

# “Structures & Agencies: The Regulation of Temporary (Migrant) Work”

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**Aim: To examine UK  
approach to the protection of  
temporary agency (migrant)  
workers**

# A. The UK Labour Market

# Flexibility versus Security

- Dilemma at heart of EU = **Flexicurity**
- Up to individual state to balance global free market and regulation
- Flexibility is not problem for all temporary workers e.g. ICT specialists
- **Issue for low-status (migrant) workers in sectors 'under stress'**

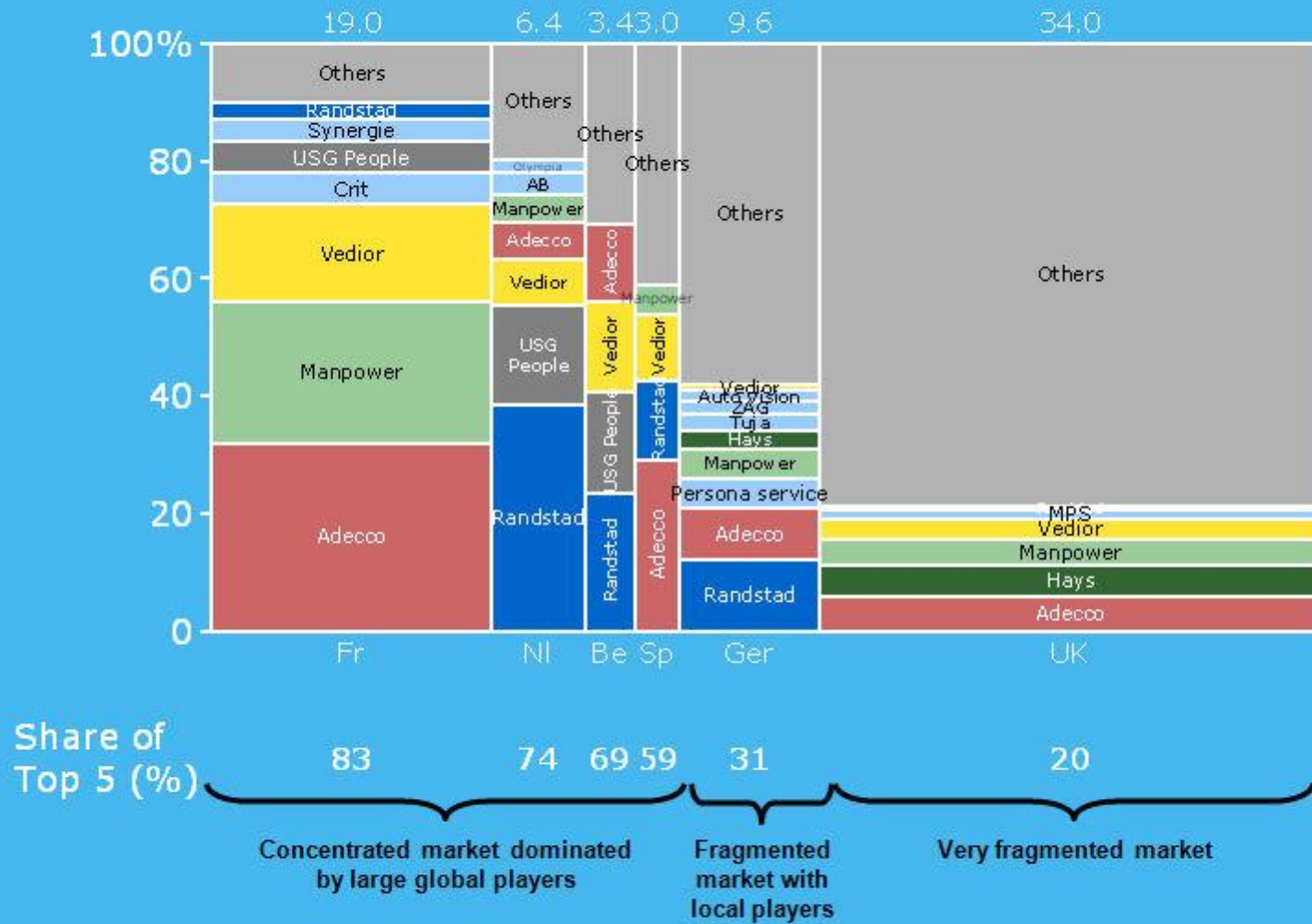
# Agency Work

- TUC (2008: 169) 6% of UK jobs **temporary**
- UK **Agency sector larger** than elsewhere in EU (EFILWC, 2006)
- Between 260,000 to 1.2m TAW
- Significance of large international operators (Ward et al.)
- But also more **fragmented** than elsewhere in EU
- Governance issues for latter

# DEGREE OF CONSOLIDATION VARIES BY COUNTRY

PrEA industry revenues (€B, 2005)

Total = 75.4



# Anglo-Saxon Model

1. OECD (2004, 2007) UK second **lowest on employment protection** after USA  
*NB. Gap between principle/ laws and practice/ enforcement*
2. UK regulators governed by light-touch '**Hampton Principles**' ('Reducing Administrative Burdens' 2005)
3. **Unions also weak** and struggling to recruit
4. Growing reliance on **migrants** in least-paid, most vulnerable sectors

# B. The UK Regulatory Approach: Sector-Specific Licensing

# Flexicurity Balance...

“The controversy is over whether flexibility and adaptability require more limited employment protection for workers, or whether the response to global trade can also be supportive of employment rights and improved treatment” (TUC, 2008: 25)

...Agencies and the temporary workers they supply are the ‘soldiers’ in **ideological battle** (at national and EU level) between global ‘free’ market and ‘social model’

# Ideological Battle

- TUC 'criminal gangmaster' = discourse

- REC and CBI 'happy temps' = discourse

**TUC Commission on Vulnerable Employment** Hard Work, Hidden Lives

Commission on Vulnerable Employment

**CoVE Report**  
• Short report  
• Full report

**About CoVE**  
• Work Programme  
• Commission Members  
• Contact the Commission

**CoVE Evidence Gathering**  
• CoVE Research  
• Report Your Experiences  
• CoVE Consultation

**CoVE and the Media**

**News from CoVE**

**Links to Other Organisations**

The TUC has set up a new Commission to look into the issues surrounding vulnerable employment.

The 16 Commission members are drawn from employer, academic, trade union and civil society backgrounds, bringing with them a wealth of different experiences and perspectives.

The Commission has now produced its final report. It has drawn on evidence from new research, a public consultation, a programme of regional visits and expert testimony.

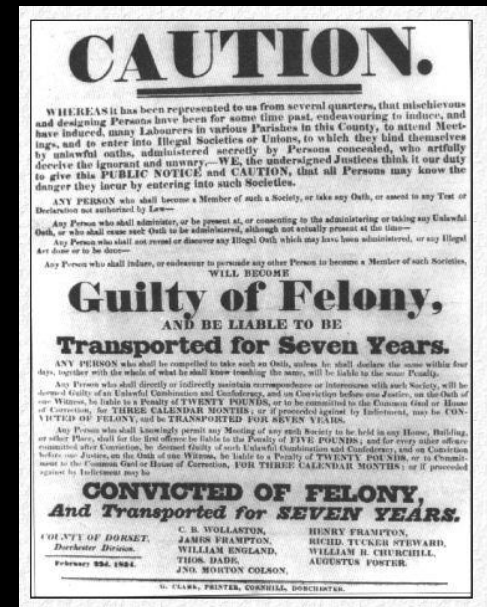
Its recommendations consider how government, civil society organisations, employers and trade unions can work together to improve the lives of Britain's most vulnerable workers.

**Hard Work, Hidden Lives Commission Report**

77% of agency workers were satisfied & only 10% dissatisfied (2006)

# Food Production

- 1832 Friendly Society of Agricultural Labourers (Wages)
- 1867 Agricultural Gangs Act (Women & Children)
- 1973 Employment Agencies Act (licensing)
- 1994/5 EAA licensing repealed
- 1997 Gangmaster working group
- 2002 EFRA Gangmaster Committee



# 2002-03 EFRA Committee

“We are appalled by the lack of priority given to, and political accountability for, what is supposed to be the government’s coordinated response to illegal activity by gangmasters”

- 2002 TLWG Code

# TLWG Voluntary Regulation

- A stakeholder base for GLA
- 60% TLWG operators had no inspection
- 40% had minor 'verification' inspection
- Significant compliance issues with companies that passed TLWG audits

# GLA Statutory Regulation

1. 2003 Sheridan's Private Members' Bill
2. February 2004 MB
3. May 2004 EU enlargement  
= 2004 Gangmasters (Licensing) Act

## Extension

- 2007 BERR Inspectorate 'Doubled' (to 24!)
- 2008 Farrelly/ Miller TAWD (12 week limit)
- GLA roll-out?

# C. GLA Licensing: Three Key Questions

# 1. Why Needed Now?

## **Six Pressures**

1. 'Evil Gangmaster' discourse (moral)
2. 'Loosing control' of immigration discourse (political)
3. Local labour shortages (business)
4. Retailer profit squeeze (supply chain)
5. Pubic concern over 'ethical trading' (public)
6. Stakeholder cooperation & voluntary system (consensual)

= 'Super-charging' of dormant licensing model (BUT applied to FOOD PRODUCTION only)

## 2. What are the Positives?

- ✓ Formalised cash economy
- ✓ Less exploitation
- ✓ Joined-up government
- ✓ Consensus of stakeholders
- ✓ Labour users and temps/ migrants better informed
- ✓ Threat of detection is real

# 3. What Exploitation Remains?

- **Three main types:**
  1. Organised criminality (Mafia rings)
  2. Abusive employer (Dickensian employer)
  3. Informal cash economy (Wheeler dealer)
- **Temporary migrants most vulnerable**
  1. Wage deductions, non-payment
  2. Tied-accommodation
  3. Health and safety

# D. Issues and Futures

# Regulatory Issues

1. **Specific** area/ sector problems (shellfish)
2. Usefulness of capturing **all unlicensed**
3. Power of **supermarkets** over supply system
4. Lack of **union** power in atypical work
5. Licensing tackling **symptom** rather than cause
6. **Fragmented** governance: GLA one of many
7. **Slowdown** of EU migrants
8. Growth UK **unemployment**

# Roll-Out?

- No justification of sector-focus (TUC, 2008) except **'light-touch' regulation agenda**
- Good agencies want level-playing whatever the sector
- Two options:
  1. Roll-out of agency licensing to all sectors (will one-size fit all?)
  2. One-stop-shop for worker protection