



THE POLISH - WELSH MUTUAL ASSOCIATION
STOWARZYSZENIE WSPÓŁPRACY POLSKO - WALIJSKIEJ

15 October, 2007

MEMORANDUM

Presented by : Jeff Hopkins - Chairman
Halina Ashley – Secretary/ Polish Centre Manager

We are pleased to receive the invitation to submit evidence to The Welsh Affairs Committee on Globalisation and its impact on Wales inquiry.

Firstly we would advise that the Polish –Welsh Association was established in Llanelli on 2nd April 2006, as a result of “Saveeasy” Llanelli & District Credit Union responding to the influx of enquiries from Polish migrant workers. Due to a happy coincidence for the workers, they found under one roof in Llanelli access to the then local MP Rt. Hon. Denzil Davies, his PA, a Polish speaker, trade unions, local authority councillors and a caring community.

Advice and assistance was offered voluntarily from May 2004, when a large number of workers approached senior officers of the credit union with problems relating to their work and social conditions. Two years later, following the formation of the Association, and the credit union providing premises, the Welsh Assembly Government granted, and still does, financial support to employ staff, a manager / project leader and three advice counsellors.

We would unquestionably state that our activities are resultant from devolution. The Welsh Assembly Government quickly identifying the need and responding with a government grant of £120.000 covering 2006-2009 fiscal years, has enabled the Association through its partnership with the Credit Union, local government, trade union and business to provide what we believe to be a quality value for money service.

The fundamental problem faced by our specific group of Polish workers is their 99% inability to communicate in English. Evidence of the numbers helped over the period of 12 months is attached.

Llanelli and District has a population of approx. 75.000, when instantly adding a few thousand newcomers (reliable statistics are not available) has understandably caused concern. In the course of the last three years we have seen and helped, in every aspect of their lives, many thousands of migrant workers.

Following are the problems we have encountered and where necessary suggestions for the improvement in services e.t.c.

Encl. Appendix 1

LANGUAGE

We find this is the biggest barrier of all, which drives the migrants to form their own ghettos, leads to exploitation, very often by their own countrymen. It makes integration and cohesion all the more difficult.

1. Inability to communicate
2. Inability to cope with various procedures, especially written
3. Inability to communicate by telephone
4. Lack of information in their own language e.g. guides, welcome packs, etc.
5. Inadequate provision of learning facilities tailored to their needs.

EMPLOYMENT

Employment Agencies:

1. Work insecurity, "0 hours contracts"
2. Lack of information about workers rights and the employment law
3. Low pay, driving wages down nationally, increasing taxpayer's bill for WTC (Working Tax Credit)
4. Agency's provided accommodation and transport conditional to receiving work.
5. Indiscriminate deduction from wages.
6. 16 hour shifts without workers consent.
7. Intimidation at the workplace.
8. Dismissal practice contrary to employment law.
9. Discrepancies in holiday payments and hours earned (workers often give up on trying to recover money owed to them)
10. Standby practice; workers are informed by text message whether they are going to work, or not, even on their days off.
11. Charges for safety equipment, keys, ID cards, etc.
12. Total control by the Gang-masters re: housing, transport, dependency on the employer for WRS (Home Office Workers Registration Scheme) often leads to loss of benefits and loss of ID documents.

Work search:

1. Difficulties in applying for jobs due to language barrier and lack of assistance at Job Centres
2. Gaining / translating / updating of existing qualifications

Construction Industry:

1. CSCS cards sold on the "black market"
2. Self employed, or an employee? Confusion.

Smaller Employers, "One man band":

1. "Double Whammy" Practice of pocketing NI and Income Tax contributions by the

employer leaving the employee legally liable to the Inland Revenue for payment of the NI and income tax again.

2. No holiday pay
3. No payslips, no WRS, no rights after one year of continuous employment

HOUSING

Landlords never had it so good. Since the arrival of migrant workers rents have gone up between 50-75%.

A number of bad practices have developed with many landlords operating on cash basis, not registering their properties and evading national and local taxation.

Income from some terraced properties can reach £900-£1200 per month. Often we suspect that money-laundering regulation are evaded by cash leaving the country.

1. Exploitation by landlords
2. Lack of information about tenant rights
3. No tenancy agreements
4. No receipts given for rent paid
5. Rent deducted directly from wages without leaving a necessary threshold as prescribed by law.
6. Unregistered with LA multi-occupation properties are often overcrowded and not inspected.
7. Unlawful evictions
8. Dwelling not complying with safety regulations
9. Lack of affordable, small furnished units suitable for rent by couples, or families
10. Prohibitive costs of private rental also bond / deposit and estate agent's fees.

The role of social landlords is difficult to ascertain, but it appears that responses vary according to where you live. Many low paid Polish workers find it difficult to comprehend why many social housing units can remain empty for long periods, when they have little chance of escaping from the high cost private sector.

FINANCIAL EXCLUSION

Exclusion due to inability to provide:

1. Credit checks, credit history
2. 3 years residence required by banks
3. Financial agreements signed without understanding commitments and responsibilities.
4. Workers are often driven to seek finance from high interest lenders e.g. Shopacheck, Provident currently charging 183% APR

This is the area where credit unions are able to help and indeed many of them have taken the challenge.

HEALTH

Language barrier

1. Lack of information about entitlement to services under the NHS
2. Inability to communicate symptoms

3. Non availability of medical histories
4. Lack of understanding re: medicines, treatment, future appointments etc.
5. Lack of understanding of SSP (Statutory Sick Pay) procedure
6. Unwillingness of surgeries to sign up foreign patients

Maternity issues

1. Extreme difficulty in collecting information by midwives from expectant mothers
2. Extreme difficulty in communicating instructions, procedures, future appointments, tests, choices etc.

Dentistry

1. No access to dental treatment when needed, private, or NHS
2. Patients are directed to A&E in acute cases
3. Some patients in desperation choose to go back to Poland for dental treatment

Psychological pressures

1. Detrimental effect on health caused by working and living conditions
2. Isolation, alienation and separation from the loved ones
3. Pressures at work and financial worries
4. Percentage of people arrive in UK with underlined mental or, dependency problems, only to find that there is no help available

Access to medical help.

In North Wales three migrant workers have died, because they did not know where and how to seek medical help.

These experiences have led us to some positive outcomes with the development of partnership working with the Local Health Board, GP Surgeries, Local Authority, Prof. Joy Morell of Swansea University.

Again we have to stress that the majority of Polish migrant workers have difficulties in accessing the health service without the English speaking assistance.

EDUCATION

From our inception we have focused on encouraging workers to learn English at their earliest opportunity. We cannot pretend to have the means, or the ability to teach English. However, in partnership with the Unite TU, we provide IT access at our Centre. Also we have developed a Conversation Club, using English speaking volunteers encouraging learning of "survival English".

Regrettably the Local Authority ESOL (English as a second language) classes, one of which we have sponsored for the third year running, have failed to produce the necessary outcomes and attendance. Discussions have taken place on designing a bespoke course of "survival English" for the workers and their families.

As regards the education of children, a large percentage gravitated towards the Roman Catholic education, where most of them are making excellent academic progress.

This is also true for other schools where Polish children are being educated. We only wish it were as easy with their parents.

At the commencement of the new term this year, a number of families encountered admission problems in some LEA areas due to staff being completely unaware of the

status of migrant worker families, who are being confused with asylum seekers and illegal immigrants.

During August 06 and 07, we sponsored specific courses for pre-school entry into education for non-English speaking children starting in UK schools for the first time. The purpose of the course was to reassure and build confidence for children entering a linguistically hostile environment. The courses have proved to be successful and have provided an easier assimilation of the children into the British education system.

BENEFITS and GOVERNMENT AGENCIES

It is often perplexing to try to help solve personal problems of the migrant worker, when all too often government departments would not share the information between each other and when we pursue matters, departmental personnel too easily hide behind data protection and close down the line of enquiry.

There is no understanding that the majority of advice seekers are monoglot Polish and are unable to even confirm their own name and address by telephone.

It must be understood that majority of migrant workers are in employment and not claiming benefits, with the exception of Child Benefit (where applicable) which is a universal benefit and conditional on NI contributions. However, there is a serious question surrounding a termination of CHB payments once the entitlement stops. That is when NI contribution cease, or the beneficiary leaves the country and is no longer in employment. There does not seem to be a mechanism in the benefit system to check periodically whether the beneficiary is still entitled to CHB.

Problems occur for those who work and become long term ill, or need non-work related benefits. There is a popular misconception that one year's continuous employment entitles them to all social security benefits. Very often matters have to be taken as far as Tribunal for a decision, and even then outside legal opinion indicates that there may be transgressions of human rights legislation.

CRISIS

There is no provision for migrant workers in crisis.

One obvious thing, which was forgotten, that is the provision of some sort of safety net for the unfortunate victims of our economic prosperity. People through no fault of their own fall victims of homelessness, serious illness, mental illness, break-up of relationships, etc. Individuals often get thrown out onto the street by their employers, or landlords, and yet there is nothing anyone can do to help them.

For the first year of their employment, migrant workers can't claim any non-work related benefits at all. There is nothing for them; even their basic human rights to food and shelter are ignored.

Situations are continuously arising where migrant workers finding themselves needing emergency assistance and having no recourse to public funds. In those circumstances the only option are charities, churches and voluntary organisations.

According to the advice we have received from the European Commission it is the responsibility of the host country to address the problems.

As an example, a worker suffering from mental illness, having exhausted SSP and being thrown out by the gangmaster onto the street. Following our intervention this person was eventually sectioned after a month of living rough on the streets of Llanelli.

CRIME

Very worrying aspect is an ability of the convicted criminals to enter Britain whilst police forces are impotent to act effectively, because there is no co-operation with the police forces in Europe.

Since the arrival of migrant workers we have been concerned with the issue of cross border criminality. As early as 2004 representations were made to Dyfed-Powys Police concerning information received on the use of cars stolen in Poland and being driven around West Wales. The response was such, that the Police could not pursue the matters. Since that time and the establishment of our Association closer and friendly links have been established with the Dyfed-Powys Police. Regrettably we have to say that there is reluctance to record crime and as a result known criminals perpetrate the serious crimes within the Polish community. The victims of the crime rather leave Britain than make a statement to the police; such is their fear.

One more comment to answer a recent statement by the Chief of Police in Cambridgeshire. She complained on national television that it takes three times longer to process a foreign suspect, than the British one and that impinges on her resources. Well, if the Police need more resources, than they should be made available to them. After all the migrant workers are paying for them through their taxes.

Encl. Appendix 2

INTEGRATION

We are now beginning to see the start of a real integration process. Many workers are settling down to live in Wales and are pleased with the welcoming nature of our society. Our aim as an Association is to facilitate integration and to minimise the impact of the newcomers on the indigenous community. We are raising awareness and understanding of the differences in culture by organising, or taking part in multi-cultural events. During Bank Holidays, which for many is the only free time when both communities can be together, we have organised coach trips to St.Fagans, Llandaff Cathedral, Cardiff and Porthcawl Fair. At August Bank Holiday we visited Merthyr Cyfarthfa Castle and Museum, where the Mayor Cllr. Alun Jones And Mrs Anne Jones provided splendid hospitality. We also visited the Festival Park Shopping Centre in Ebbw Vale and rounded off the day with a trip by barge on the Brecon Canal. Other social events take place throughout the year, for which Llanelli Society for the Blind is most helpful by lending their premises.

Visible changes.

1. Catholic churches increased congregations
2. Polish Delicatessen opening throughout the country

GENERAL COMMENTS

It is fairly understood that the many of the problems faced by migrant workers are as a result of the "free movement of labour and capital" within the European Union. The UK Government at the time of the opening of the borders with Poland has failed to properly understand the social implications of the market place movement. Perhaps it may even have been a local failure to understand the labour requirements of an expanding food industry in a semi-rural community. The results, we believe, are becoming more positive as time moves on. Migrant workers are often over qualified for the jobs they perform. Gradually there is a realisation within the local economy that a new resource is sleeping within its midst. Employers are continually seeking our help and assistance to fill vacancies.

Shortages of skills.

Migrants are underpinning small businesses with a range of skills otherwise not available in the local labour market.

Business is gradually awakening to the fact that there is a reservoir of skilled labour, which with a little effort can be accessed to expand their business e.g. IT, medical, construction and metal industries, apart from recycling, food production, farming, hospitality, and environmental.

They are not here to take local jobs.

Contrary to some propaganda, migrant workers are not here to take any jobs from the local population. They are sought after by employers because of their skills, work ethic and because they are prepared to work in very difficult and often cold conditions which food production require. If there were a competition for those jobs, wouldn't the employers choose English/Welsh speaking natives every time?

The very reason the employers are putting up with the difficulties of a language barrier is because they can't fill the vacancies with the local people.

CONCLUSION

Solutions are in the hands of the politicians.

Here are some policy changes which we feel, and strongly recommend, will help cure current problems.

1. Proper recruitment and screening of candidates, contracts with cooling off period and time for consultation in the country of origin will stop people being cheated and lured here to empty promises of employment.
2. **"O-hours" contracts to be abolished** and agency workers to have identical rights as regular employees.
3. International co-operation between police forces across the EU to be established.
4. Enforcement. What is the use of having all the laws in place, when there is no effective enforcement?
5. GLA (Gangmasters Licensing Authority) need to be given enhanced powers to police and control the activities of the employment agencies.

We must be careful not to turn the clock back and turn this labour opportunity into modern day slavery. We must not turn a "blind eye" to rogue employment agencies. We must empower the GLA to enforce the laws already in existence.

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ACTIVITY REPORT

Month year	NI	Applic	Inland Reve WTC	CHB	Car/Medic Insurance	Home Office	CV Emplo	Advice	Transla- tion	Internet users	Assisted Visits	Miscella- neous	Monthly Total
Oct-06	40		14	37	12	9	52	17	22	0	0	9	212
Nov-06	21		15	32	9	39	17	38	21	0	9	20	221
Dec-06	24		25	23	7	14	1	27	20	0	10	32	183
Jan-07	19		41	19	11	20	10	75	53	92	10	60	410
Feb-07	28		51	47	14	28	31	80	100	95	23	47	544
Mar-07	112		43	45	16	9	39	133	139	149	0	147	832
Apr-07	71		132	63	46	7	64	145	147	152	5	113	945
May-07	64		171	72	59	20	43	115	50	220	11	73	898
Jun-07	58		96	51	47	17	27	140	87	202	8	86	819
Jul-07	26		123	23	31	11	48	47	93	118	4	76	600
Aug-07	15		65	24	34	5	30	82	112	61	5	95	528
Sep-07	54		44	21	36	5	42	78	145	133	6	60	624
Total	532		820	457	322	184	404	977	989	1222	91	818	6816

APPENDIX 2

Re: CRIME

10.08.2007

Telephone call from Probation Service to the Polish-Welsh Mutual Association asking for assistance in providing accommodation for a Polish national who was imminently to be released from prison. Caller specifically asked that the placement should not be near children. At this time we were informed that Swansea City Social services were unable to be of assistance.

We immediately advised that a deportation order should be sought, as within our experience Polish migrants were slipping through the social provision net, because many are unable to prove that they have paid required number of NI contributions in order to get support from the State.

Following this initial request we have discussed the case with our MP and our Polish Centre's Reporting Officer at the Welsh Assembly Government. Further conversations with the WAG confirmed that the individual was to be released on 20th August 07 and the Police were concerned about the case.

15.08.2007

We contacted Ms Caroline Morgan, the Head of Probation Services in Carmarthen and again offered our advise in line with the Home Office guidelines that the person concerned should be deported, as he had no visible means of support and was not in gainful employment.

16.08.2007

Following that Deputy Chief Probation Service Ms Frances Rutter rang to tell us that they have in place: "a robust multi agency response". However she could not reassure us that we could sleep peacefully in our beds with the knowledge that the sex offender has been satisfactorily dealt with.

CONCLUSION

Lack of provision and confusion as to what powers and recourses the authorities have. Difficult cases are pushed onto voluntary organisations and churches.

Previously we have co-operated with the Probation Service and helped place an unfortunate individual, funding it by the way of our staff having a whipround. We don't think this is an acceptable way for voluntary organisations having to deal with potentially dangerous individuals.