

## APPG on Human Trafficking and Modern Slavery Panel Event Summary

### **Can the UK Lead the World Again in the Response to Modern Slavery?**

Panel Chaired by Baroness O'Grady of Upper Holloway

Supported by Modern Slavery Policy & Evidence Centre & the Human Trafficking Foundation

27<sup>th</sup> January 2023

#### **Baroness O'Grady**

Introduced the meeting calling for bold action to tackle the issue of modern slavery, calls for the UK to be world-leading again in this area. Highlights the Government's cautious response to the House of Lords Modern Slavery Act Committee's report, and called attention to a case published the day before in the Sunday Times in which 16 people were exploited and forced to work in a McDonalds restaurant.

**Dr Marija Jovanović**, Research Fellow, Modern Slavery and Human Rights Policy and Evidence Centre, **The impact of recent immigration legislation:**

- Government response to HoL Modern Slavery Act committee stated that the Government would comply with ECAT & Palermo Protocol and international legislation.
- MS PEC report policy brief on international obligations sets out 10 points for consideration. Including the fact that immigration law is autonomous to individual states, such as the UK. However, we are bound by international agreements that we have signed up to.
- When reacting to modern slavery, the duty is on public authorities to be proactive in identifying potential victims, there is not a duty on victims to come forward
- Protection against re-trafficking is also an obligation.
- Nationality and Borders Act: Public Order Disqualifications, set out in Section 63. Of the Act, creates a presumption that public order applies to a broad category of people and creates a burden on individuals to prove that they are not a threat to PO. However, the burden should be on the state to prove why someone ought

to be disqualified. It does not take into account being compelled to commit crimes.

- The Illegal Migration Act created a distinction on immigration status which is prohibited by laws.
- Statutory Guidance goes beyond the Nationality and Borders Act and Illegal Migration Act as it removes the state's obligation to identify victims now subjected to Public Order Disqualifications and creates a presumption in favour of that. It also limits the assessment of the risk of re-trafficking. International law expressly sets out that everyone should be identified and supported.

**Kate Roberts, Head of Policy, Focus on Labour Exploitation (FLEX): Extreme Exploitation in the Care Sector**

- Kate endorsed Baroness O'Grady's calls for bold action and welcomed the committee's review of the Modern Slavery Act. Even when the Act first passed 10 years ago there were gaps in the legislation which the new Government needs to assess and revisit.
- Gaps in the Modern Slavery Act inadvertently helped maintain some of the structural factors that allow for labour exploitation of migrant workers. For instance, overseas domestic workers visas were discussed at length during the passage of the Modern Slavery Act.
- Many people do not meet the threshold of exploitation to be considered having experienced human trafficking, but there are issues about waiting until that threshold point until people can access assistance. Even when they do meet that point there are challenges for workers in entering the NRM.
- Currently, there is a disproportionate power imbalance between employer and worker. This power discrepancy takes place in an unregulated adult social care sector, meaning the standards are driven down, creates risk for people receiving care and undermines employers who are doing the right thing
- Constantly we see rogue actors bringing workers to the UK, often without actual jobs available. Families investing in these false opportunities and workers getting into debt. Workers often arrive to find work doesn't exist and are dependent on employer for accommodation/ rights etc. Often end up destitute
- Exploitation takes place on a continuum and human trafficking is the sharp end of this. We need a mechanism to prevent people reaching the sharp end The govt. must improve prevention / effective monitoring/ compliance/ access assistance before workers become victims of trafficking.
- The GLAA have noted a 400% rise in allegations in care work exploitation since social care was added to the Shortage Occupation List.

- Case Study of worker who was asked to pay £12,000 administration fee for a job in the social care sector, to then arrive in the UK and be forced to pay £600 out of their salary for accommodation. When the worker complained their employer threatened to inform the Home Office of her immigration status.
- The Employment Rights Bill and Fair Work Agency can compliment the Modern Slavery Act. It can ensure compliant work environments, give the Fair Work Agency needed resources and powers to take effective enforcement action.
- Workers need to see redress and know that they will receive unpaid wages if they take action, not face immigration enforcement. We need to create trust and incentivise interaction with the Fair Work Agency.
- There needs to be secure reporting pathways to limit sharing between the Fair Work Agency and Immigration Enforcement. This includes informed consent around data sharing.
- Lessons can be learned from Australia who have introduced Bridging Visas, where visas can be issues so visa cancellation can't be used as a threat by employers.

**Sian Lea, Business and Human Rights Manager, Anti-Slavery International: Measures to Address Modern Slavery in Supply Chains**

- New legislation is needed to require the Government to prevent modern slavery occurring in the first place. Something similar to Baroness Lola Young's private members bill which focused on due diligence law.
- This law should focus on human rights and the environment.
- This must be complemented by import bans on products being brought to the UK which have been shown to be made using labour exploitation.
- NHS has tripled its procurement of latex gloves from an organisation banned in the US due to it's use of forced labour.
- UK mustn't become a dumping ground for goods not accepted elsewhere in the world, the UK public should be able to buy products knowing they are free from exploitation.
- Modern Slavery Statements, required by the Modern Slavery Act, and the Modern Slavery Assessment tool are currently there, but are not preventing organisations, many of whom have modern slavery statements, from addressing exploitation in their supply chains.
- Government needs to stop mandating and cannot focus solely on reporting, overarching action is required.
- Need to push for proper assessment that focuses on impact, align with international legislation and hold the National Crime Agency accountable for investigating these products under the Proceeds of Crime Act.

- New legislation must push for corporate accountability, and address the continuum of exploitation, not solely modern slavery. Businesses must be held accountable for failing to prevent harm. Swift remediation needs to be possible when harm is not prevented.

**Laura Fatah**, Joint Committee on Human Rights committee specialist:

- JCHR are undertaking an inquiry on forced labour in supply chains.
- Call for evidence closes on 14<sup>th</sup> February.

**Chris Murray MP:**

- Creation of the Fair Work Agency is critical, GLAA is under resourced. For instance, one inspector covering all agriculture and shell fish production in Scotland. Need to take learnings from the GLAA to make FWA more effective.
- FWA needs resourcing, enforcement powers, must be empowered to offer meaningful solutions, security for workers. Must be worth someone coming forward.
- Can look at the Bribery Act which has been successful in requiring businesses to change the way they act, and look for similar means when it comes to supply chains and business practices. Bribery Act puts in high place sanctions for businesses.
- Health and Social Care – when we make an offer to migrant workers within the UK they must be able to access their rights, how do we involve union action within these issues.

**Baroness Young**

- Private Members Bill on Due Diligence was stopped because of General Election in July 2024.
- Must consider language that's used. The term 'Modern Slavery', encourages to think about it one way and doesn't shine a light on commercial sectors and the products we use. Must also be looking at organisations who aren't on the high street.
- Must look at the construction industry, both in terms of raw materials and the construction itself. Govt. is readying itself to build a large number of houses, this has to be non-exploitative.
- Should we be focusing on harsh penalties for those using labour exploitation, and new legislation that aligns with the EU's laws.

- Only focusing on the Modern Slavery Act limits the conversation and scope of the work that needs to be done.

**Baroness Hamwee:**

- Confusion of immigration issues and Modern Slavery & Human Trafficking.
- Government moving the issue to the remit of the safeguarding minister is not enough, it needs more cross departmental working.
- This working needs to be positive and not just focus on the enforcement side of things, i.e. the sharing of immigration enforcement related information.

**Pat Ryan, Hestia:**

- Need to consider the impact of the social care sector as a whole and the lack of funding it is receiving.
- Impact of closing businesses opening up opportunities for unscrupulous businesses.

**Jane Lasonder, Consultant, ISTAC, MS PEC:**

- Survivor voice ought to have been centred throughout the HoL committee's report, as it must be throughout the work moving forward.
- Meaningful pairing of lived experience with learned experience offers insights that others do not have.
- Needs to be accountability boards with survivors as members in industries such as the social care sector.
- Need for survivor voice in the IASC's office and a national survivors' council.

**Penny Maclean, Independent Anti-Slavery Commissioner's Office**

- IASC returning from leave at Easter.
- IASC proposed a survivor advisory council to the Home Office, but it was rejected due to budgetary reasons.
- One of IASC's priorities to push this further as things move forward.

**Robyn Phillips, Human Trafficking Foundation**

- How to ensure businesses aren't put off from coming forward due to media reporting, there are organisations who are proactively looking into their supply chains to find occurrences of exploitation so they can be prevented.

**Sian Lea**, Anti-Slavery International:

- There are benefits to due diligence, cost benefit analysis shows how low the cost of carrying out due diligence is. There are benefits: supply chain resilience, financial performance – stronger financially healthy business if you investigate. But shouldn't be reimbursed for losing money if they stop using a company which is using exploitative labour.
- We need the laws in place before addressing how businesses are reflected in the media when they find it

**Baroness O'Grady**:

- A fair pay agreement in social care is a good start, we need to ask how the social care sector is funded and what it should look like.

**Euan Fraser**, Hope for Justice:

- Shortcomings in support in the NRM. Prevention is vital, but needs to be world leading systems in place of support when instances of exploitation are exposed and individuals referred for support.

**Baroness O'Grady** thanked all the speakers for their contributions and closed the meeting.