

The University of Nottingham-International Labour Organization  
Workshop Report

**“THE EMPLOYMENT OF CHINESE MIGRANT  
WORKERS IN UK: ISSUES AND SOLUTIONS”**



22-23 October 2009

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# 1. Workshop Programme

## Thursday 22 October

10:00am – 10:30am Workshop Registration

10:30am – 11:00am Session I: Opening and Introduction

Chair: Mr Richard Pascoe, University of Nottingham

- Professor Sara O'Hara, Dean, Faculty of Social Sciences, University of Nottingham
- Councillor Mick Wildgust, Deputy Lord Mayor of Nottingham
- Ms LU Xu, Counsellor, Consul General, Chinese Embassy in the UK
- Mr Roger Plant, Head of ILO Special Action Programme to Combat Forced Labour (SAP-FL)
- Mr Xiangdong Tang, International Organisation for Migration

11:00am – 11:10am Group Photo

11:10am - 12:45pm Session II: Employment Conditions for Chinese Migrants in UK

Chair: Ms Caroline O'Reilly, ILO SAP-FL

- Mr Darryl Dixon, Gangmasters Licensing Authority, "The experience of gangmasters' licensing authority"
- Mr Roger Plant, SAP-FL ILO, "Global experience and lessons learnt"
- Dr Bin Wu, School of Contemporary Chinese Studies, University of Nottingham, "Employment conditions of Chinese migrant workers in the East Midlands: survey findings"
- Questions and Answers

12:45pm - 1:45pm Lunch Break

1:45pm – 3:30pm Session III: Understanding Chinese Migrant Workers in the UK

Chair: Dr Bin Wu, University of Nottingham

- Dr Frank Pieke, University of Oxford, "Migration journey and working conditions of Chinese immigrants in UK"
- Dr Jackie Sheehan, University of Nottingham, "Human trafficking between China and the UK"
- Dr Sam Scott, University of Liverpool, "The gangmasters and Chinese workers"
- Professor Gary Craig, University of Hull, "Turning the tide: the role of the Gangmasters' Licensing Authority"
- Questions and Answers

3:30pm - 3:45pm Coffee/Tea Break

3:45pm – 5:30pm Session IV: The Changing Labour Market for Migrants in the UK

Chair: Dr Jackie Sheehan, University of Nottingham

- Mr Jabez Lam, Chinese Immigration Concern Committee, "Labour shortage in Chinese catering"
- Dr. John Wu, UK Chinese Herbal Clinic Group, "Why don't Chinese people support the idea of regulating Chinese medicine in the UK?"
- Dr Denis Wong, Chinese Catering Solutions, "UK Chinese catering and the National Skills Agenda"
- Ms Holly Bidmead, Ethical Trading Initiative, "Ethical trade standards and practices in UK"
- Questions and Answers

6:00pm – 8:30pm Dinner at Charde Oriental Chinese Restaurant.

### **Friday 23 October**

8:45am – 9:45am Session V: Regulative Issues Affecting Chinese Migrants in the UK

Chair: Mr Richard Pascoe, University of Nottingham

- Mr Glynn Rankin, Home Office and UK Human Trafficking Centre, "The extent of trafficking in the UK"
- Ms Anne Fairweather, Recruitment and Employment Confederation, "Regulation of labour recruitment agencies in the UK"
- Mr Kaming Yip, Christine Lee & Co. (Solicitors) Ltd, "UK Immigration System Changed 'Out of All Recognition' "

9:45am - 10:00am Coffee/Tea Break

10:00am – 3:00pm Session VI: Stakeholder Consultation and Recommendations

Led by Dr Andreas Fulda, University of Nottingham

Views from the following stakeholders

- UK government agencies
- Employers including Chinese entrepreneurs
- Chinese community organisations
- Chinese professionals
- Legal professionals
- Civil Society

10:00am – 10:30am: Introduction by Dr Andreas Fulda

10:30am – 11:15am: Consultation Session 1

11:15am – 12:00am: Consultation Session 2

12:00pm - 1:00pm Lunch Break

1:00pm – 2:00pm: Review and Prioritisation of Results

2:00pm – 3:00pm: Policy Recommendations

3:00pm - 3:15pm Coffee/Tea Break

3:15pm – 4:15pm Session VII: Presentation and Summary of Policy Recommendations

Chair: Mr Richard Pascoe, University of Nottingham

4:15pm – 4:30pm Session VIII: Concluding Remarks

Ms Caroline O'Reilly, ILO SAP-FL

4:30pm Workshop closes

## 2. List of Participants

No.	TITLE	FORENAMES	SURNAME	ORGANIZATION
1	Prof	Gary	Craig	Department of Social Sciences, University of Hull
2	Prof	Delia	Davin	East Asian Studies, University of Leeds
3	Prof	Amanda	Griffiths	Institute of Work Health & Organisations, UoN
4	Prof	Sarah	O'Hara	School of Geography, UoN
5	Dr	Qingxiu	Bu	School of Law, Queens' University
6	Dr	Andrea	Fulda	School of Contemporary Chinese Studies, UoN
7	Dr	Davide	Pero	Identify, Citizenship & migration Centre, UoN
8	Dr	Frank	Pieke	China Centre, University of Oxford
9	Dr	Sam	Scott	Department of Geography, University of Liverpool
10	Dr	Jackie	Sheehan	School of Contemporary Chinese Studies, UoN
11	Dr	Jinmin	Wang	Business School., Nottingham Trent University
12	Dr	Bin	Wu	School of Contemporary Chinese Studies, UoN
13	Dr	Xiaoling	Zhang	School of Contemporary Chinese Studies, UoN
14	Councillor	Mick	Wildgust	Nottingham
15	Mr	Andrew	Baguley	Nottinghamshire Police
16	Ms	Keren	Bebbington	Foreign Office
17	Mr	Vincent	Bryce	Equality & Community Relations Team, Notts City Council
18	Mr	Darryl	Dixon	Gangmasters Licencing Authority
19	Ms	Xu	Lu	Chinese Embassy in London
20	Mr	Glynn	Rankin	Human Trafficking Centre
21	Mr	Francis	Roodt	Department for Work and Pensions
22	Mr	Wenpeng	Zhang	Chinese Embassy in London
23	Mr	Roger	Plant	Special Action Programme to Combat Forced Labour, ILO
24	Ms	Caroline	O'Reilly	Special Action Programme to Combat Forced Labour, ILO
25	Mr	Arian	Aban	IOM Midlands
26	Mr	Xiaodong	Tang	IOM UK
27	Ms	Fan	Yeung	IOM UK
28	Ms	Holly	Bidmead	Ethical Trading Initiative
29	Mr	Malcolm	Boswell	ACAS West Midlands
30	Dr	Kerry	Brown	Senior Associate, Chatham House
31	Mr	Bobby	Chan	Min Quan
32	Mr	Chi	Chan	Min Quan
33	Mr	Chenggui	Chen	The UK Fujian Association
34	Mr	Edward	Chow Ewart-	Vulnerable Chinese Migrant Workers Network
35	Ms	Joanna	James	Anti-Slavery International
36	Ms	Anne	Fairweather	Recruitment and Employment Confederation
37	Mrs	Jie	Feng	Everwell Ltd
38	Mrs	Hua	Geddes	School of Contemporary Chinese Studies, UoN
39	Mr	Jiajin	He	Fujianese Entrepreneurs Association
40	Ms	Silva	Hove	Poppy Direct Services
41	Mr	Zhengliang	Huang	The UK Fujian Association
42	Ms	Rakiba	Khatun	Refugee and Migrant Justice

43	Mr	Jacky	Kong	Chinese Catering Solutions
44	Mr	Jabez	Lam	Chinese Immigration Consideration Committee
45	Mr	Kam-sang	Law	
46	Ms	Yi	Li	The Rights Practice
47	Ms	Chungwen	Li	Ming-Ai (London) Institute
48	Ms	Nicola	Macbean	The Rights Practice
49	Mr	T	Man	Confederation of Chinese Association UK
50	Mr	Richard	Pascoe	School of Contemporary Chinese Studies, UoN
51	Dr	Chuang	Peng	Chinese Scholars and Students Association, UoN
52	Dr	Peter	Ren	FTCM
53	Ms	Caroline	Ribers	
54	Dr	Sylvia	Sham	Wai Yin Chinese Women Society
55	Ms	Abigail	Stepnitz	Poppy Direct Services
56	Ms	Yan	Wang	
57	Ms	Jenny	Wang	
58	Ms	Polly	Watt	Refugee and Migrant Justice
59	Dr	Denis	Wong	Chinese Catering Solutions
60	Dr	John	Wu	Chinese Herbal Clinic Group in UK
61	Ms	Mei	Xu	
62	Mr	Kaming	Yip	Christine Lee & Co. (Solicitors) Ltd
63	Ms	Iris	Yu	Nottinghamshire Chinese Community Organisation
64	Mr	Alan	Davis	University of Manchester
65	Ms	Xumei	Guo	School of Education, UoN
66	Ms	Lan	Guo	School of Contemporary Chinese Studies, UoN
67	Ms	Soon	Su-Chuin	School of Geography, University of Liverpool
68	Ms	Yunshi	Chen	UoN
69	Mr	Hongbo	He	UoN
69	Mr	Xiaohui	Sun	UoN
71	Mr	Shenli	Zhang	UoN

### 3. Press Release

#### ILO-Nottingham workshop raises urgent Chinese migrant labour issues

30/10/2009

Human trafficking, the exploitation of Chinese migrants in the UK and the impact of economic recession on Chinese migrant workers were among issues hotly debated by more than 70 people at a conference organised by the International Labour Organization (ILO) and The University of Nottingham.

The workshop, attended by Roger Plant, Head of the Special action programme to combat forced labour at the ILO, Lu Xu, Counsellor and Consul General of the Chinese Embassy in the UK and Darryl Dixon of the Gangmasters Licensing Authority, was held to bring together officials, researchers, employers, labour brokers and Chinese community leaders to discuss collaboration on the problems.

Participants at the workshop on "The Employment of Chinese Migrant Workers in UK: Issues and Solutions" agreed that action to resolve the problems faced by migrants, especially illegal or irregular Chinese migrants in the UK, could only be carried out through joint efforts, and that Chinese community organisations in particular needed to take steps together to help tackle the problems.



The two-day conference which took place on 22-23 October was part of a European Union-China collaborative project -- Capacity Building for Migration Management in China (CBMM) -- funded by the EU. The joint project of the ILO, the International Organization for Migration (IOM) and EU member states aims to combat irregular migration and human trafficking and to better harness the benefits of regular migration from China to Europe.

Ms Lu of the Chinese Embassy said the total size of the ethnic Chinese community in the UK had presumably grown to 600,000, including those of Chinese and British nationality and some 100,000 students but excluding irregular migrants. This figure updated recent estimates from the Office of National Statistics (ONS) which said that the Chinese



community, the fastest-growing ethnic group in the UK, had grown from 227,000 in 2001 to 400,000 in 2007, a growth rate of 9.9 percent per year.



It is estimated that the number of undocumented or irregular Chinese migrants in the UK ranges between 150,000 and 200,000. Based upon an intensive survey in East Midlands, Dr. Bin Wu, senior research fellow at the Nottingham University's China Policy Institute, told the workshop that the economic recession and strict migration management measures in the UK had reduced the flow of illegal immigration and human trafficking from China on the one hand, while on the other hand they had had a severe impact on the working conditions of many Chinese migrants, and especially irregular Chinese migrant workers in Britain.

The conference heard that human trafficking and the smuggling of Chinese migrants remained a serious problem nine years after the Dover tragedy in 2000 when 58 Chinese migrants died in the back of a lorry and four years after the Morecambe Bay disaster in which 21 Chinese cockle-pickers died. According to recent statistics from the UK Human Trafficking Centre, Chinese trafficking victims are the largest single nationality group and account for 17% of the known total of trafficking victims.

One of the difficulties in dealing with labour exploitation was that workers do not regularly "self-identify" themselves, Darryl Dixon of the Gangmasters Licensing Authority (GLA) told the workshop. The GLA was set up after the Morecambe Bay tragedy to license and regulate those who supply labour or use workers to provide services in agriculture, forestry, horticulture, shellfish gathering and food processing and packaging.



He said the GLA had uncovered no evidence of organised exploitation of Chinese migrants in those sectors since Morecambe Bay. There had been isolated reports of Chinese collecting shellfish on the south coast of England, he said, but this did not appear to be on a large scale. Most work in the GLA sectors was being carried out these days by East European migrants, he said.

Another expert at Nottingham, Associate Professor Jackie Sheehan of the School of Contemporary Chinese Studies, told the conference many of the Chinese victims of trafficking were women forced into prostitution by the traffickers. Silva Hove of the Poppy Project, a charity which helps women trafficked into prostitution, said that the number of Chinese victims in the underground sex industry appeared to be increasing, based on the organisation's data and information from its partner agencies.

Amid calls from the Chinese community to the government to legalise undocumented workers and allow migrants to fill serious shortages of workers in the Chinese ethnic economy, Mr Plant of the Geneva-based UN agency said there was a need for measures other than criminal law enforcement to deal with illegal workers and related problems.

Ms Lu added: "When we talk about the irregular immigrants, we do not mean they are different from us in nature. They are simply out of the system that we, the policymakers, and executives have set to manage the flow of human resources."

Participants drew up plans at the workshop to promote further action within the Chinese community to promote greater awareness and disclosure of trafficking and labour exploitation, to develop stronger leadership, corporate social responsibility and lobbying capability in the Chinese catering industry, and to mobilise Chinese students and academic leaders to provide help to affected migrants.

Participants also recommended the need for further research to deepen understanding of what happens to repatriated victims of human trafficking upon their return to China. One group was also formed to assess whether a medical help-line could be set up to support irregular migrants, who were not generally allowed access to the British National Health Service.

Many participants commented that the event had offered a new momentum for development of the Chinese community, which is fragmented in the UK, with more than 1,000 separate organisations often representing different regions of China. Thirty years ago most ethnic Chinese organisations in the UK were made up of migrants from Hong Kong or of overseas Chinese. In recent years there has been a major influx of Chinese from all over mainland China, in particular from Fujian province in the southeast, and from the Northeastern provinces.

Business organisations, including the Recruitment and Employment Federation (REC) and the Ethical Trading Initiative, briefed the workshop on best practices in the employment of migrants. Anne Fairweather, Head of Public Policy at the REC, said that employers were subject to a fine of £5,000 per head if they employed illegal migrants.

Jabez Lam, of the Chinese Immigration Concern Committee, called on the government to regularise irregular migrants who were already in the UK, saying this was the only way to prevent their exploitation. This would also help address the problem of a severe labour shortage in the Chinese catering industry, he said.

## 4. Record of Group Discussions

**This includes a record of all the group discussions. A subset of six groups was chosen for the action plans that followed.**

(Note: this does not mean that the ideas put forward by the other groups were not important – merely that the particular attendees of this workshop prioritized some over others. Those ideas that were not selected may be pursued separately by others).

### **Group 1 (Selected – see Plan 4 below)**

**Topic: How to use/train Chinese students or students studying Chinese to work to improve life for Chinese migrants or identify those who need help?**

**Initiator:** Delia Davin

**Participants:** Delia Davin, Chen Yunshi, Sylvia Sham, Sam Scott, Su-Chuin Soon, Keren Bebbington, LI Yi, Andreas Fulda, Arian Aban

#### **Results from the discussion:**

- Students can be useful as volunteers in community groups, and volunteering work can be helpful to the students themselves - giving them valuable experience for future work.
- Organizing volunteers requires skills and resources.
- It can be difficult for willing students to find a relevant organization to work with.
- Groups like the Wai Yin Chinese Women's Society can help by organizing seminars at universities and inspiring groups to start working.
- Providing coaching for UK nationality tests (e.g. Knowledge of the UK) could be an interesting and useful area of work.
- Students could be valuable in helping migrants understand the cultural differences between China and the UK -- Chinese ideas of hierarchy and adult-child relationships are major areas of difference. This area of work would be an interesting subject matter for the students too.
- Key points: important issues in community work.

## **Group 2 (Selected – see Plan 3 below)**

**Topic: Identifying and engaging with trafficked or exploited Chinese migrants in the face of various barriers to disclosure of exploitation: the role of the Chinese community**

**Initiator:** Abigail Stepnitz + Silva Hove (the Poppy Project)

**Participants:** Jackie Sheehan, Edward Chow, Silva Hove, Abigail Stepnitz, Polly Watt, Nicola Macbean, Deming Xu, Caroline Ribers

### **Results from the discussion:**

Hurdles identified:

- Reality of debt bondage, reprisals threatened against families of victims.
- Language, lack of trust – “us versus them” arguments used by traffickers to discourage communication with foreigners, myths about police etc.
- Such myths are passed around in the community -- this is not helpful.
- Lack of cooperation among the different groups in the Chinese community, public participation needed to help identify when exploitation is occurring. Need to raise awareness of what constitutes exploitation.

Suggested solutions:

- Produce information for the Chinese community outlining what constitutes trafficking/ exploitation and what support is available (especially from independent groups).
- Independent groups (NGOs) to take a lead in reaching out to affected groups as there's great mistrust of the authorities and immigration services, and an unwillingness to seek help.
- Arrange conferences or other forums to engage the Chinese community in discussing and disseminating information on support services available and also to discuss the community's important role in the identification of victims.
- Work in partnerships with local independent Chinese groups to address cultural/language barriers. Two such groups present at the workshop were the Vulnerable Chinese Migrant Workers Network and the WAI YIN Chinese women's society.
- Involve the community in campaigns targeted at “reducing demand and exploitation” and in current campaigns such as “nothing personal” encouraging local businesses and the media not to be complicit in exploitation by e.g. allowing advertising in newspapers that promotes prostitution or related services.
- Awareness-raising through local and community media outlets.
- Raise awareness of the unhelpful myths passed around in the communities that discourage access to services – this requires the active cooperation of the community.

**Group 3— (Merged with Group 2/Plan 3)**

**Topic 1:** How to engage with Chinese community organizations?

**Initiator:** Arian Aban

**Participants:** Fan Yeung

**Topic 2:** Confidence-building in Chinese organizations

**Initiator:** Sylvia Sham

**Group 4 (Not selected, although addressed to some extent by Group 8/Plan 1)**

**Topic:** Change

**Initiator:** Denis Wong

**Participants:** Richard Pascoe

**Results from the discussion:**

There is an urgent need for change within the Chinese community in the UK.

This may not be a popular topic. On the other hand, perhaps there is a deep-seated problem about (1) a fixed identity in the Chinese community and (2) a failure to recognize a changing environment, that will drive change.

It has become a question of not whether change happens, but whether it is driven from within, or driven from without.

**Group 5 (Selected – see Plan 5 below)**

**Topic:** National help line for illegal migrants who become ill - Medical Help Line

**Initiator:** Xiaodong Tang (International Organisation for Migration)

**Participants:** Lan Guo, Mei Xu, Wang Yan, Mei Xu, Xiaodong Tang

**Results from the discussion:**

Recent Nottingham CPI survey of foreign migrants highlighted the need to help irregular migrants who fall ill but do not have access to the NHS.

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- They sometimes need care for their children, who should have access to the NHS.
  - So far they only have their own narrow circle of friends to turn to.
  - They have no language skills and therefore cannot find information about where to go, and have no way to use the Internet. They have no one to turn to.

- Best way around this is to set up a hotline to guide callers, offering them tailored advice.
- Volunteers need to be trained. One suggestion is to use medical students and Chinese professionals.
- Key points:
  - Who needs this help: migrants who do not understand the NHS system and UK society, and have English language problems.
  - Set up free national number to guide callers seeking medical treatment.
  - Set up self-help website with regular information page, for those who have access to Internet.
  - Train volunteers to give advice.
  - Hold regular seminars, or gather and provide information.

**Group 6 (Selected – See Plan 2 below)**

**Topic: Campaigning activities in China highlighting poor and inhumane working conditions of illegal migrants in the UK so as to discourage illegal migration and human trafficking**

**Initiator:** Kam-sang LAW

**Participants:** Keren Bebbington, Edward Chow, Caroline O'Reilly, Fan Yeung, Li Chungwen, Xiaoling Zhang (UoN SCCS)

**Results from the discussion:**

- Long history of human trafficking from China, and of emigration since 19<sup>th</sup> century; first generation often face similar harsh conditions.
- Need to encourage use of legal channels and promote the dangers and risks of illegal immigration.
- The Chinese government has already made positive steps. But there is a need for a major socio-cultural change to encourage legal channels. Changed immigration laws have resulted in fewer channels for legal migration.
- Need to give examples of successful legal migration where the rules have been followed successfully.
- Vocational training schools, which the Chinese community will hopefully support.

## **Group 7 (Not selected)**

**Topic:** Justice/awareness of legal rights and services

**Initiator:** Qingxiu Bu

**Participants:** Malcolm Boswell; John Wu; Zhengxu Wang; Qingxiu Bu,

### **Results from the discussion:**

- Legal tradition – weak link in Chinese society. Conversion to legal view of the world needed. Chinese culture prefers negotiation to litigation or formal mediation.
- Weak enforcement attitudes within Chinese community weak.
- Why is the law there? Need to educate people that it is there to protect.
- The law is a double-edged sword. Misunderstanding, ulterior motives and litigation create negative perception of the law.
- Need to be positive- we can benefit from the law. Law firms and local community can help.
- Access to justice limited in migrant community. Legal rights not enforced.
- Very few individual lawsuits initiated by the Chinese community, which has little faith in litigation. How to get the Chinese community involved in legal services?
- Tribunal Claims: Vulnerable workers could claim their legal rights. This would lead to enforcement rulings against the bad guys, with penalties enforced.
- In the worst cases, the employers threaten the employees.
- Chinese medicine industry has moved into shopping centres and into mainstream society, and is benefiting from the law – Dr Wu's cases of litigating successfully against British landlords.
- 80% of companies in London use legal services; Chinese companies tend not to.
- John Wu: 24 cases. Successful track record of using UK legal channels. When in Rome, do as the Romans do. Chinese companies need to learn and adopt UK business culture, even though this is not traditional Chinese culture. Encourage the people to learn more about the English legal system.
- Need for a change in the way of thinking in the Chinese business community, and in employer-employee relations.
- The Poles seem to have done a better job and are more entrepreneurial ? (Or are they just closer culturally to the UK?)
- Lack of Chinese voice. Need Chinese business voice in the form of an institute of Asian business? Vulnerable without it.



- The Chinese community lacks collective action in persuading the government to change the legislation. How many Chinese community organizations have lobbied the government?
- Chinese communities scattered, fragmented. Why can't they work together? Need a Chinese voice.

### **Group 8 (Selected – see Plan 1)**

#### **Topic: How to educate and ensure that employers in the catering industry become leaders and managers with integrity**

**Initiator:** Su-Chuin Soon

**Participants:** SAM Scott, Edward Chow, Kaming Yip, Francis Roodt, Mei Xu, Richard Pascoe, Lan Guo, Anne Fairweather, Sam Scott, Kaming, Jacky Kong, Francis Roodt, Jabez Lam, Edward Chow

#### **Results from the discussion:**

- Target audience- SMEs. Ignorant: need public education (ground-up community-based)
- Structural changes needed - diversification. Changed mindset (needs community ownership). Employer capacity building needed in catering. Business Links a resource in local government to be tapped for help.
- But not great for MIG5 (?), As trust and language are big issues. Catering reliant on MIG5. As 2<sup>nd</sup> generation comes up, need to professionalize.
- Big divide among Chinese workers, who are the most exploited. Survival is the problem for most Chinese businesses, so this is their priority. Most SMEs have less than five employees. Self-exploitation, and so they expect the same from their staff.
- Culture of small businesses under pressure. Difference between unconscious and purposeful exploitation. For Chinese bosses it is common to work 18h per day: they just expect the same from their employees; differences between owner/entrepreneurs and employees. So this is a complex issue.
- What do you do when law threatens survival? Enforcing laws will kill SME takeaway businesses. Need to professionalize the sector.
- But need more new bigger professional restaurant chains. (NAC report)
- Self-perpetuating vicious cycle. Need support from within to bridge employers and the government. English language is a problem.
- Need to integrate with local community more. Need to boost awareness of British law and norms.
- Who to target: big employer vs. SMEs ? SMEs are only sustained by migration, otherwise they are unsustainable businesses.

- Practical Solutions: need industry figureheads/ public face to promote good practice; employer awards in catering; (a) Professional skills upgrading; (b) Business management skills, such as learning how to make profit margins from running buffets and selling beer.
- Business support needed to help Chinese entrepreneurs move beyond catering niche.
- Recognized worker organisations needed.
- Big difference -- pre-1980s immigration was legal, so SMEs were mainly family-run. Now SMEs have irregular migrant workers to deal with and the situation has become more variable.

### **Group 9 (Not selected)**

**Topic: How to promote entrepreneurship within the Chinese community in the UK? How can Chinese migrants in the UK contribute to economic links between China and the UK?**

**Initiator:** Jinmin Wang

**Participants:** Malcolm Boswell, John Wu, Qingxiu Bu

#### **Results from the discussion:**

- Polish workers are a newer group of migrants than the Chinese. But they are doing a better job. They are possibly more entrepreneurial than Chinese migrants.
- Chinese migrants are imitators, not creators.
- Lack of Chinese community voice in business-government relations.

### **Group 10 (Selected – see Plan 2 below)**

**Topic: What happens to victims of trafficking and forced labour on return to China?**

**Initiator:** Nicola Macbean + Polly Watt

**Participants :** Jackie Sheehan, LI Yi, Lan Guo, Edward Chow, Deming Xu, Mei Xu, Delia Davin

(Poster notes not found – were they taken and not returned?)

### **Group 11 (Not selected)**

**Topic: Think tank**

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**Initiator:** John Wu

**Participants:** Francis Roodt, Bin Wu, John Wu, Jacky Kong

**Results from the Discussion:**

- Translation is often not professional.
- Set up a think tank or volunteer groups to review translation.
- Chinese migrants should have access to a contextual translation of the English legal system.
- Fierce competition in terms of price instead of quality.
- Voice of the workers.
- How to make the think tank work?
- Pamphlets from the government are dry
- Building capacity
- Establish trade organisations represented by Chinese migrants' businesses. Find the individuals left represented
- Represent Chinese workers
- Flag things: the effectiveness of the Chinese community
- Difficult to get the Chinese community together.

**Group 12 (Not selected)**

**Can UK trade unions help prevent, trafficking and exploitation of Chinese migrants in UK?**

**Initiator:** Caroline O'Reilly

**Participants:** Francis Roodt, Richard Pascoe

**Results from the discussion:**

- In practice very difficult to get migrants to join TUs.
- Race to the bottom → Extreme competition between restaurant owners, forcing low wages and poor conditions.
- Need for Chinese community members to organize Chinese workers.
- Possibility for ACFTU providing training for migrants before leaving China to help organize them when in the UK.
- Chinese tradition: 'keep your head below the parapet'.
- Also Chinese migrant workers do not congregate in the same area.

- Prefer to be dispersed so their children will be 'anglicized'→ and to minimize competition between restaurants owners, which serve different markets and need to be widely separated.
- Bilateral trade union agreements and 'joint TU action' needed globally to ensure minimum standard of labour rights.
- Better enforcement needed -- more visible/frequent inspections of premises and businesses, with sanctions and fines for those violating the law.
- TUs do work with supermarkets with respect to ethical sourcing/labeling but supermarkets unable to enforce conditions further down the supply chain, only having control over the next layer.

## 5. Action Planning/Suggestions for Follow-up

### Plan 1

#### How to educate and ensure that employers in the catering industry become leaders and managers with integrity

(from Group 8)

**Initiator/Leader:** Su-Chuin Soon

**Owners:** Jabez Lam, Keren Bebbington, Malcolm Boswell, Edward Chow, Denis Wong, Chungwen Li, Richard Pascoe, Kaming Yip, Su-Chuin Soon

#### **Priorities**

- Corporate Social Responsibility & the promotion of “best practices” for others to follow, in order to create the right environment and set good examples.
- Need first to review CSR elsewhere in the business community, across different industry sectors, and different cultures, to establish what the industry best practices are.
- Then need to organize ground-up & community-based processes to identify where the gaps are, and to study best practices for their adaptation and promotion by the Chinese catering sector
- Map out interests & constraints of different stakeholders(e.g. employer(s), employee(s), government, NGOs) to identify leverage points, and to identify which Chinese community and/or Chinese business associations are best placed to lead such implementation.

#### **Goals**

- 1) Identify best practices that the Chinese catering industry should adopt.
- 2) Professionalization of the Chinese catering industry.
- 3) Embrace change in the industry.
- 4) Greater coordination & consultation across the industry, so that a credible voice of the Chinese catering sector can be heard.

It is important to have a plan with a schedule and timeframes to complete the above work. It was suggested to employ a GANTT chart for the purpose of tracking this.

**Gantt chart**

Actions	NOV 2009	DEC 2009	JAN 2010	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT 2010
Survey of relevant CSR and "best practices" in similar sectors	-----	----- -	----- -									
Identify gaps in Chinese catering industry				---- -	-----							
Mapping interest groups & constraints to identify key players						----						
Work with media to profile sector							---- -	----				
Work to achieve community consensus	-----	-----	-----	---- -	-----	-----	---- -	----	---	----	---- -	----

## Targeted Partners

Community organizations, the media, the Chinese embassy, UK government organizations, local government and regional development agencies, the Confederation of British Industry, the Institute of Directors, Chinese food wholesalers, Business Links

## How to mobilize resources?

Targeted funding applications

## Presentation

So the first thing is we believe the preferable is that there are a lot of corporate social responsibility. The development of CSR in recent years has generated good practices that we can look at to see whether they are applicable to catering. We could learn from the best practices and circumstances of bigger catering organizations not only in the Chinese catering sector but also in other mainstream or ethnic minority sectors, particularly mention some of the Asian/kitchen have more established management structure.

Secondly, there are big gaps in information. When we use one of the research, use one of the ground or one of the community based, then there is a gap to identify all these comparable situation and attention. The interests and constraints of different stakeholders could be mapped. There are a lot of this circular argument probably. We are talking about small Chinese catering businesses, over 80% are employed [ ] people, [30% can't catch this well], of Chinese catering are take-aways, employing less than five people. Is it possible for us to change that? So one of the attitudes held by such small food businesses is cynicism and a sense that one cannot change anything. So we have to believe that there is a possibility for change. This means we have to map out stakeholders' interests and constraints, whether among big businesses, medium or small businesses. What are their constraints? Based on that, we can consider how to tackle the issue. Stakeholders involve employers, employees, government, NGOs, employment agencies? [ ]

Then we look at the goal. (It is early to talk about?) goals at this stage. The issues are to identify what are the best practices and focus on applied practice. How to employ, or... to explore it. Employer, I think we have to explore it to employer, but too [ ]

To professionalize the catering industry. What are the ways to improve the industry? I think we need to raise the standards of the industry, raise its profile and status, to make it become more and more a career of choice. Somebody have mentioned nowadays to give a career advise women why people don't go to catering industry? That [ ]80% Chinese catering. You have to raise the status, so that people can choose to enter the industry as a career. This point is about [ambridge] change, which we all acknowledge...sorry, for this, I have to quote a paragraph: 'to this goal, the shortage of occupation and publication, migration advisory committee make observation, then it will be belief of mouth ethnic hospitalities sector, the sector must be always remained [a pleasant site ] of growth, but therefore strain. We all share this view. You can equally argue that the use of immigration, illegal labor, depressed wages, consumers are affected, no more price from subsidy

provided by lower wages. So the less we use illegal labour, the more standards will be raised. pay relevant price, smaller and [ ] number of ethnic restaurant sector. This is a quote there is a bit of debate among us whether we would accept that as a future. And the prospect of our view of that is if it is not sustainable, then we are talking about 60 ~70 thousand illegal workers, as the backbone of the business, somehow we need to change. And how to change that, we don't know, we don't have the answer. But one thing we all agree. And then we have the courage to embrace the change. The quote that Richard has given is whether you have to take courage to change fast, or dice go. I think that is one of ...we'll come to that stage.

Then we look at the lead of this change... We need to have open mind, to have a great consultation coordination to make this change less painful.

Then chart, well somehow, I didn't remember we have this. We have at least a number of action points. I don't remember we have this detail, but this is the format and we hope we will adopt it soon. The action is that the environmental..which is, my research area is mapping, what is around, identity gap, mapping interests and constraints, what can be here and unify the community. Unifying the community is something that we feel as really important. Everybody, I think, is more work for convenient government department, so they always want to [top one more]. We are a very diverse community, I'm sure the government will never be able to publish Chinese or to let Chinese taking part. We have to all identify the problems of this engagement, so you would like to get the Chinese talk to you. So as long as you want to talk, you are welcome to do that.

Partners: we identify community organizations, use the Chinese or mainstream media, raise profile, raise awareness. Chinese embassy you see plays a big role, particular that they charge ...they hold the whole knowledge...we are talking about Chinese catering...training. In this country, it doesn't have one. China, I don't know how many millions of professional chefs are there. It has professional chef qualifications, dim-sum making qualifications, and those are the skills that you can export. This system makes sure the quality is maintained as well.

Then the UK government is a partner, in particular, in immigration. The problem of 60 -70 thousand illegal immigrants, I don't think they have resources to deport them all even if they want to. Also, I don't think they have the resources to keep them all in detention centres to feed them until they are ready to deport them. So some solutions have to be made. Also you have department such as representatives from welfare here, aid carers...all these other body, we all have role on one hand to make the services, and other to up skill ...and training council etc..

One problem we find is that Chinese community somehow we are able to survive by our own initiative, which is something very good. But this is something also very disadvantaged on the other side. That we are so good to look after ourselves and that we don't talk to each other. So there is no coordination, no [common/competent] organization, no common objective, no common ground...and all these...all these problems...it took policy development, you go [ ], they lobbying. We have a lot of



organization...in this country have one food processing, organization such as CBI, you know what that is; institute of Director; Federation of small businesses; regional development agency. All these have well filed experiences, they can share with us, and we should learn from them. And we have Chinese food wholesaler. Potentially, their businesses, they are very important, partly because their businesses might depend on the businesses of these small businesses. If these survive, they survive.

How to mobilize resources: we all recognize this time...all banks are pocket strain, every one of us carry or sharing of 50,000 share of national debt. Very little money come from central government cover the budget. But Chinese catering is £5 billion a year industry. We can't find out a way to resource ourselves and work with other partner. It deserves find out wisely or quickly. Which way is...

Finally, it was agreed that there is a lot of task ahead, we don't have resources, we have a number of people that they have certain level of knowledge, understanding linkage of network or whatever, and particular, those in that room, I say coerced by Richard, do you want to be a member? I don't think everybody dare to say no. Everybody put a letter forward and show the offer to be the team leader, and watch the space.

Thank you.

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## Plan 2

### Research on what happens to victims of trafficking and forced labour on return to China

(from Group 10)

**Initiators:** Nicola Macbean, Polly Watt

**Owners :** Jackie Sheehan, LI Yi, Lan Guo, Edward Chow, Deming Xu, Mei Xu, Delia Davin, Nicola Macbean, Polly Watt

- Seek evidence, based on identifying the risk on return for trafficking victims
- Organise pilot research project
- Identify social attitudes to returned trafficking victims
- Lack of current research in this area
- Develop a research plan with interested organisations
- Raise funding from suitable source

**Presentation:**

Now, early on today, we had a friend from UK to see some of the identified victims of trafficking, who may not be sent back to China. Often, this does not happen a lot. But currently keep them under asylum law. But the burden of proof is on the pennant [ ] for the returned, we have no evidence from these victims. We can't say they'll return. So at the current case, under UK law, victims of trafficking are returned to China. And unless we find out the situation, a lot of people are hesitant to identify those who are going to be returned to China. So we find a kind of in order to increasing prosecuting people in forced labour, how to get access to the situation, we need to understand better what happens if they are returned to China.

So we talked about how we collect evidence of what actually happens to people on return. Whether they underpin the re-trafficking situation, whether social [ ] make them very difficult to get a job, maybe they investigate the case of prostitution. Because they are...I mean women are in particular, if there is discrimination, as a result of their experiences. We need to know this, we need to have evidence.

So we thought to do this, we need to develop a research plan, interest organizations, such as Chinese refugee groups, IOM, any other organizations, academic, institutions and so on, any one has interest in this area, so that we can identify trafficking issues with the returned, just a kind of find out what happened to them when they go back. Carry out a small pilot project to see if there is any research potential in this area further. If anyone has interest in this area, please let us know, we'll contact you.

Any questions?

Bin Wu: maybe you can bring two surveys together. One is the returnees who have suffered from human trafficking, and the other is a survey on labor brokerages in China. This is because in the field, human trafficking and legal labour brokerages may be located in the same place and involve even the same people.

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### Plan 3

#### **Identifying and engaging with trafficked persons from the Chinese community in the UK**

(from Group 6)

**Initiator:** Kam-sang LAW

**Owners:** Kam-sang LAW, Keren Bebbington, Edward Chow, Caroline O'Reilly, Fan Yeung, Li Chungwen, Xiaoling Zhang (UoN SCCS)

**Goals:**

1. Awareness-raising among community groups and individuals about availability of services and support for trafficked and/or exploited migrants
2. Ensure minimum standards for information and services provided, with a focus on

- sustainability to establish credibility in the community.
3. Increase multi-agency working & dissemination of best-practice models UK-wide

### **How do we achieve them?**

1. Access funding (sustainable!)
2. Work with community groups to disseminate information
3. Training and capacity building of organizations with greater access to the Chinese community
4. Seek high-level government support (MPs, etc...) to communicate consistent information about rights in the UK
5. Ensuring that pathways to services are available for easy access, with confidentiality guaranteed, to build trust among the victims.

### **Stakeholders:**

1. Chinese community groups
2. Business Partners
3. Specialist NGOs (Poppy, ECPAT, Barnardos)
4. Researchers/Academics
5. Legal professionals/ advisors
6. Social services/ Local Authorities
7. Central and local government
8. Law enforcement
9. Chinese Embassy

### **Actions**

1. Increase the capacity of civil society groups to work with Chinese migrants (dedicated staff?)
2. Increase links with existing community groups
3. Engage the media and the community to build trust and get the message out

### **Resources**

1. Build on existing and emerging partnerships between organisations
2. Lobby government for consistent and significant resource provision
3. Identify key business partners (e.g. the GLA, and Chinese community business organisations) to provide resources and model best practice in their industries
4. LDPR and support for progressive and effective businesses

### **Presentation:**

Our goals are to increase awareness among community groups, individuals, about the availability of services, and also rights and entitlements in the UK. To ensure there is some level of minimum standards among people who are providing services to the community, who are providing information, that information is accurate, and services are being provided equally, that non-discrimination policies are in place, and increasing multi agency working in disseminating best practice model throughout the country.

### How we achieve them:

We are accessing funding, sustainable funding in particular, with mentioned one of the most important thing is non established project, you can build up reputation among the community that something is reasonable, useful, and fair. And you can do that as funding six months later.

Training and capacity building: our organization is already working within the community and is seeking some support from higher level government support in terms of commitment to consistent information, consistent support for vulnerable migrants, exploited persons, to ensure there are pathways that services [ ], like the UK police, or UKBAs, people know their help is available, even if you don't want to talk about your immigrant status, or your have concerns about your rights remain in the country, that sort of thing.

Stakeholders we identified: Chinese community groups, business partners, established NGOs in particular areas of trafficking like our organization, child trafficking and prostitution in the UK, and BNAGO who also work for child [ ].

### Some of the actions:

Increasing the capacity of those social groups who work in the community now, to make it happen, build partnerships and relationships, things like this; lobbying the government for consistent and significant resources in a really nice way, 'can we have a lot of money, can we have a lot of money all the time?'....and then identifying key business partners to provide resources and as well to model best practices in terms of positive and negative ways, maybe naming or shaming some on one hand, and commending the good practices of some businesses, encouraging the community to support businesses, to model best practices in order to support migrants.

That's it.

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## **Plan 4**

### **Mobilize and train students to work with Chinese migrants and community groups**

(from Group 1)

**Initiator:** Delia Davin

**Owners:** Delia Davin, Jinmin Wang, Andreas Fulda, Wu Bin

- What kind of actions do we want to take?
- How are we going to achieve?
- Who will work with whom?
- What kind of actions are we going to take and when?

■ How can we mobilize adequate resources to deliver to actions?

1. Organise the mapping of Chinese students' societies in the UK.
- 2a. Get Chinese Embassy support for the initiative.
- 2b. Let Chinese students understand that volunteering is a great opportunity to enhance their CVs for the future, using economic arguments to persuade mainstream students to do social work.
3. Invite community leaders to give talks to university students, to encourage dialogue and mutual interest.
4. Let Chinese PhD students join the volunteers' engagement projects in the Chinese migrant community
5. Sensible CBO (meaning ??) for the need to support Chinese migrants
6. Students good at overcoming the language divide in the migrant community, and able to find out the real issues and help with translation and communication of problems migrants face.
7. Where feasible use course modules to include topics about volunteering and community building, community- based organizations. Establish new modules on civil society, including workshop elements and speakers to encourage participation.
9. Ideally students should take these modules early on in their studies, e.g. BA Year 1
10. Start small, go step by step
11. Idea: match Chinese students with old British people - can talk to old people and learn about the UK and UK communities while helping them to overcome loneliness and stimulate their interest.

**Presentation:**

This is really a very practical issue. And we pretty much dumped to the action. What we should do initially is to map the existing students in most of the universities, and look at what kind of [ ], and then [ ]. Also involve another practices thing. For instance, we couldn't [ ] these community, and also in terms of our engagement with the community-based groups, we assume that is not always clear that they also need to engage with the Chinese migrants. So this may be a task for us to sensitize people about the need to engage with Chinese migrants. We believe that Chinese students or, even international students, if they are willing to do so. If they could be very helpful to find things out on behalf of Chinese migrants, or if they are Chinese, they can help overcome some language issues, e.g. help them translate materials.

In terms of how we could sensitize our students to the need of volunteers and to get more involved in community issues. We would use existing modules to involve and to include some of these topics in the existing modules, but also set up new modules. For instance, organise undergraduate or postgraduate modules on civil society, community building, or volunteering which could be like a training workshop for our student volunteers. And this will help us to identify some students' [natives], especially let's say the first year if they do undergraduate studies, and we can actually work with them for three or four years. So in a sense, these are very modest steps you may think of. But this is a step by step approach which is practical, when we can actually build up success.

I just want to share one of the great ideas we had in terms of what students can do to improve the life of the people. For instance, Chinese students could talk to the British elderly person. Because often, these people are isolated, then they would appreciate that someone would talk to them. And Chinese students will benefit a great deal from that by interaction with British people. So that would be really win-win. So we believe that by using these very practical suggestions, actually they can convince not so far, the mainstream students, the business school got a lot, so they can involve in social development work.

Well, that's pretty much about. Any comments for our group maybe?

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## Plan 5

### Explore Feasibility of Setting up Medical Helpline for Chinese Migrants

(from Group 5)

**Initiator:** Xiaodong Tang

**Owners:** Lan Guo, Mei Xu, Wang Yan, Mei Xu, Guo lan, Xiaodong Tang

- Pilot Study necessary first, as Helplines are a professional business that require careful project planning and backup to ensure quality delivery to customers.
- To be called CHL Chinese Medical Help Line: Translation Service provided.
- Aim: Research Feasibility/practical issues
- Determine precise objectives e.g,
  1. Listen, link to those who can help, provide translation and connect up.
  2. Investigate who should deliver the necessary services requested.
  3. Sustainability of initiative, as labour-intensive.
- Need to carefully analyse benefits and risks

- Personalities to involve: UoN, SCCS
- Action?     Work out where to base the Helpline, and what facilities needed.
  - UoN(Analysis)+IOM(P)+Dr Herbs (John Wu – kindly agreed to provide and donate the phone line)
  - Research Team: More people
- Resource    Newspaper, Societies

**Presentation:**

The priority is a pilot study. We think it's much easier and also we need to do a lot of research.

Now, one of the pilot study, we want to see the feasibility and practical of the study. We found something is very interesting, quite interesting, because we don't want to get involved in legalities. Because when people make a phone call, and you advise them on their legal positions, you may incur legal liabilities.

We think people make a phone call, we are able to help them. So one thing we suggest, we try to listen when people make a phone call. Don't say anything, let them finish because this helps them psychologically. Another way is to help with translation, when people say I got a problem to understand some of the professional business. So we make an appointment, next day, we see the professional and let them call us so that we can translate and phone to the Fujianese, Chinese and give them professional (advice). Another one is link. What does link mean? When people call us, we don't answer them straight away. We tell them we'll call them back within one hour or two. Then we use our resources to find the most suitable person to give advice. For instance, if the people come from my province, so we'll look for people who speak the same dialect, so that's link.

Now we have to find a pilot study, which member? Who are qualified to do this? Because sometimes we find it is difficult. Don't worry, we need to find out benefits and risks. In this pilot study, there are just three things. Then we already find...you already commit to do something. This...your name...I don't know...(Guo Lan)..they are quite interested in doing this study because this is a research project.

I say when you do you want to do it? You want to do it tomorrow? It's Saturday.

Now, finally, we get to the actions. What are you going to do tomorrow? Ok, we have already located the place, it is here. We also need facilities because we need telephones now, which is...ask me to pay for. We already know who is going to do the data analysis. She is looking for Masters and Phd students. We don't have much problems here. But we still want to find out about the future, because we need resources. So that's the problem. But we find one thing is interesting because Chinese people are quite happy to advertise it for free. So the Chinese community wouldn't be a problem.

So summarize, ok? This is the Chinese helpline. When income phone call here, so they say how can I help you? We don't say what I can do for your? Help is better. Then we say we can't answer you straight away, can we call you back in one or two hours? Then they call different experts, or the experts can directly call the person.

That's it. Thank you very much.

Andreas Fulda: So this is to be a story. Actually, you may want to learn from other professional help-lines how they deal with these problems. Because I know, for instance, the migrant in Beijing. They use this helpline. He actually need help eventually, mental help because he was really depressive all the time. He wanted to do other things. You know, you have to be careful about who you use.

KS Law: Association, some way. Chinese mental help association in East London, and that is funded by another organization. This organization has many volunteers, medicine help line, relief line...many people, advice. Probably you can gain from such association financially as well as spiritually.

(Embassy person) I have a piece of advice to give to you. If you have this helpline established, please communicate with me. I am the Assistant from Chinese Embassy, and I would like to give my assistance. And speaking of mental problems, because I am in the area of counselling assistant, I received a lot of sad, very sad things. Sometimes, I feel a bit dumb, happy stories never come to you, always sad stories.

Richard: Can I say, it's just wonderful today to have people from the Chinese Embassy. You have very helpful suggestions to support, very valuable suggestions.

(an American lady) Just remind me in the States, they run a help line and provide training to the volunteers who answer the phones. Help them to deal with the phones which they have a hard time in dealing with. They have a lot of experience, you may want to be in touch with them.

Guo Lan: Actually, we were, group 5, thinking a practical issue. We were thinking of recruiting students volunteers from psychological department of the school in the university. Because they have the training, they have the best background of knowledge, and also they are the professional in the near future. So they would want this working experience before that. So they have mutual benefits from this pilot study. This is one thing. The other thing is I have a friend, female, who has worked for women charity organization before, like listen to a lot of sad stories from housewives, from the families. So later, she developed depression. This is really a real problem. So we want to have some professionals to work on this pilot study on national help line.

Richard: Could Malcolm Boswell say more about the new vulnerable workers help line?

Malcolm Boswell (ACAS): Yes, the government response to look after the vulnerable workers, one of the government response is a creation of vulnerable workers helpline. Now the interesting is that it is a low-key campaign. In April this year, it was interesting that not many people in the room said what about the government vulnerable worker



help-line, which just raises two questions: one why the government did a bad job in terms of making it known; second, if you don't know it exist, then the vulnerable workers probably don't know. It is going to be difficult. The other problem is I either don't know the source of advice they are giving. So would be useful to make a contact, saying are you covering this sort of issues? Secondly, the people manning the phonenumber won't be experts, but they will be useful. You can only give people options, and the more options in terms of assistance available in this room, including the Chinese Embassy, if you can actually in some way filling a h...just to say when you are talking to someone, you may want to changes these issues to meet the needs of the people. You may wish to refer to individual terms. And these things can only have a grown. The more they talk, the more they pick up, the more solution you get for the problems. If you are in charge of these issues, I can give the address of the vulnerable workers line. You can make contact with them.

## 6. Speakers' Presentations (attached)

Mr Darryl Dixon, "The experience of gangmasters' licencing authority"	P35
Dr Bin Wu, "Employment conditions of Chinese migrant workers in the East Midlands: survey findings"	P57
Dr Sam Scott, "The gangmasters and Chinese workers"	P76
Mr Jabez Lam, "Labour shortage in Chinese catering"	P91
Dr Denis Wong, " UK Chinese catering and the national skills agenda"	P107
Ms Holly Bidmead, "Ethical trade standards and practices in the UK"	P112
Mr Glynn Rankin, "The extent of trafficking in the UK"	P118
Ms Anne Fairweather, "Regulations of labour recruitment agencies in the UK"	P122
Mr Kaming Yip, "UK immigration system changed 'out of recognition'"	P138



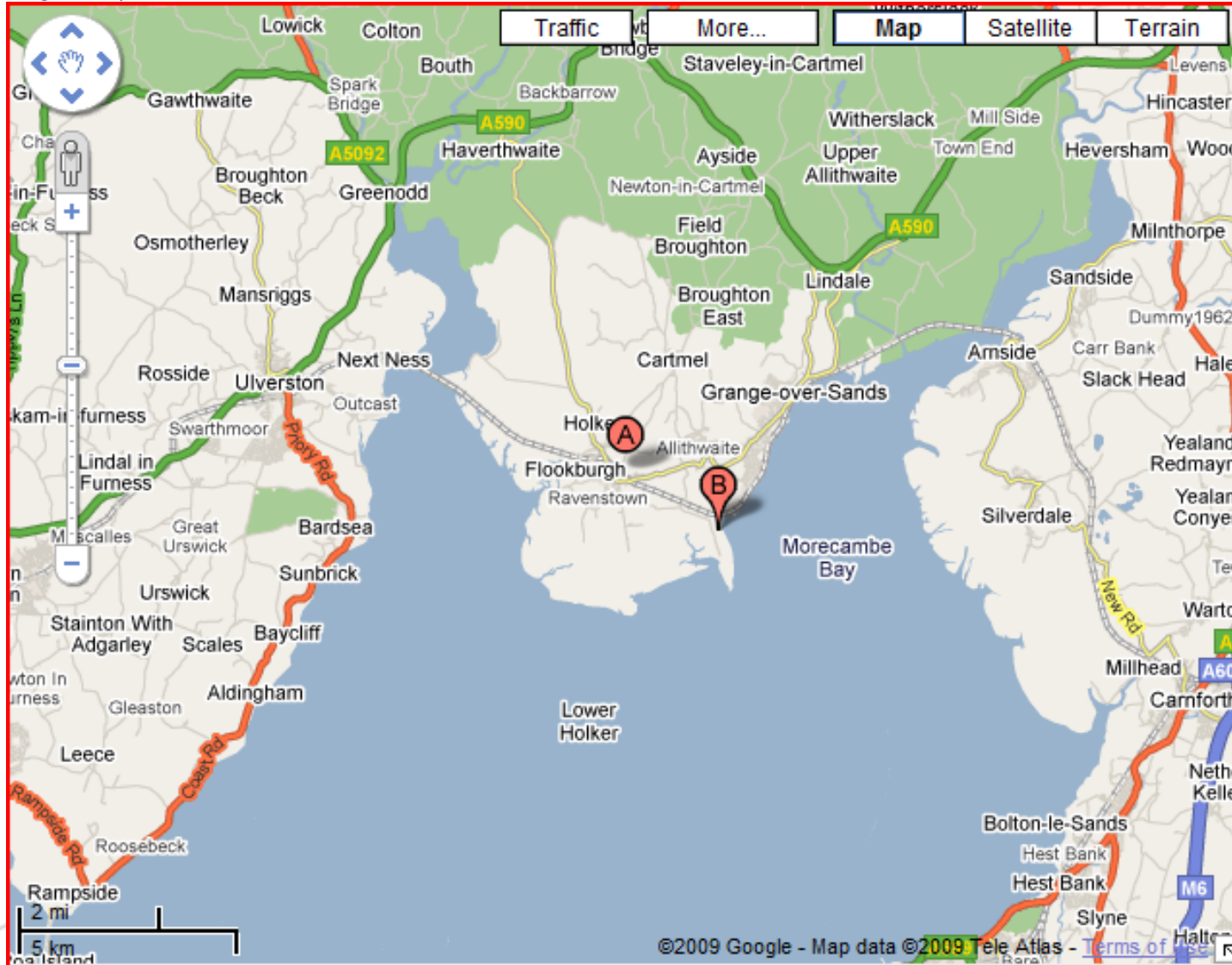
# **Gangmasters Licensing Authority Nottingham**

Darryl Dixon, Director of Strategy



# Operation Ruby











# Could it happen again?


- Lancashire Evening Press, 21/09/09:
  - “ Cocklers saved off Morecambe Bay:  
The Coastguard was called out to save Polish cocklers who got into difficulties off Morecambe Bay. A police helicopter was called upon and successfully found the party before they became trapped close to Heysham. The search happened at around 7pm on Saturday.”



# Timeline

- Jim Sheridan Private member's Bill
- Feb 2004 Morecambe Bay
- July 2004 Gangmasters (Licensing) Act 2004
- April 2005 GLA established
- 01/04/06 SOCA operational
- 06/04/06 GLA accept licence applications
- 02/10/06 GLA unlicensed gangmaster offence
- 03/10/06 UKHTC opens
- 01/12/06 GLA offence of using an unlicensed gangmaster


# Why established

- To address labour exploitation in agriculture
  - To address the Morecambe Bay tragedy
  - 3 year review to assess whether to extend
  - Does not cover Construction, or other sectors
- 

# The licensing standards

- The key areas are:
  - ❑ Payment of wages, tax, NI, VAT and improper deductions
  - ❑ Debt bondage, harsh treatment or intimidation
  - ❑ Workers accommodation
  - ❑ Hours worked, working time regulations
  - ❑ Breaches in health and safety, including training
  - ❑ Recruitment and contractual arrangements
  - ❑ Sub-contracting
  - ❑ Identity issue, under-age working
  - ❑ Legality and rights of workers

# Application process and checks

- Application (on line or by phone) to GLA
  - Pay – Fees vary depending on turnover in sector
  - Applicant 'Fit and proper person' checks
  - OGD checks (GLA will check with 6 other Government Agencies)
  - Inspection measured against Licensing Standards and worker interviews
  - Licence decision
- 

# What we find

- UK Gangmasters using Polish companies to source labour
- Polish companies charging workers £100 to find vacancies
- UK Gangmasters opening offices in Poland
- UK Gangmaster running up debts in the name of a Polish worker, then dismissing the worker/ returning the worker to Poland to avoid the debts to themselves
- Licensed UK Gangmaster withholding wages and holiday pay due when 12 Polish workers and 2 Slovaks

# East Seaton Farm





# Templeton Farm





# Balhungie Farm





**247**



# Sainsbury's

- BBC "Poles are coming" – featured ELS
- ELS inspected on 01 April 2008
- Evidence of violence to workers
- Aware LU told workers not to speak to GLA or be suspended and/or sacked
- LU sole Leek supplier to Sainsbury's
- Discussion with Sainsbury's on 09/04/08
- Joint visit to LU on 11/04/08 (Fri)
- Workers interviewed – key witness evidence
- LP revoked with immediate effect on 15/04/08 (Tues)



# Injuries sustained post inspection for asking for holiday pay





# Chinese issues

- No evidence of Chinese organised exploitation in GLA sector since Morecambe Bay
- Displacement effect – Poles engaged in cockle picking
- Isolated reports of Chinese groups on south coast
- No evidence of chinese workers in main focus of GLA sector
- Question – where are the Chinese workers?

# Unexpected

- LP revoked Jan 2008
- Non-compliance included 9.1
- Told to maintain records of workers, inc NoK
- Re-applied, cleared non-compliances



- Jolanta Bledaite, 35, from Alytus, Lithuania, whose head and hands were found on a beach at Arbroath in Angus
- NoK details enabled police to contact father

# Any Questions

- Contacts:

Intelligence @gla.gsi.gov.uk

0115 900 8960







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# Economic Recession and Employment Conditions of Chinese Migrants in the East Midlands

Dr. Bin WU (武斌)

China Policy Institute

School of Contemporary Chinese Studies

The University of Nottingham

# Content



- 
- Background and Survey Methodology
  - Business Environment and Migration Pattern
  - Working Conditions, Labour Brokers and Chinese Community
  - Conclusions and Policy Recommendations

# Why is there a need for a new survey on Chinese migration?

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- The fastest-growing ethnic group in UK (ONS)
- Segmentation of Chinese migrants
- Shortage of labour vs. irregular workers
- Impacts of current economic recession

# Why Nottingham and East Midlands?

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- Pilot study for new methodology
- Less research outside Chinatowns
- Engagement with Chinese community
- Interface with UoN and regional interests

# Research Aims and Objectives



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- Impacts of economic recession & new migration policies on ethnic Chinese businesses
  - Latest changes, trends and patterns of Chinese migration between UK and China
  - Consequences on working conditions of Chinese migrants
  - Relevant factors influencing employment and working conditions
  - New approaches and policies for Chinese community building in UK

# Survey Methodology



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- Workplace observations + interviews
  - Sampling: random and “snowball”
  - “Advisers” and community participation
  - Survey team: experience & dialect

# Table 1 Profiles of Observations



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Sector	No.	%	Region	No.	%
Take-away	38	62.3	Hong Kong	26	42.6
Restaurant	13	21.4	Other overseas	6	9.8
Retailer	5	8.2	Fujian	14	23.0
Herbal shop	3	4.9	Guangdong	4	6.6
Decoration	1	1.6	Dongbei	7	11.5
Nanny	1	1.6	North China	4	6.6
<i>Total</i>	<i>61</i>	<i>100</i>	<i>Total</i>	<i>61</i>	<i>100.1</i>

## Table 2 Interviewees by Selected Indicator



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Category	Item	No	%
Region of origins	Fujian	14	37.8
	Dongbei	10	27.0
	Other mainland	9	24.3
	HK/Overseas	4	10.8
Migration status	British/PR	15	40.5
	Work permit	5	13.5
	Student	6	16.2
	Irregular	11	29.6
Sector	Catering	26	70.3
	Retailer	4	10.8
	Herbal medicine	3	8.1
	Other	4	10.8
Total		37	100



# Changes in Business Environment



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- 
- Reduced demand from local customers
  - Weakness of British pounds against Chinese yuan
  - Government measures against irregular employment
  - Continuous growth of Chinese population in university towns

## Table 3 Transformation of Chinese Catering



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Region of Origin	Mean years	No	% of total N
Fujian	3.1	13	32.5
Dongbei	2.4	5	12.5
Other provinces	4.0	6	15.0
Hong Kong	8.5	13	32.5
Other Chinese	12.3	3	7.5
<i>Total</i>	<i>5.6</i>	<i>40</i>	<i>100</i>

# Child-minding: an emerging sector



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- Q: You mentioned that you have recruited a nanny recently. Why did you not send your baby to the local infant school or nursery?
- A: *Certainly, I have to say now there is a great demand in the market for nannies, as lots of Chinese women married and gave birth here, so they must need nannies to look after the babies, especially when your baby is too young to go to infants' school or nursery. Another reason for why the nannies are so popular among the Chinese mothers now is that due to the outburst of swine flu in the UK, nursery and infant schools have become high-risk places to go because they can catch the virus there. I prefer that she stays at home with the nanny.*

# Mobility and Trends

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**Nottingham**

- Shortage of legal migrant workers
- Return of irregular migrants to China
- Decline in human trafficking to UK
- Supply of “full-time student workers”

# Impacts on Working Conditions

- Deterioration in working conditions of irregular migrants
- Labour exploitation on some of work permit holders in both catering and herbal medicine
- Abusive employers:  
*"Money is not the main determinant of a good workplace. A good boss should be easy to communicate with and treat everybody in the shop in a fair way."*
- Fatigue, health (physical & psychological) and medical needs

# Labour Brokerages: Issues



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- 
- Important and emerging sector
  - Complexity of “introduction fees”
  - Deregulation of labour brokerages in China
  - Bonded labour amongst some of WP holders
    - Profit making for WP application
    - Personal document taken in entrance
    - Deposit and low pay
    - Fear of lost opportunity leading to PR

# Chinese and British Community Issues



- “Regional discrimination” amongst Chinese
- Racism and anti-social behaviours
- Gangmaster organisations in UK
  - Important but under-researched area
  - Variety in organisation, function, and impact
  - Both positive & negative functions
  - Strict rules and hierarchy system
  - “Protection fee” collected beyond group members

# Comments on UK Migration Policies



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- Regularisation of irregular migrant workers
- Promotion of integration process
- Rethinking the work permit scheme
- National helpline for Chinese migrants



# Conclusions

- 
- Dynamics and transformation of Chinese ethnic economy in UK
  - Decline in human trafficking to UK and increase in irregular migrants returning to China
  - Severe shortage of qualified workers in the catering and growth of student-workers
  - Bonded labour as a serious issue for some work-permit holders
  - Development and deregulation of labour brokerages in both UK and China
  - Call for further research to understand the process of Chinese community building in UK

# Chinese Community Building: Policy Recommendations & Actions



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- 
- Regular roundtable meetings of all stakeholders to promote communication, interaction and collaboration
  - Social responsibility of Chinese media to protect migrant workers and promote integration
  - Pilot study and one-day workshop on “model Chinese communities in UK”
  - Feasibility of a jointly funded “Chinese Community Building Foundation”
  - Research collaboration on Chinese catering and regulation of Chinese herbal medicine
  - UK Chinese University Student Volunteering Support Network jointly funded by Chinese and UK government
  - UK Chinese Community Building Network (CCBN) and steering group



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*"My life in UK so far is not what I wanted, what I want is to be respected as a human being, a respectable Chinese."*

-A Chinese migrant worker

**Many Thanks**

# **“Free Markets and Forced Labour”**

Dr Sam Scott

University of Liverpool

[sam.scott@liv.ac.uk](mailto:sam.scott@liv.ac.uk)

# 1980s

- Flexibility and de-regulation
- Freedom or free-for-all?

“Is there not something peculiarly disgusting about those who decry the notion of protection for the lowest paid, yet sit on their hands and do nothing while those in the privatised companies get huge pay rises?” (Tony Blair, Shadow Employment Secretary 1989-1991)

# 1990s

- NMW 1997 (March 1999)
- Same logic as Churchill's Wages Councils:  
*"The good employer is undercut by the bad, and the bad employer is undercut by the worst"*
- And response to Union as well as state retreat:  
*"The story of union representation of the low-paid has been one of broad failure over the years" (Toynbee, 2003: 237)*

# 2000s: Two Steps Forward but One Step Back

- Invisible workers
- Devolved responsibility
  - Smugglers/ traffickers (she-tou)
  - Gangmasters (gong-tou)
- Certain sectors (food) and countries (China, Portugal, Poland)

# Fujian

- From 1978 China moved away from 'iron rice bowl'
- Fujian
  - Gap between minimum wage and cost of living
  - Urbanisation
  - Emigration industry





# Extreme Cases of Weak State

THE INDEPENDENT WORLD

**BIG QUESTION**  
How will this week's meeting help tackle climate change?

See the world of pensions made simple with our video guide [click here >](#)

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## Dutch court jails seven over Dover lorry deaths

By Isabel Conway in Rotterdam

Saturday, 12 May 2001

SHARE | PRINT | EMAIL | TEXT SIZE

Seven men were jailed yesterday for human trafficking and gross negligence that led to the deaths of 58 Chinese immigrants who suffocated in the back of a sealed lorry at Dover.

Seven men were jailed yesterday for human trafficking and gross negligence that led to the deaths of 58 Chinese immigrants who suffocated in the back of a sealed lorry at Dover.

A court in Rotterdam handed down sentences of between 30 months and nine years to a people-smuggling gang, based in the Dutch port, though all were acquitted of manslaughter. Sentencing Turkish-born Gursel Ozcan, 36, the ringleader of the gang, and his right-hand man, Hacı Demir, 29, to nine years' imprisonment, Judge Jos Silvis told them that they had taken "full advantage of the awful and desperate situation of those people, and you did so purely for profit.

"You thought nothing of putting 60 people in a small space in a container without enough oxygen so they suffocated due to the inhuman conditions in which they were kept," he said. "No punishment can ever make up for the deaths of so many people and the suffering and misery inflicted on them and the families they left behind."

## 1. Trafficking

LIVE BBC NEWS CHANNEL

Last Updated: Friday, 6 February, 2004, 13:25 GMT

E-mail this to a friend | Printable version

## Tide kills 18 cockle pickers

**Eighteen cockle pickers have died after becoming trapped by rising tides in Lancashire's Morecambe Bay.**



The accident happened after more than 30 cocklers - thought to be Chinese who do not speak English - were caught by rising waters in the Hest Bank area.

Lancashire Police said it was trying to find out if they were illegal immigrants or working for an organised gang, and appealed for information.

A spokeswoman added that criminal charges were a possibility.

The 16 men and two women who died were pulled out of the near freezing sea during a huge rescue effort by coastguards, lifeboats and the RAF overnight.

The 14 who survived have been joined by two witnesses thought to be connected to the group and are being cared for at a local emergency centre.

Bags of cockles on Morecambe beach as the search mission goes on

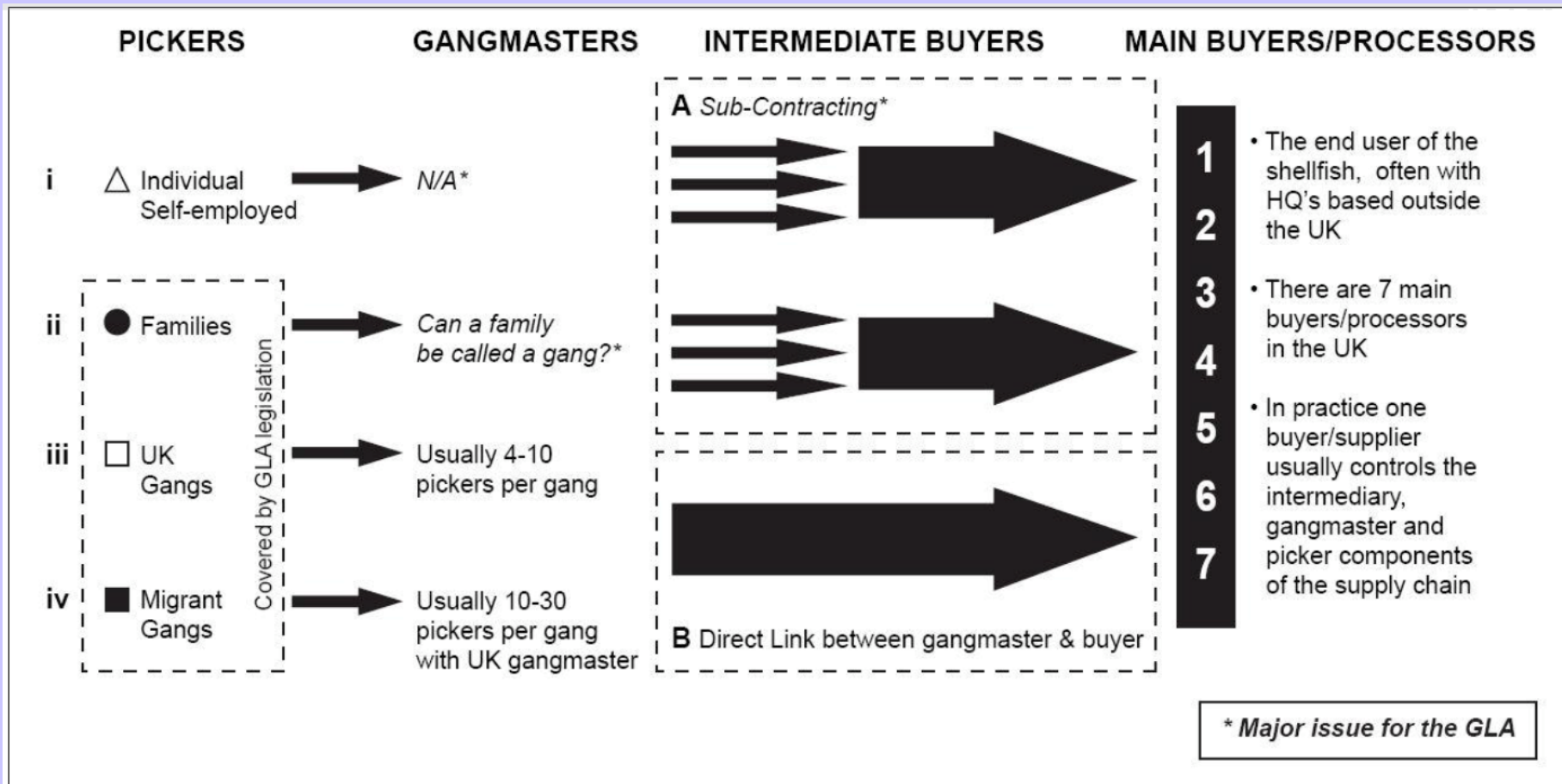
## 2. Forced Labour

## Morecambe Bay: Accommodation

“...another box of tea-marinated eggs, another farewell. Ah-Hua was excited to be going to Liverpool, the city of the Beatles...(but) ‘It was **run-down** I was surprised by how depressed it looked. Some of the houses were totally deserted. We went into the front room, and I couldn’t believe it: there were **nine mattresses on the floor** and a crowd of people. I just sat down on my mattress. **I didn’t feel like saying a word**...at the end of the day, he was **paid £15** for three bags of cockles’ (Pai, 2008: 104-5)



# Morecambe Bay: New Gangs





# After 2004: GLA, EU Enlargement and Employer Focus

Health & Safety  
Executive

Publications

## 在河口和潮汐区拾取鸟蛤、贻贝、虾类产物 工作安全指导方针

Guidelines for safe working in estuaries and tidal areas when harvesting produce such as cockles, mussels and shrimps

### 1 小引

这些指导方针是从21名中国拾蛤者于2004年2月在莫克姆湾遇难后初次引用。2004年冬季期间，根据引用后所得的经验对这些方针加以修订。

### 2 动身之前

动身拾取蛤贝之前，对预定做的工作一定要谨慎计划和准备。这一点你必要取得信息便能够估定相关的风险，从而作出明智决定，而且当你前往水产地方时候，必要备有适合的用具和切合实际的运输安排。

### 信息

你至少应备有：

- 当地的潮汐表和准确的手表。你可以从大多数当地书店和许多报刊店购得全年潮汐表小册，或浏览网页 <http://www.pol.ac.uk/ntslf/tides/?port=0050> 以详在莱萃(Heysham)下7天的潮汐细节
- 晓得日和和预报的天气，例如有雾/潮水高涨
- 晓得当地的情况，例如流沙、移动冲沟、河水泛滥、潮汐特性和速度。

### 装备

你应带备：


- 适合的通讯仪器 - 视接收而定，使用甚高频(VHF)船只频道无线电系统或手机。将电池充饱，保持器具不致被弄湿
- 一个定位仪器，最好是全球定位系统(GPS)及/或指南针，藉此在不利情况下可找到折回陆地的方向
- 可见度高的衣物，保持身体温暖和防风雨
- 紧急用具 - 以备多寡时使用的哨子和信号弹

### 计划

当你计划你的工作，必须：

Home Office letter  
(May 2004)  
emphasising  
employer duty not to  
employ 'illegals'.

Early 2005 Tony Blair  
announced new  
system of employer  
fines



**10 LAT  
w więzieniu?**

GLA 0845 602 5020  
email: [enquiries@glg.gsi.gov.uk](mailto:enquiries@glg.gsi.gov.uk)  
[www.gla.gov.uk](http://www.gla.gov.uk)

**GLA** Gangmasters  
Licensing Authority

# Q1: 'Where did the Chinese go?'

## Chinese appealed because:

- 'Illegal'
- Mobile
- Limited English
- Debt from travel
- Fear of speaking out ("It's a tiny mistake by my boss")
- Limited connections to British society

*NB. Sometimes coercion, sometimes deception, sometimes collaboration*

*Q. How have supply and demand pressures shifted since 2004?*

*Q. Are Chinese still in forced labour situations?*

## **Hospitality:**

“Among the restaurants in Chinatown, most waiters, under a variety of pay systems, are being paid well below the NMW, working up to 72h a week. One of the waiters summed up the situation: ‘There is only one word,’ he said: ‘Harsh.’ (Pai, 2008: 190)

*NB. The UK Chinese catering industry employs an estimated 30-50,000 (ibid., p. 202) workers per year but immigration of catering workers from China is currently heavily restricted*

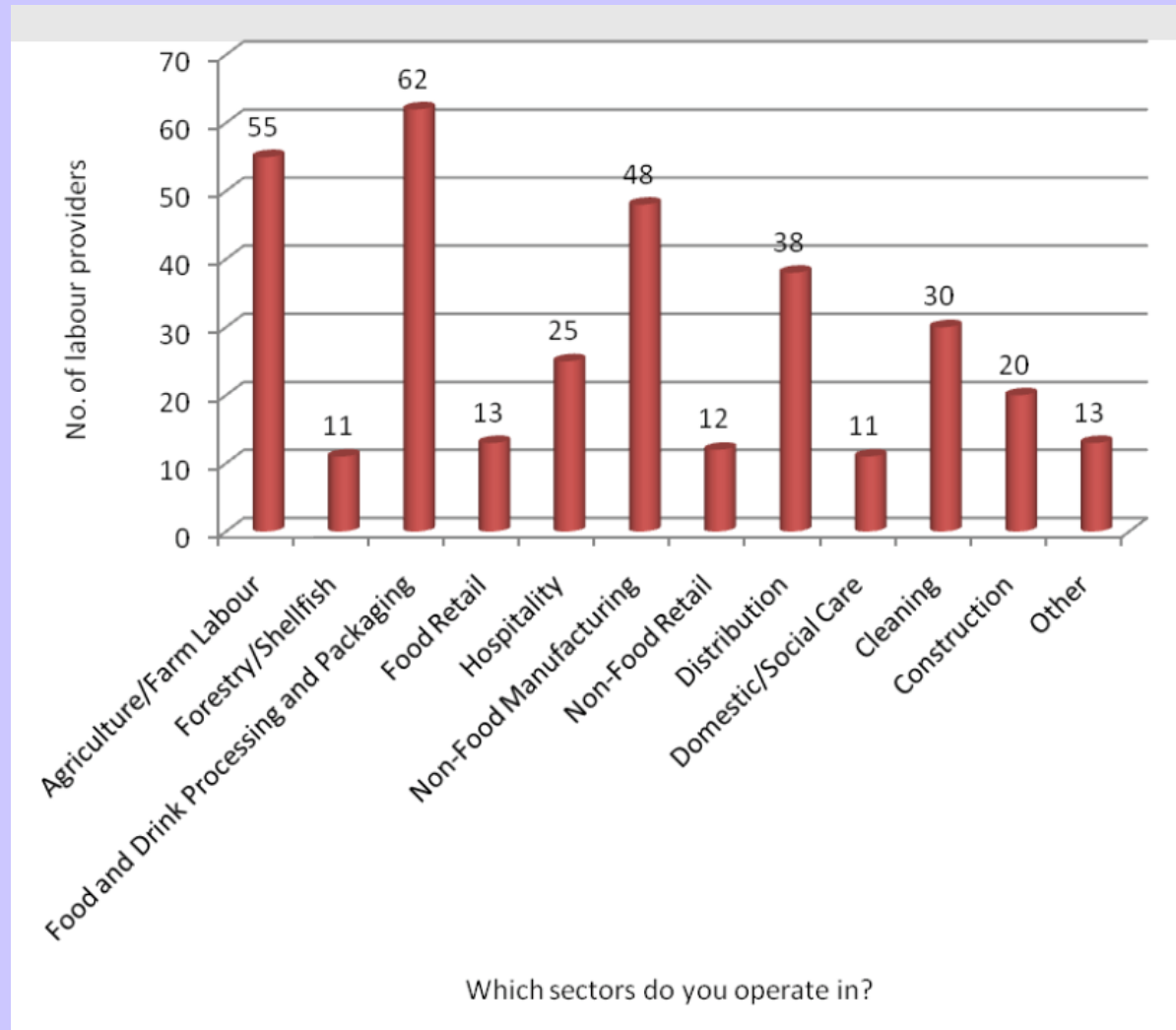
## **Other Sectors:**

See Wu et al. (2009)

## **Asylum:**

Chinese consistently in top 10 but least likely of all in UK to follow-up application

## Q2. Why only Food Production?



Food Retail and  
Hospitality

General  
Manufacturing

Distribution

Cleaning/ Care

Construction

N = 118 Gangmasters (Total Pop  
= 1268)



# Conclusion

- State duty to undermine 'free market: forced labour' outcome
- Four justifications: moral, social cohesion, business, criminal
- Four policy types: Employment; Immigration; Sectoral; Consumer
- GLA good practice
- But why restricted to one sector?

## Issue 3: Gangmasters Still Evasive

Individual Permits			GLA Licenses	
Area	2007	2008	September 2007	September 2008
Morecambe Bay (NWNWSFC)	437	455	11 Applications	5 Licences <sup>28</sup>
Three Rivers and Burry Inlet (SWSFC)	447	204		28 Applications
The Dee (Environment Agency Wales)	NA	50		1 Prosecution

“the GLA certainly faces its biggest challenge in the shellfish industry” (Scott et al., 2007: 84)

“unlicensed operators currently make up between 87% and 91% of the shellfish gangmaster industry” (Balch et al., 2009: 51)

# **Labour Shortage in Chinese Catering**

**By: Chinese Immigration Concern Committee**

**22 November 2009**

Presentation by Jabez Lam, CICC Co-ordinator

All contents of this Presentation is part of the submissions made to the MAC in July 2009 and remains the property of the Chinese Immigration Concern Committee ('CICC'), this includes all material, data evidence, quotations as published in this presentation and/or referred to in the full report © 2009

# Chinese Catering outlets in UK

In 2008, CICC research estimated that there are around 17,500 Chinese catering outlets in UK; of which

- One third are restaurants
- Two third are takeaways
- The average annual turnover for each:
  - Chinese takeaway £202,000
  - Chinese restaurant £455,000
- Chinese catering annual contribution to the economy:
  - Takeaways is £2.3 billion
  - Chinese restaurants is £2.6 billion
  - Total **£4.9 billion** each year

# Workforce (1)

- 88% of Chinese catering outlets employing 10 workers or less;
- On average
  - Chinese restaurant employs 9 workers
  - Chinese takeaway employs 4 workers
  - Chinese catering provided employment to 100,000
- 525,000 people employed in restaurant sector in UK
- Chinese catering constitutes one fifth of UK restaurant sector

## Workforce (2)

Chinese catering is predominantly staffed by Chinese workers :

- Customers demand for authenticity
- Shortage in skills and knowledge amongst local non-Chinese workforce,
- Absence of suitable training and/or education on Chinese catering,
- Management and operational in Chinese language and/or cultural conditions not easy for non-Chinese to fit into,



# Labour supply to Chinese catering

People's 1<sup>st</sup>, research findings:

- Chefs in Chinese catering are highly skilled
- Elements of Chinese cookery are specialist, e.g. dim sum, and dry food
- Chinese Chef skills and experience is acquired through on the job training where the individual works up the skills hierarchy in;
- Existing professional cookery training does not reflect ethnic catering industry needs
- Relies on migrant workers to supply chefs to ethnic catering industry.

# Chinese population profiles

The 2001 Census recorded 247,403 Chinese:

- 18% are age under 16 (44,533), and
- 6% are age over 65 (14,844)

An estimated of Chinese people of working age is fewer than 188,000.

The 2002/03 Annual Labour Force Survey found:

- 38% are economically inactive i.e. 71,500
- 7.5% unemployed i.e. 13,500
- The number of Chinese or available to work is 116,500, number in employment is 102,500



# Annual Labour Force Survey 2002/03 (1)

The 2002 LFS survey finding on Chinese people in employment finds:

- 18% in professional occupations;
- 18% are self employed
- 40% of males and 40% of females are employed in the distribution, hotel and restaurant industry, i.e. 46,500
- Compare with the Chinese catering needs 100,000; Chinese catering has labour shortage in excess of 60,000.

# Chinese migration to UK

## Historical Context

- 1931 to 1971 – Census recorded 1,934 Chinese in UK in 1931; 12,523 in 1951, 96,030 in 1971. This is a period of world wars and civil war, independent movements, anti-Chinese riots, collapse in Hong Kong rural economy. Chinese catering replaced laundry as the foundation for Chinese economy
- 1971 to 1981 – Family re-unions. 154,363 Chinese; 7,000 Chinese restaurants, takeaways and other Chinese owned businesses
- 1991 – “Vietnamese Boat People” crisis. 185,000 Chinese; Restaurants and Takeaways became familiar fixtures in High Streets, growth of ‘Chinatowns’ in main cities such as London, Liverpool, Birmingham, Manchester, etc.
- 1991 – to now Tiananmen Square crackdown, asylum seekers from China, Hong Kong and Macau reunification with China. 2001 census recorded 247,403 Chinese.

Turmoil encourage migration waves. Chinese migrants built Chinese catering to become an integral part of British hospitality industry.

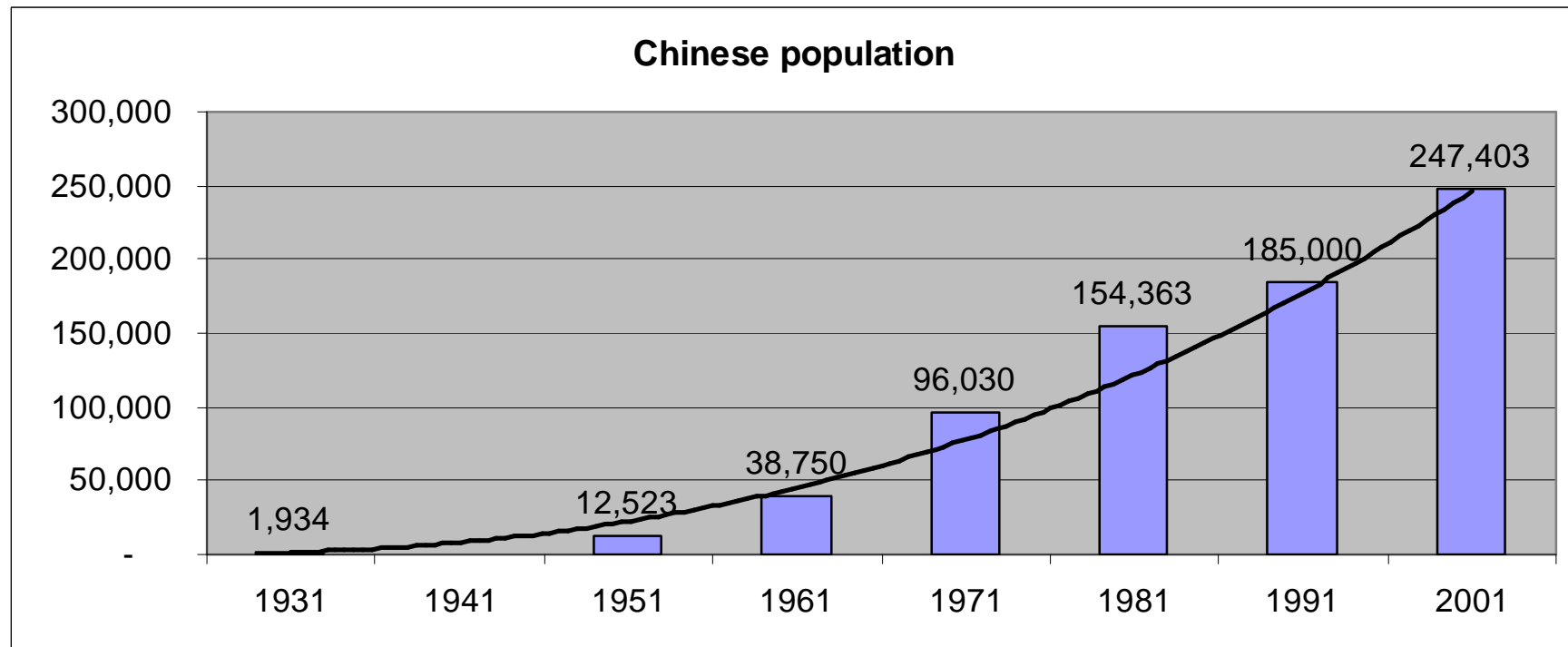
October 2009

Labour Shortage in Chinese  
Catering

8

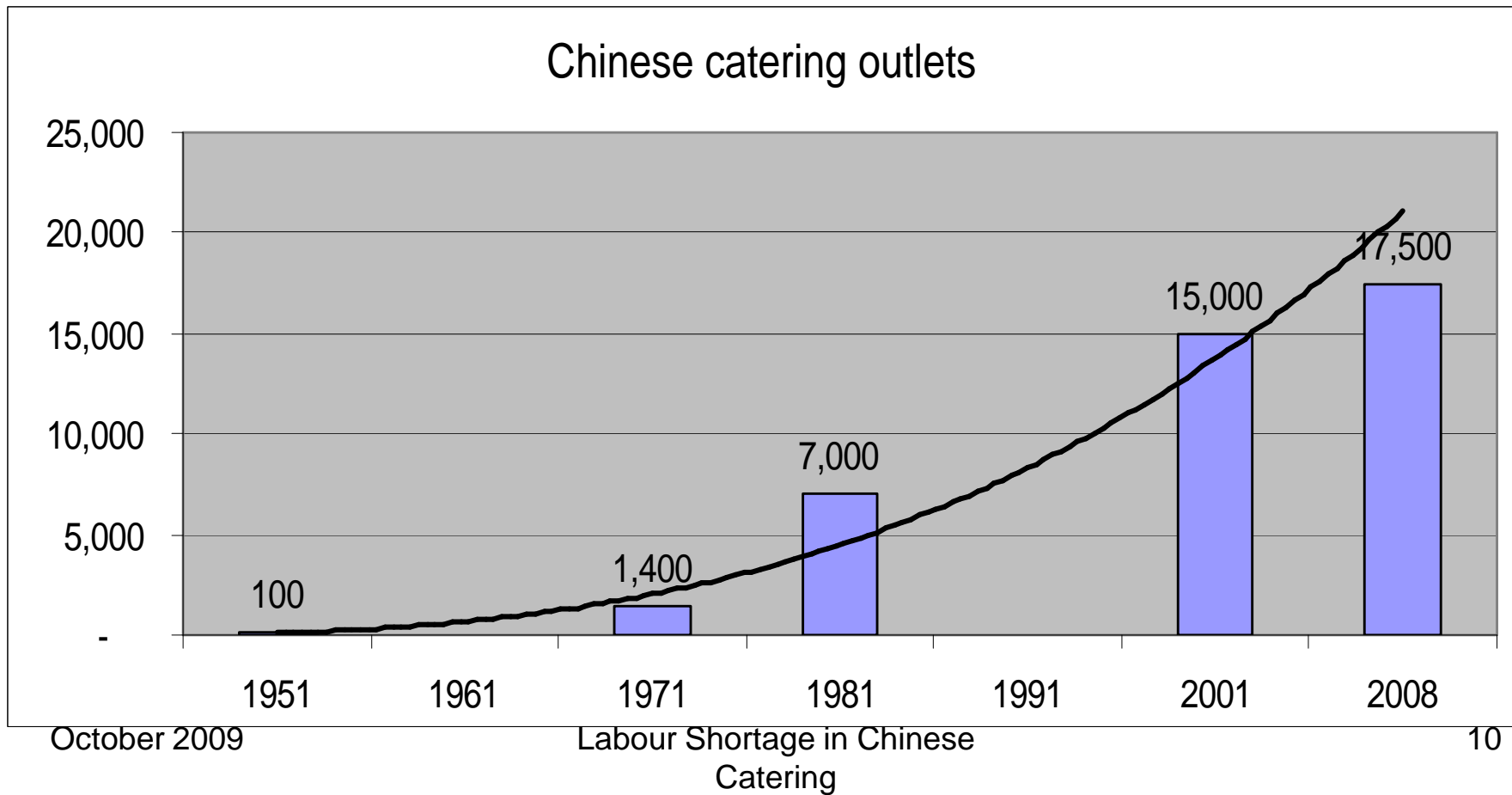
# Chinese Population in UK

	1931	1941	1951	1961	1971	1981	1991	2001
Chinese population	1,934	-	12,523	38,750	96,030	154,363	185,000	247,403
population growth			548%	209%	148%	61%	20%	34%



# Chinese Catering outlets

	1951	1961	1971	1981	1991	2001	2008
Chinese catering	100		1,400	7,000		15,000	17,500



# Immigration and Chinese catering

- Chinese migrants built the success in Chinese catering
- The diversity of Chinese migrants brought with them the variety of cuisines in Chinese catering contributing to its success
- 1971 onward, immigration control make it near impossible to recruit chef from overseas
- 1980's onward – Chinese refugees and asylum seekers are the main workforce to Chinese catering
- Chinese catering provides a home and community support to new arrivals
- 2000's – Increasing internal immigration on asylum seekers and undocumented workers restriction to employment, penalties on employers employing undocumented workers

Acute labour shortage threatened the survival of Chinese catering. Undermine the economy well being and stabilities of Chinese community

## Immigration raid and Civil Penalties

UKBA website reported 633 civil penalties on businesses employing illegal workers; 1,260 illegal workers were arrested total £6.055 million fines since the “Stop Illegal Working Campaign in March 2008.

- 414 (62%) are catering businesses, Involved 817 (65%) illegal workers, and £3.934m (65%) fines.
- 105 (16%) of these are Chinese catering, 247 (20%), illegal workers were arrested, and £1.212m (20%) fines.

The actual number of immigration raid are much higher than what was reported on UKBA list, as many were issued warning, successfully challenged or appealed.

# Immigration raid and undocumented workers

UKBA arrested Chinese undocumented workers, most are known to them and are unable to deport

- Impose civil penalties on employers
- Undocumented workers released from detention jobless and homeless
- No local supply of skilled labour to fill vacancies
- Business unable to operate without staff and skill shortage, facing business loss, financial ruin, and/or closure
- Destroy the economic foundation of Chinese community
- Creating a serious risk to community safety and undermine community cohesion

# Reasons for Skills Shortages

## Some Key Contributory Factors

- Chinese young adults with different aspirations from their parents – the high education achievement of young Chinese are leaving catering for professional jobs
- Absence of training on Chinese professional cookery/catering.
- No local supply of Chinese cookery skill workforce
- Immigration law restrict incoming migrants
- Immigration raid remove existing workforce from industry
- Shortage of chefs and catering workers nationwide



# Solutions

Solutions to labour shortage in Chinese catering:

1. Immediate – Allow existing workforce to work i.e. granting permission to work to undocumented workers
2. Medium term - Allow migrant workers to fill vacancies
3. Long term - Up-skill local labour force

# Labour Shortage in Chinese catering

**- THE END -**

Presentation by Jabez Lam, CICC Co-ordinator

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# UK Chinese Catering and the National Skills Agenda

ILO-University of Nottingham Workshop  
22-23 October 2009

Denis Wong, Chinese Catering Solutions



# UK Chinese Catering

- 1900-1950
  - sea to soap to soy
- October 2007
  - Immigration raids in London Chinatown
  - CICC: demonstration, closedown, consultation with MAC
- 2008 CICC survey
  - 17,000 outlets, 100,000 workers, £5 billion



Chinese  
Catering  
Solutions

# Upskilling the Local Workforce

- Migration Advisory Committee
  - “Skilled, Shortage, Sensible” (September 2008)
- Ministerial Summit, Ethnic Chefs (April 2009)
  - Raise the profile of the industry
- People1st Expert Panel (since June 2009)
  - National Occupational Standards



# Progress (?)

- Industry
  - London Chinatown National Standards Training Project  
(People1st, WKC, business partners)
  - Food suppliers (Wing Yip, Yau Brothers)
- Government and agencies
  - Learning and Skills Council
  - Job Centre Plus
  - BusinessLink



# Challenges

- Mainstream politics
  - ethnic communities as an afterthought
- Embedded custom and practice
  - government and industry
- Community and industry link
  - transnationalism
  - international politics
- Racism and stereotyping



Chinese  
Catering  
Solutions



**Ethical Trading Initiative**



# **Ethical Trading Initiative Overview**

22 October 2009

[ethicaltrade.org](http://ethicaltrade.org)





## tripartite structure of ETI

### ETI Membership

- 56 corporate members
  - food group
  - general merchandise group
  - stone group
- 15 voluntary organisations
- 3 trade union bodies

# ETI diversity



# putting ethical trade into context

-  1 Employment is freely chosen
-  2 Freedom of association and the right to collective bargaining are respected
-  3 Working conditions are safe and hygienic
-  4 Child labour shall not be used
-  5 Living wages are paid
-  6 Working hours are not excessive
-  7 No discrimination is practised
-  8 Regular employment is provided
-  9 No harsh or inhumane treatment is allowed

the  
**base code**  
has nine sections  
covering the essential  
requirements for  
decent work

# ETI - Protecting Vulnerable Workers

## **UK Temporary Labour Working Group**

ETI led a cross-industry alliance that successfully lobbied the government to introduce extra legal protection for up to 600,000 workers in the UK food industry. The resulting Gangmaster (Licensing) Act came into force in 2006.

## **Current and future programmes**

- Homeworkers
- Smallholders
- Migrant and contract workers

## **Training**

Focus on building the foundations of a sound ethical trade policy and strategy, as well as addressing the more challenging and emerging aspects of ethical trade.

# Thank you

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[ethicaltrade.org](http://ethicaltrade.org)

# The Employment of Chinese Migrants in the UK: Issues and Solutions

Glynn Rankin

UK Government Policy:

Two notable areas;

- 1). UK Action Plan on Trafficking in Human Beings (THB) now updated for a second time on 19<sup>th</sup> October 2009.
- 2). Council of Europe Convention ratified 17<sup>th</sup> December 2008.

Government Aim:

It accepts the serious nature of THB and that victims treated as commodities and traded for a profit.

Overall aim is to make UK a hostile environment for traffickers whilst protecting victims/potential victims of THB.

The UK strategy is victim centred and an end to end strategy to tackle THB.

2005 - EU Action plan whilst president EU.

2006 – consultation on UK Action Plan.

March 2007 – UK Action Plan.

July 2008 – Action Plan up-dated

October 2009 – second Action Plan up-date.

The UK Action Plan sets out the Government strategy to tackle THB – 4 key areas;

- prevention
- investigation/law enforcement/prosecution
- providing protection and assistance to victims of THB
- child victims

Victim support at heart of approach - Council of Europe Convention ratified 17/12/09. Implementation of National referral Mechanism from 1<sup>st</sup> April 2009 giving recovery and reflection period for potential victims of trafficking for a minimum of 45 days and the possibility of a residence permit for non-EEA victims.

Pentameter 2 – a proactive police operation to identify victims of trafficking supported by the government in relation to trafficking for sexual exploitation. Operation Tolerance a similar operation, again supported by the government, in relation to labour trafficking.

Convictions to date – 113 sexual exploitation  
- 7 forced labour

What government doing:

Action Plan outlines the government strategy in respect of all forms of THB – 38 action points in 4 key areas.

Inter-Departmental ministerial group responsible for government trafficking agenda and NRM.

NGO Stakeholder Group – all NGOs meet quarterly with government ministers.

Legislation.

Victim support – significant investment in Poppy project.

UK Human Trafficking Centre (UKHTC):

What is the Centre and why am I here and how relevant to the conference?

The UKHTC is a multi-agency centre that provides a central point for the development of expertise and cooperation in relation to the trafficking of human beings (THB), working together with other stakeholders from the governmental, non-governmental and inter governmental sectors in the UK and abroad.

It plays a key role in co-ordinating work across these various stakeholders and, with its partners, delivers a diverse set of programmes, including targeted campaigns to prevent and reduce THB. Raising the awareness of THB is the primary message and the Centre does this by addressing the four key audiences; victims; the public; law enforcement and other professionals. The Centre has responsibility for a number of important actions which are set out in the UK Action Plan on Tackling Human Trafficking.

The Centre conducts research, develops improved training packages, promulgates best practice and develops an improved knowledge and understanding of the way criminal enterprises that are associated with human trafficking operate.

The centre aims to prevent human trafficking by working with all partners to build a knowledge and understanding of THB and the harm it causes and to use this knowledge and understanding to direct and prioritise the UK response.

By increasing our knowledge and understanding of the problem, working to identify and address the issues that impact on the supply and demand sides of human trafficking, we can maximise the collective preventative effort.

The Centre contributes to work in all areas of trafficking, through its multi agency work groups;

- ‘Learning and Development’
- ‘Victim Care’
- ‘Prevention and Awareness’
- ‘Operations and Intelligence’

The Centre also has a research capacity employing a Research Development Manager, amongst others, and the importance of research is recognised and how it can inform all other aspects of trafficking. The Centre is currently working with a number of Universities on a diverse range of projects however it is currently sponsoring a PHD at Liverpool University specifically looking at legal and illegal Chinese migration flows.

The ratification of the Council of Europe Convention has led to the introduction of the National Referral Mechanism on the 1<sup>st</sup> April 2009. The UKHTC is one of two linked but separate Competent Authorities which are responsible for determining if a victim is a potential victim of trafficking. If they are identified as a potential victim they are entitled to a minimum 45-day reflection and recovery period. This allows the victim to begin to recover from their ordeal and to reflect on what they want to do next. Those victims who are non-EEA may also be able to apply for a 12 month residence permit under the NRM process.

It is also important to differentiate between those who are smuggled into the country and those who are trafficked. They may all be victims but my focus is on those who are victims of trafficking. These are issues that this workshop has already discussed and it is an important consideration although it is accepted that those who start the process by being smuggled can end up as trafficking victims.

What is known about Chinese victims:

Between the 1<sup>st</sup> April and 30<sup>th</sup> September 2009, 347 potential victims have been identified through the NRM process the second highest number of identified victims are Chinese.

Chinese victims have been found in residential and non-residential brothels and nail bars that front as brothels. They are moved around the country in a process that is referred to as the “Chicken Run”.

Victims have been found working in restaurants in many parts of the UK, working long hours for little or no money, sleeping many to a room in poor accommodation.



There are an increasing number of Chinese cannabis factories and Chinese victims are being put into these factories to grow cannabis.

There are Chinese victims who are selling DVDs, their passports have been taken away from them, they receive no money and are subject to the threats of physical abuse.

I was at a meeting in Brussels yesterday with representatives from a number of member states from within the EU. They are finding Chinese victims in similar circumstances within their respective countries.

There has been media reporting about approx 400 unaccompanied Chinese minors being trafficked into the UK. It is important to know whether these minors are victims of smuggling or victims of trafficking. An analysis of these cases has found that between April 2006 and May 2009, 96 Chinese children have gone missing, 41 male and 54 female. 34 of these missing victims have been re-encountered. There is nothing to conclude that they were victims of trafficking.

In March 2009 the ILO produced Delphi indicators of trafficking and stated: "Without clear operational indicators there is also a risk that researchers and practitioners may not recognize trafficking when they see it or see trafficking when it does not exist".

However, whether it is trafficking or smuggling there is a clear problem and we need to identify solutions. Our first priority must be to identify and understand what the problems are and I hope I have identified some of the problems facing Chinese victims. We must then be able to know how to deal with potential victims and ensure that they can access the appropriate care and safe house provision. It is obvious that, both above and below the radar, there is a lot happening that we don't know about and we need to know about.

In order to begin to solve these problems we need to work with all partners including those from within the Chinese community. We need to understand the cultural issues and how they impact on the problems. One of the key factors in identifying solutions is the importance of research and how it can help us understand the issues.

Because recruitment matters



# The Recruitment industry in the UK

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- » The recruitment industry
- » UK labour market
- » REC
- » The legislative landscape
- » The future



- › Valued at £27bn (2008)
- › 108,000 staff
- › 10,000 businesses
- › 16,000 branches
  
- › 1.4m temporary workers
- › 4.5% total workforce
- › 787,280 permanent placements
  
- › Highly fragmented market
- › Dominated by SMEs



## Because recruitment matters

- 67% improves the flexibility of workforce
- 18% short term staff cover
- 10% less regulation around agency staff
- 7% It is expensive to recruit directly
- 6% Seasonal requirements
- 3% Agency paid less than perm staff

(Source: BCC Workforce Survey)



“In these challenging economic times it is even more important that in implementing this Directive we avoid unnecessary costs and burdens for business. Agency work is a valued route into employment....They play a vital role in enabling employers to respond flexibly to changing business needs.”

““The Government supports the principle of ensuring fairer treatment for agency workers. But we also consider it crucial to maintain the flexibility the agency sector provides for both workers and employers, which is a key strength for our labour market.”

**Pat McFadden, Employment Relations Minister**

- › Fragmented industry
- › Diversity of type of placements
- › Diversity in services for businesses
- › Client responsive rather than regulation responsive
- › Allows for adaptation to new business markets and to the flexible labour market





- » Latest 'Report on Jobs'
  - » First increase in permanent recruitment for 17 months
  - » First increase in temporary recruitment since July 2008
  - » Demand for staff fell at slower pace
  - » Vacancies down in all sectors except Nursing/Medical/Care
  - » Candidate availability continued to rise
  - » Further drop in staff pay

**UK labour market** 9<sup>th</sup> September 2009

The most up-to-date source of monthly UK labour market data and analysis

# Report on Jobs



The Report on Jobs is a monthly publication produced by Markit Economics and sponsored by the Federation and Employment Confederation and KPMG LLP.

The report features original survey data which provide the most up-to-date monthly picture of recruitment, employment, staff availability and employee earnings trends available.

- 1 Executive summary
- 2 Appointments
- 3 Vacancies
- 4 Sectoral demand
- 5 Staff availability
- 6 Pay pressures
- 7 Special feature

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### Slight growth of permanent and temporary staff appointments in August.



Key points from August survey:

- Marginal increases in both permanent and temporary staff appointments.
- Slower decline in demand for staff.
- Nursing/Medical/Care remained only category to register growth of vacancies.
- Candidate availability rose at weaker pace.
- Permanent and temporary staff pay fell at slower rates.

Commenting on the latest survey results, Bernard Brown, Partner and Head of Business Services at KPMG said:

"This is the first time we have seen really positive news for the UK jobs market in 17 months. However, it is too early to speculate whether this signals the end of the recession. One important factor to watch over the coming months will be how the public sector is coping with the financial and economic crisis. Given that employment costs are a substantial element of public sector spending, you would expect significant pressure on those costs going forward. This is likely to have a significant impact on the UK jobs market."

compiled by markit



- » Recruitment's biggest lobbying voice
- » The source of recruitment knowledge
- » Raising member standards
- » Developing successful careers in recruitment
- » Exceeding members expectations through business support



- 1973 Employment Agencies Act & 2003 Conduct Regulations
- Tightly regulates relationship between agency and client and between agency and candidate
- Most employment rights apply to all workers

# Gangmasters Licensing Authority

- Regulates the supply of labour into the agricultural, food processing, shellfish and forestry sectors
- Implements existing rules
- Application inspection and compliance inspections
- Surprise raids
- Obligation on the labour user
- Need for overseas agencies to hold a licence



Gangmasters  
Licensing Authority

Because recruitment matters

## Other regulatory bodies



# The Agency Workers Directive





- » The 'atypical work' debate
- » 'Blocked in Brussels'
- » EU enlargement
- » The '12 week deal'
- » Agreement in Brussels
- » UK implementation



- The deal allows for 12 weeks of placement before equal treatment kicks in
- Equal treatment will be on the grounds of pay and working time
- Pay will not include contractual sick pay and occupational pensions schemes
- All other areas are negotiable



## Next steps and timescales

- Initial consultation ended last July;
- Draft regulations published in October;
- Eight week consultation period;
- Implementing regulations drafted and agreed in the next Parliament;
- To be implemented in October 2011





- Points based system - apply from abroad
- Tier 1: highly skilled migrants – no sponsor needed
- Tier 2: skilled migrants – only employers can sponsor not agencies
- Tier 3: low skilled route – not open currently
- Tier 4: students – colleges/universities sponsor, 20 hours work allowed
- Tier 5: temporary migration routes for cultural exchange eg Youth Mobility Scheme – allows young people to work for 2 years
- EEA citizens can all work in the UK except Romanian and Bulgarian nationals





# UK immigration system changed 'out of all recognition' – A Legal Perspective

Date 23 October 2009

# Contents

Introduction to Point Based System

How the Point Based System works?

Impact on the Chinese Migrants in the UK

Impact on the Chinese Employers in the UK

Summary

# The Points Based System

- ▶ Model based on the Australian system
- ▶ Reduction of 80 routes to a 5 tier framework
- ▶ Introduced in stages started in 2008

# The Five Tier Framework

- ▶ Tier 1 - for **highly skilled individuals**, who can contribute to growth and productivity
- ▶ Tier 2 - for **skilled workers** with a job offer, to fill gaps in the United Kingdom workforce
- ▶ Tier 3 - for limited numbers of **low-skilled workers** needed to fill temporary labour shortages (suspended)
- ▶ Tier 4 - for **students**
- ▶ Tier 5 - for **temporary workers** and young people covered by the Youth Mobility Scheme, who are allowed to work in the United Kingdom for a limited time to satisfy primarily non-economic objectives

# How does it work?

- ▶ **Points based - Possible criteria-**

- ▶ Age
- ▶ Qualifications e.g. PhD, Masters, Bachelors degree
- ▶ Previous earning
- ▶ Prospective earning
- ▶ English Qualifications e.g. ILETS
- ▶ Maintenance (fund) e.g. savings in bank

- ▶ **Sponsorship License**

Applicable to Tier 2, 4, 5

Applicable to Employers and Education Provider

# Impact on the Chinese Migrant in the UK

- ▶ Tier 1 has four categories:
- ▶ **General:** for people who are looking for highly skilled employment in the United Kingdom, or are self-employed or setting up a business
- ▶ **Investor:** for people who are making a large investment in the United Kingdom
- ▶ **Entrepreneur:** for people who are investing in the United Kingdom by setting up or taking over the running of a business
- ▶ **Post-study work:** for people who are studying now or have studied in the past in the United Kingdom

Under Points Based System less restrictive, easier for migrants to enter the UK

# Impact on the Chinese Migrant in the UK

Tier 2 has four categories:

- ▶ **General:** for skilled workers who have a job offer from a licensed sponsor and are coming to fill a gap in the workforce that cannot be filled by a settled worker

(For Example: Chinese Herbal Doctors, Skilled Chefs, Restaurant Managers)

***More restrictive because of English Language Requirement***

***Most Skilled chefs from China have poor standards of English***

- ▶ Intra company transfer
- ▶ Minister of religion:
- ▶ Sports person



# Impact on the Chinese Migrant in the UK

## Benefits to the Chinese Labour Market in the UK

**Improved efficiency** – simplification of the two stage work permit and entry clearance process

**Increase Employer Responsibility and Duties-** sponsorship licence

**Reduction of ‘bogus’ colleges and ‘bogus’ legal consultancy firms** – greater safeguards

**Transparency and usability-** less routes into UK and easier to understand

# Summary

We welcome the introduction of the Point Based System.

- Improvement on the old system but more improvements needed.
- However we disagree with policy that its one rule fits all.
- UK is a metropolitan country with many diverse cultures from all around the world
- Needs of the Chinese community must be addressed