

Inquiry into recruitment and employment in the meat and poultry processing sector

**Additional problems for migrant workers:
our findings**

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Around 70% of workers supplied by work agencies to meat and poultry processing firms are migrant workers.¹ The majority of workers we interviewed were living with one or more members of their family.

We found that the problems and vulnerability migrant workers face as agency workers are substantially increased by their migrant status.

This document sets out our findings regarding migrant workers including:

- Lack of knowledge of their contract, terms and conditions, in some case due to lack of translation of documentation and in others due to workers not being supplied with copies.
- Less favourable treatment on grounds of nationality, including favouritism by line managers based on nationality, allocation of work and racist abuse.
- Segregation of workers by nationality.
- Insufficient support with language skills.

Our recommendations to address these issues are set out at the end.

Lack of knowledge of their contract, terms and conditions

Lack of translation of documentation

One-third of interviewees told us that they didn't understand all or some of the documentation they were given by their agencies. This was because it was only provided in English or, in a few cases, was

¹ We have used the definition of 'migrant worker' adopted in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as 'a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national'.

translated into a very limited range of languages. Interviewees told us that they could not understand documentation such as:

- contracts
- working time opt-out forms
- forms permitting deductions to be made from wages
- forms giving permission for individuals and their lockers to be searched, and
- information about health and safety.

Despite this, none of the interviewees had refused to sign any documentation. Interviewees described signing any piece of paper they were presented with when registering with their agency. A small number of interviewees described being pressurised to sign by staff in work agencies, but most interviewees said they were so keen to find work that they were willing to sign any documentation requested, regardless of whether they understood its content.

‘We just don’t understand the contracts... It’s a pile of note papers to sign and without any explanation... if you want to work you have to sign it.’

Polish male working in meat processing factory, east of England

‘They wanted us to complete the application form, of course, and then we were given a lot of separate sheets to sign, but we really don’t know what they were. There was one paper where I gave my permission to them to deduct so much money for transport from my bank account and that sort of thing... Nobody helped us... or explained what the papers were about; they just wanted us to sign it.’

Polish female working in poultry processing factory, east of England

‘Some departments have a lower rate of pay but I got sent round to all different departments. When I asked why I was being transferred, they said you signed to do any work required. I signed the contract but there was no interpreter so I didn’t know what I

was signing really. I just understood that I work in this factory for this rate.'

Kurdish male working in poultry processing factory, east of England

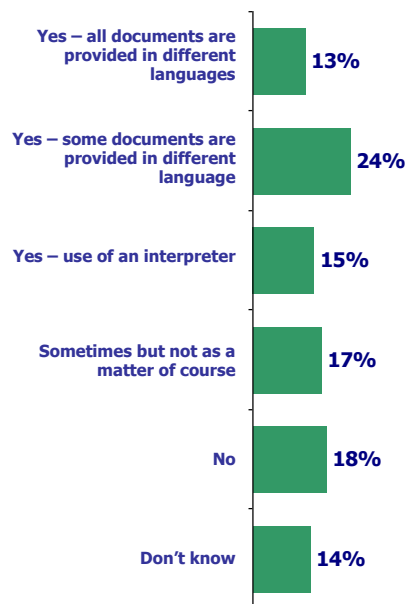
Workers relied on friends, family or local migrant worker support groups to translate documents or explain their content, but only after they had signed them. Where people were unable to find such support, they simply remained ignorant of the contents of important documentation.

Although two-thirds of agencies said that they offered some degree of support to workers, only around one in eight (13%) translates all documents into one or more languages. Around one-fifth of firms (18%) take no steps to help migrant workers to understand key documents.

Companies that supply workers to meat processing firms are more likely to provide some of their documents in a different language (35% versus 25% of those who supply workers to poultry processing firms). While those who supply workers to poultry processing firms are more likely to use an interpreter (31% versus 9% of those who supply workers to meat processing firms).

Figure 1: Support offered to workers whose first language is not English to understand documents/information

Q47. Does your company offer support to workers whose first language is not English, to understand the content of documents supplied?



Although an interpreter can be useful for a worker on the day of registration, the use of this method means that an agency worker unable to read the often complex English contained in these documents has nothing to refer to at a later date, and must rely on memory alone.

Some interviewees reported that the agency did not provide them with a copy of the papers that they had signed. This left them with no possibility of finding out what they had committed themselves to, or their entitlements.

“It was really fast. I was told to sign some papers... so I just signed something, in English... Frankly I was, cheated, because I was told to sign something, and... in fact I authorised them to make deductions from my bank account... I hope everything will be all right.”

Polish female working in meat processing factory, east of England

Work agencies are legally obliged to provide people registering with them a copy of written terms and conditions setting out the worker's expected rate of pay, the type of work they will try to find them, length of notice and other relevant details.

Interviewees described the consequences of not understanding documentation that they were given to sign by their agency as including:

- not being sure what would be deducted by the agency from their bank account, and when this would happen
- confusion about entitlements such as sick pay
- lost annual leave as a result of not understanding arrangements for booking and taking leave, and
- increased feelings of vulnerability.

Workers who are not provided with a copy of their terms and conditions, or cannot understand the documentation, will:

- be unaware of their employment status – whether they are working under a contract for services, a contract of employment with the agency, or engaged through an umbrella company
- be potentially more open to exploitation as they are unaware of key information relating to their work, and
- be less likely to complain about poor treatment due to lack of knowledge of rights and attendant responsibilities of the agency supplying work to them.

One worker responding to the call for evidence felt that not having documentation made him feel as if he was working illegally.

‘As an agency worker, I did not have the proper, clear employment documentation... Therefore, I was not happy with working for [name of agency], as I felt [like] an illegal worker without any rights.’

Polish female working in meat processing factory, Yorkshire and the Humber

‘I’ve been given documentation but, unfortunately, in English... I didn’t know what I was signing. So I don’t basically know how

many hours I should work, about overtime rate and things like that... I was given, like I said, loads of papers to sign so I signed, but somebody took the papers away from me.'

Polish male working in meat processing factory, Yorkshire and the Humber

Less favourable treatment on grounds of nationality

Seven out of 10 interviewees said they thought they were treated differently in factories, or by agencies, because of their race or nationality. Often these workers were also agency workers, but this was not always the case. This indicates that, although agency staff who are migrant workers or from ethnic minority groups report experiencing worse treatment on the grounds of nationality or race, this treatment is not limited to agency workers.

One common way that migrant workers used to describe their experiences of verbal abuse was that were not treated as a person, entitled to respect and human dignity, but rather as a 'animal' or 'object'.

'You lose human values and dignity and you are treated as a subhuman... we are treated like animals.'

Kurdish male working in poultry processing factory,
east of England

'At [poultry processing firm] we feel like human beings, but at [meat processing firm] we were treated like objects... They shout at us. They don't take into account that you are just a person, sometimes tired. They use a lot of bad language, 'F' words and a lot more.'

Polish female working in poultry processing factory,
east of England

'Agency workers are very often called names and shouted at; treated like robots, you know, not human beings.'

Polish male working in meat processing factory, east of England

A number of workers said that line managers favoured workers of their own nationality in terms of work allocation, work rotation, access to personal protective equipment (PPE) and recruitment to permanent positions. This perceived favouritism damaged relations between different nationalities.

Favouritism by line managers based on nationality

Interviewees stated that perceived favouritism affected relations between different nationalities. We received a number of allegations of line managers favouring workers of their own nationality in work allocation, access to PPE and work rotation.

Workers had received no information about what had influenced decisions and, in the absence of such information or any transparency in decision-making, came to the conclusion that other nationalities were being favoured. This caused significant resentment and left workers of other nationalities feeling excluded and discriminated against.

The movement of agency workers into direct employment was another area where a number of allegations of favouritism on the grounds of nationality were made. Interviewees stated that they could see no reasons why some workers were selected to move to direct employment, apart from their friendship with managers or the fact that they were of the same nationality to them. This also caused resentment and tensions between nationalities.

Allocation of work

The most common complaint was unfair allocation of work. Interviewees told us that some nationalities were consistently given work which was harder, heavier or more unpleasant – for example, in colder areas of the factory such as the freezer area.

The majority of complaints about discriminatory allocation of work stated that British workers benefited from these actions. However, in some instances in workplaces where managers of other nationalities were in charge of allocation, it was alleged that these managers favoured their own nationality and treated migrant workers of other nationalities poorly.

It appears from the interviews conducted that migrant agency workers are particularly liable to be treated in this way.

Allocation of work based solely on the basis of nationality constitutes direct discrimination under the Race Relations Act 1976. None of the affected migrant workers were aware that the treatment that they described was unlawful, but they were all keenly aware of the injustice of the situation.

‘Intake is such a very hard job, very very hard job... since I have been working in [name of meat processing firm] for three years... it’s only... migrant workers, the Polish and most are agencies... those areas that are very hard they put in the Latvian, the Eritrean, the Polish migrants. They will be working in those areas.’
British male working in poultry processing factory, West Midlands

‘English people get better positions... definitely those harder and more dangerous positions comes to the other nations... [I work on a] hard line... very hard job... all day, eight hours [I] pick up the boxes full of meat [weighing] up to 15 kilos. Eight hours. You need to pick them up to level of your head, stand them in position and put them on hooks. Nobody English is working there, they all refused [or] they wasn’t even asked. Not equal... All people Latvia, Polish... No British there.’
Lithuanian female working in meat processing factory, east of England

‘There is discrimination there because the English workers... they don’t do hard jobs, the different nationalities just [do] really hard jobs but the English people... not hard jobs.’
Polish interviewee working in meat processing factory, Yorkshire and the Humber

When opportunities arose to transfer to shifts that were seen as easier, some workers alleged that they were not given the opportunity to fill these vacancies but were kept in the less desirable shifts.

‘When [there is a] vacancy on some place they move the Welsh people and we usually fill the gap. The most crap shift.... About one year ago, maybe six months, is vacancy on the better job ... And I said to my manager, “Could you change for my job because I do three years the same.” ...And he say, “Yeah, yeah, yeah, soon, soon, soon.” And I know vacancy for this better job, but somebody from day shift, Welsh guy, I see him doing this same job.’
Polish male working in poultry factory, Wales

Interviewees also told us that personal protective equipment was distributed to some nationalities first, by managers of the same nationality, in preference to workers of other nationalities. Interviewees mentioned occasions when there had not been enough to go round, resulting in particular nationalities being left without.

Verbal and racist abuse

One-third of interviewees described verbal abuse in the workplace, often as an everyday occurrence. Migrant workers commonly described the abuse as not being treated as a human being, but as an ‘animal’ or ‘object’. Some interviewees said that factory managers and agencies knew that migrant workers would put up with poor treatment as they had limited choices.

One voluntary sector organisation described a ‘pervading culture of racial abuse’ in some processing firms. And a number of interviewees saw the verbal abuse they received as racially motivated.

‘I have a [Polish] supervisor who swear to me every day... Just swear to me, tell me “shut your mouth, motherfucker” or something... because I am Kurdish.’

Kurdish male working in meat processing factory, east of England

Other interviewees described particular nationalities being targeted for verbal abuse with crude racial insults being directed towards workers, mainly Eastern European, Asian and Black African agency staff.

'A lot of them [agency workers] get shouted at as well which I don't like... all these are Eastern Europeans, majority Polish, and they're getting shouted out by certain individuals. They slag them off saying, "You Polish", I don't want to say it. There's a guy who's Zimbabwean and... a team leader who worked there and he used to call him, well, a b[lack] b[astard].'

British male working in meat processing factory, East Midlands

'This manager is coming and [shouting], "You f***ing shit, you f***ing shit Polish." They use the coarse [language] like this. We're cutting small pieces... off the meat, and if it's some fat on this, managers come and swear [at] people.'

Polish female in meat processing factory, north west England

'Some get on, some don't... you know what I mean, you always hear the words, "That Polish b[astard]" or "The Slovak b[astard]".'

British male working in meat processing factory,
south west England

Racist comments were not limited solely to migrant workers but also directed at British workers from ethnic minority groups.

'I go out for a drink with the Pakistanis but [a manager] called them suicide bombers, and these are people that were born in Britain. I thought this is out of order. No manager should be coming out with any racist comments. If he has got his beliefs and that, keep to himself, not bring them into the workplace.'

British interviewee working in meat processing factory,
East Midlands

Segregation by nationality

One of the challenges for processing firms is to manage a highly diverse workforce where many migrant workers have limited English skills. Some firms said that they segregate workers to avoid tensions between nationalities, commonly by shifts or production lines.

A minority of interviewees informed us of shifts being segregated by nationality in order to better manage communication. In one particular factory, interviewees consistently reported almost complete segregation by nationality, with British directly employed workers in managerial positions and migrant agency workers, who were mainly Eastern European, working as production operatives.

‘There is... discrimination there because the English workers, they are employed directly straight away... by the company and they don’t do hard jobs... there is actually no English workers on the production floor. ... English people work as the managers in the office and they always go and do like engineering jobs.’

Polish female working in meat processing factory, Yorkshire and the Humber

Others stated that managers preferred particular nationalities for certain shifts as they perceived these workers as ‘more reliable’ or ‘hardworking’.

‘My manager prefers foreign people for night shift for cleaners.’

Slovakian male working in the poultry processing factory, Wales

Some interviewees stated that they had experienced supervisors who did not want particular nationalities working under them. They used their decision-making power to make sure this did not happen, leading to areas of factories where migrant workers were not present.

‘The supervisors on the line. They decide where exactly you will be working. This... English guy he never working with Polish, or [had] Polish on [his] line.’

Polish male working in the meat processing factory,
north west England

Firms confirmed that they segregate workers to avoid tensions between nationalities. In response to our survey, around one in eight (12%) larger processing firms (more than 500 workers) stated that they ensured shifts were made up of single nationalities to avoid any tensions arising.

Segregation on the grounds of nationality can amount to unlawful discrimination where another worker loses out as a result of not being that race.

As well as constituting discrimination against the individuals affected by this, segregation by nationality damages integration and interaction between different nationalities. If staff never get the chance to work alongside colleagues of different nationalities, opportunities to interact positively and build relationships are significantly limited.

Interviewees told us that the predominance of one nationality on any particular shift hampered interaction in the workplace.

‘It’s quite difficult [to interact with British people] because there’s a very small group of British people and a large Polish community.’
Polish female working in meat processing factory, Yorkshire and the Humber

In some workplaces, organisational policy, although lawful, also appeared to militate against positive interaction between different nationalities.

‘Conversations with one another [promote good relations].
However, some people are afraid to talk because they are afraid to lose their post.’
Polish male working in meat processing factory, Yorkshire and the Humber

Insufficient support with language skills

Most workers told us that their firm had not offered support to learn English or, for those workers interviewed in Wales, English or Welsh. Many of these workers reported finding English lessons themselves as they saw this as the key to finding better work and being able to interact more effectively with British colleagues.

Lack of fluency in English was linked to vulnerability to poor treatment. One worker explained how he had advised others to learn English to avoid poor treatment like that he had received.

‘I told my cousin study English before! Because if you come to England like me [without speaking English] you have bad trouble here... very discrimination... treat like animal! Sometimes... I work voluntary job [supporting migrant workers]... to try and help people. If people ask me something I say you need to find your rights, but learn English.’

Brazilian male working in meat processing factory, east of England

Additional vulnerability of migrant workers

Some interviewees stated that the managers in the factories where they worked, and the agencies that placed them there, knew that, as migrant workers, many staff would put up with poor treatment as they had limited choices. The interviewees we talked to were aware of their vulnerabilities and perceived these were being exploited by those who knew that workers had little choice but to endure the treatment they received.

Migrant workers that we interviewed thought that managers chose which types of workers to target, with agency and migrant workers being particularly vulnerable due to their fear of losing their job.

‘The management know Polish people will not resign from the job, even if they receive the minimum wage. They won’t go back to Poland because the situation is even worse there, and the management and managers are really smart and they know they can get away with this.’

Polish male working in meat processing factory,
north west England

‘I believe [we get verbally abused and threatened] because Polish people are much more frightened that they could lose their job... So it’s easier to threaten Polish people. If you lose that job you’re without any income.’

Polish female working in the poultry processing factory,
east of England

Vulnerability to criminal exploitation

At its most extreme, the failure to address problems that migrant workers are experiencing in the processing industry can lead to their criminal exploitation.

A police officer who led an extensive investigation described how a member of a criminal gang working for a work agency charged workers £250 for a placement at a local poultry firm. Agency workers were then subjected to demands for increasing amounts of money if they were not able to repay the whole sum immediately. If they couldn't keep up with escalating payments, they were subjected to severe beatings by members of the gang and threats to their families.

The police officer described the injuries inflicted on one of the agency workers who owed money to the gang.

'He suffered a fractured jaw, fractured eye socket, a retina was detached; numerous stuff all over his face. £75 he was beaten for; horrendous injuries really. He could hardly see for ages.'

Police inspector

The police believe that, over a period of around two years, around 200 migrant workers fell victim to this.

Although the factory management was not in any way complicit with what was occurring, the officer noted that they had not acted when they saw evidence of assaults.

'[The factory] had recorded people coming to work with black eyes. They had recorded people being assaulted literally at the gates of their premises... and had never passed that onto the police. They would say: "This is a Polish problem, we have Polish supervisors." ...The Polish supervisors... would... say, "Look, everybody stay quiet about this because we are all going to lose our jobs if we are

not careful here.” And it was that fear of, “We are not going to have this job” that stops a lot of people coming forward.’

Police inspector

The police inspector stated that the problems of criminal exploitation of migrant agency workers were not isolated to the area where this particular police operation was based, but were found in around 12 other police forces across England and Wales.

The police linked the extent and ease of exploitation of migrant agency workers to a number of issues which were also repeatedly raised by others submitting evidence to the inquiry.

These include:

- migrant workers not being aware of their rights
- agencies and processing firms not being receptive to complaints from migrant workers
- migrant agency workers being scared that they will lose their job if they complain
- lack of ownership of agency staff by employers, and
- poor communication between migrant agency workers and their agencies, and the factories in which they are placed.

The police officer stated that migrant workers, their agencies and the firms that they are placed with are now being proactively engaged with, and workers informed about their rights – in particular the fact that their agency should not charge them for finding work for them.

‘We now engage... That proactive approach will save lives. We have to be proactive about it.’

Police inspector

Our recommendations to address the issues specific to migrant workers

To address lack of understanding of employment rights and documentation

In our view, it is essential that all workers have a clear understanding of their terms and conditions of work. The International Labour

Organization (ILO) recognises the importance of migrant workers being provided with written contracts of employment in a language that they easily understand, as a means of preventing forced labour.²

We recommend that:

- The Gangmasters Licensing Authority (GLA) includes, as a licensing standard, a requirement for agencies to translate key employment documents into a language the worker easily understands, or takes alternative steps to ensure that the worker understands the contents of the documents.
- The government explores methods of making standardised information available online that can be downloaded by companies, in the main languages spoken by migrant workers, to minimise costs to individual companies.

To help vulnerable workers to raise issues of concern

We recommend that processing firms and agencies:

- Provide workers with a confidential and well-publicised process for raising issues of concern in a language they understand. This should be done as part of an integrated approach to providing an environment in which workers feel confident to raise issues informally and formally.

To promote integration and reduce vulnerability through English language provision

We recommend that:

- Processing firms and agencies provide workers with access to English for Speakers of Other Languages (ESOL) classes, where needed, at times and locations that best facilitate participation and learning.
- Processing firms assess migrant workers' knowledge of English and literacy in order to develop and deliver appropriate workplace communication, including training packages and signage.

² A Handbook for Employers & Business, Special Action Programme to Combat Forced Labour, International Labour Organization 2008

To protect agency workers from discrimination in the workplace

We recommend that:

- All processing firms take steps to ensure that the culture in their workplace is one that actively tackles harassment and discrimination and promotes an ethos where discrimination is viewed by all as being unacceptable, including the following actions:
 - implementing an equal opportunities policy
 - providing diversity and equality awareness training to staff
 - providing specific training and guidance for line managers, including how to manage pregnant workers and workers of different nationalities, and
 - ensuring that all staff have access to a confidential complaints and grievance procedure.

We recommend that:

- All agency workers should have the same degree of legal protection as permanent employees from discrimination on any of the protected grounds. This should be the case regardless of whether:
 - they have a contract of employment with the agency or are engaged under a contract for services, and
 - the work agency or the end user is responsible for the discrimination.

To enable agency and migrant workers to gain the benefits of union activities

We recommend that:

- Trade unions should build on the work they are already doing in recruiting and supporting migrant workers with wider well-resourced organising campaigns aimed at vulnerable workers, especially in sectors where precarious, low-paid employment is common.

Training

As part of an integrated approach to equality, inclusion and dignity at work, we recommend that:

- Processing firms provide supervisors and managers, particularly first line managers, with appropriate training to enable them to operate in

a way which promotes equality and inclusion and respects the dignity of workers.

- Supermarkets support processing firms in their supply chain with training programmes specifically aimed at supervisors and line managers, and build on current Ethical Trading Initiative (ETI) steps which promote equitable management practices.