

Migrant workers

Enquiries brought by migrant workers are familiar to Scottish bureaux, but since the enlargement of the European Union (EU) to include the Accession 8 (A8)¹ countries, many more workers are coming to Scotland. These workers are taking up employment in local communities particularly in the hospitality and food processing sectors. Scottish bureaux are reporting increasing numbers of enquiries brought to them by these workers – their problems worsened by their lack of familiarity with systems and language difficulties leaving them vulnerable.

Migrant workers are facing exploitation by employers and employment agencies through a combination of language difficulties and lack of knowledge of their rights

Problems reported include:

- Poor pay – sometimes below national minimum wage levels
- Irregular patterns of work and long hours
- Short term contracts and insecure work
- Illegal and unexpected deductions from wages
- Problems getting statutory sick pay and holidays
- Problems getting P45s and P60s and last pay packets

Clients have also reported of being given false expectations or wrong information about their employment prospects while still in their countries of origin. Once in the UK their options for complaining are few, as losing their employment means having to return to their own country unless further work becomes available to them. Problems reported by clients include:

- Contracts ending months earlier than expected, leaving them homeless as well as unemployed when accommodation comes with the job
- Working more than the agreed number of hours
- Unpaid wages at the end of a contract
- Rates of pay being less than agreed

¹ The A8 nationals are citizens of those countries that joined the EU on 1 May 2004: Czech Republic, Estonia, Hungary, Poland, Latvia, Lithuania, Slovakia and Slovenia.

|| *An East of Scotland CAB reports of an Italian client in full time employment who was trying to claim child and working tax credit. The Inland Revenue would not process the claim as his partner did not have an NI number. She seemed unable to get an NI number from the DWP as she was not working – this had been ongoing for seven months until CAB intervention, who resolved the issue and got the tax credits claim backdated.*

Housing issues

Accommodation is often attached to the job and arranged on their behalf by recruitment agencies. CAB migrant worker clients are reporting poor and overcrowded living conditions. Many have real fears that complaining will lead to dismissal and to subsequent homelessness, leaving them vulnerable and penniless. Clients have reported:

- Living in overcrowded caravans
- Being expected to sleep two in a bed or on the floor
- Losing their accommodation when employment terminates unexpectedly
- Excessive deductions from salary for accommodation and utility costs

Other issues

Not all problems reported by migrant workers relate to employment and housing. Clients have met with difficulties in opening bank accounts resulting in having to rely on expensive cheque cashing services in order to cash their wages. Other problems include difficulties with obtaining National Insurance numbers and getting work permits.

Problems have also been reported in relation to accessing the benefits system or being left destitute as some have no rights to benefits at all.² The language barrier all adds to these difficulties, both in terms of understanding their rights, and in accessing the benefit.

Impact on local employment market

There are some indications too that migrant workers are having an adverse impact on local employment. Some reports have been received showing:

- Local workers are having their hours cut due to an influx of foreign workers
- Some workers are being made redundant, yet their employers continue to employ foreign workers

In other areas however, reports suggest that migrant workers are filling the unmet demand for low paid labour.

CAS calls for change

To try and address some of these issues CAS would like:

- The Scottish Executive to develop a strategic infrastructure to support migrant workers coming to Scotland to include language support
- Funding to advice agencies to allow them to produce information and advice to this specialized client group
- Funding to local organizations to develop support networks for migrant communities
- Partnership links to be developed with employment agencies in the various countries of origin, to provide workers with information before they arrive in Scotland

² The law prior to 30/04/06 was that workers from A8 countries needed to register with the Home Office during their first 12 months of uninterrupted work. If working and registered, they had the "right to reside" and could therefore claim certain benefits. However, if they became unemployed they generally lost their "right to reside" and therefore lost their right to claim benefits. Rules on "right to reside" changed on 30/04/06 but in general terms access to benefits remains the same

Contact

Susan McPhee, Head of Social Policy and Public Affairs

Louise Goulbourne, Social Policy Co-ordinator

Citizens Advice Scotland

1st Floor, Spectrum House, 2 Powderhall Road, Edinburgh, EH7 4GB

t: 0131 550 1000 f: 0131 550 1001 w: www.cas.org.uk

need advice? www.adviceguide.org.uk

Case evidence

|| An East of Scotland CAB reports of a Polish worker who was told all housing costs and utilities would be £50 per week, but has been charged considerably more than this. In addition he was told he would be paid £5.40 per hour, but his wages slips show £4.85 per hour. He has had no help negotiating with his employer nor from the Polish consulate and his English is limited.

|| A North of Scotland CAB reports of two Spanish clients who took up jobs with accommodation provided in a fish processing company. Arriving on a Friday night they were left sleeping on the floor due to overcrowded accommodation. After complaining to the police on the Monday the company withdrew the job offer and put their belongings into the street leaving them homeless and jobless.

|| An East of Scotland CAB reports of two Polish clients who had been employed as cleaners. One had worked for seven months, but has never been paid the agreed number of hours, while the other has worked for seven weeks and has received no pay at all to date. They had tried to contact the manager but with no success until CAB intervention, who resolved the issue and got the tax credits claim backdated.