



Rights Lab Response to Call for Evidence, December 2024

Labour Market Enforcement Strategy

SECTION 1: ABOUT THE RIGHTS LAB

The Rights Lab at the University of Nottingham is the world's leading group of modern slavery researchers. Our team delivers cutting-edge research to help achieve Sustainable Development Goal target 8.7: ending modern slavery by 2030. Through our four research programmes, Measurement, Health, Law, and Business, we deliver new and cutting-edge research that provides rigorous data, evidence and discoveries for the global antislavery effort. Our impact team provides an interface between the Rights Lab research programmes and civil society, business and government, and our INSPIRE project elevates survivor-informed research as a key part of knowledge production to help end slavery.

This submission was authored by Lois Bosatta, Freya Moody and Vicky Brotherton, with contributions from the lead academics from the feature studies listed below.

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ABOUT THIS SUBMISSION

This submission includes a number of research projects and are summarised here with supporting links to full reports:

Trautrim, Feb 2023: Restating the case for a Single Enforcement Body, January 2023: This research draws upon a literature review and 14 interviews with stakeholders from academia, third sector organisations representing workers directly, fair trade organisations, businesses, enforcement agencies and government representatives. Key considerations for the Single Enforcement Body (SEB) development and labour enforcement improvements, include building worker's trust in the system to encourage reporting, independence from Home Office powers, adequate funding to support a proactive approach to tackling business non-compliance, and coverage of the spectrum of labour offences. Led by Prof Alex **Trautrim** in collaboration with the Office of the Independent Anti-slavery Commissioner. The full report can be found here: [Restating the case for a SEB, Feb 2023](#)

Bianchi, Oct 2024: Seasonal migrant workers in the UK agriculture sector: grievance mechanisms and access to remedy, October 2024: This study examined grievance mechanisms and access to remedies for human rights abuses faced by seasonal migrant workers in the UK's agriculture sector, proposing effective grievance mechanisms and advocating for systemic improvement. It identified key challenges and proposed improvements to ensure better outcomes under the Seasonal Worker Scheme. The study used qualitative methods, including interviews with workers, business representatives, and fieldwork on farms, desk research, focus groups, and community of practice events. Authored by Dr Lara **Bianchi** and Dr Oana Burcu. The full report can be found here: [Seasonal Migrant Workers, Oct 2024](#)

Emberson, ongoing: How to reduce domestic servitude risk in the developed world: A comparative international research project on the risk of domestic servitude among personalised, domestic care workers in France, Italy, Sweden, The Netherlands, Australia and Canada which began in January 2020. The first publication arising from this research is currently under review. Dissemination of further details about the results will follow shortly. A summary of the project can be found here: [Reducing domestic servitude, Ongoing](#)

Emberson, Jul 2022: Vulnerability of paid, migrant, live-in care workers in London to modern slavery: Conducted between 2021-2022, this collaborative study between researchers from the Rights Lab, London School of Hygiene and Tropical Medicine, the Institute of Public Care Oxford Brookes and the charity Focus on Labour Exploitation (FLEX) engaged with live-in care workers from Hungary, Poland, South Africa and Zimbabwe through peer interviewers to elicit experiences and policy recommendations related to labour exploitation from 14 care-workers. Led by Dr Caroline **Emberson**. The policy briefing, which contains a link to the full report, can be found here: [Live-in migrant care, July 2022.](#)

Emberson, Dec 2024: Analysing the Association Between Ownership Structure, Financial Distress and Ethical Practices in the Adult Social Care Market in England: This research, funded by

the Friends Provident Foundation, highlights the role financial institutions can play in helping to improve labour standards throughout this sector which is forecast to be of growing significance to the UK labour market. Emberson's team undertook the study by analysing data from the 59 largest Care providers in England monitored by the Care Quality Commission's Market Oversight Team, conducting interviews with investors and experts, and coding published modern slavery statements for the year 2023-24 against the CCLA Modern Slavery UK Benchmark. The resulting dashboard, database and policy brief were launched on 10 December 2024. Researchers involved: Dr Caroline **Emberson** and Dr Subhan Ullah. To read the full report, click here: [Investors Urged to Address Exploitation in English Care Sector](#), or to read the briefing, click here: [Analysing financial structure of care, Dec 2024](#)

Gardner, Jun 2022: [Fashioning a Beautiful Future? Supporting Workers and Addressing Labour Exploitation in Leicester's Textile and Garment Industry, April 2022](#): This study, led by the Rights Lab at the University of Nottingham and De Montfort University, examined systemic and local factors contributing to labour exploitation in Leicester's garment industry. The research focused on the perspectives of frontline workers to inform interventions aiming to reduce exploitation and improve worker's protections, using literature review, stakeholder interviews, worker surveys and interviews, and focus groups. The research identified financial precarity, language barriers, limited employability, and weak enforcement as key drivers of exploitation. Recommendations include stronger community support, improved enforcement, and enhanced worker opportunities. Researcher was led by Dr Alison **Gardner**. The full report can be found here: [Fashioning a beautiful future, June 2022](#)

Gardner, Nov 2024: [Exploitation of Adults with Cognitive Impairment in England: Evidence and Policy Implications, November 2024](#): This study examined the connections between cognitive impairment and exploitation in England. It provides evidence on prevalence, risk factors, and systemic responses, while offering policy recommendations to enhance safeguarding. The research includes a literature review, analysis of safeguarding data, 58 Safeguarding Adult Reviews, an online survey, and interviews with 24 professionals and 26 individuals with lived experience. Key recommendations include improved data collection, safeguarding training, multi-agency collaboration, and trauma-informed responses. Research was led by Dr Alison **Gardner** with contributions from advisory partners including the Ann Craft Trust and the Human Trafficking Foundation. The full report can be found here: [Cognitive Impairment and Exploitation in England, November 2024](#)

Jackson, varied: [Addressing modern slavery and climate change](#): This submission includes three projects by Dr Bethany **Jackson** that have a particular focus on agricultural workers.

1. This report follows a Rights Lab roundtable with the assistance of Delta 8.7 and World Wildlife Fund (WWF). Following a collection of nine expert talks, the report proposes a roadmap for research, with considerations for data sources and actors, policy recommendations and supply chain action, offering guidance for the sector [Modern slavery, environmental degradation and climate change, June 2021](#)

2. Funded by the Modern Slavery and Human Rights Policy and Evidence Centre (MSPEC), this ‘Realigning Modern Slavery and Climate Change for Equitable Governance and Action’ generated new evidence on how policies can recognize, address and positively influence linkages between modern slavery and climate change, with a focus on the UK Government and devolved administrations' policies. The project and this report are the result of collaboration between the Rights Lab, Transparentem, and International Justice Mission (IJM) UK. [Integrating policies addressing modern slavery and climate change, Feb 2024](#)
 3. This briefing is part of a Nottingham Research Fellowship entitled “Decent Work and Climate Change Risks in the UK Food Supply” which will run until 2027. It highlights how workers can be better engaged in fair and sustainable agricultural systems, through worker-driven social responsibility schemes (WSR), unionisation, and worker cooperatives. [Workers in Sustainable Agricultural Systems, Ongoing](#)
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SECTION 2: CORE EVIDENCE QUESTIONS

1. Employment rights enforcement priorities and governance

1.1 Briefly, and in no more than 100 words, what do you believe should be the priorities for employment rights enforcement as we transition to the FWA?

- A. Retain a modern slavery focus to investigate and enforce modern slavery legislation and not just focus on more minor, compliance-based issues.
- B. Provide a clear avenue for safe reporting, which allows ALL workers to report exploitation without fear of immigration authorities.
- C. Adequate resource to enable the FWA to fulfil its duties and increase the number of labour inspectors to deliver on A and meet international guidelines.
- D. Encourage stronger stakeholder engagement with NGOs, businesses, and trade unions, especially to facilitate and prioritise worker voice and the voices of those with lived experience of exploitation.

1.2 The FWA will take some time to be set up. What should priorities be for the enforcement bodies before then? What should be FWA medium to longer-term priorities and why?

The FWA must address systemic enforcement gaps and protect vulnerable workers. Research highlights priorities for both the interim period and long-term development to ensure effective enforcement, robust protection of workers, and adaptability to emerging challenges.

Current priorities:

Jackson, 2024: The current ODLME, and future FWA, should seek to have a transparent, diverse and paid advisory board comprised of those with lived experience of exploitative labour within the UK which captures a variety of voices and experiences, alongside other stakeholders and experts.

Current enforcement bodies could look to improve accessibility and effectiveness of state-based grievance mechanisms, and support and guide non-state mechanisms, particularly in schemes like the Seasonal Worker Scheme. Bianchi, Oct 2024 highlights that many workers are unaware of their options if employers fail to address grievances. Through making grievance mechanism provision mandatory in future, standardising protections, and educating workers, trust will be built within the system, and grievances can be dealt with effectively. This would lay a strong foundation before the FWA comes into action. *“Workers whose growers and scheme operators are non-responsive to grievances tend to be unaware of where else they can turn for help”*

Trautrim, Feb 2023, and Gardner, June 2022, also highlighted the benefits of effective grievance mechanisms which both indicate that workers need one clear, focused channel through which to go to for support, and who can manage and direct any case appropriately. The current separated bodies make it difficult to tackle nuanced cases and low-level non-compliance. Adopting a single contact point for workers and employers can provide guidance, grievance resolution, and compliance support. Simplifying access will reduce confusion, encourage early intervention for low-level violations, and foster a culture of compliance to prevent severe exploitation. As noted by the report *“a more coordinated approach is needed to tackle lower-level labour violations to prevent drifting into more severe exploitative practices”*. This would support working towards a united FWA authority.

Medium-Long Term:

Jackson, 2024: The FWA should seek to address the connected risks of exploitation associated with emerging risks of climate change. Jackson, 2024 highlights the isolated nature of responses to climate legislation and modern slavery, leaving workers vulnerable. In high-risk sectors, such as agriculture, climate pressures can lead to sudden labour shortages or reduced working hours which causes economic instability for workers. The new FWA should be one of several key policy and enforcement actors who support in adaptation, resilience and capacity building for workers who are/have been exposed to the dual risks of climate change and exploitative labour practices.

The development of the FWA’s terms of reference must also explicitly include climate change as a key issue, recognising its impact on labour rights and worker vulnerability. In addition, the FWA should prepare by:

- Accounting for the risks to workers posed from external forces in the future – with a particular focus on the impacts of climate change to workers in outdoor and informal work settings.

- Considering the impact employers in high-risk sectors such as agriculture; for example, pressures on crops could lead to sudden changes in the need for workers engaged in the Seasonal Worker Scheme, or an inability for employers to provide the required number of hours leading to economic risks for both labourers and employers.
- Developing methods to support integrated worker-led approaches in the UK context as have been applied internationally to encourage improved working conditions as the climate changes.

1.3 The FWA will have a statutory duty to publish annual reports and a triannual strategy, overseen by a social partnership board with tripartite representation from business representatives, trade unions and independent experts. What data and reporting should the FWA publish to ensure good accountability and transparency, via these publications or otherwise?

Trautrim, Feb 2023: This report emphasises the need for a more rigorous approach to data collection that goes beyond desk-based analysis to include more worker voice input from non-compliance investigations. Regularly published reports should detail enforcement activities to demonstrate transparency and identify areas for improvement. Including worker interviews in these investigations will ensure that policies are informed by lived-experience, enriching the data and ensuring an accurate, worker-centred response. In addition, this study suggests that accountability of an FWA should be accountable to parliament.

Bianchi, Oct 2024: This recent study on seasonal migrant workers in UK agriculture stresses the importance of publishing clear, publicly available data on grievances and enforcement outcomes. Access to grievance data, patterns of non-compliance, and resolution rates help stakeholders understand effective strategies and where reforms are needed. As the report notes, “*a lack of publicly available data hinders transparency and reciprocal learning*” (p.27). Improving data sharing practices will enhance accountability and promote organisational learning and stakeholder trust.

2. Communication and engagement

2.1 How do you expect stakeholders to be engaged by the FWA and what do you see as the benefits?

Trautrim, Feb 2023: NGOs and other established community organisations play a vital role in engaging and representing marginalised workers. Such groups are well connected, trusted by vulnerable communities, and possess the communication skills needed to tailor

outreach efforts. Using NGOs as intermediaries can bridge the gap between enforcement agencies and workers, increasing awareness of rights and reporting of violations, especially where it is necessary to build trust.

Gardner, Jun 2022 echoes the use of community groups, where affected groups predominately represented workers from particular cultural communities who were less aware of their reporting options and less likely to speak up. Community groups were essential to understanding the full context and challenges surrounding workers in Leicestershire in the wake of the garment sector crisis.

Bianchi, Oct 2024 also highlights the importance of involving workers and NGOs in the design and implementation of grievance mechanisms. Tripartite stakeholder engagement is crucial to ensure trust and enhance the likelihood of compliance. Varied understandings of grievance mechanisms mean the FWA will need to ensure that systems are designed inclusively, with direct engagement with workers and tripartite stakeholders. *“Third-party involvement (including NGOs) and direct engagement with workers should be considered from the design of the GM up to the provision of the actual remedy” (p27).*

Trautrim, Feb 2023: The FWA could also consider enlisting the support of an independent body for stakeholder engagement, rather than direct government relations, to act as a coordinator or secretariat and encourage the voices of those with challenges accessing opportunities to interface with government officials.

2.2 By which channels might awareness of the FWA be increased before and once it is established and why do you recommend them?

Trautrim, Feb 2023: This report shows that the effectiveness of communication strategies used during the COVID-19 pandemic, including regular, concise briefings followed by Q&A sessions provided clear information and addressed concerns in real time. This model can be used within the FWA to offer clarity and transparency to stakeholders. Additionally, sector-specific campaigns are essential to reach less formal industries, such as gig work or small-scale agriculture. *“A particular consideration...should be given to informing and educating businesses operating in different sectors. It is more difficult for messages to penetrate sectors which are less organised or dominated by a handful of buyers” (p.16)*

Gardner, Nov 2024 emphasises the importance of partnerships with advocacy organisations, NGOs and community groups trusted by vulnerable populations. These organisations can act as intermediaries, ensuring that FWA communication reaches individuals that might be overlooked. Awareness campaigns must also be accessible and understandable and should consider workers with cognitive impairments. Tailoring messages to different audiences, sectors, languages and education levels will help workers understand their rights and how to report violations.

2.3 Where can communications around compliance and enforcement be improved such that workers are aware of their rights and their obligations? What evidence do you have that they work?

Bianchi, Oct 2024 highlights the variability in workers' understanding of grievance and reporting mechanisms. The report notes, "*workers awareness of existing grievance mechanisms varied. A few were able to name all available channels...while others claimed no such channels existed in their farms*" (p. 16). This inconsistency underscores the need for multilingual information to be provided to workers and multiple touchpoints, ensuring communication reaches all individuals regardless of linguistic or cultural backgrounds. Employers must play a proactive role involving both informing workers about their rights and connecting them with third-party organisations that can offer support. Without such efforts, workers risk being trapped in a paradox where supervisors are their only point of contact for grievances.

"To address the paradox where supervisors are both the main cause of workers grievances and the primary grievance mechanism, farms should inform workers of alternative grievance mechanisms, build trust with workers, and recruit and train supervisors in a way that minimises risks of abuses" (p. 27)

Gardner, June 2022 identifies that many workers avoid reporting exploitation due to the fear of retaliation and that enforcement mechanisms are ineffective. One worker described how reporting to HMRC resulted in their employer being informed of the complaint and their identity, exacerbating vulnerability (p. 19). This highlights an urgent need for a single, confidential point of contact for grievances which ensures anonymity and effectiveness. As the report notes, "*when asked what prevented them from reporting problems, the two most common reasons were being afraid of losing their job (52%) and having no job alternative (38%)*" (p.19). By addressing these fears and communicating a simple, trustworthy, worker-centred channel, enforcement bodies can rebuild trust and encourage greater engagement in reporting systems. This report outlined the following recommendations:

- Single Front Door Mechanism: Create a single contact point for complaints which ensures confidentiality and effectiveness
- Community-Based Advocacy: Engage local organisations to act as intermediaries and provide direct support
- Publicising Successful Outcomes: Share success stories to demonstrate real change and build trust in the system
- Localised Training and Awareness: Develop campaigns and training in preferred language to improve understanding

Gardner, Nov 2024 notes the importance of simplifying reporting pathways. Many vulnerable groups struggle with the complexity of current systems and the lack of visible stories.

Transparent communication and showcasing successful resolutions can encourage workers to engage with enforcement mechanisms. Simplifying the system and providing effective communication is crucial to engage individuals with cognitive impairments or language barriers. Showcasing successes has also encouraged reporting among vulnerable groups.

2.4 Who do you see as the key partners for the FWA thinking both of other agencies or wider stakeholders (for example, by sector) and why?

Gardner, Nov 2024: This recently published study highlights the importance of multi-agency collaboration and specialised exploitation teams. Dedicated, local, exploitation lead officers and case conferences have been effective in coordinating responses and clarifying referral pathways. This approach ensures that vulnerable individuals receive tailored and timely support. The report found that “*specialist modern slavery and exploitation teams and dedicated case conference approaches were helpful in responding effectively to exploitation and clarifying referral pathways for practitioners*” (p. 8).

Emberson, Dec 2024: Social care investors such as pension trusts, real estate investors and private equity funds with an interest in social care have a role to play in ensuring labour rights across the sector in which they invest. This study made two main recommendations for investors, which investors across other sectors could adopt.:

- **Recommendation 1:** Investors such as private equity companies, publicly listed REITs, and other real estate investors should adopt measures to strengthen investor stewardship, set and monitor labour standards, conduct labour-related due diligence and post-investment monitoring on the companies in whom they invest, and introduce contractual obligations in leases and though red lines related to the quality of care and work.
- **Recommendation 2:** Pension funds, other asset owners, and their investment managers should explicitly expect private equity companies, publicly listed REITs, and other real estate investors to follow recommendation 1.

Additional research from Emberson in the social care sector highlights local authorities as a key stakeholder. Local authorities are important procurers and commissioners of social care, a sector where there is a higher risk of labour exploitation. Earlier research by the Rights Lab (Emberson and Trautrim, 2020¹) led the Health and Social Care Select Committee to recommend that LME bodies must work closely with external partners in social care to disseminate information on employment rights and enforcement powers, ‘*among employers (including those receiving direct payments), workers, and Local*

¹ Emberson, C., & Trautrim, A. (2020). How might modern slavery risk in English adult social care procurement be reduced?. *Public Procurement Law Review*, 29(6), 390-404 [accessed online] <https://nottingham-repository.worktribe.com/output/4935012>

Authorities’ (Paragraph 234). They also (paragraph 235) recommended Local Authorities to ‘evaluate the risk of modern slavery in their adult social care supply chains’, including this assessment as part of due diligence processes, and that there should be effective information sharing between Local Authorities staff, recruitment agencies, and care workers to reduce occupational risks.

In its published response (House of Commons Health and Social Care Committee, 2023²), the then Government accepted these recommendations. The Government also noted that the three LME bodies ‘*have an active programme of engagement with external partners*’, and within the care sector this includes:

“working with partners such as the Care Quality Commission, industry representative groups, unions and the Local Government Association (amongst others). This is an ongoing programme, examples of activity so far include webinars, and working directly with LA’s, alongside the development of publications to assist those working or operating within the care sector.”

3. Resourcing and prioritisation

3.1 What should the 3 enforcement bodies be doing now to ensure the FWA achieves sustained and lasting improvements in employer compliance?

Trautrim, Feb 2023: The low inspector-worker ratio in the UK highlights a requirement for existing enforcement bodies to prioritise capacity building through recruitment and training more inspectors. Meeting international benchmarks for this ratio will enable more frequent inspections, particularly in high-risk sectors.

“The UK has 0.9 inspectors per 100,000 workers...much less than Belgium (12.5) and France (18.9). The TUC estimates that an additional 1,797 labour market inspectors would be needed in order to meet the ILO benchmarks” - p.9

Bianchi, Oct 2024: In preparation, enforcement bodies must address the mistrust in existing mechanisms. There should be active steps towards outreach to workers and the development of grievance procedures that are independent of employers. Strengthening oversight and monitoring mechanisms is vital, particularly in agriculture where workers depend on employers for visas and accommodation (creating a risk of power imbalance).

² House of Commons Health and Social Care Committee, 2023 [accessed online]
<https://committees.parliament.uk/publications/39117/documents/192286/default/>

“I never raised this concern because of fear. Even if anonymous reporting was available, I was still fearful, fearful that I will be sent back home” – Interview 4, p.16

Gardner, Nov 2024: Enforcement bodies should standardise data collection (p.23), invest in training frontline workers on trauma-informed practices and coercion recognition (p.41), and build partnerships with local safeguarding boards to address risks collaboratively (p.42)

3.2 How should the FWA prioritise its resource between compliance measures (helping employers) and enforcement measures (punishing poor practice, deliberate and serious non-compliance)? How might its success in both areas be assessed?

Unlike HMRC and the Employment Agency Standards Inspectorate, the Gangmasters and Labour Abuse Authority (GLAA) has an explicit focus on protecting vulnerable and exploited workers and investigating reports of worker exploitation and illegal activity such as human trafficking, forced labour and illegal labour provision. The main risk of merging organisations under one roof is that organisational specialisms and related staff expertise may be lost, especially if the FWA is under-funded in relation to its expanded mandate. A further risk of under-funding is that the FWA’s focus will be on compliance rather than enforcement, which is inappropriate for the most serious breaches such as modern slavery.

Bianchi, Oct 2024 suggests the importance of enforcement over regulations. Having a regulatory framework is important, but without proper enforcement mechanisms and oversight, it is rendered less effective, and businesses are likely to do the bare minimum to ‘tick the box’. This is particularly relevant with the growing call for strengthening Section 54 of Modern Slavery Act, which the Rights Lab would encourage is enforced under the FWA.

3.3 What are the key labour market non-compliance risks for which the FWA needs to be ready? What is the evidence for this?

Trautrim, Feb 2023: The non-payment of wages, particularly holiday pay, is a prevalent breach in the labour market that the FWA must address. The FWA must also be ready to address any sector-specific risks in industries such as construction, hospitality, and informal gig work where exploitation is widespread. By focusing enforcement efforts on these areas, the FWA will be able to tackle systemic non-compliance whilst also setting a precedent for robust and equitable labour protections.

- *“In 2019, TUC reported that 2 million workers are not receiving their legal entitlement to holiday pay, the equivalent of £3.1bn per year” - p.14*

- *“The government has so far indicated that minimum pay, holiday pay, and statutory sick pay will all be enforced by the SEB. These three issues related to pay are some of the most prevalent labour market infringements” - p.14*

Bianchi, Oct 2024: The FWA must be aware of the entrenched risks within sectors reliant on migrant labour. Poor oversight of recruitment, worker dependence on single employers, and restrictions on changing sponsors lead to workers feeling hindered from raising concerns. The FWA will need to include mechanisms to mitigate these risks, including independent oversight, to protect vulnerable workers and improve compliance. In addition to those listed: “A range of other design shortcomings that put workers at risk of exploitation: ... the risk of accepting exploitative conditions due to the fear of being fired and falling into debt, a lack of accountability within the scheme as well as the limited resources of labour market enforcement proactively conducting investigations” - p.10

An issue of particular note for the Seasonal Worker Scheme, but is likely in other sectors where recruiters and managers oversee accommodation in tied contracts (e.g. live-in care, offshore work) is: *“Workers’ contracts and accommodation are dependent on the scheme operator and farm – the collaborative nature of this relationship increases workers’ reluctance to raise concerns” - p.23*

Emberson, Jul 2022: In our research into paid, migrant, live-in care, participants talked about how they were either denied or experienced barriers to exercising rights at work. Being unable to take time off work due to sickness was a severe problem mentioned by many, who also spoke about being put under emotional pressure to stay with clients and being forced to work when they were unwell. Many carers talked about the difficulty of accessing health care in the UK, not being able to register with GPs, and not getting support from the care companies to register with the NHS. However, when clients are hospitalised or pass away suddenly – not uncommon considering the age and needs of this population – live-in carers do not tend to enjoy sufficient protections. They are often asked to leave at short notice with no compensation for lost earnings or are allowed to stay and wait for their return flight with no pay or must take up a new placement without having time to grieve or rest. Placements were extended at short or no notice when this was in the company’s interest. Apart from the practical implications for live-in carers who were circular migrants with prearranged travel plans, the extension of placement periods had an additional psychological impact. In addition, carers had no protection or long-term security against immediate termination– even long-standing placements and contracts can be ended at short or no notice, leaving people without accommodation and no safety net. Participants often mentioned inadequate working and living conditions that amounted to health and safety risks. These could include unsanitary working conditions, lack of equipment for safe handling and moving, and inadequate food provision.

3.4 Holiday pay will be a new area of enforcement for the FWA. Where are the key priority areas as regards holiday pay non-compliance (for example, by employment model or by sector) and how might these risks be tackled?

Trautrim, Feb 2023: Holiday pay compliance is a key area which requires immediate attention, particularly in sectors with high numbers of migrants or low-paid workers. Employers should be required to display holiday pay requirements clearly on pay slips. The FWA should also look to have authority to impose penalties for unpaid wages, deterring employers and encouraging compliance. Additional notes on holiday pay from this report include:

- *“While workers are entitled to holiday pay, unaware migrant workers often do not receive it” - p.11, Respondent 2*
 - *“Non-payment of holiday pay is enforced by individuals affected bringing a claim to an employment tribunal...the question that arises is if the SEB’s powers will simply be to order the employer to pay the holiday pay that is owed to them? Or will the SEB be given wider powers” - p.14*
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4. Moving towards an FWA

4.1 What do you value about the present practices of the 3 employment bodies that you want to see continued by the FWA and why?

Trautrim, Feb 2023: There has been past emphasis on open and transparent dialogue within the GLAA which has built trust and facilitated effective enforcement. This should be retained and expanded under the FWA to maintain responsiveness to the concerns of both the employer and worker: *“The GLAA has been praised numerous times for the ‘open and transparent dialogue’ it offers to those seeking advice or support” - p.10*

4.2 What would you like to see done differently?

Trautrim, Feb 2023: Simplifying employment laws and making them more accessible are essential to reducing confusion for (both employers and workers) and reducing non-compliance. *“The government’s consultation document acknowledges that it ‘can be a difficult landscape for both workers and employers to navigate’. and highlights ‘the deeply fragmented enforcement landscape’” - p.8*

Additionally, it is vital to have consistent and adequate funding for enforcement bodies to address resource shortages and enable proactive enforcement in all sectors. *“The GLAA’s ability to perform its duties were considered impaired as a result of the limited funding received” - p.9*

Gardner, Nov 2024: The FWA needs to prioritize vulnerable communities with protected characteristics and equalities that increase their risk of exploitation. Labour exploitation, comprising 10% of Suspicious Activity Reports (SARs) reviews between 2017-2022, often occurred alongside financial exploitation and ‘mate crime’ (p.7). Victims were frequently targeted due to impairments or vulnerabilities, compounded by factors like unemployment and links to organised crime (p.35/47). Key improvements could include:

- Prioritizing vulnerable groups through expanding an enforcement focus
- Addressing organised crime through enhanced and collaborative enforcement efforts
- Adopting trauma-informed practices via simplifying reporting mechanisms, building trust within communities, and ensuring enforcement recognizes the role of coercion in exploitation

4.3 The enforcement bodies currently use different approaches for compliance and enforcement – which of these do you think are most effective and should therefore be preferred for the FWA and why?

Enforcement rather than compliance is essential for tackling cases of modern slavery and more serious breaches.,. There is a real concern that the FWA will only focus on minor labour market breaches such as non-payment of the National Minimum Wage (NMW) and that more serious exploitation will not be prioritised (e.g. resourcing will not be allocated to pay for more labour inspectors). And given the additional rights that have been afforded to workers in legitimate employment through the Bill, there may be even less resource for enforcement of serious breaches.

4.4 In establishing the FWA is there any good practice you would like to highlight from other UK and/or international regulators/enforcement bodies, either in the labour market enforcement space or beyond?

Emberson, Ongoing: The Dutch Fair Work Agency employs ‘cultural mediators’ from at risk communities to improve its awareness of emerging issues in the various diaspora and facilitate communications between the agency and those reporting exploitation.

SECTION 3: ANY OTHER EVIDENCE OR ISSUES TO RAISE

Trautrim , Feb 2023: There are significant risks in informal labour market sectors, which present more severe risks of exploitation, such as debt bondage through recruitment fees and associations with trafficking. This study sees these sectors as “*essential to regulate*” - p.13. The informal economy represents 10.3% of the UK’s GDP, and the associated workforce can include migrant workers, including undocumented workers. As mentioned in the priorities (Question 1), the FWA and its grievance mechanisms must be available to all workers, to enable safe reporting. These issues need to be explored, including how to ensure the protection of immigrant, unregulated workers, especially as there is a potential high risk of trafficking:

- “*Safe ways of reporting exploitation by workers, regardless of their immigration status, are as contested. Protecting anonymity arguably encourages reporting*” - p.25
- “*People should not fear deportation if they report labour exploitation so ‘confidentiality is sort of absolute paramount...’*” - p.25

Bianchi, 2024: It is important that grievance mechanisms (and similar procedures) are conceived as risk management rather than “mere fault-finding exercises.”. This would encourage businesses to undertake them with a positive outlook rather than a sole focus on finding faults within their system. With some businesses potentially feeling that the enforcement is accusatory, rather than preventative, an emphasis on risk management could encourage compliance – p.17