

Regulation,
Regulators, and
the Crisis of Law
and Government

Modern Slavery and Migrant Domestic Workers

The Politics of
Legal Characterization

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Policy Brief

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The Foundation for Law, Justice and Society

Regulation, Regulators, and the Crisis of Law and Government

This programme examines the regulatory system in the wake of the global financial crisis, assessing its current weaknesses, the role of legislative and judicial bodies, and identifying measures for future reform of both markets and regulatory regimes. It aims to shed light on the recent failures of regulators, often captive of the very industries they are meant to regulate, and examine ways to improve the accountability and effectiveness of the regulatory system.



Executive Summary

- This policy brief outlines the problem of addressing the long-standing exploitation of migrant domestic workers by using a modern slavery and trafficking approach which is embedded in the criminal law. It explains why migrant domestic workers who enter the UK on temporary visas are vulnerable to exploitation by their employers.
- A variety of different legal jurisdictions — criminal law, immigration law, human rights and equality law, and labour law — can be used to tackle the problem of migrant domestic workers' exploitation. However, these different legal jurisdictions, although compatible in theory, are in conflict in practice.
- The changes to the UK's overseas domestic workers visa derive from the concerns of the former Coalition and current Conservative Governments to close national borders to 'unskilled' migrants. In this context, the use of a modern slavery and trafficking approach to tackle the exploitation of migrant domestic workers backfired. Instead of offering these workers greater protections, it simply made it more difficult for them to stay and work in the UK.
- Tackling the exploitation of migrant domestic workers requires a multipronged strategy designed to regulate the labour market, which includes:
 - the UK government's ratification of the Domestic Workers Convention;
 - establishing a centralized and well-funded labour inspectorate; and
 - creating a firewall between immigration controls and the enforcement of labour rights.

Modern Slavery and Migrant Domestic Workers

The Politics of Legal Characterization

Modern slavery and migration

In the UK, the modern slavery frame has been used by advocates of the rights of migrant domestic workers to attempt to persuade first the Coalition Government and then its Conservative successor to reintroduce the right of domestic workers who enter the UK on an overseas domestic workers visa to change employers.¹ The visa permits them to reside within the UK for six months while working within the private household of a non-British resident admitted under another visa category, or that of a returning UK expatriate. The Coalition Government revoked this right from migrant domestic workers in April 2012 as part of its broader immigration reforms that were designed to severely restrict the numbers of 'low-skilled' third-country migrants entering the country. Advocacy groups such as Kalayaan, supported by the Labour Party and the majority of members of the House of Lords, argued that the right to change employers be reinstated because the visa tying domestic workers to their employer creates conditions that are ripe for modern slavery to occur.² Moreover, the Conservative Government ignored the recommendation of James Ewins, a prominent barrister whom the government had appointed to conduct an independent evaluation of the impact of the tied visa on domestic workers, that the right of these workers to change employers be reinstated.³ The only concession the Conservative Government made was to amend the Modern Slavery Act to permit overseas domestic workers who have been referred to the National Referral Mechanism — the framework enabling statutory agents like the police, local authorities, and the UK

Border Agency, together with third-sector organizations such as Kalayaan and the Salvation Army, to identify victims of trafficking as victims of trafficking — or servitude — to stay in the UK for a minimum of six months and to change employers during this period.⁴

How did the exploitation and mistreatment of migrant domestic workers in the UK come to be seen as a problem of labour trafficking, modern slavery, and domestic servitude? The answer to this question is not obvious. The deployment of criminal law to resolve the problem of the long-documented abuse of migrant domestic workers in the UK is neither natural nor inevitable, but is instead a result of a series of social and political choices. Advocates, public officials, the media, and politicians often invoke the criminal law for its symbolic power because it has become the pre-eminent way of expressing social opprobrium. But the criminal law is also replete with specific legal technicalities (such as burdens of proof), technologies and personnel (police and crown prosecutors), and goals (punishment not compensation) that portray both a social problem and its solution in a specific way. There are other ways of understanding the problem of the exploitation of migrant domestic workers; the failure of states to enforce labour rights or to regulate recruitment agencies in combination with restrictive immigration controls can be seen as producing fertile soil for abusive employment practices. Moreover, the paradoxical effect of both campaigns to treat the exploitation of migrant domestic workers in the UK as slavery has been to make the immigration controls that pertain to migrant domestic workers more restrictive.

It is critical to appreciate the political context of neoliberalism in order to understand the paradoxical effect of the campaigns that characterize the exploitation suffered by migrant domestic workers as a form of modern slavery. I begin by discussing the idea of labour unfreedom and the process by which the elements of this unfreedom are characterized in legal instruments and legal discourses. Next, I briefly recount how modern slavery came to be invoked by advocates to challenge the immigration controls that regulate the entry of migrant domestic workers to perform domestic work in the UK and the result of these campaigns. I conclude by considering what the key components of a policy designed to stop the exploitation of migrant domestic workers by their employers would look like.

The legal characterization of domestic workers' unfreedom

The example of migrant domestic workers illuminates the different dimensions of unfreedom that are involved in a labour regime.⁵ The host state's imposition of restrictive immigration conditions on migrant domestic workers renders them unfree at the moment of contract, and creates conditions that lead to extreme exploitation by employers. For example, most migrant worker visa programmes tie a worker's visa to ongoing employment with a specific employer, impose restrictions on where migrant workers may reside (often within the employer's home), by what means (if any) they may obtain permanent residence or citizenship, and under what conditions (if any) they can be joined by dependants. In some cases, migrants' passports are confiscated on arrival.

How migrant workers' unfreedom is characterized for the purposes of providing mechanisms of legal redress raises important questions concerning the relationship between legal and other social systems. Legal characterization is often seen as the process by which different regulatory paradigms are assigned to resolve a social problem. Regulatory paradigms or contexts involve assumptions about the nature and causes of the problem, the goals of regulation, and the strategies or techniques of regulation, which

include burden of proof, remedy and redress, and form and process of adjudication.⁶

Legal scholars acknowledge that the process of legal characterization is 'not a neutral one' since 'legal categories are not immutable abstractions into which sets of facts can be squeezed regardless of whether or not they fit.'⁷ Typically, there is a range of possible legal categories inhabiting different regulatory contexts or paradigms. In the UK there are at least four different regulatory contexts or domains (crime, labour, human rights, immigration) operating at the international, national, and subnational levels, each of which involves a wide range of institutions, discourses, and practices that govern migrant domestic workers.⁸

The concept of jurisdiction is useful for elaborating the internal construction of a regulatory context. While jurisdiction is typically associated with the 'where' (territory) and the 'who' (authority) of governance, 'jurisdiction also differentiates and organizes the "what" of governance — and, most importantly because of its relative invisibility, the "how" of governance.'⁹ The objects of governance — what is to be regulated — for example, whether the exploitation of domestic workers is a matter of criminal or labour law or the treatment of migrant workers falls within immigration or criminal law, are associated with governance technologies (how the object should be governed), which, in turn, can be understood in terms of institutional capacities and rationalities as well as social and political norms and practices. Jurisdiction sets the outer boundaries of the process of legal characterization, and it is an outcome of social and political contestation. It functions to allocate social relations and social activities into different legal domains or regulatory contexts.

Jurisdiction also has an external dimension. Several jurisdictions or regulatory contexts operate to construct a complex web of legal governance at the international level for migrant workers. These different regulatory domains or jurisdictions are dynamic, plural, overlapping, and permeable, involving a number of institutions, actors, and discourses that operate across a range of scales, with different degrees of attachment or embeddedness. While there are legal techniques for resolving

apparent conflicts about the appropriate or correct normative characterization, it does not follow that this legal pluralism operates as a harmonious legal order since the different jurisdictions reflect contested and complicated histories involving the interaction of political economy and historical contingency.¹⁰

For migrant domestic workers, the important issue is not so much which jurisdiction prevails, but, rather, how the different jurisdictions fit together to govern the social processes that produce the different dimensions of unfreedom. It is helpful to think of the legal governance of migrant domestic workers as composed of regulatory domains or spheres of jurisdictions that can attract or repel each other. The internal structure of each sphere or domain is internally complex, composed of a specific regulatory paradigm, with its own social assumptions, goals, and technologies. The domains operate simultaneously along and across different scales and institutions and they have varying degrees of influence on one another. Externally, the borders between the spheres or domains may overlap or bleed into each other; two or more jurisdictions can share discourses, doctrines, and institutions. The relationship between the different spheres is crucial in understanding the normative or legal characterization of domestic workers' unfreedom. Moreover, jurisdictions interact in a social and political environment, which can function as a conductor that amplifies the force of a particular jurisdiction or an insulator that weakens the influence of one jurisdiction when compared with another. For example, governments that embrace a 'law and order' agenda and that tend to demonize migrant workers as a threat to their own citizens imbue the criminal law jurisdiction with a great deal more force than that of labour law when it comes to addressing the exploitation of migrant domestic workers.

Overseas domestic workers in the UK

Intent on closing the UK's borders for work and settlement to all but the wealthiest and most highly skilled third-country nationals, and citing polling data indicating public support for its position, the Coalition Government proposed either to abolish the route for overseas domestic workers in private

households or to restrict residence to a six-month period as a visitor only, or twelve months where accompanying a high-value or skilled migrant, with no possibility of extension, no right to change employers, restrictions on accompanying dependants, and no right to settlement.¹¹ These proposals mirrored the changes proposed, and then postponed in the face of criticism, by the Labour Government in 2006.¹²

Two types of rationales were offered for these proposals: closing the border to low-skilled workers who were considered to be of little economic value to the UK, and ending the abuse of migrant domestic workers. Remarkably, the government turned on its head the argument that abolishing the overseas domestic workers scheme would lead to more trafficking, invoking the documented cases of employer abuse of domestic workers admitted under the visa as a reason for abolishing it.¹³ It also noted that the National Referral Mechanism for identifying victims of trafficking did not exist when the right of overseas domestic workers to change employer was introduced.

The release of the visa reform proposals at the same time as the government announced its decision to abstain from voting on the International Labour Organization's (ILO) Domestic Workers Convention, which provides a comprehensive set of labour standards for domestic workers, exemplifies the Coalition and Conservative Governments' determination to remove trafficking from a labour regulation approach to the problem of the exploitation of migrant domestic workers. Currently, under UK employment laws, domestic workers are excluded from a number of labour standards, including maximum weekly working time, restrictions on the duration of night work, occupational health and safety legislation, and, if they reside in their employer's home and are 'treated as a member of the family', the minimum wage.¹⁴ If they are not 'legal' migrants, they are not able to enforce their contractual or statutory rights on the ground that their employment relationship is illegal.¹⁵ Moreover, the UK government simply ignored the recommendations and reports of the international and European human rights bodies that identified immigration controls of the type it was proposing to be part of the problem.¹⁶ Instead of

providing domestic workers with employment rights, it continued to exclude them, holding fast to an anti-trafficking paradigm that resulted in the strengthening of border controls and deployment of the criminal law, and, in the process, reinforced stereotypes that abuse of domestic workers was a foreign and not British problem.

In February 2012, the government announced that instead of abolishing the overseas domestic workers visa, it would limit its duration to a maximum of six months, with no extensions, or until the employer leaves the UK, whichever was sooner. Domestic workers would be prohibited from bringing dependants with them (unless they came as visitors), and, while in the UK, from changing employers, switching immigration categories, or applying for settlement. Allowing even a narrow route for domestic workers was a concession to attract desirable immigrants, who, after a six-month grace period, would then be required to recruit domestic help, possibly through an agency from among UK or EU workers in the UK labour market.¹⁷ The government justified the prohibition against changing employers by referring both to data indicating that up to 60 per cent of employer changes were not related to abusive employment conditions, and to the availability of other forms of protection, such as the National Referral Mechanism to identify and support victims of trafficking, the prohibition against slavery, forced labour, and domestic servitude, and 'the backstop of domestic workers being able to return to their country of origin'.¹⁸

When the rules for admitting migrant domestic workers changed on 6 April 2012, the government remained steadfast that 'the best way to address abuse of overseas domestic workers in the UK is to restrict access for such workers'.¹⁹ Confronted with a report by the Salvation Army that it had witnessed an increase in domestic servitude after the visa changes came into effect, the Home Office replied that the most effective way to tackle the problem 'is to better identify and support victims and target the criminal gangs behind trafficking, not blaming immigration controls'.²⁰

The politics of legal characterization

Enacted in 2015, the Modern Slavery Act 2015 makes modern slavery, which it defines as encompassing slavery, servitude, forced and compulsory labour, a criminal offence. The crime of trafficking is also situated in the Modern Slavery Act, where the emphasis is on 'traffickers and slave drivers' who coerce, deceive, and force individuals against their will into a life of abuse, servitude, and inhumane treatment. An Anti-Slavery Commissioner has been appointed, and the strategy for combatting modern slavery builds upon the government's approach to organized crime and counter-terrorism. That the government's primary concern is with cross-border slavery and trafficking is reinforced by the recent enactment of the Immigration Act 2016, which is designed to make it harder for people to live and work illegally in the UK and to impose tougher penalties and sanctions on rogue employers who exploit illegal migrants. This Act makes illegal working a criminal offence, with a maximum custodial sentence of six months and an unlimited fine. It also provides that the workers' wages can be seized. Punishments for employers who employ migrant workers without proper authorization to work in the UK have been increased and businesses that employ such workers can be closed down. The UK's Conservative Government points to an increase in organized criminal activity associated with labour market exploitation and illegal workers as the cause of the problem of low-paid, insecure, and precarious work in the UK.

The Immigration Act 2016 displays no concern 'for the well-being of migrant workers (regardless of their status)' and disregards relevant international norms on the treatment of migrant workers.²¹ In fact, migrant workers who are paid for their work may have their wages confiscated if they are later prosecuted for illegal working. Under the very broad doctrine of illegality that operates in the UK, irregular migrant workers who seek to enforce their statutory rights will be barred from doing so.²² Migration status, even in the case of the mostly women workers who are on overseas domestic

workers visas, is not a protected characteristic under the Equalities Act.²³ In fact, the only possibility that a migrant worker without lawful status has for redress is if they are a victim of slavery or trafficking under the Modern Slavery Act, where there is recourse to a reparation order.

Regulatory responses

The problem with the modern slavery approach to coercive forms of labour control is that it is embedded in the criminal law and is associated with strengthening border controls. Although, in theory, criminal law, labour law, and human rights approaches to the exploitation of domestic workers are complementary, in practice, criminal and immigration law have subsumed and marginalized human rights and labour law. Effective regulation of the UK labour market is the only way to stop the exploitation of overseas domestic workers.

Moving from 'light touch regulation' and establishing a central labour inspectorate is a critical first step. The existing mechanisms for enforcing employment rights in the UK are complex and fragmented. Unlike most jurisdictions, there is no central inspectorate and enforcement system. Currently, the enforcement of employment law in the UK is divided between four agencies: the Health and Safety Executive enforces occupational health and safety laws and aspects of the legislation on working time; HM Revenue and Customs enforces the National Minimum Wage; the Employment Agency Standards Inspectorate enforces rules governing the conduct of employment agencies; and the Gangmasters Licensing Authority (GLA) enforces legislation regulating the conduct of licensed gangmasters, which are suppliers of labour in sectors such as agriculture and food processing. The Immigration Act 2016 gestures towards enforcing employment standards through the establishment of the Director of Labour Market Enforcement and by expanding the remit of the GLA, now called the Gangmasters and Labour Abuse Authority (GLAA).²⁴ The Director is supposed to provide strategic direction for the organizations responsible for regulating the UK labour market. Moreover, the GLAA will be given additional powers enabling it to investigate abuse allegations across the entire UK labour market. Labour Abuse Prevention Officers, with a specialist

investigator role within the GLAA, will be detailed to carry out enquiries into labour market abuse offences.

Although the government claims that the 'UK has a strong legal framework in place to ensure that minimum standards are met for workers', nothing could be further from the truth.²⁵ The UK has just 0.9 labour inspectors per 100,000 members of the workforce, compared with 4.6 in Ireland, 5.1 in the Netherlands, 12.5 in Belgium, and 18.9 in France — one of the smallest labour inspectorates in Europe.²⁶ Labour inspection agencies have seen steep declines in budgets since the 2010 Spending Review — including more than 20 percent cuts to the GLA.²⁷ There is some indication that this trend has come to a end; for 2016/17 the UK government has increased the resources available for compliance with and enforcement of the National Minimum wage to 20.2 million, from 13.2 million in 2015–16 and 9.2 million in 2014–15.²⁸ But, at the same time, in its determination to reduce 'red tape', the government is shifting away from the licensing system that was at the heart of the GLA move towards voluntary schemes.²⁹ The turn towards criminal investigation by the rechristened GLAA is likely to absorb huge resources and distract from its core licensing and monitoring functions.

Moreover, despite the government's assurances that the Director of Labour Market Enforcement's 'remit covers labour market breaches, and not immigration offences', the Government has made it clear that the Director and the enforcement bodies will work closely with immigration officials, whose mandate is to find, punish, and deport people working in breach of their visa conditions.³⁰ The GLAA will be conducting joint operations with the UK Border Force, which enforces immigration controls. This intermingling of the enforcement of labour standards and immigration controls will inevitably undermine the ability of the Director and the GLAA to enforce labour standards. Undocumented workers who are at risk of labour exploitation will be unwilling to come forward to report violations of labour standards if they fear that they will be penalized for 'illegal working'. For this reason, organizations as diverse as the International Labour Organization, the Council of Europe, and the US Department of Labor agree that it is critical to erect a

firewall between the enforcement of labour standards and immigration controls.³¹ Thus, ensuring that irregular migration status does not undermine either entitlement to or enforcement of labour rights is an important second step in a strategy that is designed to protect migrant domestic workers from exploitation.

Finally, ratifying the ILO's Domestic Workers Convention, and applying working time regulations to domestic workers and repealing the minimum wage exemption for domestic workers who are 'treated as a member of the family', would be a strong signal to employers that domestic workers

have rights. In a political economy in which policing borders and combatting crime are key government priorities, criminal law and border control approaches to slavery and trafficking are amplified at the expense of labour law or migrant rights. In this context, legal approaches that focus on modern slavery are more likely to harm, rather than help, precarious migrants. The UK government should consider much more systematically how best to tackle unacceptable forms of work, especially when migrant workers are involved, rather than simply invoking the criminal law, which tends to exacerbate, rather than resolve, the problem of labour exploitation.³²

Notes

- ¹ J. Fudge and K. Strauss, 'Migrants, Unfree Labour, and the Legal Construction of Domestic Servitude: Migrant Domestic Workers in the UK', in C. Costello and M. Freedland (eds), *Migrants at Work* (Oxford: Oxford University Press, 2015).
- ² V. Mantoulavou, 'Am I Free Now?' Overseas Domestic Workers in Slavery' (2015) 42 *Journal of Law and Society* 329.
- ³ James Ewins, 2015. Independent Review of the Overseas Domestic Workers Visa. Available from: <https://www.gov.uk/government/publications/overseas-domestic-workers-visa-independent-review> (accessed 6 March 2016).
- ⁴ In 2005, the Council of Europe adopted a Convention on Action against Trafficking in Human Beings, which emphasized the protective dimension of a comprehensive approach to trafficking, which the UK ratified in 2008. The Convention required the UK to introduce a mechanism to identify and refer victims of trafficking. On 11 March 2016 the Conservative Government released to Parliament its statement of changes to the immigration rules, which included two changes regarding the overseas domestic worker that implement Ewins recommendations and which came into effect on 6 April 2016. First, a provision allowing an overseas domestic worker to take employment as a domestic worker for another employer than the employer for which they were admitted originally during the six months for which such workers are admitted, and irrespective of whether they are the victim of abuse or not. Second, the provisions of the rules relating to domestic workers who are the victims of slavery or human trafficking are being amended to provide that a person may be granted leave to remain in this category for a period of up to two years (Statement of Changes on Immigration Rules Presented to Parliament pursuant to section 3(2) of the Immigration Act 1971, 11 March 2016). Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/507235/54729_HC_877_Web_Accessible.pdf (accessed 13 March 2016).
- ⁵ A. Bakan and D. Stasiulis, 'The Political Economy of Migrant Live-in Caregivers: A Case of Unfree Labour', in P. Lenard and C. Strahle (eds), *Legislated Inequality: Temporary Labour Migration in Canada* (Montreal and Kingston: McGill-Queens University Press, 2012).
- ⁶ H. Shamir, 'A Labor Paradigm for Human Trafficking' (2012) 72 *UCLA Law Review* 76.
- ⁷ A. Bianchi, 'Terrorism and Armed Conflict: Insights from a Law and Literature Perspective' (2011) 24 *Leiden Journal of International Law* 1, 3.
- ⁸ J. Fudge, 'Global Care Chains, Employment Agencies and the Conundrum of Jurisdiction: Decent Work for Domestic Workers in Canada' (2011) 23 *Canadian Journal of Women and the Law* 235.
- ⁹ M. Valverde, 'Jurisdiction and Scale: Legal "Technicalities" as Resources for Theory' (2009) 18 *Social & Legal Studies* 140, 145.
- ¹⁰ C. Thomas, 'Convergence and Divergences in International Legal Norms on Migrant Workers' (2011) 32 *Comparative Labor Law and Policy Journal* 405, 408.
- ¹¹ UK Border Agency, 'Employment Related-Settlement, Tier 5 and Overseas Domestic Workers' (London: Home Office, 2011) 12–13.
- ¹² HC Deb 10 May 2006, col 101–7 WH.
- ¹³ UK Border Agency, 'Employment Related-Settlement, Tier 5 and Overseas Domestic Workers' (London: Home Office 2012) 29, 31.
- ¹⁴ *National Minimum Wage Regulations 1999* reg 2(2); *Working Time Regulations 1998* reg 19; *Health and Safety Act 1974*, s 51.
- ¹⁵ *Zarkasi Anindita and Tse Tan* [2012] ICR 788. However, the doctrine of illegality has recently been limited. In *Hounga v Allen* [2014] UKSC 47, the Supreme Court upheld Ms Hounga's claim of race discrimination despite her 'illegal' migration status because she was trafficked. According to the Court, the doctrine of illegality should not operate so as to undermine the protections offered to victims of trafficking.
- ¹⁶ A constellation of international and European human rights bodies have identified the link between restrictive immigration controls and the exploitation of migrant workers. See, for example, UN Human Rights Council, *Report of the Special Rapporteur on the human rights of migrants, Addendum: Mission to the United Kingdom of Great Britain and Northern Ireland* 2010; Shahinia, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences* 2010; UN Committee on Migrant Workers, General Comment No. 1 2011; Report of the European Union Agency for Fundamental Rights Agency, *Migrants in an Irregular Situation Employed in Domestic Work: Fundamental Rights Challenges for the European Union and its Member States* 2011.
- ¹⁷ HC Deb 29 February 2012, cols 35WS, 26WS.
- ¹⁸ Home Office, Impact Assessment, 'Changes to Tier 5 of the Points Based System and Overseas Domestic Worker Routes of Entry' (London: Home Office, 2012).
- ¹⁹ This was the Minister of State for Immigration's response to a question raised in the House of Commons about the recommendations of the Organization for Security and Co-operation in Europe's Special Representative and Co-ordinator for Combating Trafficking in Human Beings for a visa regime for domestic workers that allows them to change employer and leads on to permanent settlement. (Organization for Security and Co-operation in Europe, 'Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude' (Occasional Paper series no. 4, 2010). HC Deb 15 March 2012, col 372W.
- ²⁰ P. Peachey, 'More Women Forced into Slavery after Change to Immigration Law', *The Independent*, 3 February 2013.
- ²¹ A. Davies, 'The Immigration Act 2016' (2016) 45 *Industrial Law Journal* 431, 439.
- ²² *Allen v Hounga* [2014] UKSC 47, [2014] ICR 847, [24].
- ²³ *Onu v Akwivu* [2016] UKSC 31, [2016] 1 WLR 2653.
- ²⁴ Immigration Act 2016, c 19.
- ²⁵ Immigration Bill 2015/16, Factsheet — Labour Market Enforcement (clauses 1–7), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/537203/Immigration_Act_-_Part_1_-_Labour_Market_Enforcement.pdf (accessed 29 September 2016).
- ²⁶ Focus on Labour Exploitation (FLEX), Tackling exploitation in the labour market consultation, <http://www.labourexploitation.org/sites/default/files/publications/FLEXBISConsultationFINAL.pdf> (accessed 29 September 2016).
- ²⁷ Gangmasters Licensing Authority, Annual Report and Accounts, 1 April 2014 to 31 March 2015, available at: http://www.gla.gov.uk/media/1558/gla_annual_report_accounts-2014-2015.pdf (accessed 29 September 2016).
- ²⁸ National Audit Office, Report by the Comptroller and Auditor General, Ensuring Employers Comply with National Minimum Wage regulations, HC 889, Session 2015–16, 11 May 2016, available at <https://www.nao.org.uk/wp-content/uploads/2016/05/Ensuring-employers-comply-National-Minimum-Wage-regulations.pdf> (accessed 29 September 2016).
- ²⁹ Gangmasters Licensing Authority, Annual Report and Accounts, 1 April 2014 to 31 March 2015, 12.
- ³⁰ Immigration Bill 2015/16, Factsheet — Labour Market Enforcement (clauses 1–7).
- ³¹ Focus on Labour Exploitation (FLEX), Tackling exploitation in the labour market consultation, <http://www.labourexploitation.org/sites/default/files/publications/FLEXBISConsultationFINAL.pdf> (accessed 29 September 2016).
- ³² For a discussion of how to tackle unacceptable forms of work see Judy Fudge and Deirdre McCann, *Unacceptable Forms of Work: A Global and Comparative Study* (International Labour Office: Geneva, 2015) available at: http://www.ilo.org/wcmsp5/groups/public/---ed_protect/documents/publication/wcms_436165.pdf (accessed 29 September 2016).



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