demand has meant that the easy supply of cheap migrant labour has held back wage increases. The Governor of the Bank of England has indeed said that 'the inflow of migrant labour, especially in the past year or so from Eastern Europe, has probably led to a diminution of inflationary pressure in the labour market.'

4.2 Unite has seen at first hand tensions caused at workplace level by the influx of migrant agency workers who are perceived to be undercutting the terms and conditions of indigenous workers. Our response has been to ensure that the false divisions between migrant and indigenous workers are exposed and that all workers should join together in the campaign for equal treatment. The reality of these tensions, though often based on myths, need to be confronted head on.

4.3 In this context it should be remembered that whilst there is a need for migration with a growing economy and ageing population, it should not be posed

against the duty to ensure that workers here for generations are not left behind. In London, for example, there is high unemployment amongst young white population in Barking and young second generation Bangladeshis in Tower Hamlets. The Olympics provides an opportunity for the power of procurement to be used to offer construction apprenticeships to both white and Bangladeshi Britons leaving a lasting legacy of skilled employment in those parts of East London.

4.3 Unite draws the Commission's attention again to the letter written to the Rt Hon Hazel Blears in November this year by Jan Mokrzycki, President of the Federation of Poles in Great Britain. He states that:

'The negative nature of the immigration debate is conducive to a growing social tension between different communities in this country. This has manifested itself in an increasing number of hate crimes recorded by the police against Polish nationals and fellow central Europeans, particularly in Britain's rural areas and small provincial towns. At the same time many Central European workers remain exploited as cheap labour earning less than the national minimum wage, especially those employed by gangmasters and by recruitment agencies.' He goes on to say that 'tension increases too as a growing number of indigenous workers complain they are losing employment prospects in their own country because of unfair competition from cheaper migrant labour from central Europe and this could get even worse in case of a downturn in the economy.'⁶

5. TACKLING THE PROBLEM

REFORM OF ENFORCEMENT MECHANISMS

- 5.1 Unite has welcomed the establishment of the BERR Vulnerable Worker Enforcement forum, upon which the Jack Dromey, Unite Deputy General Secretary has a seat. The enforcement forum has usefully highlighted areas where there needs to be better co-ordination between enforcement agencies but we still await concrete progress and proposals for improvement.
- 5.2 Unite welcomes recent Government measures to increase resources for both HMRC and EASI. Even with these extra resources it is still unlikely that these agencies will be able to make a substantial difference to the extent of vulnerable working. More thoroughgoing reform is required.
- 5.3 The Commission should be aware of serious concerns about budgetary constraints at the HSE. There needs to be a more pro-active approach from the HSE especially in sectors such as agriculture where there are

⁶ J. Mokrzycki Letter to Hazel Blears 9 November 2007.

significant health and safety risks for vulnerable and migrant workers. The HSE should ensure that these workers understand and respect health and safety practice. Unite has serious concerns that there is already significant under reporting of injuries generally and particularly in relation to migrant workers.

5.4 The following is a recent example from a member of Unite staff to help illustrate para 5.3:

We had been told of a salad processing business operating out of a warehouse in Oxfordshire. We were told that there were Polish workers there, operating in unsafe conditions. Other employment breaches were alleged but we were most concerned by the allegations that the roof had fallen in, that the workers were operating heavy-duty electrical machinery yet water was allowed to run through the floor of the building, often leaving the workers ankle-deep in cold water and that the toilets were locked to the workers throughout the shift.

There were clear health and safety matters so we asked the local officer to investigate, which he did and reported back that the premises were there and the workers were very frightened. We then used Polish translators to get the workers to confirm or deny the working practices that had been alleged to us. They confirmed them all. It was also apparent that the workers had no English and were dependent entirely on their employer for income, transport and accommodation.

At that stage we became very concerned for the workers' well-being and felt we had to act quickly. We were not sure if this could be done through a grievance process alone and so sought to contact the enforcement agencies.

The GLA told us that they could not investigate as this company was supplying a product, not people, although they were concerned about the loophole this case had exposed.

The Environmental health office locally did respond to calls but in the end we did not pursue this as our concern was for the workers' safety. So we called the local health and safety officer.

My call was answered by a general administrator. I outlined our concerns to her and asked what appropriate action would be taken. She said that she would "fill out a form" and that a "letter would be sent" to the employer. I said that was neither adequate nor helpful in the circumstances; these were very vulnerable workers dependent on their employer for the livelihood but we had reason to believe they were working in unsafe circumstances and needed help.

She then consulted with the local H&S officer. I could not hear the conversation but when she came back on the line she confirmed that all they could do was

send a letter to the employer. I pressed her and said we would prefer that they went out to inspect the premises, without the employer being fore-warned. She said they could not do that. When I pressed her again she asked if "any one has been hurt?" I replied not yet but in an unsafe environment like that it was only a matter of time. She then said "Well, we're not the fourth emergency service, you know" at which point it became clear the conversation was going nowhere and was brought to an end.

In the absence of clear, rapid assistance from the enforcement agencies we were left with one option which was to use media to highlight the workers' treatment. This is far from satisfactory. It is high risk and can often lead to a worsening of relations with the employers, making it harder to make progress for the workers.

- 5.5 To highlight the issue of joined up enforcement it is useful to consider the following scenario: 15 migrant agency workers living in sub-standard accommodation, being paid less than the national minimum wage, and with unlawful deductions from their pay. If these workers are outside the remit of the GLA then any union official would need to approach HMRC, the Employment Agencies Inspectorate and the local authority about the various abuses taking place. If the employer is also breaking health and safety legislation then the HSE will need to be informed.
- 5.6 Unite does not necessarily believe that at this stage a merger of all enforcement agencies is the solution to the problem, as it could easily become simply an efficiency and cost-cutting exercise. However, the removal of any current barriers, legal or organisational to the sharing of intelligence and co-ordination between agencies should clearly take place as a matter of urgency.
- 5.7 The remit of the Gangmasters Licensing Authority should be extended to cover all employment agencies. Unite campaigned hard for the creation of the GLA which is still bedding down as an organisation. Government officials state that the licensing of employment agencies was abandoned in 1995 because it was found that it did not prevent abuses. In fact, this merely suggests that the licensing regime was not adequately enforced. Licensing of agencies would make it easier to enforce minimum standards and would help prevent the undercutting of reputable businesses. With the creation of the Gangmasters Licensing Authority all labour providers now have to be licensed in Agriculture and Fisheries. Licensing ensures that labour providers now have to comply with the law, that there is joined up enforcement and that it is an offence to operate without a licence or employ the services of a labour provider who does not have a licence. It should be noted that the GLA themselves have fears that those labour providers who cannot gain a licence in agriculture are moving into other sectors of the economy where they do not require a licence to operate.

INTRODUCTION OF NEW RIGHTS

- 5.8 Better enforcement of existing rights can only go so far. Insecurity of employment goes to the heart of the problem – agency workers can be hired and fired at will they are therefore unlikely to make any complaint to their employer.
- 5.9 Equal treatment for agency workers, as proposed by the draft EU Agency Worker Directive, is required to address the issue of perceived, and actual undercutting. Equal treatment will also reduce the incentive for employers to use agency working as an opportunity to employ workers on the worst possible terms and conditions.
- 5.10 The statutory recognition procedures should be extended to small businesses. Significant numbers of vulnerable workers are employed in small non-unionised businesses such as care homes, restaurants and hotels. As stated elsewhere, the most effective way to root out exploitation at work is to expand trade union and collective bargaining coverage.
- 5.11 Unite does not believe that workers who are being paid less than the minimum wage are generally those who are likely to bring an individual claim to employment tribunal, particularly as so many of these workers are foreign nationals. Compounding this problem, if the worker is on a casual or agency contract it would be almost impossible to take a case claiming detriment or dismissal for attempting to enforce their statutory employment rights. In Unite's experience, if an agency worker makes a complaint they have their hours reduced or they are 're-assigned.' This problem can be addressed by allowing trade unions to take representative actions on behalf of our members.

6. THE ROLE OF TRADE UNIONS IN ENFORCEMENT

6.1 The role of a trade union is to organise workers to enable them to collectively advance their interests. It should be recognised that in those areas where the union is organised, where it finds mistreatment or abuse, its primary concern is that the issue is resolved in the workplace and not necessarily to go straight to an enforcement agency. The most effective way for trade unions to combat the mistreatment of vulnerable workers is for them to organise those workplaces where vulnerable workers are present. It is hoped that the Commission will highlight the point that that a key factor in tackling the vulnerability of workers is for employers to recognise trade unions.

6.2 Trade unions have a responsibility to act. This is why Unite has invested significant resources in efforts to organise migrant and vulnerable workers as well as prioritising the issue at a political level.

6.3 The mistreatment and abuse of vulnerable workers will only be effectively tackled through effective action by everyone with a responsibility to act. This includes unions, but also the Government, the enforcement agencies and crucially, employers, both direct and indirect. In the case of the food sector, for example, supermarkets must take on responsibility for the treatment of workers in the supply chain, especially in the context of constant pressure on suppliers to drive down costs. Unite has been meeting with representatives of supermarkets to attempt to address these very issues.

6.4 Unite secured Union Modernisation Fund funding to establish a Migrant Worker Support Unit which is now operational. The purpose of this unit is to ensure that the union has the structures, resources and facilities in place to provide support for migrant workers and provides advice and support on individual cases. The Unit is putting templates in place for the reporting of incidents relating to the treatment of migrant workers and that will include information about contact points at enforcement agencies. In this context the initiative arising out of the BERR enforcement forum to provide information to unions setting out the roles of the various enforcement agencies is welcome.

7. NATIONAL AND LOCAL GOVERNMENT

7.1 Government can assist in the tackling of vulnerable employment in variety of ways beyond the introduction of effective legislative reform and increased funding for enforcement bodies. Government has a significant role to play as a major employer in its own right, as the largest procurer of services and in relation to the support and funding of community support and advice services.

7.2 National and Local Government as well as the NHS have a responsibility to ensure that they demand the highest employment standards from employers who bid for contracts to provide public services. It is clear that significant numbers of agency and migrant workers work on public sector contracts, particularly cleaning contracts.

7.3 The UK Government has a particular responsibility as the major client in the construction industry where vulnerable working, particularly bogus self employment is prevalent.

7.4 Unite recommends that there is an improvement in contract compliance across the public sector in relation to poor employment practices. The legal impediments at EU level to including workforce considerations in contracts are exaggerated by the UK Government. Unite re-enforces the TUC's call for a proper study of the impact of contracting out and outsourcing on the workforce and an evaluation of the effectiveness of existing codes and agreements in relation to workforce matters and Government contracts.⁷

⁷ TUC comments to the ILO on Labour Clauses (Public Contracts) Convention No 94 August 2007

7.5 The Government should ensure that adequate advice and support is available for migrant and vulnerable workers in the community. The experience of Unite members in the voluntary sector is that competitive funding streams are leading to under resourcing for vital voluntary sector organisations.

7.6 Unite draws the commissions attention to evidence from CAB and others that 'advice deserts' are opening up in communities, particularly in relation to legal advice⁸. It is clear that CAB, for instance, are in many cases the first port of call for vulnerable and migrant workers where they do not have access to trade union advice. The adequate funding of community legal and advice services, plus proper funding for legal aid is an important part of in addressing the problems faced by the more vulnerable members of communities.

7.7 There needs to be a review of the proposed changes recommended by Lord Carter's review of legal aid, introducing a market based system under which legal firms will have to compete for legal aid contracts. This will have the effect of reducing migrants' access to legal services and thus further contributing to their vulnerable status. According to the Law Society 74% of immigration practitioners, for example, have said that their firms were less likely to undertake legal aid work in the future as a result of these proposals and 67% thought that the quality of advice they would be able to offer would decline.⁹

Contact:

Simon Nunn
snunn@tqwu.org.uk
0207 611 2630

⁸ Geography of advice - An overview of the challenges facing the community legal service CAB 2004

⁹ Law Society Submission to the Constitutional Affairs Committee inquiry into the implementation of the Carter Review October 2006