



Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales

## Equality of Opportunity Committee

Issues affecting migrant workers in Wales,  
their families and the communities in which they live and work

November 2008

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## COMMITTEE MEMBERSHIP



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## CHAIR'S INTRODUCTION



Members of the Equality of Opportunity Committee decided early in this Third Assembly that they wished to undertake a scrutiny inquiry focusing on migrant workers, their families and the communities in which they live and work. While undertaking the inquiry, we received a tremendous amount of evidence and I was encouraged by the support offered to migrant workers, to help them integrate into the community and workplace. I was disappointed to learn of exploitation amongst this valuable workforce, often due to people not being aware of their rights and responsibilities, an issue exacerbated by language barriers. I do hope that all our recommendations, particularly those concerned with English language training, are accepted to help overcome such barriers.

I am concerned about the number of myths circulating about migrant workers which encourages discrimination and harassment. Contrary to explosive headlines that 'immigrants bring more crime', evidence received in this inquiry suggests that migrant workers are no more likely to be the perpetrators, or victims, of crime than other UK citizens. The Committee took evidence outlining that far from taking 'other people's jobs', many migrant workers took on low-paid and low-skilled work where there were labour shortages. Members considered that migrant workers in Wales create new business and boost our economy. Wales has a long history of migration and diversity, and we should celebrate this. Responsible media reporting of stories concerning migrant workers can play a critical role in dispelling many of the myths circulating about migrant workers.

I was therefore heartened to learn about the excellent work undertaken by some local authorities, where there are large migrant worker communities, to produce myth busting leaflets. I would encourage other local authorities who have a migrant population to consider producing similar leaflets.

I am grateful to all those who gave evidence to the Committee and helped us with our deliberations. During the period of this inquiry, there have been a number of changes to the Committee membership and I would like to thank Angela Burns, Christine Chapman, Chris Franks, Helen Mary Jones, Huw Lewis, Lynne Neagle and Mark Isherwood for their contributions to this report.

We have made a number of recommendations to the Welsh Assembly Government and listed examples of good practice which I hope will ensure equality of opportunity for migrant workers, their families, the organisations and staff with whom they come into contact, and other people in the communities in which they live and work.

A handwritten signature in black ink that reads "Ann Jones". The signature is written in a cursive, flowing style.

**Ann Jones**  
**Chair, Equality of Opportunity Committee**

## INTRODUCTION AND BACKGROUND

1. Wales' population has regularly shifted and changed over the ages, with migration an age old phenomenon. Over 100 years ago, significant numbers of workers from England, Ireland, Italy and Spain migrated to feed demands for labour in South Wales' coalfields. Today, Cardiff boasts a population with a truly cosmopolitan mix of cultures and nationalities, including Somali, Bengali, Afro-Caribbean and Yemeni communities among others. Across the country, the influx of people from countries such as China, India and Pakistan, have helped to redefine what it means to be Welsh, and enriched the culture and economy of Wales.

2. In Wales and the UK the term 'migrant worker' has increasingly been used to refer specifically to Eastern European citizens. This follows the increase in the number of countries in the European Union from 2004, since when there has been a significant increase in the number of people from Eastern European countries coming to Wales to live and work. However, it is important to note that the term migrant worker actually refers to a diverse population, who are from a variety of different backgrounds and nationalities, and according to UK immigration law, are afforded different entitlements and rights. Indeed, while exact numbers of migrant workers in Wales are unknown, it is likely that the largest cohort of people born outside the UK, and now living in Wales, are those born in the Irish Republic.

3. It is widely acknowledged that no single data source provides a comprehensive or accurate picture of migration in Wales. However, the Welsh Local Government Association has found that all local authorities in Wales have experience of economic migration of people from A8 and A2 countries<sup>1</sup> to some degree. Some areas have experienced economic migration on a relatively small scale with minimal impact on service delivery, whilst others have experienced significant demographic change at a local level. It is possible that the number of migrant workers from particular countries may decline in the UK, with Mr Trepczynski, Minister-Councillor of the Polish Embassy in London, commenting that with shifting economic conditions in the UK and Poland:

“What we can expect in the case of Poland is that there will be a slow decrease in the number of Poles in the UK... for those who are earning less than £8 per hour, it is practically not economically viable to be in the UK any more”.

4. However, it is widely anticipated that the number of migrant workers in the UK will increase in the future, given the potential for other countries to join the EU.

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<sup>1</sup> The 'A8' European Union member states are the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. These states acceded to the EU in May 2004. The 'A2' EU Member states are Bulgaria and Romania. These states acceded to the EU in January 2007.

## Terms of Reference

5. At its meeting on 27 September 2007, the Equality of Opportunity Committee agreed to conduct a scrutiny inquiry, focusing on the experiences of migrant workers in Wales. The terms of reference were agreed at the Committee's meeting on 11 October 2007 and are as follows:

- to scrutinise the Assembly Government on the work it is undertaking to support migrant workers and their families, public service providers and local communities with high proportion of migrants within the population; and,
- to make recommendations on the action that needs to be taken to ensure equality of opportunity for migrant workers, their families and the people who live within the communities in which they live and work.

6. In conducting this inquiry, the Committee resolved that it would:

- examine the experiences of migrant workers and their families in Wales with particular reference to: working and living conditions; access to public services; and, social networking;
- identify the impact of economic migration on public service deliverers and local communities;
- explore the impact of the current regulatory framework governing the working and living conditions of migrant workers in Wales; and,
- highlight examples of good practice with respect to community relations; employment policies and service delivery.

## A Definition of a Migrant Worker

7. While undertaking the inquiry, Members noted that there was no single definition of a migrant worker. Some definitions have included criteria around the length of time a person intends to stay in the UK, and whether their stay in the UK is permitted.

8. Members adhered to the definition of a migrant worker as defined by the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 2.1, published by the Office of the High Commissioner for Human Rights (1990). This defines a migrant worker as:

“a person who is to be engaged, is engaged or has been engaged in remunerated activity in a state of which he or she is not a national”.

9. Members noted that this definition does not therefore include asylum applicants, or people who have had an asylum application refused, but does include all people who had come to the UK seeking work, from all countries, and for any length of time.

10. It was also noted that this definition did not distinguish between migrant workers from European Union countries, and those from non European Union

countries, though such people are subject to different procedures in accessing UK employment.

## **Gathering Evidence**

11. In conducting their inquiry, Members of the Committee took evidence from a range of witnesses, reflecting a variety of views and perspectives, including those of the Deputy Minister for Skills, front line agencies, representatives of local government, trade unions, law enforcement authorities, embassy representatives, faith groups, and voluntary organisations.

12. Evidence was received in a number of ways. The Committee received 30 responses to its call for written evidence, issued on 12 October 2007. A list of respondents is detailed at Annex 2, along with a schedule of the oral evidence the Committee took over six Committee Meetings. The Committee also visited an Advocacy and Advice Centre for Migrant Workers based in Caia Park, Wrexham.

13. Committee papers, meeting transcripts and consultation responses can be viewed on the Committee's webpage on the National Assembly for Wales' website: <http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-eoc-home.htm>. Quotes from some contributors are utilised within this report to illustrate particular issues.

14. Throughout its inquiry, the Committee sought to enable opportunities for evidence to be directly taken from migrant workers, speaking with volunteer migrant workers at Caia Park for example, and meeting with embassy representatives. Committee Members noted the value of these meetings, and emphasised that it would be particularly valuable for the Welsh Assembly Government to make every effort to engage with migrant workers in consulting on policies that could affect them. However, Committee Members also recognised that, like a number of other inquiries around migrant workers,<sup>2</sup> they had achieved a relatively limited engagement with migrant workers.

## **The Legislative Context**

15. Issues that affect migrant workers cut across Government policies and portfolios.

16. Migrant workers are affected by responsibilities which, under the Government of Wales Act 2006, are devolved to the Welsh Assembly Government, such as education, health, housing, and certain powers and duties on local authorities.

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<sup>2</sup> For example, only 3 migrant workers were interviewed in *A study undertaken by the Bevan Foundation for the Wales TUC, Thompsons Solicitors, Unite, Unison and GMB*, The Bevan Foundation, October 2007. Similarly, only 1 worker could be interviewed in *A study of business needs of those employing migrant workers in the Welsh Agriculture and Production Horticulture Industries*, Lantra, June 2007.

17. Migrant workers are also affected by non-devolved matters, which remain the responsibility of the UK Government, such as immigration and the criminal justice system.

## KEY ISSUES AND RECOMMENDATIONS

### Emerging Themes

18. There was general agreement among witnesses about many of the key issues impacting on migrant workers, their families and the communities in which they live and work, though proposed solutions to these challenges were varied.

19. The five key themes that emerged during the course of the inquiry were:

- improving access to information for migrant workers and their families;
- improving access to language classes;
- improving conditions for migrant workers and their families;
- promoting good relations between migrant workers and their families, and the communities in which they live and work; and
- support for organisations and staff who come into contact with migrant workers and their families.

20. Members' consideration of these themes is detailed below. Members' deliberation of these themes led them to make 25 recommendations which are summarised at Annex 1.

21. Members noted that the ultimate aim of all the Committee's recommendations would be to ensure a better experience for migrant workers, their families, the organisations and staff with whom they come into contact, and the people who live in the communities in which they live and work.

## **Theme 1: Improving Access to Information for Migrant Workers and their Families**

### **Rights and Responsibilities**

22. Evidence taken in this inquiry strongly suggested that many problems occur - particularly in relation to employment, housing, and access to public services - because migrant workers are unaware of their rights and responsibilities. This can make workers vulnerable to exploitation, lead to them not accessing services available to them, and to accessing services in an inappropriate fashion. The Black Environment Network observed that migrant workers often did not know rights, benefits or services available to them. The All Wales Ethnic Minority Association (AWEMA) identified that workers had limited knowledge about housing support benefits

23. Witnesses noted that lack of knowledge could particularly leave migrant workers vulnerable to exploitation from unscrupulous landlords and employers. Mr Payne, Honorary Consul of the Slovak Representation in Wales, commented that he was aware of cases where:

“Slovak nationals felt victimised and suffered unfair treatment due to their lacking knowledge of their rights”.

24. Specific examples of exploitation and unfair treatment suffered by migrant workers are detailed in ‘Theme 3: Improving conditions for migrant workers and their families’.

25. Witnesses also identified that migrant workers’ lack of knowledge could also create problems for services providing for migrant populations. For example, Flintshire County Council noted the problems experienced by education authorities managing the integration of:

“children...arriving without any background information, educational attainment levels, learning difficulties, etc”.

26. Specific examples of workers’ lack of knowledge exacerbating pressure on local services is detailed in ‘Theme 5: Support for organisations and staff who come into contact with migrant workers and their families’.

27. Unfortunately, witnesses noted that there was little evidence of migrant workers researching their new host countries prior to arrival in the UK. Mr Payne, Honorary Consul of the Slovak Representation in Wales, commented that:

“migrants are partially responsible for this situation. They often come to the UK with a very limited budget, completely unprepared and very naive”.

28. Similarly, Caerphilly County Council commented that:

“you would have hoped the applicant would have at least researched employment in the UK... the majority is not proactive in doing so”.

29. However, it was also noted that even if migrant workers did attempt such research, there was no single information source from which migrant workers could learn about their rights and responsibilities in the UK. Flintshire County Council commented that information about public sector services was not located in one place for public access. Indeed, workers at Caia Park commented that one of their key roles was to act as a signpost in the community, directing workers to sources of information.

30. Members noted that a wide range of initiatives, services and websites already existed that provide information on specific matters. Among others, these included:

- The Health and Safety Executive's free guide '*Working in the UK from overseas? Your health and safety at work in agriculture and food processing*'.
- A website [www.employingmigrantworkers.org.uk](http://www.employingmigrantworkers.org.uk) supported by the Home Office, the Recruitment and Employment Federation, The Work Foundation, and the Federation of Small Business, which provides information for employers of migrant workers.
- A '*know your rights*' helpline, and the free leaflet '*Working in the UK: Your Rights at Work*', provided by the Trades Union Congress.
- [www.migrantgateway.eu/](http://www.migrantgateway.eu/) - a multi-lingual website, providing access to information, advice and guidance for EU and non-EU nationals who already work and live, or would like to come to work and live, in the United Kingdom (UK).

31. Members also noted that many witnesses had effectively distributed welcome packs to migrant workers, containing local information on accessing services such as healthcare and education, along with information on housing and employment rights. These packs had been translated into key languages spoken by migrant workers. The Union of Shop, Distributive and Allied Workers (USDAW) commented in evidence to the Committee that information in migrant workers' own languages about what services were available to them was a significant first step in enabling their rights. Workers at Caia Park stated that such packs were more likely to be valued, and their information trusted, when they were distributed by persons trusted by their audience. Members also noted that some workers could be isolated from receiving information through their work, transport and accommodation arrangements.

32. Members considered that welcome packs for migrant workers were a valuable resource and local authorities should be encouraged to develop them. Members noted that such packs usefully focused on local services and local information. Members noted positive feedback from some witnesses about the Welsh Assembly Government's 'Welcome to Wales Pack for Migrant Workers', though not all witnesses appeared to be aware of it. Members noted that this pack was concise, providing migrant workers with 'the top 10 things you need to know', and was available on line at: <http://new.wales.gov.uk/dsjlg/publications/immigration/welcomepacktopen/toptene.pdf?lang=en>.

33. However, Members considered that there was a need to more effectively 'signpost' migrant workers to more detailed sources of information in Migrant

Workers' own languages - particularly local welcome packs. Members noted evidence from the Valleys' Race Equality Council that:

"The thing about welcome packs is that you provide information in different languages describing the services and what they provide; but try to access it - you cannot. You may know that the service exists, but it is impossible to access it".

34. Members considered that the Welsh Assembly Government could act in a similar fashion to the role fulfilled by workers at the Caia Park Advice and Advocacy Centre, not be directly providing information, but by linking to other information sources. Members noted that such a 'signpost' would need to constantly be updated with links to the most up to date and relevant advice available. Members noted the Public Access Without Barriers (PAWB) Project in Rhondda Cynon Taf Libraries was detailed as a case study in evidence from Rhondda Cynon Taf County Council. This project was originally developed to provide information to migrant communities on accessing library services. Members noted that this website had developed considerably beyond its original brief, and now provided links to services of interest to migrant workers and their families. The development of this site had required close working relationships with a wide variety of statutory bodies. Members considered that the PAWB project offered a model for a larger All-Wales signpost to be developed by the Welsh Assembly Government with links to a wide variety of information sources, such as local welcome packs, enforcement agency websites, information on housing and employment rights, banking, etc. Members also noted that the Welsh Assembly Government was effectively positioned to raise awareness of its own 'information hub', among key partners and stakeholders across Wales.

**The Committee recommended that:**

- 1. The Welsh Assembly Government develop a multi-lingual website regularly updated with links to advice available via the websites of relevant public sector, regulatory and governmental bodies. This would also link to reliable sources of information provided in languages spoken by migrant workers. The purpose of this website would not be to provide information, but to direct users to sources of general and locally focused information, acting as an 'information hub'.**
- 2. The Welsh Assembly Government promotes this 'information hub' through: migrant workers' country of origin governments and consulates in Wales; points of entry into Wales; public sector organisations; migrant worker associations and businesses; and, an updated 'Welcome to Wales' pack.**
- 3. The Welsh Assembly Government enable all local authorities in Wales to develop their own welcome packs, which could be linked to the Welsh Assembly Government's multi-lingual website. These welcome packs should include information on local services and other relevant information such as banking.**

## Utilising Qualifications

35. A significant number of witnesses identified that many migrant workers were not utilising skills or qualifications gained in their home countries. The South East Wales Racial Equality Council (SEWREC) noted that many migrant workers' degrees had not been recognised, ultimately leading to them doing unskilled jobs. Similarly, the Trades Union Congress (TUC) Cymru commented that qualifications were not being recognised by employers, while Carmarthenshire County Council noted that despite many migrant workers doing basic work, these workers were often skilled and highly qualified. Some witnesses also expressed concern that although migrant workers were officially paid to do basic work, some might be exploited by unofficially being asked to do more skilled work.

36. Committee Members also noted comments from the Deputy Minister for Skills that employers needed to be confident in their understanding of what overseas qualifications meant. Members recognised that different countries could require people to go through different lengths of training, education and experience before awarding qualifications. Members also noted that employers would recognise that language skills would be a key factor in enabling a person to utilise qualifications to do skilled work, noting that skilled work would normally require a significant degree of communication with a team or customers.

37. The Committee noted that three qualification frameworks currently operate in Wales: the National Qualification Framework (NQF), the Framework for Higher Education Qualifications (FHEQ) and the Credit and Qualification Framework for Wales (CQFW). These frameworks define equivalent 'levels' of learning and qualification. The NQF, for example, has nine levels, grouping together qualifications which place similar demands on a learner, though a single level can encompass a wide mix of subjects which could potentially have taken different lengths of time to complete. The NQF covers all levels of learning in secondary education, further education and vocational higher education, while the FHEQ contains descriptions of the main higher education qualifications, applicable to degrees, diplomas, certificates and other academic awards. The CQFW promotes lifelong learning, offering parity in the recognition of achievements in the workplace, school, college and university.

38. Members also noted that the Deputy Minister for Skills expressed confidence in oral evidence to the Committee that the Welsh Assembly Government had done everything required of it towards enabling the implementation of the European Qualification Framework in 2010. Members also noted that the National Recognition Information Centre for the UK (UK NARIC) could provide information and expert opinion on vocational, professional and academic skills and qualifications. The National Agency, managed on behalf of the UK Government, is responsible for providing information and expert opinion on international qualifications.

39. However, Members considered that the evidence of this inquiry suggested that awareness of these existing frameworks and accreditation schemes was low amongst employers, migrant workers and organisations supporting them. Members also noted a perception amongst witnesses that existing schemes were expensive. Wrexham County Council also commented that potential

employers did not understand NARIC's equivalence mechanism. Members noted evidence from the Deputy Minister for Skills that organisations could subscribe to the UK NARIC databases at a cost of between £850 to £4500 plus VAT per year, while individuals could obtain a Letter of Comparability at a cost of £40 plus VAT. Members noted that following the Deputy Minister for Skills' attendance at Committee, the Welsh Assembly Government had engaged in dialogue with UK NARIC to potentially enable smaller employers to utilise the database at reduced cost.

**The Committee recommended that:**

- 4. The Welsh Assembly Government promote understanding of, and access to, existing qualification equivalence information, particularly amongst advisory services, voluntary groups, employers and other relevant organisations.**
- 5. The Welsh Assembly Government establish a forum, including Higher Education Institutes, Further Education Colleges, the CBI, the Federation of Small Businesses, and interested business stakeholders, for determining means by which migrant workers can more effectively utilise their qualifications.**
- 6. The Welsh Assembly Government continue to engage in dialogue with UK NARIC with a view to enabling smaller employers to utilise the UK NARIC database at reduced cost, potentially through a collective system.**

## Theme 2: Improving Access to Language Classes

40. Witnesses agreed that poor English language skills were a primary barrier for migrant workers in learning about and asserting their rights and responsibilities, and were a principle factor in making them vulnerable to exploitation. Indeed, many suggested that English language provision was 'the' key issue for migrant workers. Witnesses raised concerns that poor English language skills could leave migrant workers:

- unable to understand terms and conditions of employment contracts and tenancy agreements;
- susceptible to exploitation by unscrupulous employers and landlords;
- unable to secure alternative employment;
- exposed to workplace health and safety risk; and
- with difficulty in accessing public services.

41. In oral evidence, USDAW compared Wales' provision of ESOL (English for Speakers of Other Languages) favourably to that of England, commenting that provision of ESOL in the long run was likely to be better in Wales. Nevertheless, witnesses agreed that greater provision of ESOL was required, with many concerned about lengthy waiting lists. Voluntary Action Cardiff and Wrexham County Council in particular both identified an increased need for ESOL provision, while the Welsh Local Government Association (WLGA) recommended better promotion of lesson availability. Similarly, North Wales Police recommended that authorities:

"increase the number of English classes available with flexible work/life class study arrangements".

42. This need to enable flexibility over English class times was picked up by a number of witnesses, concerned that workers had to fit them in with long and sometimes erratic shift patterns. Flintshire County Council suggested that weekly classes were inadequate, with individuals unable to attend regularly due to their shift patterns rotating. One witness also noted that flexibility over teaching methods could be required, with the South East Wales Race Equality Council noting that illiteracy amongst ethnic Romanians could make them ashamed to attend classes.

43. Members considered that English language teaching for new arrivals working in Wales was critical to their successful social and economic integration, through which the whole of Wales would benefit. Members noted that English language tuition is delivered through Further Education Institutions (FEIs), Work Based Learning (WBL) providers and through local authority Adult and Community Learning services. Members were concerned that without additional resource, an increase in the provision of English language tuition might require FEIs to decrease provision of other services. Members considered that Welsh language tuition would also be valuable for migrant workers, though evidence had not been put forward by witnesses to indicate it should be prioritised.

44. Members noted that volunteers could potentially provide valuable support to professionally qualified ESOL teachers. Members noted comments made by North Wales Police that a Flint Police Station provided accommodation to

facilitate English language teaching provided by volunteers. Similarly, the Diocese of Wrexham noted that many English speaking parishioners gave English lessons on a weekly basis to Polish parishioners.

45. Members also considered innovative schemes by some local authorities to enable language learning outside formal classrooms. Swansea University, for example, provided:

“a free MP3 player to every ESOL learner in Swansea so they can download sound-files and practice English language in between classes”.

46. Members noted comments by the Deputy Minister for Skills in oral evidence to the Committee that:

“we are working up an English-for-speakers-of-other-languages policy, which will be important in addressing these issues”.

47. Members considered that this policy could potentially include raising awareness amongst employers of the importance of creating ESOL provision for migrant workers in work places. Members also considered that this policy might potentially incorporate additional funding to FEIs to provide additional language tuition, a database of ESOL teachers, and guidance for local authorities to facilitate volunteers in teaching English.

48. Members considered that public and voluntary sector organisations could assist migrant workers by providing information in appropriate languages, and by having front line staff with language skills. Members noted the value North Wales Police placed on having an officer who was fluent in Polish and Portuguese, considering him to be a key link between the police and these migrant communities. Members also noted that North Wales Police had invested in this resource, encouraging the officer to learn Polish, and paying for him to travel to Poland to learn about the language and culture. Members considered this to be an example of good practice which other organisations might wish to consider following, while noting that the officer had been a recognised linguist before being encouraged to learn Polish. However, Members also recognised that the diversity of migrant worker languages, staff capacity to learn languages and related costs could make appropriate language training for staff prohibitive. Members also noted that comments from the Police and other public services that the provision of interpretation services necessitated a high, and increasing cost, with North Wales Police commenting:

“to give you some idea of the scale of increase, in 2002-03, I spent £5,000 on interpreters’ fees; this year, I am likely to spend in excess of £100,000 on interpreters’ fees”.

**The Committee recommended that:**

- 7. The Welsh Assembly Government develop a strategy identifying levels of need for English language training among migrant**

**workers and setting out an action plan which meets these needs. This should set out a timescale of delivery of English language training, and an associated action plan.**

- 8. The Welsh Assembly Government enable organisations to make the most of the existing language skills of their front line staff, to improve communication with migrant workers and their families. This will include:
  - a. providing guidance on conducting language skills audits to enable organisations to determine potential language resources amongst their staff; and**
  - b. providing guidance on developing staff with specific language skills.****
- 9. The Welsh Assembly Government to conduct research into alternative, flexible forms of language training, including the use of technology.**

### **Theme 3: Improving Conditions for Migrant Workers and their Families**

#### **Illegal Practices, Undesirable Practices and Rumours**

49. Members received mixed evidence as to the extent of illegal practices suffered by migrant workers. In considering this evidence, the Committee endeavoured to distinguish between illegal practices, legal but undesirable practices and unsubstantiated evidence which could potentially be the product of myth and rumour.

50. Members observed that the number of specific complaints of illegal practice being suffered by migrant workers was relatively low. For example, while identifying a number of specific examples of exploitation, Mr Anthony Packer, Honorary Consul of Lithuania in Wales, noted that:

“the Embassy said that it gets unpleasant cases at the rate of perhaps two or three in a month, and we are talking about the United Kingdom, the whole territory, including Northern Ireland”.

51. However, to complicate matters, the Committee also received evidence that the number of complaints being made represented ‘the tip of the iceberg’. Some witnesses were concerned that, even when migrant workers were aware of their rights, they could be too afraid to make a complaint and risk being sacked. For example, the Gangmasters Licensing Authority (GLA) commented that:

“if you can make £1 an hour, whereas at home the wage is £1 a day, you are not going to be grumbling about it”.

52. Similarly, Mr Trepczynski, Minister-Councillor of the Polish Embassy in London, commented that:

“we know that the law is often violated - our experience of real life is in accordance with the statistics - but sometimes people accept their situation”.

53. Members also noted evidence from the GLA that desire for money, as opposed to fear of being sacked, could lead to migrant workers choosing to work excessive hours because:

“when you have people who are being paid properly at the national minimum wage, they will be quite interested in working whatever hours are available because they do not want to go out for a drink; they want to work as many hours as possible, get a bit of kip and then go back to work”.

54. Members considered these observations to have particular significance, noting that any policies developed to impact on migrant workers would need to take into account the low likelihood of many migrant workers registering complaints. Members also noted dangers to the wider public of workers working excessively long hours with heavy machinery, for example.

55. Ultimately, however, Members considered that the hard evidence brought to the Committee suggested that the majority of migrant workers were accommodated and employed in conditions which were legal. For example, a TUC survey of migrant workers found that a majority (89%) of respondents claimed to be paid above the national minimum wage<sup>3</sup>.

56. However, Members also noted that, while strictly legal, some of the conditions of work experienced by migrant and UK workers, such as zero hour contracts, were not desirable. Members considered, for example, evidence from The Bevan Foundation that:

“despite the outrage that has accompanied revelations about low pay, long hours, lack of guaranteed work and deductions from pay experienced by many migrant workers, many of these practices are in fact legal”.

57. Members considered that more needed to be done to raise work and housing standards above legal minimums.

58. Moreover, Members considered that a significant minority of migrant workers, likely to be in considerable excess of those making complaints, experienced illegal practices.

59. Members considered that addressing these issues would therefore require:

- an onus on employers and landlords to be aware of migrant families’ rights;
- an onus on organisations working with migrant workers to identify and report illegal practices; and
- a proactive law enforcement regime, not reliant on migrant workers making complaints themselves.

60. Members consideration of these requirements, in relation to employment, housing, benefits and crime, is detailed in the following sub-sections.

## **Employment**

61. Witnesses were concerned that many migrant workers were employed in low paid and low skilled jobs. Poor working conditions associated with such jobs, including long hours and zero hour contracts, applied equally to migrant, Welsh and UK workers. Witnesses suggested that conditions were likely to be worse for both migrant and local workers employed through agencies, but migrant workers’ lack of awareness of their rights and confidence to assert them could make them particularly vulnerable. It was noted that this lack of confidence led to many migrant workers being reluctant to join Trade Unions, along with some migrant workers having negative experiences of Trade Unions in their home countries.

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<sup>3</sup> Anderson B., Clark N., Parutis V., (2007) *New EU Members? Migrant workers Challenges and Opportunities to UK Trades Unions: a Polish and Lithuanian case study*, London: TUC, pp.11.

62. Alleged illegal working practices experienced by migrant workers included: workers not being paid; being paid below the minimum wage or being underpaid for work carried out; pay slips not being issued; unauthorized or excessive deductions (e.g. for food, accommodation, finding work, and transport to and from work); and less advantageous leave entitlements.

63. Several witnesses suggested that employers were sometimes unaware of workers' rights, and therefore engaged in illegal working practices through ignorance. The National Farmers' Union (NFU) Cymru recommended to the Committee 'A study of the business needs of those employing migrant workers in the Welsh agriculture and production horticulture industries' which found that:

"Employers said they would like to have a regular update of legal requirements when employing migrant workers".

64. The Gangmasters Licensing Authority likewise noted that some reasonable employers had not been aware of the workers' rights, and had quickly changed their practices when they became aware. The Polish Embassy in London also noted that migrants could be employers themselves and were particularly liable to be ignorant of their legal obligations.

65. Other witnesses were more concerned about the enforcement of employers' responsibilities, considering that some employers were fully aware of their legal obligations, but chose not to meet them. Both the Citizens Advice Bureau (CAB) and TUC Cymru were concerned that the Gangmasters Licensing Authority required more resources than currently available. Indeed, Paul Whitehouse, Chairman of the GLA, indicated that evidence was currently being gathered that might justify an argument for increased resources.

66. Moreover, the Citizens Advice Bureau suggested that the combined remits of the four existing statutory enforcement bodies were not comprehensive. The CAB commented that there was currently no statutory enforcement body to complain to if:

- the worker is not employed through an employment agency - the remit of the Employment Agency Standards Inspectorate (EASI);
- the worker is not a 'labour provider' in the agriculture, horticulture, forestry, shellfish gathering and associated processing and packaging industries (the remit of the GLA); and
- the complaint is not about minimum wages or a health and safety matter (the combined remits of the National Minimum Wage enforcement division of HM Revenue and Customs, and the Health and Safety Executive).

67. Indeed, the Gangmasters' Licensing Authority indicated that a common question posed by migrant workers, and organisations working with migrants, was why the GLA's remit was not expanded, particularly into the hospitality and cleaning sectors. Paul Whitehouse, Chairman of the GLA, commented that it could be considered sensible to extend the GLA's remit to license in other sectors now that it had demonstrated it could operate effectively.

68. However, the Citizens Advice Bureau also suggested that there was currently little personal incentive for individual workers to make a complaint to EASI or the GLA because a labour provider losing its GLA license, for example, might lead to a worker losing their job. Indeed, both the CAB and TUC Cymru were concerned that systems which relied on complaints from individuals, rather than proactive inspection, would inevitably mean that only 'the tip of the iceberg' of exploitative practices would be registered because many individuals would be too afraid to make a complaint. Consequently, the Citizens Advice Bureau recommended that the:

"more proactive enforcement regime associated with the National Minimum Wage - one based on carefully targeted inspections of suspect employers by HMRC, as well as the investigation of individual, anonymous and third party complaints - should be extended to cover all basic statutory workplace rights".

69. The CAB suggested that this could be accomplished through an integrated network of the four existing enforcement agencies, with their combined remit extended to cover all basic employment rights, including the securing of individual workers' rights and the ability to impose effective sanctions on persistently exploitative employers. Alternatively, the CAB suggested that this might be achieved through a new single agency, a 'fair employment commission', which encompassed the four existing agencies and had responsibility for the enforcement of all employment law. The Citizens Advice Bureau was the only witness to specifically put forward this suggestion during this inquiry, though the GLA commented that they understood that 'labour inspectorates' were responsible for all labour-related-law in other EU states. Careers Wales also commented that the:

"Government should consider a more proactive enforcement regime, but at the same time minimising any additional burden placed on the majority of good employers".

70. Members noted that a Vulnerable Workers Enforcement Forum was established in June 2007 to explore ways in which the HSE, GLA, Employment Agency Standards Inspectorate and the National Minimum Wage Inspectorate could work more effectively together to ensure vulnerable (including migrant) workers were properly protected. Members considered that both expansion of the GLA's remit and the development of a 'Fair Employment Commission' could be key steps in enabling a proactive law enforcement regime not reliant on migrant workers making complaints themselves.

71. Members also considered that raising working standards beyond the minimum legal requirements would represent progress towards improving conditions for migrant workers, their families and, indeed, that of UK workers and their families. Members supported a suggestion by the TUC Cymru that the Welsh Assembly Government seek to agree a voluntary code of conduct on the recruitment and employment of migrant labour. Members were initially concerned that such a code could prove ineffectual as unscrupulous employers would simply not sign it. However, the Committee also noted

evidence from Honorary Consuls that reputable employers had contacted them, eager to promote themselves to migrant workers as responsible employers who would uphold migrant workers' rights. Members considered that signatories to the code could promote themselves as responsible employers of migrant workers, thereby gaining advantages over less scrupulous employers. Members noted that this code of conduct could include a simple checklist of dos and don'ts, and could also cover regulations related to housing for employers who also provided accommodation to their workers. Members noted that the code could go beyond legal minimums and could act as a tool to raise and recognise standards and good working practices. Members also noted that tools would need to be developed to enable adherence to the code to be monitored.

72. Members also considered that the Welsh Assembly Government's 'Migrants Forum' could provide opportunities for formulating a national strategic approach to the integration of migrant workers. Members commented that this forum could consider means by which to ensure employers paid their migrant workers at least the minimum wage. Members noted that 'Creation of a Migrants Forum,' a Welsh Assembly Government Decision Report, stated that:

"The Minister for Social Justice and Local Government ('the Minister') has been asked to establish a 'Migrants Forum' to replace the previous Migrant Workers sub-group of the All Wales Refugee Policy Forum ('AWRPF')...The 'Migrants Forum' will sit within the wider strategic arena of national and regional groups. This includes the Migration Impacts Forum, the National Stakeholders Forum and the All Wales Refugee Policy Forum. The 'Migrants Forum' will provide targeted information of national importance, as well as receive updates/information from the above groups. The forum will not have any decision-making powers".

73. Members also noted that two witnesses, AWEMA and Oxfam, suggested that due to cultural and language barriers, childcare was a particular problem for migrant workers in accessing employment. Oxfam commented that migrant workers suffered from a lack of appropriate available childcare and many migrant workers were unable to work. AWEMA suggested that childcare training courses should be organised to enable migrant workers to work in local nurseries. Members considered that these were valuable suggestions, but that focussing resources into enabling migrant workers and their families to learn language skills would enable migrant workers to access mainstream training courses and utilise mainstream nurseries.

**The Committee recommended that:**

**10. The Welsh Assembly Government seek to agree, with the CBI, the Federation of Small Businesses, and Trade Unions, a voluntary Code of Conduct on the recruitment and employment of migrant labour and encourage employers to sign up to it. The Welsh Assembly Government would positively promote signatories to this code.**

**11. The Welsh Assembly Government initiates dialogue with the UK Government and relevant stakeholder organisations to expand the remit of the Gangmasters' Licensing Authority.**

**12. The Welsh Assembly Government initiate dialogue with the UK Government with a view to establishing a 'Fair Employment Commission' encompassing the four existing enforcement agencies, with an extended remit to cover all basic employment rights. This Commission would have the power, where necessary, to bring an Employment Tribunal claim on behalf of a worker, and enforcement of an award.**

## **Health and Safety**

74. In considering health and safety issues in association with migrant workers, Members noted that Health and Safety at Work legislation applies equally to all workers in Wales, regulating risks to both employees and others that might be affected by their work.

75. Several witnesses commented that migrant workers' lack of knowledge of their rights and responsibilities, and their fear of upholding them, could have an impact on their health and safety, and that of other people. The GLA commented that:

"the horror scenario... is the van on its way home with a driver who has been driving that van at the start and finish of his shift for the last five days, so he has probably been on for 80 hours, running into a queue of children coming out of school".

76. Members noted that the enforcement of Health and Safety at work legislation was the responsibility of either the Health & Safety Executive (HSE) or a local authority, depending on the nature of the work involved. Sectors such as Agriculture and Construction were enforced by the HSE, while local authorities enforced sectors such as shops, restaurants and catering.

77. Members noted evidence from the HSE saying that it investigated fatalities and serious injuries at work, and could take enforcement action as a result. HSE also indicated in evidence that while it had heard rumours of terrible workplace conditions, it had not received substantial evidence to investigate such claims. HSE indicated that it would welcome such intelligence and would be happy to treat complainants with anonymity.

78. Members also noted that the HSE had contributed to the 'Welcome to Wales' pack for migrant workers, was a partner in the North Wales Race Equality Network, attended drop in centres for migrants, had given talks to Polish workers in Bangor and Wrexham, and had run a seminar for employers and employment agencies on the issues surrounding migrant workers.

79. Members were concerned by the potential implications to health and safety of migrant workers working extensive hours or being involved in illegal practices. However, Members also noted that there was limited evidence to

substantiate such fears and were concerned that these could inadvertently give rise to new myths about migrant workers. Members considered that these concerns could most effectively be resolved by:

- promoting information to migrant workers on their rights and responsibilities;
- enabling agencies and organisations in contact with migrant workers to identify and report potential illegal practices (considered in greater detail in Theme 4); and
- proactive, investigative work through a 'Fair Employment Commission', or an integrated combination of existing enforcement agencies.

## Housing

80. Members noted that migrant workers and their families generally lived in private rented sector accommodation. Migrant workers' lack of knowledge of their rights and responsibilities (as detailed in Theme 1), manifested itself in workers not knowing about tenancy agreement law. Witnesses were concerned that, in turn, this led to migrants being more vulnerable to exploitation by unscrupulous landlords. Members were particularly concerned by practices such as 'hot-bedding', whereby migrant workers slept in shifts with 2 or 3 people individually sleeping in the same bed during a 24 hour period.

81. However, witnesses suggested that the most extreme forms of housing abuses, such as hot-bedding, were no longer common. The WLGA commented that, while the many people talked about hot-bedding, it had found no proof of hot-bedding taking place in recent years. USDAW similarly commented that it did not believe hot-bedding to be prevalent any longer, though overcrowding was. The diocese of Wrexham also noted that it had anecdotally heard reports of hot-bedding, though it had not received tangible proof.

82. Additionally, witnesses identified other alleged bad and illegal housing practices, including: non-registration of properties; refusals to return bonds; lack of tenancy agreements; unlawful evictions; and non compliance with safety regulations such as overcrowding. AWEMA commented that landlords could exploit workers lack of knowledge to the extent that two or even three families would share a house. SEWREC noted that:

“voluntary overcrowding is not illegal - but can lead to a number of problems such as neighbours' complaints, health related issues, damage to property, and a breach of lease in which case the landlord can evict the tenants without a prior notice”.

83. Two local authority witnesses also commented that housing stock was limited, with Flintshire County Council noting that increased demand for accommodation was affecting waiting lists. Rhondda Cynon Taf County Council likewise noted housing backlogs due to increases in population sizes. However, other witnesses, including workers at Caia Park, considered that migrant workers were particularly vulnerable to homelessness because they could not qualify for emergency accommodation. Indeed, the WLGA

suggested that central Government should consider developing an emergency fund for destitute individuals who could not qualify for housing support. Members considered this suggestion to have merit but were concerned it could potentially be abused.

84. Evidence gathered in the inquiry suggested that poor living conditions were particularly associated with accommodation ‘tied in’ with employment contracts. This added to workers’ fears of asserting their rights, because they were afraid they could be sacked, made homeless and destitute, in a single action. Two witnesses suggested that this issue could be addressed through confidence building sessions for migrant workers, such as art workshops. However, Members considered that evidence gathered in this inquiry, particularly in relation to many migrant workers not wishing to raise attention to themselves by making complaints, would suggest that many workers would be wary of attending such workshops. Members considered, rather, that a proactive and investigative enforcement regime, combined with increasing migrant workers knowledge of their rights and responsibilities, would be the most effective mechanism by which these issues could be tackled.

**The Committee recommended that:**

**13. The Welsh Assembly Government’s Migrant Forum develop strategies to address poor living conditions for migrant workers, engaging with the Minister for Housing.**

## **Benefits System**

85. Witnesses raised concerns that current legislation around eligibility for benefits could discourage migrant workers from asserting their rights and responsibilities. The South East Wales Race Equality Council noted that:

“Non-EU nationals do not have recourse to public funds and losing a job after a complaint would result in destitution”.

86. A8 and A2 EU nationals were also noted by witnesses as reluctant to assert their rights if they had not been in continuous employment for 12 months, as they would have no entitlement to benefits should their employment be terminated. Witnesses also provided the Committee with examples of individual migrant workers who had lost their jobs and subsequently been made destitute, without recourse to public funds. A8 EU member states include the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. A2 EU Member states include Bulgaria and Romania. Once they have completed twelve months uninterrupted employment, A2 and A8 nationals have the same rights as other European Economic Area (EEA) workers, such as those from the UK, France or Germany. The EEA is comprised of the 27 EU Member states and 3 other states: Iceland, Lichtenstein and Norway.

87. Concerns were also raised around the provision of advice to migrant workers about their benefit entitlements, by organisations in contact with

them. SEWREC commented that a Job Centre Plus, which did not make best-use of interpretation services, led to a:

“large number of eligible clients being refused benefits, or the clients’ benefits would subsequently be stopped, because they did not understand what their obligations as jobseekers were (such as filling in the jobsearch diary)”.

88. Members considered the provision of correct information about benefit entitlements to be crucial to resolving concerns surrounding migrant workers’ access to benefits. Members’ consideration and recommendations on support for organisations in contact with migrant workers and their families is detailed in Theme 4 of this report. Members also considered that the UK benefits system could usefully be reviewed, around the principle of enabling migrant workers from the A8 and A2 European Member states to have similar access to benefits as other European Economic Area workers. Members noted that migrant workers from A8 countries, for example, were only currently entitled to Child Benefit, Child Tax Credit, Housing Benefit and Council Tax Benefit, if they were currently in employment, or if they had previously had twelve months uninterrupted employment. Members considered that this could be reviewed, around the principle of enabling A8 and A2 migrant workers, should they lose their jobs, to keep their worker status and to be entitled to claim (income based) Jobseekers Allowance or Income Support in the usual way, as well as still being eligible for Housing and Council Tax Benefit.

**The Committee recommended that:**

**14. The Welsh Assembly Government initiate dialogue with the UK Government with regard to reviewing the UK benefits system, around the principle of providing migrant workers from the A8 and A2 EU member states to have similar access to benefits support as other workers from EEA member states.**

## Crime

89. Contrary to myths that migrant workers are associated with crime, evidence received in this inquiry suggests that migrant workers are no more likely to be the perpetrators, or victims, of crime than other UK citizens. Mr Anthony Packer, Honorary Consul of the Lithuanian representation in Wales, commented that of a Lithuanian migrant population of approximately 200,000 in the UK, only 209 were in prison. Similarly, North Wales Police asserted that:

“Migrant workers and people from eastern European countries are not disproportionately victims of crime, and they are not disproportionately offenders either”.

90. The Polish Welsh Mutual Association indicated that they believed there to be an under-reporting of crimes against migrants in some communities, though this was not indicated in other witnesses’ evidence. However,

Members considered that the balance of evidence in this inquiry did not warrant specific recommendations being made in relation to crime connected with migrant workers.

## **Banking**

91. Some witnesses were concerned that migrant workers could experience difficulties in opening bank accounts, with communication a particular barrier. AWEMA noted that:

“migrant workers very often do not meet the list of criteria, like confirmation of the address, which is linked with barriers to accessing other services”.

92. However, the Committee also noted developments in recent years towards addressing this issue. The Committee noted that NatWest had launched a Polish Welcome Account in January 2007, with all services delivered in Polish, including telephone and internet banking as well as a dedicated telephony unit staffed by Polish speakers. NatWest commented that this bank account enabled:

“free money transfers to Poland from NatWest Welcome Account to any PKO BP account through partnership with Polish Bank, PKO PB”.

93. NatWest also noted that the introduction of this account had received positive press coverage (detailed overleaf).

94. Members also noted the valuable work of credit unions to enable workers unable to access bank accounts to overcome financial exclusion. Members noted that these were positive developments, and encouraged all banks to increase their provision of services into a wider range of languages.

# NatWest / PKO BP PR campaign

## What the papers said.....

"NatWest has joined forces with a Polish bank to increase the services it offers to Poles living in the UK....It follows the launch of NatWest's Welcome Account, which offers internet and telephone banking in Polish, as well as a Polish call centre."

**The Scotsman**

"NatWest has become the first of Britain's Big Four to go into partnership with a Polish bank as it seeks to cater for more UK-based customers born in Poland."

**This Money**

"In another sign of the economic clout of Poles in the UK, NatWest yesterday said it had joined forces with Polish bank PKO Bank Polski to increase services to immigrants. The high street bank said the partnership was the first of its kind in the UK.....It said Poles living in Britain send about £528million home each year."

**The Daily Express**

- NatWest Media Relations worked closely with PKO BP's PR agency to develop a co-ordinated PR strategy to publicise the partnership
- PR campaign in both the UK and Polish press was extremely successful
- Positive press coverage was achieved in the UK national press, including The Daily Express, The Scotsman and The Daily Record. The partnership was also recently cited on BBC Radio 4's Moneybox
- Extensive press coverage was achieved on the news wires, such as This is Money (Daily Mail/Mail on Sunday), the Press Association, Reuters and Dow Jones
- Widespread regional press coverage was also achieved in key media, such as The Manchester Evening News
- Prolific press coverage in both the Polish national and broadcast press

#### **Theme 4: Promoting good relations between migrant workers and their families, and the communities in which they live and work**

95. A number of witnesses were concerned that migrant workers could suffer from isolation and a lack of social support. The Black Environment Network was concerned by an absence of established representative organisations, while Oxfam were likewise troubled by a lack of social networks and support culture. The WLGA suggested that this isolation was a product of migrant workers' employment, accommodation and transport arrangements, with limited opportunity to engage with other migrants, much less the indigenous population, commenting that:

“they are not really interacting at all unless there is some dedicated work happening to help that”.

96. Evidence gathered in this inquiry did, however, include a number of examples of migrant workers successfully integrating and forming relationships with local communities and other people from their own countries. For example, Polish nationals were recruited as special constables in North Wales and as volunteer translators and advisors in the Polish-Welsh Mutual association. Workers at Caia Park noted that they had developed a Polish Women's Group, facilitated by a native Polish speaker. Similarly, the Roman Catholic Church workers forums and social clubs were all identified by witnesses as providing opportunities for migrant workers and their families to meet and develop friendships.

97. Witnesses were also concerned by many of the myths surrounding migrant workers, fearing these could encourage discrimination and harassment. Evidence submitted to this inquiry indicates that migrant workers do not 'take jobs' from indigenous people, though concerns were raised that some agencies employing migrant workers were responsible for driving down wages, terms and conditions. Evidence submitted also rebuts myths that migrant workers are given preferential treatment over indigenous UK citizens. Many organisations worked on distributing myth-busting leaflets, with workers at Caia Park noting that these, like welcome packs for migrant workers, were more effective when distributed by people trusted by their audience. The TUC Cymru also noted that myth-busting could be more effective if it was co-ordinated, particularly around events like local elections. Caia Park workers also noted the value of promoting the positive contributions of migrant workers to the media, an approach similarly favoured by Carmarthenshire County Council, with North Wales Police also noting the value of responsible media reporting.

98. Members considered that the Welsh Assembly Government could play a significant role in promoting the positive contributions and achievements of migrant workers in Wales. Members noted evidence from Shelter Cymru that different communication techniques could be employed to create particular images of people, commenting that:

“In Wales, we decided that we wanted people to see pictures of people who look just like themselves, to reinforce the message that anyone can experience homelessness. The images are always non threatening and often contain children as well. We do not use images of poor housing conditions unless it is particularly suitable for the specific publication. We concentrate on the positive and hopeful.

Our sister charity in England, Shelter, has a more aggressive policy and uses shock tactics in its imagery. We have reviewed our policy several times and still feel that this is the right approach for the market in Wales”.

99. Members considered that effective selection of images and messages could play a key role in enabling the positive contributions of migrant workers in Wales to be promoted.

100. Additionally, several witnesses suggested that organisations working to support migrant workers could be better co-ordinated and currently had limited opportunity to learn from one another. The Welsh Consumer Council suggested in written evidence that national guidance and central resources for sharing good practice would be valuable, a concern shared by workers at Caia Park. Similarly, Caerphilly Local Health Board emphasised the value of timely sharing of intelligence, and both TUC Cymru and Wrexham County Council recommended a strategic approach to integrating migrant workers.

101. Members noted the invaluable supportive role played by organisations working to assist migrant workers settle into local communities. Members noted that the involvement of migrants within these organisations, such as Monika and Agneiszka at Caia Park, was particularly valuable in enabling organisations to be trusted by both indigenous and migrant communities. Members also noted the importance of organisations working together in a co-ordinated fashion, noting the effectiveness of Caia Park workers and the local police force co-operating to fire-fight rumours and develop trust between the migrant and indigenous communities.

102. Members also noted that education could provide a valuable opportunity to build positive relationships and understanding between Wales' indigenous and migrant populations. Members noted evidence of schools in Flintshire developing links with schools in Poland and other countries. Members also concurred with Father Adrian Wilcox, Diocese of Wrexham, as to the value of training education staff about teaching methods employed in other countries, to assist them in effectively integrating migrant students.

**The Committee recommended that:**

**15. The Welsh Assembly Government encourage schools to develop links with their counterparts in other countries.**

**16. The Welsh Assembly Government promote the positive contributions and achievements of migrant workers in Wales to local communities in Wales.**

- 17. The Welsh Assembly Government support organisations working to recruit volunteers from migrant communities to work in community settings.**
- 18. The Welsh Assembly Government facilitate networking of organisations working with migrant workers, with the aim of sharing good practice.**
- 19. The Welsh Assembly Government develop a web based 'information hub' for organisations working with migrant workers. This site would signpost users to the contact details of other organisations working with migrant workers, enabling them to make contacts and discuss good practice. The site would also signpost to regulatory enforcement agencies and other key sources of reliable information. This portal might also provide links to advice on accessing translation and interpretation services.**
- 20. The Welsh Assembly Government organise a one day event to celebrate culture and diversity in Wales, focussing on community integration, including migrant workers.**

## **Theme 5: Support for organisations and staff who come into contact with migrant workers and their families**

### **Front Line Services' Awareness of Migrant Workers' Rights**

103. A significant number of witnesses were concerned that front line services were not appropriately responding to migrant workers' needs, and those of their families.

104. Some front line services appeared to be unaware of, or confused about, migrants' rights. The WLGA observed it had received anecdotal evidence of General Practitioners refusing to register migrant workers and their families despite them actually having full entitlement to free primary health care. The WLGA noted that this was likely due to the complexity of these rights, commenting that it is:

“very difficult, in some instances, for public services to understand that, for example, if you are a migrant worker who has been here for less than 12 months and have registered, you will not be eligible for public services but you will be once you have been here for more than 12 months, what the difference is between the rights and entitlements of an asylum seeker or a refugee, and so on”.

105. Members considered that it was vital that front line services were supported to enable their awareness of the rights and responsibilities of migrant workers. Members noted that front line services could play a key role in identifying situations where the rights of migrant workers, or their families, had been frustrated, and relaying such information to an appropriate enforcement agency. Members noted that some front line services were responsible to the UK Government and others to the Welsh Assembly Government.

### **Front Line Services' Use of Interpretation Services**

106. Members received a significant body of positive evidence about front line agencies use of interpretation services. For example, the Citizen's Advice Bureau detailed a protocol developed between Carmarthen Citizen's Advice Bureau, a local JobCentre Plus, and the Pension Service to ensure across all three services a translator was always available in working hours. Similarly, the Department for Work and Pensions (DWP) stated in written evidence that:

“Jobcentre Plus translates its key leaflets into Arabic, Bengali, Chinese, Gujarati, Punjabi and Urdu and also provides an interpreter service where appropriate. There is an Economic Migrant Adviser working in Cardiff through the Want2Work Project. In 2007 Jobcentre Plus piloted a leaflet in Polish on the self service jobsearch support it provides for migrant workers already in the UK and is planning to make this available to staff in its local offices so they can issue it to callers”.

107. However, other witnesses described situations where front line services had aggravated language barriers. For example, the Citizen's Advice Bureau

commented that instead of arranging for a Polish speaking migrant to be sent Tax Credit and Child Benefit forms, a DWP office gave him a list of telephone numbers to call, with the effect that the man's problems understanding English were exacerbated by the DWP. Volunteer workers at Caia Park similarly commented that there were:

"still issues around groups not being able to access other agencies services, because of language barriers".

108. Similarly, AWEMA, commented in oral evidence that:

"if you commit a crime, you can have language support, but if you are law abiding and are just going about your daily business, there is not that support for you".

109. Members noted that while this suggested positive progress, made by law enforcement agencies to enable use of accurate translation services, it also identified the need for similar progress from other front line services. Members also considered that some front line services already had access to translation services, but might need further training in utilising them, noting evidence from SEWREC of some front line staff:

"refusing to use interpreting services or were unaware that they had access to them".

110. Front-line agencies also indicated concerns around their provision of interpretation services. Flintshire County Council identified that increased resources were required for interpretation and translation, while Wrexham County Council suggested that it would be useful for the Welsh Assembly Government to clarify a national approach on the provision of such services. North East Wales NHS Trust also identified specific difficulties in accessing suitably precise and accurate translation services that were able to cope with clinical terminology.

111. A minority of witnesses suggested that answers to the provision of translation services might potentially lie in voluntary organisations working with migrant communities, or in migrant communities themselves. Mr Anthony Packer, Honorary Consul of Lithuania in Wales, suggested that translation and interpretation could be achieved through investing in migrant communities to help them to organise interpretation themselves. Similarly, AWEMA suggested that voluntary groups could possess valuable experience and expertise, which needed to be supported and resourced so that authorities could take advantage of their skills. Members noted that the availability of voluntary groups as a resource of expertise and knowledge would naturally vary across Wales, though such groups could provide valuable support in association with professional interpretation services.

**The Committee recommended that:**

**21. The Welsh Assembly Government develop training for devolved front line services, to enable increased awareness of the rights and**

**responsibilities of migrant workers. This training should provide practical advice on identifying illegal practices and contacting an appropriate enforcement agency. This training should also provide guidance on cultural diversity and equality issues associated with interacting with migrant workers and their families.**

**22. The Welsh Assembly Government develop training for front line staff, around use and availability of interpretation services, including both local resources and professional services.**

**23. The Welsh Assembly Government initiate dialogue with the UK Government to promote the provision of similar training to that outlined in Recommendations 21 and 22 to front line services accountable to the UK Government.**

**24. The Welsh Assembly Government enable front line staff accountable to local authorities to receive similar training to that outlined in Recommendations 21 and 22.**

### **Pressure on Front Line Services**

112. A number of witnesses commented that pressure on front line services to accommodate migrant workers and their families was exacerbated by migrant workers' lack of knowledge of their rights and responsibilities. Flintshire County Council and Swansea Local Health Board noted that many migrant workers had not registered with General Practitioners (GPs), leading to increased pressure on Accident and Emergency Services treating them. Members also noted evidence from Rhondda Cynon Taf County Borough Council that, even when migrant workers were aware of this responsibility, they could experience difficulties in registering with GPs. Members were supportive of the development by Swansea Local Health Board of generic practice leaflets, in a number of languages, to provide information on accessing Swansea healthcare services.

113. Similarly, Flintshire County Council noted that pressure on schools to accommodate children of migrant workers was exacerbated by a lack of background information being provided to them. Members noted that this situation could also be exacerbated by differences in Education systems between different countries, with children starting schools at different ages to the UK. Members also noted that a lack of background information would exacerbate the difficulties of health and social care professionals in identifying speech and language disorders or learning difficulties in children with poor English language skills. Members considered that these pressures on front line services could be best tackled through increasing migrant workers' awareness of their rights and responsibilities.

### **Accurate Statistics**

114. A recurring theme in evidence submitted by public sector organisations was that accurate statistics were needed to plan and provide services. Many organisations identified that it would be advantageous to receive forecasts of

migrant worker influxes, to plan provision of services. Currently however, as the WLGA noted, authorities lack clear statistics on the number of migrant workers currently in Wales, let alone forecasts and predictions of those anticipated to come. Members noted that the Office of National Statistics were not currently able to supply local authorities with accurate information. Witnesses noted that as new countries joined the EU, and further opportunities to migrate from and to the UK emerged, these issues would likely increase rather than abate. Members also noted that significant increases to communities' populations could lead to funding limitations for public sector agencies, exacerbated by there being no access to additional funds for local authorities midway through the financial year.

115. Witnesses identified limitations to all three of the main methods for counting migrant workers and their families: the Annual Population Survey, National Insurance statistics and Workers Registration Scheme, which could all result in over or under estimation of the number of migrants working in Wales at any one time. Mr Trepczynski, Minister-Councillor of the Polish Embassy in London, commented on the worker registration scheme that:

“there is no obligation to de-register when leaving the country and, because of the high cost of registration, many simply do not register”.

116. Members considered that work initiated by the National Public Health Service for Wales, an analysis of information received from GP registrations, offered a valuable key to the challenge of gathering accurate statistical information. Members also noted useful comments in oral evidence by Careers Wales that:

“we provide the information as is dictated by the Assembly...if we wanted to capture that data [whether a person is a migrant worker], it is possible to collect information, over and above that key ethnic origin data”.

117. Members considered that the various front line agencies in contact with migrant workers and their families were all potential tools for the collation of accurate statistical information on populations of migrant workers, if they could be appropriately co-ordinated. Members also considered that front line services needed greater flexibility within their funding streams to accommodate sudden influxes of migrant workers.

**The Committee recommended that:**

**25. The Welsh Assembly Government, and other agencies, map currently available sources of data, to determine what further information needs to be gathered to establish numbers of migrant workers, and their families, in Wales. The Welsh Assembly Government could then request that front line agencies collect information identified as being required, and make representations to the UK Government to make similar requests. This would enable the collection of appropriate data to assist local authorities in planning their future service provision.**

**Recommendation 1**

The Welsh Assembly Government develop a multi-lingual website regularly updated with links to advice available via the websites of relevant public sector, regulatory and governmental bodies. This would also link to reliable sources of information provided in languages spoken by migrant workers. The purpose of this website would not be to provide information, but to direct users to sources of general and locally focused information, acting as an 'information hub'.

**Recommendation 2**

The Welsh Assembly Government promotes this 'information hub' through: migrant workers' country of origin governments and consulates in Wales; points of entry into Wales; public sector organisations; migrant worker associations and business; and, an updated 'Welcome to Wales' pack.

**Recommendation 3**

The Welsh Assembly Government enable all local authorities in Wales to develop their own welcome packs, which could be linked to the Welsh Assembly Government's multi-lingual website. These welcome packs should include information on local services and other relevant information such as banking.

**Recommendation 4**

The Welsh Assembly Government promote understanding of, and access to, existing qualification equivalence information, particularly amongst advisory services, voluntary groups, employers and other relevant organisations.

**Recommendation 5**

The Welsh Assembly Government establish a forum, including Higher Education Institutes, Further Education Colleges, the CBI, the Federation of Small Businesses, and interested business stakeholders, for determining means by which migrant workers can more effectively utilise their qualifications.

**Recommendation 6**

The Welsh Assembly Government continue to engage in dialogue with UK NARIC, with a view to enabling smaller employers to utilise the UK NARIC database at reduced cost, potentially through a collective system.

**Recommendation 7**

The Welsh Assembly Government develop a strategy identifying levels of need for English language training among migrant workers and setting out an action plan which meets these needs. This should set out a timescale of delivery of English language training, and an associated action plan.

**Recommendation 8**

The Welsh Assembly Government enable organisations to make the most of the existing language skills of their front line staff, to improve communication with migrant workers and their families. This will include:

- a) providing guidance on conducting language skills audits to enable organisations to determine potential language resources amongst their staff; and,
- b) providing guidance on developing staff with specific language skills.

**Recommendation 9**

The Welsh Assembly Government to conduct research into alternative, flexible forms of language training, including the use of technology.

**Recommendation 10**

The Welsh Assembly Government seek to agree, with the CBI, the Federation of Small Businesses, and Trade Unions, a voluntary Code of Conduct on the recruitment and employment of migrant labour and encourage employers to sign up to it. The Welsh Assembly Government would positively promote signatories to this code.

**Recommendation 11**

The Welsh Assembly Government initiates dialogue with the UK Government and relevant stakeholder organisation, to expand the remit of the Gangmasters' Licensing Authority.

**Recommendation 12**

The Welsh Assembly Government initiate dialogue with the UK Government, with a view to establishing a 'Fair Employment Commission', encompassing the four existing enforcement agencies, with an extended remit to cover all basic employment rights. This Commission would have the power, where necessary, to bring an Employment Tribunal claim on behalf of a worker, and enforcement of an award.

**Recommendation 13**

The Welsh Assembly Government's Migrant Forum develop strategies to address poor living conditions for migrant workers, engaging the Minister for Housing.

**Recommendation 14**

The Welsh Assembly Government initiate dialogue with the UK Government with regard to reviewing the UK benefits system, around the principle of providing migrant workers from the A8 and A2 EU member states to have similar access to benefits support as other workers from EEA member states.

**Recommendation 15**

The Welsh Assembly Government encourage schools to develop links with their counterparts in other countries.

**Recommendation 16**

The Welsh Assembly Government promote the positive contributions and achievements of migrant workers in Wales to local communities in Wales.

**Recommendation 17**

The Welsh Assembly Government support organisations working to recruit volunteers from migrant communities to work in community settings.

**Recommendation 18**

The Welsh Assembly Government facilitate networking of organisations working with migrant workers, with the aim of sharing good practice.

**Recommendation 19**

The Welsh Assembly Government develop a web based 'information hub' for organisations working with migrant workers. This site would signpost users to the contact details of other organisations working with migrant workers, enabling them to make contacts and discuss good practice. The site would also signpost to regulatory enforcement agencies and other key sources of reliable information. This portal might also provide links to advice on accessing translation and interpretation services.

**Recommendation 20**

The Welsh Assembly Government organise a one day event to celebrate culture and diversity in Wales, focussing on community integration, including migrant workers.

**Recommendation 21**

The Welsh Assembly Government develop training for devolved front line services, to enable increased awareness of the rights and responsibilities of migrant workers. This training should provide practical advice on identifying illegal practices, and contacting an appropriate enforcement agency. This training should also provide guidance on cultural diversity and equality issues associated with interacting with migrant workers and their families.

**Recommendation 22**

The Welsh Assembly Government develop training for front line staff, around use and availability of interpretation services, including both local resources and professional services.

**Recommendation 23**

The Welsh Assembly Government initiate dialogue with the UK Government to promote the provision of similar training to that outlined in Recommendations 21 and 22 to front line services accountable to the UK Government.

**Recommendation 24**

The Welsh Assembly Government enable front line staff accountable to local authorities to receive similar training to that outlined in Recommendations 21 and 22.

**Recommendation 25**

The Welsh Assembly Government, and other agencies, map currently available sources of data, to determine what further information needs to be gathered to establish numbers of migrant workers, and their families, in Wales. The Welsh Assembly Government could then request that front line agencies collect information identified as being required, and make representations to the UK Government to make similar requests. This would enable the collection of appropriate data to assist local authorities in planning their future service provision.

**Terms of Reference**

At its meeting on 27 September 2007, the Equality of Opportunities Committee agreed to conduct a scrutiny inquiry focusing on the experiences of migrant workers in Wales. The terms of reference were agreed at the meeting on 11 October 2007 and are as follows:

- to scrutinise the Assembly Government on the work it is undertaking to support migrant workers and their families, public service providers and local communities with high proportion of migrants within the population; and
- to make recommendations on the action that needs to be taken to ensure equality of opportunity for migrant workers, their families and the people who live within the communities in which they live and work

In conducting the inquiry, the Committee resolved that it would:

- examine the experiences of migrant workers and their families in Wales with particular reference to working and living conditions; access to public services; social networking
- identify the impact of economic migration on public service deliverers and local communities
- explore the impact of the current regulatory framework governing the working and living conditions of migrant workers in Wales
- highlight examples of good practice with respect to community relations; employment policies and service delivery

**Oral evidence was received as follows:****EOC(3)-02-08 7 February 2008**

- Welsh Local Government Association
- Union of Shop, Distributive and Allied Workers

**EOC(3)-03-08 28 February 2008**

- Flintshire County Council
- North Wales Police
- Roman Catholic Diocese of Wrexham
- Wrexham County Borough Council

**EOC(3)-04-08 13 March 2008**

- Polish – Welsh Mutual Association
- Trade Union Congress Wales

**EOC(3)-07-08 15 May 2008**

- Gangmasters Licensing Authority
- Lithuanian Community Wales
- The Polish Embassy
- The Slovak Republic Representation in Wales

**EOC(3)-08-08 4 June 2008**

- Careers Wales
- Citizens Advice Cymru
- Welsh Assembly Government

**EOC(3)-09-08 18 June 2008**

- All Wales Ethnic Minority Association (AWEMA)
- Valleys Race Equality Council (VALREC)
- Voluntary Action Cardiff

**Written Evidence was received from:**

- All Wales Ethnic Minority Association (AWEMA)
- Black Environment Network (BEN)
- Benefit Advice Shop
- Caerphilly County Council
- Caerphilly Local Health Board
- Citizens Advice Cymru
- Community Housing Cymru
- Cytûn, Churches Together in Wales
- Department for Work and Pensions (DWP)
- Flintshire County Council
- Health and Safety Executive (HSE)
- Merthyr Local Health Board
- National Public Health Service for Wales
- National Farmers Union for Wales (NFU)
- NatWest
- North East Wales NHS Trust
- North Wales Police, Association of Chief Police Officers in Wales
- North West Wales NHS Trust
- Oxfam Cymru
- Rhondda Cynon Taff County Borough Council
- Royal College of Nursing
- Shelter Cymru
- South East Wales Racial Equality Council (SEWREC)
- Swansea Local Health Board
- Swansea University
- Union of Shop, Distributive and Allied Workers (USDAW)
- Voluntary Action Cardiff
- Valleys Race Equality Council (VALREC)
- Welsh Local Government Association (WLGA)
- Wales Trade Union Congress (TUC)
- Welsh Consumer Council
- Wrexham County Borough Council

**The Committee also undertook a visit to the Caia Park Partnership, Wrexham.**