Exploitation and Forced Labour of Homeless and Vulnerable People

A Lemos&Crane Briefing Paper
Lemos&Crane has since 1994 worked with public service organisations on high profile social issues including homelessness, social housing management, people with learning disabilities, prisoners and ex-offenders, literacy, hate crimes and financial inclusion.
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1. Introduction

In September 2011 250 police officers participating in a covert police operation codenamed Netwing raided a caravan site in Leighton Buzzard, Bedfordshire and freed 24 men living in ‘virtual slavery’. Police found the victims thin, hungry and living in ‘filthy and cramped’ conditions, subject to brutality and intimidation from their gang masters. The men were forced to work up to 16 hours a day mixing concrete and laying paving in gardens. Previously homeless, isolated and addicted to alcohol or other substances, many of the victims had been recruited outside soup kitchens, hostels and on the surrounding streets. ‘Modern slavery’ and forced labour are often seen as problems affecting immigrants to the UK, but of the 15 freed men 8 were British, 3 Polish, 1 Latvian, 1 Lithuanian and 2 were of unconfirmed nationality.

“It is widespread and is in all communities – people don’t know what’s right in front of them, or how to spot the signs.” ¹

- Assistant Chief Constable Olivia Pinkney, ACPO lead on migration and associated matters

The Leighton Buzzard case is one of many recent examples that challenge out of date perceptions of forced labour, human trafficking and slavery. The Salvation Army reports men being coerced into forced labour who had either been sleeping rough, in hostels, had intellectual disabilities or diagnosed mental health problems.² The exploiters are also locals and the work undertaken is done in ordinary streets at the homes of ordinary people.

The trafficking of migrants from Europe or elsewhere into the UK for sexual exploitation has been the basis for much of the current prevention and enforcement policy in use today – a

¹ Safer Bristol Men, Women, Abuse and Violence (2013)
² Munro and Pritchard Support needs of male victims of human trafficking (2013)
useful starting point, but one that fails to address domestic recruiting, the prevalence of forced labour as a criminal practice and the exploitation of vulnerable British citizens.

“They are using very vulnerable people and especially in hard economic times, people have lost work, nowhere to live, thrown out from families. We must act much stronger than we have done. It's only recently we have been aware of the amount of the problem.”

- European Commissioner for Home Affairs, Cecilia Malmstrom.

A new understanding and approach to this problem is needed. Recent research from the Salvation Army, Joseph Rowntree Foundation, Centre for Social Justice and others offer the deepest investigation into forced labour in recent memory and provide a basis for developing responses. The Home Office has also shown interest in addressing this issue with a draft bill targeted at some, but not all, of the concerns surrounding forced labour and recruitment. This paper reviews the current state of the field, focusing on homeless and vulnerable people and the organisations that work with them.

2. Definitions and extent of forced labour in the UK

Forced labour is characterized by coercion. Victims are exploited for their labour and perpetrators use a variety of means to ensure that work continues and victims aren’t able to exit the situation. Forced labour generally includes one or more of:

- **Restriction of worker movement** – often related to housing provision
- **Intimidation** – either implied or executed threats of violence or other coercion directed at the worker or their friends/family
- **Debt Bondage**- wages are generally diminished or withheld totally; workers may be told they must pay ‘room and board’ or other fees without previous agreement
- **Document retention** – passports or ID may be held by the perpetrator, which may be related to restriction of movement
- **Substandard or abusive work and/or living conditions** – excessive overtime, difficult or dangerous work, non-adherence to established employment laws, overcrowded or otherwise substandard housing and domestic conditions

A case study from a London-based homelessness service is illustrative of how these methods are used in practice. A service user reported that he and a friend were offered work and accommodation and were driven in a van with no windows to an unknown location. The men were housed in a storage room with no heating, toilet or running water. The work was washing cars, which both men had to do for upwards of 15 hours a day at separate locations, sustaining chemical burns on their hands and legs. They were never paid a wage. Their captors used death

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3 BBC News British men forced into ‘modern slavery’ abroad (2012)
threats and physical beatings to obtain compliance. Eventually one of the men managed to escape, an ordeal that involved days of disoriented walking, and eventually led police back to the site to free his friend. This case involved wage theft, isolation, and physical threats, as well as substandard housing and work conditions. When considering cases of forced labour the International Labour Organisation’s simple definition, dating to 1930, is a useful guide: “All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”

The most prevalent type of work in situations of forced labour is unskilled. A Serious Organised Crime Agency report from 2011 identified construction, block paving, food processing, factories and agriculture as industries likely to exhibit forced labour practices. These jobs also share an element of isolation from the public, allowing abuse to go unseen and increasing the distance between the victims and communities that may be able to help them.

Although the practices surrounding forced labour are increasingly well defined and studied, individual cases highlight concerning aspects that remain poorly understood. In the aftermath of the Leighton Buzzard case the Guardian reported that one of the victims returned to the site of imprisonment, claiming that, "Plenty of men who were here wanted to be here and they were getting paid. The police coming in heavy-handed like this is just wrong." Prisoners developing affinity and loyalty toward their captors is a well-studied phenomenon that is likely to complicate any attempts to combat forced labour. Equally concerning is the possibility of the UK as a starting point for forced labour trafficking. A BBC investigation in February 2012 reported that British men had been trafficked into forced labour abroad. At least 32 men had been sent to 6 countries including Sweden, Norway and Belgium to work 14 hour days for little or no pay, tarmacking driveways and laying concrete. The men had been targeted because they were vulnerable, often homeless and struggling with drink or drugs problems.

Definitive numbers on the prevalence of forced labour are difficult to come by. There are a variety of reasons for this: historically awareness of the issue has been low and enforcement and prosecution likewise, the practice is inevitably secretive and many of the victims are foreign or vulnerable people, making data collection difficult. A Joseph Rowntree Foundation report on forced labour acknowledges difficulty assigning hard numbers to the practice, but points to a House of Commons Home Affairs Committee report from 2009 agreeing with an Anti-Slavery International estimate that reported cases of trafficking and similar crimes likely represent only 10-15% of total offences. The various academic and governmental authors of the report believe thousands of people in the UK are in situations classifiable as forced labour. Referencing the Joseph Rowntree report, a Centre for Social Justice report agrees that reporting likely only

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4 International Labour Organisation Forced Labour Convention (1930)
6 The Guardian Rescued 'slave' criticises police raid at Bedfordshire caravan site (2011)
represents a fraction of offences, and focuses on numerous specific case studies from police and victims services.\textsuperscript{8}

The Salvation Army manages the Adult Human Trafficking Victim Care and Coordination contract for the government, meaning it is responsible for the oversight of delivery of specialist support services to adult victims of trafficking identified in England and Wales. In a recent end of year contract report (July to December 2013) 49\% of 399 trafficking victims encountered by the service were reported to be involved in labour exploitation, a higher proportion than the 35\% exposed to sexual exploitation.\textsuperscript{9} Although there is also debate as to the number of total trafficking victims, the UK Human Trafficking Centre (UKHTC) and Serious Organised Crime Agency (SOCA) reported over 2000 potential trafficking victims in 2012, giving credence to recent forced labour estimates. The issue of human trafficking in the context of sexual exploitation has received significant media and police attention and resulted in many successful prosecutions. The recent Salvation Army numbers suggest that forced labour deserves equally serious attention.

The Salvation Army also reports country of origin of every victim. In the last 3 months for which reports are available, June through August 2014, 7\% of referrals were for British nationals.\textsuperscript{10} Trafficking and the attendant exploitation are often thought of as problems only for migrants, these reports show a significant number of UK citizens among those affected. The real proportion may be even higher, as many of the services overseen by the Salvation Army are related to visa and immigration status, meaning British victims may not enter the system and be counted.

### 3. Forced labour of homeless and vulnerable people

Both the Leighton Buzzard case and the BBC report on British nationals being trafficked out of the country are highly publicised examples of homeless or otherwise vulnerable people targeted for exploitation at support services. In regards to the latter, David Ellero, Project Manager at the European Law Enforcement agency, said he believed that the criminality had been occurring for a long time, "[They are] targeting the most vulnerable in society and forcing them to work, but the cases are not categorised as trafficking. The work is normally carried out in northern Europe, where they work in rural areas and focus on elderly victims."

Equally concerning is a quote from the wife of one of the accused in the Leighton Buzzard case who claimed, "The men who were taken were getting paid £30 a day, they had somewhere to

\textsuperscript{8} Centre for Social Justice report \textit{It Happens Here: Equipping the United Kingdom to fight modern slavery} (2013)

\textsuperscript{9} The Salvation Army Update on the third year of The Salvation Army’s Adult Human Trafficking Victim Care and Coordination contract (2014)

\textsuperscript{10}The Salvation Army Monthly Anti-Human Trafficking referral reports (2014)

\textsuperscript{11} BBC News \textit{British men forced into 'modern slavery' abroad} (2012)
live, this is all a load of nonsense.” The justification appears to be predicated on the formerly homeless status of several of the freed men and highlights the difficulty vulnerable people, homeless and migrants both, have in getting their labour recognised and protected to the same standard as anyone else.

The justification of being ‘better off’ and the difficulty viewing homeless individuals as workers deserving protection may extend to the victims themselves. Mark Ovenden, a formerly homeless man who experienced forced labour detailed his ordeal in an interview with the BBC: “I was approached in the street one day by a guy. He asked me if I was looking for any work, told me he’d be able to pay me, give me somewhere to live, to feed me. So I agreed there and then to go with him.” He noted that he’d “been down on my luck for quite some time”. He spent several months moving site to site doing manual labour, working 18 hours a day and never being paid. He noted that before he was freed he didn’t think the police would respond with sympathy if he were to report his experience.

Although exact numbers of victims are difficult to ascertain these well-documented cases are supported by the experiences of homelessness charities and services. Thames Reach, one of the largest and most respected homelessness agencies operating in London, runs a service funded by the Greater London Authority, The London Reconnection Project, and has dealt with 77 cases of people being recruited into forced labour between April 2012 and April 2013. As noted, the Salvation Army has reported cases involving homeless and vulnerable people.

Anti-slavery International has noted that homeless people are being ‘targeted and exploited’ on London’s streets, often with the offer of accommodation and alcohol. During its Slavery-Free London campaign, which sought to draw attention to modern slavery before, during and after the Olympic Games, the charity issued postcard sized leaflets to hand out to migrants and homeless people to inform them of their legal rights, as well as warning them about the signs that some seemingly friendly person may be trying to recruit them into forced labour. The Passage Day Centre, near to Victoria Station, also expressed concern in the run up to the Olympics that homeless people were at particular risk from criminal recruiters looking to forcibly exploit them. Staff working at the centre witnessed vans waiting outside whose occupants appear eager to engage with day centre users when they exit the day centre. When approached by staff, the vans would leave the scene in haste. KeyRing, a supported housing provider for people with learning disabilities, has also told Lemos&Crane that some of their service users have been ‘kidnapped’, gone missing and were eventually found to have been in forced labour. The Bedfordshire, Essex and West Mercia police services have also reported experience of the problem of vulnerable people being targeted for exploitation into forced labour.

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12 The Guardian Rescued ‘slave’ criticises police raid at Bedfordshire caravan site (2011)
13 BBC News UK anti-trafficking efforts need overhaul, report says (2014)
14 Thames Reach to Lemos&Crane
15 The Passage Day Centre, KeyRing, Police Services of Bedfordshire, Essex and West Mercia, to Lemos&Crane
The special dangers facing vulnerable and homeless people are only now coming to light in the UK and elsewhere. Vulnerable people are specifically targeted for recruitment at the places they are most likely to gather: soup runs, outside night shelters and hostels or in nearby streets. This specific aspect of human trafficking and forced labour has yet received little attention in policy, practice development or research.

4. Government responses to forced labour

Forced labour has been the subject of considerable recent concern, attested to by the detailed reports produced by the Centre for Social Justice and The Joseph Rowntree Foundation in 2013. Although this increased attention is encouraging, it is best understood as a first step towards a more complete understanding, complimenting previous research and policy focused almost entirely on people trafficked into the UK from other countries for sexual exploitation.

The reports, along with other sources, identify major challenges and deficiencies in the current system. The Centre for Social Justice states, “we have encountered unacceptable levels of ignorance and misidentification of victims among the police, social services, the UKBA [UK Border Agency], the judicial system and others.”\(^\text{16}\) In their current state awareness and policy appear to be failing to address the problem.

The government currently has two major programmes to address forced labour: the National Referral Mechanism, intended to help victims of trafficking obtain help, and the Gangmaster’s Licensing Act (GLA), designed to address worker exploitation.

The National Referral Mechanism (NRM) is intended to provide a reporting and support matching programme for government or non-governmental agencies that encounter a trafficking victim. When the victim is encountered by the first responder they are encouraged to complete a referral form which is submitted to the UK Human Trafficking Centre (UKHTC) who will either evaluate the form themselves or pass it to The Home Office Immigration and Visas. These two agencies are collectively known as the Competent Authorities and are tasked with assessing whether a claim has ‘Reasonable Grounds’ of trafficking. If so the person is granted 45 days of housing and material support while their case progresses. This period ends with an evaluation of ‘Conclusive Grounds’ for trafficking, which, if positive, will affect outstanding immigration and visa claims, as well as future support and police or prosecutorial action.

Leaving aside its primary focus on immigration issues, the NRM suffers from a lack of awareness among the very first responders it relies on for referrals. The Centre for Social Justice reports that many social workers and local authorities have never heard of the programme.\(^\text{17}\) We similarly found anecdotally that front-line service workers and local authorities were largely unaware of the programme and how to access it. Even in agencies who have direct statutory responsibility, such as the police and children’s safeguarding services of local authorities the

\(^{16}\) Centre for Social Justice It Happens Here: Equipping the United Kingdom to fight modern slavery (2013)

\(^{17}\) Ibid.
services offered by the NRM are not well known. In a November 2014 review of the NRM, the Home Office stated that it, “does not support effective identification of victims, assist with prosecutions or support the production of meaningful management information on how the process is working from end to the end.” It recommends a “comprehensive awareness strategy leading to increased recognition of human trafficking by the public and professionals.”

The Gangmasters Licensing Act established a Gangmaster’s Licensing Agency (GLA) in 2004. The act was partly in response to the 2004 Morecambe Bay cockling disaster in which 21 Chinese migrant labourers drowned as a result of supervisor negligence. Intended to prevent illegal working conditions, the agency is tasked with making sure employers in agriculture and other sectors associated with food production adhere to government standards and their work has led to shutdowns and arrests in many cases. However, as they told the Centre for Social Justice, many of the employers they are tasked with regulating work in multiple sectors, some of which fall outside the GLA’s remit. The GLA has no authority in many sectors where forced labour is most likely to occur such as construction, block paving and landscaping.

With the major programmes designed to address forced labour and human trafficking suffering from low awareness and limited scope it’s little wonder few arrests and prosecutions proceed. The number of cases prosecuted under the GLA fell from 19 in 2010 to just 3 in the first 10 months of 2014. In his interim review of the NRM, Jeremy Oppenheim, Director Growth and Engagement, Home Office, noted that it appeared only 1 in 10 referrals are involved in a case that is prosecuted. There are other avenues for law enforcement to pursue prosecutions for trafficking and forced labour, such as Section 71 of the Coroners’ and Justice Act 2009 which made slavery and forced labour a crime, but in response to a Lemos&Crane Freedom of Information request the Ministry of Justice reported that in 2011 there was only one conviction under this legislation.

The lack of a clear framework to prosecute forced labour offences, coupled with the lack of information sharing between the NRM and the Crown Prosecution Service noted by the Home Office, leads to difficulty punishing even those cases which do proceed. The Centre for Social Justice reports that during a 2012 conviction for slavery and servitude the sentencing judge stated, “This is a difficult sentencing exercise not only because of the absence of guidance but also because the sentences I am required to pass are for offences which cruelly deprive a person of his liberty and it is difficult to put a tariff on freedom”. Although the latter is a legal and moral dilemma, the former lack of guidance is a concerning failure of legislation and awareness.

Drawing heavily on a report and draft guidelines by a multi-party committee led by Frank Field MP, the Home Office drafted a Modern Slavery Bill, which entered its first reading in the House of Commons in June 2014. Intended to specifically address slavery and coercion and expand or

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18 Home Office Review of the National Referral Mechanism for victims of human trafficking (2014)
19 Centre for Social Justice It Happens Here: Equipping the United Kingdom to fight modern slavery (2013)
20 The Guardian Gangmaster prosecutions decline to four-year low, reports Home Office (2014)
21 Home Office Interim Review of the National Referral Mechanism for victims of human trafficking (2014)
22 Centre for Social Justice It Happens Here: Equipping the United Kingdom to fight modern slavery (2013)
create new powers for law enforcement, the Bill includes consolidation of all existing offences related to trafficking and slavery into simpler legislation for police and prosecutors, increasing penalties, implementing restitution methods, appointing an Anti-Slavery Commissioner, extending court protections to victims, producing guidance materials, expanding efforts to combat child trafficking, and requiring businesses to report steps they take to prevent slavery. A vital clause added in 2014 to the Bill states, “the court can have regard to any of the alleged victim’s characteristics that make them more vulnerable than other people”, an invaluable tool for courts addressing the exploitation of homeless people.

The Bill and the appointment in November 2014 of Kevin Hyland, former head of the Metropolitan Police’s Human Trafficking Unit, as the first independent Anti-Slavery Commissioner, signals a willingness by the Home Office to move forward on this issue, but it is still unclear what impact the Bill will have or where it will be felt. The government expects the Bill to become law in 2015, but implementation of simple and sorely needed aspects, such as increased guidance and awareness for those at risk and those that support them as well as the wider public, may take years.

The current mechanisms to address forced labour have been criticized as limited and ineffective by the Home Office and independent researchers. The GLA is intended to address labour issues directly but has a narrow scope for enforcement, and hasn’t seen cases to prosecution at an acceptable rate. The NRM is heavily focused on immigration and visa issues and suffers from a lack of connection with agencies and services. The new legislation introduced by the Home Office represents an initial commitment to change, but will only make an impact over the longer term. Additionally, there has been no inquiry, research, policy debate or practice development concerning the particular experiences of homeless or otherwise vulnerable people trafficked or coerced into forced labour in the UK despite evidence of the practice occurring. Awareness among staff in specific services of the risk to their service users remains low.

5. What next?

One of the most prevalent criticisms of the current system is a lack of awareness among the people most likely to be victimized and those that work with them. While legislative change is debated and enacted there is much good that can be done to promote and address this issue. Lemos&Crane and Thames Reach are working together to develop a systematic approach intended to deliver awareness and education to service users, front line staff and staff at an operational and management level as well as influence policy and practice in several sectors: homelessness organisations and specialist charities, supported housing, adult social care, the police and the CPS, creating a strong culture of information sharing and collaboration in prevention and enforcement going forward.

This problem deserves immediate action, as such we will avoid extensive initial research, prioritising immediate awareness raising for at risk service users and front-line workers on
current risks and practice, while developing more robust practical solutions to prevention and enforcement with a large number of organisations in several sectors over time, ensuring both immediate practical benefits and stable long-term outcomes.

By working with – and developing resources for – service users, front-line staff and organisations at a policy and practice development level we want to ensure everyone contributes to a full system change in awareness and safeguarding, prevention and response to incidents of forced labour, including law enforcement. It is hoped that the multi-agency collaborative approach will produce sustainable long-term change in agencies’ awareness of and responses to labour exploitation of homeless people, as well as establish a framework of collaboration to integrate changes in legislation that occur over the next several years.

The methodologies that will be used are:

- **Understanding the problem and information sharing**: establish a picture of current understanding of forced labour through focus groups, interviews, and large-scale surveys. Report and distribute findings among our practitioner database and partner organisations to increase the base for participation.
- **Implementation and policy development**: working with supported housing providers to develop practice advisory materials based on our findings – agree on effective practical action and policy development, uniting research findings and recommendations with day-to-day practice.
- **Disseminating learning material and good practice**: using multiple channels including: web-based interactive organisational development tools, E-Learning on exploitation and forced labour for practitioner education, practice development seminars for furthering awareness, sharing good practice and contributing to the development of inter-agency communication and innovation sharing.
- **Promoting national systems change**: working to establish a multi-agency advisory policy and practice development group for the project. Develop a model of effective prevention and management of forced labour of vulnerable homeless people. Develop guidance and resources to appraise examples of front-line practice and new changes in the future.

Lemos & Crane are working with homelessness charity Thames Reach, with support from Trust for London, to deliver this project starting in 2015.

For more information on this project and how you or your organisation can get involved please visit our website at [http://www.lemosandcrane.co.uk](http://www.lemosandcrane.co.uk).
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