

# Y Pwyllgor Cyfle Cyfartal

EOC(3)-04-08(p.3): 13 Mawrth 2008

## Ymchwiliad y Pwyllgor i Faterion sy'n Effeithio ar Weithwyr Mudol yng Nghymru

### Diben

1.1 Mae'r papur sydd wedi'i atodi yn rhoi trosolwg o'r materion allweddol sydd wedi codi o'r ymatebion ysgrifenedig a dderbyniwyd yn yr "alwad am dystiolaeth" ar gyfer yr Ymchwiliad hwn. Derbyniwyd 28 o ymatebion ac fe'u dosbarthwyd ar ffurf electronig i'r Aelodau ar 4 Chwefror.

### Argymhelliad

2.1 Gwahoddir yr Aelodau i nodi'r materion ac i nodi a oes unrhyw feysydd penodol yr hoffent ymchwilio iddynt neu a oes unrhyw sefydliadau penodol yr hoffent gasglu dystiolaeth lafar ganddynt.

### Gwasanaeth y Pwyllgorau

Mawrth 2008

### Annex A

#### Inquiry into Migrant Workers - Emerging Key Issues

##### 1. Introduction

This paper provides an overview of the key issues that have emerged from the written and oral evidence taken by the Committee to date. The issues highlighted are not exhaustive but are intended to give Members an impression of the main themes to have arisen so that the Committee can consider how they would like the Inquiry to progress. It is important to note that the issues which have emerged do not necessarily apply consistently across Wales. Migrant workers have settled in different parts of Wales to undertake different roles. The patterns of settlement vary as does the impact on communities and public service organisations. A more detailed analysis of oral and written evidence will be produced once the evidence gathering stage is complete.

Twenty eight organisations have submitted written evidence. These are listed at Annex B. The following organisations have provided oral evidence to the Committee and a number of them provided supplementary written evidence:

Wrexham County Borough Council

Flintshire County Council

Father Adrian Wilcock, Diocese of Wrexham

North Wales Police

Welsh Local Government Association

Union of Shop, Distributive and Allied Workers

Evidence will be taken from the TUC and the Polish-Welsh Mutual Association during the Committee's next meeting on 13 March 2008.

##### 2. Emerging key issues

The following issues have emerged from the oral and written evidence taken by the Committee to date.

###### A. Experiences of migrant workers and their families

###### i. Impact of poor English language skills

The evidence submitted to the Committee indicates that poor English language skills present a number of major barriers for migrant workers and their families in terms of, for example:

inability to understand the terms and conditions of employment contracts and tenancy agreements

Susceptibility to exploitation from unscrupulous employers and landlords

Inability to secure alternative employment with better terms and conditions where they are unhappy with their current circumstances

Exposure to workplace health and safety risks

Difficulty in accessing public services (see below for further details)

Difficulties experienced by children enrolled in school

Learning English as a Second or Other Language (ESOL) opportunities are provided in a number of settings, for example:

FE colleges

Workplaces  
Voluntary sector settings  
Police stations

Some employers are willing to allow migrant workers to attend ESOL classes in work time

However, much of the evidence submitted to the Committee indicated that current ESOL provision is inadequate or unsuitable because, for example:

There isn't enough provision - there are waiting lists in some areas

The timing of classes doesn't fit in with working commitments

## **ii. Lack of accessible information**

The evidence gathered by the Committee suggests a lack of accessible information about rights, responsibilities and advice on how to access services presents barriers for migrant workers and their families. A number of service providers, unions and voluntary sector organisations have sought to address this by providing, or negotiating the provision of, multi-lingual information packs, notice boards and notices. Some organisations provide face to face translation services, employing paid or volunteer translators. However, the evidence suggests that provision is patchy. It has been reported that the language line has not been practicable in clinical situations, although this was not a consistent message from the clinical stakeholders which have provided evidence to the Committee to date.

## **iii. Experience of employment**

Although the employment experiences of migrant workers vary, a number of clear themes have emerged from the evidence:

Many migrant workers are employed in low paid, low skilled jobs. The poor working conditions associated with some low paid, low skilled jobs, such as long hours and zero hour contracts, apply equally to migrant, Welsh and UK workers. Conditions are likely to be worse for both migrant and local workers employed through an agency.

However, the position migrant workers in low paid, low skilled jobs is likely to be worse because of the difficulties they experience in understanding their rights

Many examples of what might be considered poor working conditions (for example, zero hour contracts, long hours, accommodation, transport and food tie in contracts) are perfectly legal

Alleged illegal working practices experienced by migrant workers include: workers not being paid, or being underpaid for work carried out; pay slips not being issued; unauthorized or excessive deductions, e.g for finding work, transport to and from work and accommodation and food; less advantageous leave entitlement in the English version of a contract compared to the Polish version.

Reports of poor quality tied in housing are common and also of migrant workers being bussed considerable distances to work e.g. from Manchester to Deeside.

There is evidence to suggest that some migrant workers have qualifications and skills which they are not able to utilise. This may be because their skills and qualifications are not recognised or because of the complexity and length of the process to have them recognised or converted.

## **iv. Housing**

A number of housing issues emerged from the evidence. Examples include:

Migrant workers and their families generally live in private rented sector accommodation

Demand for affordable housing is greater than the supply

A lack of awareness of tenancy agreement law causes particular problems for migrants who do not know their rights and may not be aware of their responsibilities

Some of the evidence submitted suggests that it is not uncommon for migrants to be subjected to exploitation by unscrupulous landlords. Bad, or illegal, practices include: non-registration of properties; no tenancy agreements; unlawful evictions; and non compliance with safety regulations

Poor living conditions and illegal over-charging are often associated with accommodation 'tied in' to employment contracts

## **v. Access to public services**

As indicated above, an inability to understand English and a lack of accessible information or translation services can create barriers to accessing public services. There is evidence to suggest many migrants don't register with a GP and that they may find it particularly difficult to access maternity, dental and mental health services. Evidence has also been provided which indicates that it is more difficult for health and social care professionals to identify speech and language disorders or learning difficulties in children with poor English language skills.

## **vi. Education**

The evidence suggests that significant number of migrant children have enrolled in Welsh schools. In terms of the experiences of migrant children and families, the following key issues have been raised:

Lack of English language ability is a problem, not only for children but for their parents

Differences in the educational systems in Wales and migrants' countries of origin can cause problems, for example, Polish children start school at 7 rather than 5. There are reports of children struggling as a result of being slotted in according to age rather than level. Some parents are opting to educate children at home which can result in isolation and economic inactivity. Some migrant children have experienced bullying. There have been reports that LEA staff are confused about the different entitlements of migrant workers and asylum seekers which has resulted in school admission delays. Many migrant children who have learned English are doing well in school.

### **vii. Social integration and network building**

The evidence provides several examples of migrant workers successfully integrating and forming relationships with local communities and other people from their own countries. For example, Polish nationals have been recruited as special constables in North Wales and as volunteer translators and advisors in the Polish-Welsh Mutual association. The Roman Catholic church, workers forums and social clubs all provide opportunities for migrant workers and their families to meet and develop friendships.

Factors identified as being associated with a lack of social integration include:

- Poor English ( or Welsh) language skills
- Migrant workers being housed together in areas with a proportion of migrants from the same country
- Migrant workers being housed in accommodation which is miles away from their place of work
- Difficulties in recruiting migrant workers to trade unions

### **viii. Crime and anti-social behaviour**

A number of issues relating to crime have been raised in the evidence received to date. For example:

- The Polish Welsh Mutual Association have indicated that there is an under-reporting of crimes against migrants and a police reluctance to process complaints in some areas
- Some migrant workers are subject to illegal treatment by employers and landlords
- There are reports of migrants suffering racist abuse and some examples of migrants behaving in racist or discriminatory ways

### **ix. Financial Exclusion**

Migrant workers and their families can experience financial exclusion as a result of a range of factors including:

- Their non-qualification for bank accounts
- Problems which occur when workers sign financial agreements without understanding them or credit is sought from high interest lenders
- Migrant workers can end up living in poverty as a result of the terms of their contracts, for example, where they are on a zero hours contract but tied in set costs for accommodation, food and transport, regardless of how many hours a week they work

Credit Unions can have an important role in preventing financial exclusion in some circumstances.

## **B. Impact of migrant populations on public service deliverers and local communities**

The impact on local communities and public sector organisations of workers from other countries and their families settling in Wales for the short, medium or long term varies across Wales. The following issues have emerged from the evidence submitted to date:

### **i. Economic impact on local communities**

This is a controversial area. On balance the evidence submitted to the Committee indicates that migrant workers do not 'take jobs' from local people. However, concern has been expressed that the growth of agencies in Wales is resulting in a driving down of wages, terms and conditions in some areas. The suggestion is not that arrival of migrant workers is driving down wages, terms and conditions but rather that some agencies, who employ migrant workers and local people, are responsible.

### **ii. Lack of robust, accurate up to date information makes it difficult to plan and provide services**

This is a recurring theme in most of the evidence submitted by public sector organisations. Key issues include:

- The limitations of the three main counting methods - Annual Population Survey, National Insurance statistics and Workers Registration Scheme which each have their drawbacks which can result in an over or under estimation of the number of migrants working in Wales at any one time.
- Little is known about when and where migrant workers will arrive and whether they will bring families with them. This makes it very difficult for services to plan. Some schools and LEAs have found this particularly challenging.

Difficulties in ascertaining pay and conditions

### **iii. Resources**

There are a number of funding and capacity implications for public sector agencies charged with delivering services to communities in which a large number of migrant workers are living. These include:

- Financial costs associated with provision of additional services where no funding provision has been made
- Financial costs associated with provision of translation and ESOL services
- Situation is made worse because there is no mechanism to enable local authorities or LHBs to gain access to additional funds mid year where the population has grown suddenly as a result of economic migration
- Agencies aren't necessarily equipped to provide specialist advice, for example, in relation to housing and social entitlements.
- Increased demands result in increased stress on existing staff
- Waiting times for services may increase, for example, citizen advice services
- Migrants may have particular health needs. For example, a report by the Health Protection Agency from 2006 indicates that, among cases for which information was available, 70% of TB cases and HIV cases reported in England, Wales and Northern Ireland and 70% of malaria cases reported in the UK in 2004 had been born outside the UK

Some organisations have committed additional resources. In some cases, this investment has reportedly yielded some good outcomes, for example, North Wales Police Force has invested in Polish language training for some of their officers with one officer in particular becoming fluent. This has led to improved relationships and co-operation between the Polish community and local police which in turn has reportedly helped to improve community relations.

#### **iv. Negative perceptions of local communities**

There have been reports of local communities holding negative perceptions about migrant workers and their impact locally. Some bodies have responded to this by producing 'myth-buster' leaflets, although concerns have been raised about the ways in which they are distributed so that they are not seen as propaganda.

#### **C. Impact of the regulatory framework**

The regulatory framework relevant to the protection of migrant workers in the workplace is enforced by a number of statutory bodies including the Gangmaster Licensing Authority (GLA), the National Minimum Wage Enforcement Agency, the Health and Safety Executive and the Employment Agency Standards Inspectorate. No evidence has been taken to date from these agencies. The organisations which have commented on the regulatory framework have tended to focus on the GLA.

Themes which have emerged in the evidence which has focused on this area include:

The coverage of the regulatory framework is not comprehensive. Many workers with grievances would not be covered by the remit of the enforcement bodies

The GLA has had difficulties enforcing the law. It may not be sufficiently resourced to achieve this

The powers of the GLA, or other enforcement bodies, need to be enhanced

#### **D. Examples of good practice**

Many examples of innovative, good practice at local level have been identified by those who have provided written or oral evidence.

Examples include:

- Welcome packs produced in a number of languages

- Popular ESOL provision

- Delivery of translation and advice services by migrant workers with good English language skills

- Use of Tenant Participation Strategies to promote good relations between local and migrant residents

- Provision of pre-school enrolment courses for the children of migrant workers to prepare them for entry into a new school environment

- Service providers developing skills in languages spoken by migrant workers

- Setting up of migrant worker forums and support networks and services (e.g. PWMA and SEWREC DO)

- Development of a GP registration data analysis framework

The majority of examples identified have been devised and driven at a local level and are not replicated throughout Wales.

#### **E. Suggested recommendations**

Those who have given evidence to the Committee to date have made many recommendations to the Committee on how the situation might be improved for migrant workers and the communities in which they live. A more comprehensive list can be produced once the Committee has completed its evidence gathering. This is a selection of the more common suggestions:

- Increased funding for service deliverers, including access to funds mid-financial year

- Development of ESOL and translation services (funding)

- Recruitment of volunteers and paid workers from migrant populations

- Development of the statistical and qualitative evidence base

- Provision of more strategically targeted, accessible information for migrant workers and their families

- Awareness raising and training for executive and front line staff within the public sector

- More effective enforcement of the regulatory framework

- Changes to the legislative framework around agency workers rights

WAG support and UK ratification of the "European Convention on the Legal Status of Migrant Workers and the UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families  
Development of more effective mechanisms to support migrant workers who feel they are being badly, or illegally, treated in the workplace  
Better protection for agency workers  
Establishment of migrant worker forums across Wales  
Effective accreditation schemes need to be implemented so that migrant workers with qualifications and skills can be utilised.

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**Equality of Opportunity Committee: Migrant Worker Inquiry Written Submissions**

BEN Black Environment Network  
AWEMA Curiad Calon Cymru Partnership  
Benefit Advice Shop  
Caerphilly  
Citizen Advice Cymru  
Community Housing Cymru  
Cy'tun  
Flintshire Council  
Local Health Board Caerphilly  
Local Health Board Swansea  
Local Health Board Merthyr  
National Public Health  
National Farmers Union  
North East Wales  
North West Wales  
Oxfam Cymru  
RCN  
Rhondda Cynon Taf  
South East Wales Racial Equality  
Swansea University  
Usdaw  
Voluntary Action Cardiff  
Valley Race Equality  
WGLA  
Wales TUC  
Welsh Consumer Council  
Welsh Association Police Officer  
Wrexham Council