

# Experiences of forced labour among Chinese migrant workers

Carolyn Kagan, Sandy  
Lo, Lisa Mok, Rebecca  
Lawthom, Sylvia Sham, Mark  
Greenwood and Sue Baines

# Experiences of forced labour among Chinese migrant workers

Carolyn Kagan, Sandy Lo, Lisa Mok, Rebecca Lawthom, Sylvia Sham, Mark Greenwood and Sue Baines

November 2011

**This report reveals the experiences of Chinese migrant workers in the UK. It looks at forced labour and exploitation, the role of family and social relationships, and how far migrants are able to exercise control over their lives.**

Many Chinese migrants seek work in the UK, in the context of increased globalisation and economic changes in China. However, the UK Government aims to stem the admission of unskilled migrant workers from outside the EU and to tackle forced labour and exploitative working conditions.

The report:

- outlines contemporary patterns of migration for work from China to the UK;
- explores the complex relationship between migration, work and family;
- employs a continuum of exploitation (from decent work to forced labour) to describe the working conditions and patterns of employment of Chinese migrant workers in the UK;
- considers those factors that render low-skilled migrant workers from China vulnerable to forced labour; and
- identifies actions that can be taken by government, civil society organisations, trade unions and employers.

# Contents

List of figures and tables

**Executive summary**

**Introduction**

**1 Leaving China and travelling to the UK**

**2 Family**

**3 Working in the UK**

**4 Forced labour or vulnerable and exploited workers?**

**5 Conclusion and recommendations**

Notes

References

Appendix I: Method

Appendix II: Timeline of significant events in China

Acknowledgements and About the authors

# List of figures and tables

## Figures

- 1 Potential for movement along the continuum of exploitation: from decent work to forced labour

## Tables

- 1 Leaving China: vulnerability (lack of control) and protection (control) factors
- 2 The family: vulnerability (lack of control) and protection (control) factors
- 3 Working in the UK: vulnerability (lack of control) and protection (control) factors
- 4 Participants
- 5 Timeline

# Executive summary

## Introduction

Over the last decade, interest in Chinese migrants, forced labour, human trafficking and irregular working practices in the UK has grown. This is largely due to two incidents that have been widely publicised. In 2000, 58 Chinese men and women, who had been smuggled to the UK, were found suffocated to death in the back of a lorry that had just arrived in Dover from a cross-Channel ferry. In 2004, 23 Chinese cockle pickers drowned in Morecombe Bay, caught by incoming tides. Since then, the UK Government has introduced a number of measures to deal with forced labour, including the Gangmasters (Licensing) Act 2004 and the Coroners and Justice Act 2009, section 71. Furthermore, processes of managing migration have been introduced, effectively closing possibilities for unskilled workers from outside the EU to work in a regular way in the UK.

At the same time, the economic boom and political conditions in China have led to considerable labour churn and migration for work, both internally and overseas. There are increasing numbers of people from mainland China migrating to seek work in the UK. Most travel with the aid of travel facilitators, incurring large debts. Many enter the UK irregularly or by claiming asylum, and lack understanding of the UK immigration system. They find work, largely in Chinese businesses, via word of mouth, and end up working long hours, in poor conditions, for pay well below the minimum wage.

Reports on forced labour have focused almost entirely on labour conditions; however, people's working lives interlock with family and social relationships, wider social forces, life events and individual goals and ambitions.

## The research

The research drew on the experiences of 32 Chinese migrant workers, mostly working in the catering and hospitality sector, in order to understand the ways in which they exercised control over their lives, the risk of entering forced labour and the roles played by families and social relationships. The continuum of exploitation, from decent work to forced labour, was used to consider the balance between risk of and protection from forced labour.

There was evidence of aspects of forced labour: all the workers effectively experienced the withholding of wages through the excessively low pay they received. There were two examples of women working in conditions of forced labour; however, both found ways to leave these situations. For the most part, workers did not report widespread threats and physical harm, restrictions of movement and confinement, debt bondage, retention of documents or threats of denunciation.

## Main findings

The overall findings from the study were:

- Some Chinese migrant workers had experienced forced labour.
- There was widespread exploitation of Chinese migrant workers by employers who were not compliant with immigration, business or employment regulations.
- For most Chinese migrant workers there seemed to be no way out from exploitative work without regularising their immigration status.

- Chinese migrant workers had little understanding of the UK immigration rules, asylum system or good business practices, and had been deceived by travel facilitators, who charged large amounts of money to enable them to reach and enter the UK.
- Chinese migrant workers desired to work hard in a regular way and to pay taxes. They sought regular status in order to be able to exercise employment rights, visit their families of origin and support their UK-formed families. They did not – and did not wish to – draw on the benefits system.
- Chinese migrant workers' families influenced their lives in many ways, including their decisions to travel, their endurance of exploitative working conditions in order to pay off debts and maintain remittances, and their aspirations to stay in the UK or not.

The vulnerability of workers and the degree to which they were able to exercise control over their circumstances fluctuated over time. They were both caught up in and created a dynamic system in which migration, work and family were all interconnected.

## **The continuum of exploitation: from decent work to forced labour**

Forced labour is an extreme form of exploitation, the antithesis of decent work. Exploitation is best understood as a continuum from decent work to forced labour or slavery.

Although this study found few instances of forced labour, at different points in time all the workers were rendered vulnerable to worsening exploitation, away from the pole of decent work towards that of forced labour. One way of understanding a worker's position on the continuum of exploitation (from decent work to forced labour) is to consider the balance of vulnerability and protection factors at any point in time. When vulnerability factors outweigh protection factors, it is more likely that the worker will fall prey to greater exploitation in the direction of forced labour. Workers were rendered vulnerable to further exploitation by:

- obligations to and pressure from families;
- debt;
- low levels of education and skill and language difficulties;
- an immigration system that offers few opportunities for work to low-skilled migrants;
- partial or misleading support and information about immigration, work and recognition of their 'legal' position in the UK;
- a lack of information and support;
- the provision and perpetuation of poor working conditions;
- raids on employers employing 'illegal' low-skilled workers; and
- the availability of low-paid work in Chinese businesses, along with employer demand for flexible and cheap labour.

## The trap of exploitation within a hidden micro-economy

It seems as if there may be a self-sustaining micro-economy operating within the Chinese catering industry, to the mutual financial benefit of all involved, but with undocumented migrant workers being exploited (not necessarily by choice, but through the lack of alternatives).

Within this micro-economy, employers are assured of a flexible workforce, willing to endure poor conditions and pay and to work hard. Their profits are maximised by the willingness and availability of migrant workers, and they are saved recruitment costs. Responsibility for exploitation must lie with the Chinese business employers.

The irregular status of workers means that they are denied access to employment tribunals and other means of challenging their employment conditions or levels of pay. Most workers change jobs regularly as they gain skills and experience, in order to increase their pay. However, recent increases in workplace raids, and tighter regulations linked to the employment of undocumented workers, means that some people feel trapped in their employment and they report that it is becoming more difficult to find alternative work.

## Conclusion

This was a small-scale study involving a small number of migrant workers. A number of measures were introduced to enhance trust between workers and researchers, but it was still difficult to encourage participants to talk in depth about their experiences. It is impossible to say, definitively, that there is little forced labour: it is possible that the study did not reach those workers in the most exploitative work conditions. Forced labour and exploitation at work exist within a wider social context, within which workers are influenced by family and friends and are able to exercise choice and control. Forced labour is not simply a concern of workplace and employment practices and economic policy; it is also one of family practices and social policy. A number of actions are identified that could improve migrant workers' experiences, lessening their vulnerability to exploitation and enhancing the likelihood of decent work. These include recommendations for:

- The UK Government to opt in to the EU's (2009) *Directive providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals*, ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (OHCHR), 1990, and extend the remit of the Gangmasters Licensing Authority to include all forms of labour providers.
- The Home Office/UK Border Agency to listen to Chinese businesses about their labour needs and create 'legal' channels to enable migrants of all skill levels to work, in order to meet the requirements and realities of the labour market in the short to medium term.
- Trade unions to build on links with the voluntary sector to organise and represent undocumented workers in Chinese catering businesses.
- Business regulators to establish systems and work with the UK Border Agency to introduce incentives for the confidential reporting of information about exploitative employment, and target inspections on those employers who breach decent work conditions and engage in tax fraud through underpayment and non-declaration of workers, irrespective of the status of those workers.
- Chinese businesses, through their own networks, to enhance the reputation of the Chinese immigrant community and the attractiveness of working for Chinese businesses, through the celebration of good practice in providing decent work for all workers, irrespective of immigration status, and to seek to identify rogue employers and put pressure on them to adopt good employment practices.

- Chinese community associations and civil society organisations to secure additional support to strengthen Chinese community associations, so that they are able to work with businesses and trade unions to ensure best employment practice and support migrant workers.
- Research organisations to build the evidence base of the lived experiences of Chinese migrant families, with an emphasis on identifying specific cultural aspects of family.



# Introduction

## Aim of the research

The overall aim of the study was to gain an in-depth understanding of the experiences of forced labour among Chinese migrant<sup>1</sup> workers in the north-west of England, the role of family and social relationships and the extent to which they were able to exercise control over their lives.

Reports on forced labour have focused almost entirely on labour conditions. However, people's working lives interlock with family and social relationships, wider social forces, life events and individual goals and ambitions. We know little about how these different dimensions of life experience contribute to the choices Chinese migrant workers make and their experiences of forced labour. Family relationships and community ties influence people's decisions and their actions, and while they lie outside the forced labour continuum, they can render workers more or less vulnerable to exploitation. Workers may, for example, take personal risks in order to reach a destination through arrangements made by family and friends; they may tolerate appalling work conditions in order to keep providing for family members; they may become deeper in debt in order to reunify their immediate families; they may not resist abusive working relationships because they are perpetrated by family members; they may cease to retain hope of returning to China as UK-formed families grow.

This report presents findings about workers' experiences of leaving China, of working in the UK and in relation to their families. The continuum of decent work to forced labour is used to consider the balance between risk and protection from different degrees of forced labour.

Chinese migrant workers' experiences have to be seen in a wider context of migration generally, and Chinese migration to the UK more specifically.

## Chinese population in the UK

The size and nature of the Chinese population in the UK has changed in recent years. According to recent figures, the Chinese community in the UK rose from 227,000 in 2001 to 400,000 in 2007, making it the fastest-growing ethnic group in the UK (ONS, 2009). In addition to this, current estimates of the numbers of undocumented Chinese in the UK stand at 150,000–200,000 (NU-ILO, 2009). Thirty years ago most people of Chinese origin in the UK were from Hong Kong or overseas Chinese migrant communities, but since 1985, when restrictions on emigration from the People's Republic of China were lifted, there have been increasing numbers of people from Fujian and the north-eastern provinces (Pieke, 1998; 2010). This increase in migration must be seen in the wider context of globalisation and migration flows.

## Migration, globalisation and the nature of work

While there are many different ways of conceptualising the principle and processes of globalisation (Barnett, Held and Henderson, 2005), the International Monetary Fund defines globalisation as 'the process through which an increasingly free flow of ideas, people, goods, services and capital leads to the integration of economies and societies' (Köhler, 2002).

John Hutton, in the foreword to the UK Government's analysis of how globalisation affects the UK economy, summarised the consequences of globalisation:

*Globalisation is changing the world's economic landscape and the way we live our lives. ... the wave of globalisation we are currently experiencing is unique in terms of the speed and intensity of the political, economic, social and technological forces that have collided to create it. It has unleashed a renewed wave of people, commerce and capital throughout the global economy and has powered the creation and transformation of markets, jobs and industries across the world, at ever increasing speeds.*

(Hutton, 2008: v)

These processes of social and economic change have contributed to increasing global North–South divides in health and mortality, living standards, working conditions, human security, access to justice and human rights protection. Wills, *et al.* (2010) argue that a part of globalisation has been the worldwide implementation of the neoliberal economic model, which has supported labour deregulation, which in turn has led to complex processes of contracting and subcontracting. As a result, there now exist complex multinational chains of production (global commodity chains or global production networks) involving suppliers in different parts of the world, driving down earnings and increasing labour uncertainty as different parts of the chain seek ever-cheaper labour markets.

In the global North, the increase in low-paid jobs created by subcontracting has, suggest Wills, *et al.* (2010), devalued these jobs to the point at which they are difficult to fill. The result has been to place the migrant worker with a willingness to accept lower pay and poorer working conditions at the centre of labour processes. The transnational networks associated with globalisation have given rise to unprecedented levels of cross-border flows of trade, investment, information and people. Bauman (1998: 2) argues that while the rich minority are able to travel freely across these global spaces, the poor majority are prepared to take tremendous risks to escape the discomforts of their localised existence and the ghettos of their lives. The discomforts that people flee might be any combination of immediate threats to life and liberty, or lack of educational, employment and other social opportunities.

## **Forced and unforced migration**

Forced migration, according to the International Association for the Study of Forced Migration, ‘refers to the movements of refugees and internally displaced people (people displaced by conflicts) as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects’ (FMO, 2010). Forced migration is in contrast to unforced, or voluntary migration. Whereas forced migration leads to refugees, voluntary migration is often equated with economic migrants. Neumayer (2005) suggests that migration to western Europe always involves preparatory planning, and potential migrants weigh up the costs of staying with the benefits of migrating. The decisions are underpinned by economic hardship, along with political oppression and human rights abuse, as well as by violent conflict and state failure. There is, however, considerable debate about the utility of a distinction between forced and unforced migration.

Pollock (2010) questions this distinction. She argues that underlying most migration that is ostensibly for economic reasons (that is, unforced) are repressive social and political conditions that contribute to poverty. She notes how those organisations supporting exploited migrants increasingly have to define people in terms of different categories of migrants in order to continue to advocate effectively amid different legal protection regimes which themselves differentiate between ‘types’ of migrant. Furthermore, both Crawley (2010) and Turton (2003) argue that decisions to leave, whatever the reason – to migrate – are made by purposive actors: ordinary people exercising different areas of choice, embedded at any one time in particular social and historical circumstances. These decisions are made within complex sets of external constraints and predisposing events, which vary in their significance and their impact on individuals and their families. They include varying degrees of compulsion or choice and are strongly influenced by social networks. This means that even though there are substantial conceptual and practical difficulties in clearly differentiating between forced and unforced migration; refugees and economic migrants; proactive and reactive migration; or voluntary and compulsory migration, governments continue to do so.

## **Patterns and flows of migration to the UK**

Despite the difficulties in interpreting different data sources about migration (Boden and Rees, 2009), a number of trends can be identified. The Centre for Economic Performance (CEP, 2010) has drawn on different data sources to demonstrate that immigration to the UK rose steadily from 1995 to 2008. By late 2009 the stock (that is the total number of resident migrants) of foreign-born workers in the UK had reached 5.3 million, or 14 per cent of adults of working age in the UK, even though the flow (that is new migrants coming or leaving within a year) had been falling since 2006. The downward trend continues, and Coleman (2010) suggests that:

- In 2010, 69,000 fewer non-UK/EU-born migrants entered the UK compared with 2009.
- 13 per cent of non-UK/EU-born workers work in elementary occupations where median rates of pay are between £162 and £202 a week.
- 22 per cent of non-UK/EU-born workers work in the 'distribution, hotel and restaurant' sectors with median gross levels of weekly pay of £231.
- There has been an increase in the number of migrant workers who are choosing to remain in their adopted country rather than return home.

Asylum seekers are a subgroup of migrants. They are people who have sought international protection and whose claim for refugee status has not yet been determined. UNHCR (2010) reports some global and national trends in asylum seeking:

- In 2009, there were approximately 377,000 asylum applications recorded in 44 European and non-European countries – well below the peak in 2001 of 620,000 claims.
- The UK received 5 per cent fewer claims in 2008 compared to 2001.
- China was the fifth most important source country of asylum seekers, and in contrast to the overall trend, there was a 16 per cent increase in Chinese asylum seekers from 2008 to 2009.
- This increase was not reflected in the UK, where a 5 per cent reduction in claims from Chinese migrants resulted in 1,415 applications in 2009; China was the ninth of the top ten populations of origins for asylum applications in the UK.

The CEP (2010) reports that the total number of asylum seekers in the UK rose from 32,500 in 1997 to a peak of 84,130 in 2002, before falling back to 24,000 in 2009. The UK success rate for applications for asylum is low, with 13 per cent of claimants being awarded asylum in 2009. According to the Immigration Advisory Service, claims for asylum from China stood at 1,400, the lowest for ten years, for the twelve months prior to August 2009. Of all ethnic groups, Chinese asylum seekers are the least likely to follow up their claims (NU-ILO, 2009).

Although they are not permitted to work, the extent of unauthorised work undertaken by those seeking asylum is unknown. Indeed, Boden and Rees (2009) suggest that a regularly quoted benchmark of the size of the 'illegally' resident workforce in the UK is 450–500,000.

The CEP (2010) points out that despite the political rhetoric about the large numbers of migrants seeking to enter the country for work, the numbers of entrants for family reunification and study exceed those arriving for work-related reasons.

## **Managed migration in the UK**

Over the last decade the UK Government has been moving to a 'managed immigration' system, which, rather than limiting immigration per se, aims to manage it for economic advantage. As a result, borders are opened only to those whom it perceives as able to contribute to the wealth of the nation. As part of the Immigration, Asylum and Nationality Act, 2006, in 2008 a points-based, five-tier framework for entry to the UK was introduced for everyone except people from the European Economic Area (EEA) and Switzerland. The tiers are:

- Tier 1: highly skilled workers who have full access to the labour market and the welfare system;
- Tier 2: skilled workers with a job offer to fill specific gaps in the labour market as identified by the Migration Advisory Committee. Entrants in Tier 2 must also meet English language requirements;

- Tier 3: low-skilled workers to fill temporary labour shortages. This tier is not available for those outside the EU;
- Tier 4: students;
- Tier 5: youth mobility and temporary workers.

Points are awarded to migrants depending on levels of skills, experience, age and demands from the UK economy (in specific labour-shortage areas as identified by the Migration Advisory Committee). The same Act introduced ID cards for foreign nationals, a checking procedure for applicants for entry against watch lists (lists of people banned from entry to the UK) and fines for employers knowingly employing 'illegal' workers.

One consequence of the new system is that authorised opportunities for low-skilled migrants from outside the EU to work in the UK no longer exist. Furthermore, the language requirement for Tier 2 skilled migrants in shortage areas excludes those who might have skills but not high levels of educational attainment (such as cooks or performance artists). Particular issues arise for the management of migration in the catering and hospitality, and construction sectors.

## **Managed migration and labour shortages**

When the points-based system was set up, Lucas and Mansfield (2008) analysed the needs of the hospitality sector in relation to the points-based system and concluded that there would be a continuing need for unskilled workers in elementary jobs (such as kitchen workers) as well as more highly skilled workers such as chefs. Furthermore, they argued that there was no evidence that the introduction of the minimum wage had made the work more attractive to home-born workers and decreased the labour shortages in the sector. Nevertheless, the hospitality and restaurant trades were not considered to be a labour-shortage area at this time. Millar (2008) reported the efforts made by the Bangladeshi, Chinese and Japanese restaurant sectors to have these fields designated as shortage areas, to no avail. He anticipated that the restaurant sector would be adversely affected and that the stock of chefs from minority ethnic groups would be depleted through the points-based system.

The shortage areas for Tier 2 workers are kept under review by the Migration Advisory Service. In 2009, the Home Affairs Select Committee (HAC, 2009; Lam, 2009), heard evidence about the operation of the points-based system. The Committee concluded that three conditions gave rise to labour shortages in particular areas: the need for highly specialised skills; unattractive wages and conditions leading to a refusal from home-born workers to do the work; and insufficient investment in skills. Their argument was that in the latter two cases, job shortages could be filled by home-grown workers if wages and conditions made the work attractive or necessary training was given so that skills could be acquired. During the Select Committee hearing, evidence was given relevant to Chinese migrant workers, especially those working in the catering and restaurant sectors, by a number of people including representatives of the Chinese Immigration Concern Committee (HAC, 2009). Among the points raised were the following:

- In the UK there are 17,500 Chinese catering outlets contributing £4.6 billion each year to the UK economy.
- 100,000 workers are directly employed in the sector, which accounts for more than 50 per cent of the working Chinese population.
- The British Chinese catering industry is the economic backbone of the Chinese community.
- There has been a continuous labour shortage in the sector since the 1980s, as children with more educational qualifications have left the industry: the current estimate of shortfall is 60,000.

- There is a real danger of meltdown in the Chinese catering industry. The previous sector-based scheme enabled the recruitment of low-skilled staff from overseas but this has been replaced by the points-based system and Tier 3 has been suspended.
- Chinese restaurants offer fair wages above the minimum wage.

In response to representations made by the ethnic-minority restaurant sector, 'skilled chef' had been added to the shortage occupation list, with a requirement to earn at least £8.45 per hour after deductions for accommodation and meals. It was noted that the language and training requirements for entry would still make it difficult to recruit the necessary staff. There was a continued refusal to add low-skilled jobs to the shortage list and the concern was expressed that some ethnic-minority businessmen might prefer to employ from abroad in order to keep wages down. There was some recognition that with the requisite training it might be possible to employ unemployed people from the relevant ethnic communities in low-skilled catering jobs, although as Ruhs and Anderson (2010) point out, the existence and size of labour shortages critically depends on the price of labour. They advocate scrutiny of the 'micro-level factors' that affect employer demands and labour supply, including the social contexts of local labour markets, asking questions such as 'what is considered to be suitable work for women and men in the context of the social status of certain types of jobs?'. Ruhs and Anderson draw on Labour Force surveys of 2002 and 2008 to illustrate the increasing use of migrant labour, not only in the hotel and restaurant sectors, but also in construction. The percentage of migrants in the total workforce from 2002 to 2008 in construction grew from 4.5 per cent to 7.9 per cent; and in hotels and restaurants from 15.7 per cent to 23 per cent.

Lucas and Mansfield (2010) point out that employers in the hospitality and catering sectors favour migrant workers because of their greater flexibility, willingness to work long hours and positive attitude. It is not only migrant skilled chefs that are employed in catering and hospitality, but also those in elementary occupations (what Lucas and Mansfield term 'back of house' work, such as kitchen work), which comprise 45 per cent of all the occupations. Migrant workers tend to change jobs frequently and find new jobs via word of mouth, which functions to keep recruitment costs low. Furthermore, workers themselves may accept work and conditions of employment that they see as being reasonable, but that British workers would not tolerate. These different features of the employment of migrant workers enable profit maximisation in an industry that is subject to fluctuating demand and is particularly at risk during an economic recession.

## **Migration and the economic recession**

Migration flows have been and will continue to be affected by the economic recession. Drawing on a number of sources, it is possible to identify some of the ways in which the global economic recession has affected migrant flows (Awad, 2009; Fix, *et al.*, 2009; ILO, 2009a; IOM, 2008; Rogers, Anderson and Clark, 2009):

- In 2005, the number of international migrants was at an all-time high (195 million compared to 75 million in 1960).
- UN estimates are of 20–30 million unauthorised migrants worldwide (i.e. 10–15 per cent of the world's immigration stock).
- Migrants are one of the three groups (along with women and youth) most at risk of unemployment due to the recession.
- Informal work acts as an economic buffer, enabling low-paid wage earners to cobble together sufficient income to subsist.
- Economic migrants are less likely to return home as economic prospects at home worsen.

- Fewer unauthorised migrants have entered EU countries as economic conditions have deteriorated.
- Temporary workers are sensitive to economic conditions as employers are less likely to apply for permits during a recession.
- Low-skilled workers with limited language skills are rendered particularly vulnerable by the recession.
- In China, internal migrants from rural to industrial coastal areas have been more affected by the global slowdown than other Chinese workers, resulting in lower pay and poorer working conditions.
- The Chinese Government is promoting the emigration of rural migrant workers.
- Although remittances worldwide have reduced, they have continued to grow to China.

Fix, *et al.* (2009) warn that the recession increases the vulnerability of migrants to trafficking and exploitation in the workplace due to: a) dramatically reduced employment opportunities at home, which force people to migrate and to take greater risks in doing so; and b) the increased demand for forced, cheap and child labour due to the recession. Both exploitation in the workplace and forced labour have been found among Chinese migrants in the UK.

Over the last decade interest in Chinese migrants, forced labour, human trafficking and irregular working practices in the UK has grown. This is largely due to two incidents that have been widely publicised. In 2000, 58 Chinese men and women, who had been smuggled into the UK, were found suffocated to death in the back of a lorry that had just arrived in Dover from a cross-Channel ferry. In 2004, 23 Chinese cockle pickers drowned in Morecombe Bay, caught by incoming tides.

## **What is forced labour?**

The International Labour Organisation defines forced labour as: '[...] all work which is extracted from any person under the menace of any penalty for which the person has not offered himself voluntarily' (ILO, 1930).

While the ILO accepts that such a penalty could extend to include subtle forms of menace, or the loss of rights or privileges, broad economic need is not considered to form such a threat. Skřivánková (2010: 6) suggests that the key characteristics of forced labour are coercion and denial of freedom, writing: 'In practical terms, the menace of penalty relates to the freedom of the worker to leave the abusive employment. The involuntariness of forced labour relates to the freedom of choice'.

The ILO (2005) has suggested six indicators of forced labour:

- threats or actual physical harm to the worker;
- restriction of movement and confinement;
- debt bondage;
- withholding of wages or excessive wage reductions;
- retention of passports and identity documents;
- threat of denunciation to the authorities.

These indicators have been widely used as proxy indicators in studies of forced labour (for example, Anderson and Rogaly, 2005; TUC, 2008). Anti-Slavery International argues that where two or more elements of coercion are identified, the case should be identified as forced labour (Craig, *et al.*, 2007: 18).

The ILO describes decent work as the antithesis of forced labour. Consequently, if all workers in the UK were in a situation of decent work, there would be no forced labour. Decent work is characterised by the ILO (2006) as work that:

- is productive and secure;
- ensures respect of labour rights;
- provides an adequate income;
- offers social protection;
- includes social dialogue, union freedom, collective bargaining and participation.

Skřivánková (2010) suggests that the introduction of the concept of decent work enables us to view the issue of forced labour as an issue of labour and human rights. She argues that decent work and forced labour can usefully be viewed as two ends of a continuum with various degrees of labour exploitation filling the gap between them.

Forced labour is often associated with human trafficking for the purposes of labour exploitation or human smuggling, and Craig, *et al.* (2007: 22) point out that migrant workers, with their various immigration statuses and entitlements to work, are the group most at risk within the UK of becoming subjected to coercion and exploitation – or slavery-like working conditions. In particular, undocumented, irregular migrants are vulnerable to coercion and exploitation (ILO, 2009b). Somewhat paradoxically, some forms of authorised employment can function to restrict the freedom of workers. For example, the issuing of work permits that tie workers to particular employers creates a power imbalance and seriously limits the negotiating power and freedom of a worker (Wu, Sheehan and Guo, 2010).

Decisions to move abroad for work, or to change jobs, are not necessarily individual decisions, but are often made at the level of the household, family or even the community. With respect to the Chinese community, social decision-making is part of both the ‘push’ (from China) and the ‘pull’ (from the UK) factors (Gao, 2004). The chain of supply of workers frequently involves friends, relatives and local community members, with the creation of dependencies through the provision of favours, and strategies of manipulation, building on cultural norms and practices (Skřivánková, 2006: 16).

We have seen, above, that globalisation and the economic recession have affected labour markets and migration flows. There are some particular aspects of socio-economic developments in China, and immigration policy in the UK, that are of immediate relevance and contribute to push and pull forces affecting Chinese migrants.

## **Social and economic changes in China**

During the period of migration under study (1992–2009) there were substantial and significant socio-economic and policy changes in China that made it increasingly hard to earn a living, especially for low-skilled workers with low levels of education from rural and semi-rural areas. [Appendix II](#) shows a timeline of significant historical events in China. Chan, *et al.* (2008) review the main social-welfare policies in China. Relevant social conditions in China include:

- **Work and welfare:** since the beginning of the 1990s there was rapid economic development with reform and restructuring of state enterprises and introduction of foreign-invested enterprises. This has led to large-scale and new urban poverty (estimates of 50–60 million people in cities losing their jobs) with many people earning below subsistence levels. Former state employees have had to live with rising rents, high costs of education and loss of health care, all of which were formerly covered by their employers. The reforms have also led to massive internal migration of people from rural to urban areas in search of work (estimates of 50–80 million peasants who have moved to the cities).

- Domiciliary registration (*hukou*): official record of residence establishing rights to live in rural or urban areas. Those assigned to rural areas have fewer social benefits and public services than those in urban areas, and there are high and increasing levels of unemployment. Although there has been mass migration to the cities, there are increasing levels of unemployment in the cities. Many people who returned to the countryside for Chinese New Year in 2009 stayed there, increasing unemployment in rural areas (Fix, *et al.*, 2009).
- Pensions and family support: reform to state pensions has not been introduced uniformly and there are many older people who have no social insurance in retirement.
- Chinese Diaspora and the facilitation of emigration: there has been a growth in organised businesses enabling people to travel abroad for work, often 'illegally' – without identity or immigration papers. This has meant easy availability of assistance but increasingly high fees for the facilitator services. Different patterns of facilitation are emerging (Pieke, 2010) and they include the physical transportation of migrants as well as merely arranging for a business visa or work permit and air ticket. An extensive UK-based Chinese Diaspora enables support in the UK on arrival and opportunities for work in Chinese businesses. While the Chinese government has made efforts at a national level to stem economic migration, there is strong local government support, in those areas from which people travel to the UK, for irregular emigration and the remittances that are returned.

## **Immigration and employment policy in the UK**

During recent years, significant legislative changes that affect Chinese low-skilled migrant workers in the overlapping arenas of immigration and employment have been introduced in the UK. Some have been targeted at reducing trafficking; some at preventing the entry of low-skilled workers and the enforcement of penalties for employers found to be employing undocumented workers; and some at enhancing the working conditions of workers (but not irregular or 'illegal' workers). Major changes include:

- Detection and punishment of labour exploitation: in 2004, following the Morecombe Bay cockling incident, the Gangmasters (Licensing) Act was implemented. This covers the regulation of agencies providing workers to a restricted range of sectors, including agriculture, shellfish farming and food processing, with the purpose of detecting and punishing exploitation at work in these sectors. Legislation to prosecute for human trafficking has also been introduced. In 2007, the UK Action Plan on Tackling Human Trafficking was adopted, which included a focus on trafficking for the purposes of labour exploitation and on the need to develop the enforcement response.
- Availability of low-skilled workers: in May 2004 and in January 2007, the European Enlargement process admitted a further ten countries with a combined population of approximately 75 million people to the European Union. This made it possible for unskilled (and skilled) workers from recent accession states, who had previously been subject to immigration controls, to work legally in the UK. This led to an increased supply of authorised workers at the low-paid end of the market – the very sector in which Chinese migrant workers are employed.
- Prevention of entry to low-skilled migrants: in 2006, the Immigration, Asylum and Nationality Act was adopted. This Act included measures to prevent irregular migrants from working. From February 2008, employers could be fined and/or imprisoned for knowingly hiring irregular workers. In addition, immigration channels have been tightened and a points-based system introduced that enables the migration of highly skilled workers but is designed to prevent the entry of low-skilled workers.



- Specific legislation against forced labour: Section 71 of the Coroners and Justice Act 2009 came into force in April 2010. This provision effectively legislates against forced labour in England, Wales and Northern Ireland, making it an offence to knowingly hold another person in slavery or servitude or to knowingly require a person to perform forced or compulsory labour. A similar offence was introduced in Scotland.
- Improvement in working conditions: in 1999, a national minimum wage was introduced. This has increased from £3.60 to £5.93 per hour for adult workers and from £3.00 to £4.92 for those aged 18–20. In 2003, the working time directive was adopted, setting a maximum working week of an average of 48 hours. Some occupations are exempt and workers can sign an opt-out from the agreement. This means that employers who pay below the minimum wage or have excessively long working hours (if there has been no opt-out) are operating outside the employment regulations.
- Human Rights: in 1999, the European Convention on Human Rights was adopted via the Human Rights Act, including articles on the prohibition of slavery and forced labour, the right to respect for privacy and family life and the right to freedom of association (including the right to join a trade union).

In addition, there is a plethora of other employment, work-life integration, health and safety and business regulatory frameworks that are in part designed to ensure decent work and prevent labour exploitation – at least for regular or authorised workers. Trade unions organise and represent the interests of workers within these legislative and regulatory frameworks, protecting their rights at work and improving working conditions. Skřivánková and Beirnaert (2011: 24) point out that ‘trade unions were, until recently, often closed for undocumented migrants, who were not able to access membership and assistance’.

## Research partners

The research partners were the Wai Yin Chinese Women Society, based in Manchester, and the Research Institute for Health and Social Change of Manchester Metropolitan University. The primary researcher was a Mandarin- and Cantonese-speaking Chinese graduate who was originally from Hong Kong.

## Methodology

The main part of the study consisted of interviews with 32 recent Chinese migrants to the UK<sup>2</sup>, who either entered the country with authorised documents permitting both residence and employment or not, but whose status is or has been irregular. Initial contact with the workers was made via the Sunshine Project, a language and learning project within the Wai Yin, funded by Oxfam. Contacts with additional workers were made through word of mouth, and via project workers in the Wai Yin and the London-based Chinese Migrants Network. The interviews were supplemented by case studies contributed by advice agencies and discussions with the Belfast-based Chinese Welfare Association. Further details of the method and the participants are given in Appendix I.

The experience of the workers in this study, and their vulnerability to forced labour, can be understood in terms of: leaving China; importance of the family; and working in the UK.

# 1 Leaving China and travelling to the UK

The workers in the study are part of a wider picture of Chinese migration and the push and pull factors affecting their decisions to leave. These factors contribute to workers' motivation, their willingness to accept and endure whatever employment they can find, and their future aspirations for work and family life.

## Patterns of Chinese migration

Chinese migrant workers have contributed to the labour force and cultural life of the UK for well over a century. However, recent economic changes in China have resulted in increases in both internal and external migration. Prior to the 1970s, the majority of Chinese migrants hailed from Hong Kong or south-east Asia. Since then, more and more migrants from mainland China have arrived in the UK (Pharoah and Lau, 2009). The majority of participants in this study came from Fujian, a province in south-east China, bordering the ocean. Pieke (2004) suggests that coastal and central Fujian have a long history of overseas migration, but it is only since the 1978 social reforms in China that significant numbers of people have travelled to Europe; furthermore, people are leaving western Fujian, an area with no history of overseas migration. Pieke (2004: 9) points out that most people from Fujian are involved in migration, even if they themselves do not actually move. The impact of migration from coastal Fujian has had a profound effect on the area: 'these areas are highly specialized in overseas emigration to the point where villages are emptied of all men (and increasingly women as well) of working age, leaving households where only wives or grandparents raise the children' (Pieke, 2010: 145).

Mei Hua described how these trends affected her decision to leave.

*... most people in my town go abroad. So everyone thought they could have a much better life and earn a lot of money by going abroad, then bring the money back home. ... I saw people coming back with a lot of money earned from working abroad, and I started having the idea of going abroad too.*

## Leaving China and travelling to the UK: push and pull factors

All of the participants had made an active decision to leave China. For most people there was a combination of push and pull factors that affected their decisions.

### Push factors

The main motivation for leaving was to earn money, although some people described the opportunity to broaden their horizons and find out about other ways of life, or religious or political persecution, as either a main or supplementary reason. Push factors mentioned by participants included:

- the strong local traditions of emigrating for work;
- the economic conditions, pay and job prospects in China;
- family encouragement and pressure due to family and societal expectations of success abroad;
- political or religious persecution; and
- the desire to broaden one's mind.

## **Pull factors**

The UK was chosen as the destination for workers for different reasons. Pull factors from the UK mentioned by participants included:

- the possibilities for employment and for earning;
- the presence of friends or relatives;
- the expectation that hard work would pay;
- the expectation that life would be good; and
- the expectation that human rights would be observed.

Potential earning power was the most common reason given. An indication of the difference in earning power for workers in the UK and China was given by Xiao Li:

*In Fuqing, a worker's salary was the second lowest in China. Only about ¥100 (£10) a month. But in the UK I could earn about ¥10,000 (£958) per month. ... I only had one choice, which was to work abroad.*

At the heart of most decisions to work abroad was the intention to improve the lives of family members. Workers were encouraged and assisted by family members in travelling abroad, and only four of the participants had not discussed their plans with family members.

## **Regular and irregular means of migration**

People's travel to and entry into the UK relied on the services of professional travel facilitators (often referred to as snakeheads<sup>1</sup>. Pieke (2010) points out that Fujianese migrants tend to rely on the services of facilitators (or snakeheads), who take responsibility for arranging and physically transporting workers to the UK for a fee. Agents also assist people with obtaining visas.

The fees charged by travel facilitators vary considerably, but in this study were between 100,000 RMB and 300,000 RMB – or between £9,500 and £28,700<sup>3</sup>. The fee was raised from family and friends. Once the migrant arrived in the UK, family members usually paid the fee to the agent or facilitator in China. Thereafter, the migrant owed money to family and friends, rather than to the snakeheads or agents.

Most journeys to the UK involved workers being smuggled by chains of snakeheads across several national borders, and reflected accounts of difficult and complex journeys given elsewhere (for example, Pieke, 2010).

For many of the travellers there were times on the journey when they were frightened, exhausted, mistreated, confused and vulnerable. At these stages some wanted to return home but they were trapped: they would still have to pay off the original loan, which would be impossible to do if they returned to China. In addition, they would incur further expenses for the assistance they would need to return. They had no option but to continue to travel as planned.

Entry to the UK included both regular and irregular means. Those with valid visas could enter the country 'legally'. Two women travelled with work permits and another two with dependants' visas, joining husbands who had previously travelled with work permits. The three other regular entrants in the study said they had held visitors' visas or, in one man's case, a business visa. Even when entry was regular, the overstaying of a visa then rendered the migrant's status irregular, and those with visas other than work permits in the study had all overstayed.

Irregular routes to migration involved false documentation or no documentation. Either people were smuggled into the country without detection at a point of entry, as was the case for five participants, or they arrived at a port or airport without identity or entry documents, were detained, questioned and then released, as was the case for 20 participants (see [Box 1: Ah Wang's story](#)).

### **Box 1: Ah Wang's story: he wanted to see the world, earn money and then return to China**

Ah Wang left China when he was 28, seven years ago. His wife stayed behind while he saw what life was like in the UK. He was misled by the snakeheads arranging his journey:

*They told me that I would go straight to the UK. My visa was for going to Russia, because they said I could go straight to the UK from Russia. But it turned out it was a lie. They promised me the journey would be easy and safe and simple, and we would go there by plane. It turned out differently when we arrived in Russia but we couldn't argue with them. The snakeheads lied to us. When we arrived in Russia our passports were taken away by them. They gave us no choice except to follow their instructions. We had no freedom. We were kept in a place and not allowed to go out. But even if we could have gone out we were scared of getting lost and not being able to speak the language. If the snakeheads told us we were leaving tomorrow then we would just pack our bags and the next day we'd be gone.*

Ah Wang travelled across countries by car but 'needed to climb mountains when entering the borders because we had no passports'. Local guides, part of the snakehead chain, would guide them across borders. They ended up staying in some places for up to a month while the next stages of the journey were planned. The journey ended up taking about a year.

*I was really scared throughout the journey because I didn't know where I would be the next day. I couldn't do anything except follow the snakeheads. You might have a nice snakehead in one place but a very nasty one in the next place. The people who took us across the borders weren't always good, some of them took our valuables. ... Because I was controlled by them I couldn't go back. I couldn't even escape because I didn't know where I was going to.*

When Ah Wang eventually arrived in the UK by boat he was arrested by the police but was released soon after. He thought he had applied for asylum at that time, but several years later discovered that there was no record of his claim.

Two-thirds of the participants arrived at airports with no documentation. Mostly they had boarded planes with false documents which they had then destroyed during the flight, on the instructions of the snakeheads. These travellers were detained on arrival for between a few hours and several weeks, either at the airport or in a detention centre. Fifteen people claimed asylum on entry, either because that was what they had been told to do by their travel facilitators, because they were advised to by other new arrivals, or because they were given forms to complete by immigration officials. Those who had been detained at ports of entry said that translators had been provided. A minority of travellers were released after a few hours and asked to report to an immigration centre the next day (which they did not). Five travellers said they did not know whether or not they had claimed for asylum on arrival. Three people reported claiming asylum after they had been in the country some time.

The participants did not, however, understand what claiming asylum meant or involved. Some had been led to believe it was just part of a legitimate process of entry to the UK and a stage they would have to go through. Others had been told that it was through claiming asylum that the UK Government would permit them to work and later to gain permanent residence. (The majority of the participants in the study arrived in the

UK between 2002 and 2007 and during this period asylum seekers were permitted to work after a six-month period.) The travel 'package' for one-quarter of participants had included some advice about how to claim asylum, how to answer questions and what 'stories' to tell. This varied from being advised to make up their own story about how hard life was in China (Xiao Zhou said he had been told that he was more likely to be granted asylum if he aroused sympathy at immigration) to being given training in what to say. Bing, who arrived in 2005, related:

*[The snakeheads] trained us for about a month. They were very professional as they even got their own teachers to tell you how to cope with the situations you might find, answers to specific questions, a list of questions that would come up. If you couldn't pass the training they wouldn't let you go. The teachers would give you a final test.*

The period of arrival was a time of anxiety for most participants, who had little information and did not understand the processes they were caught up in, as described by Ling, who also arrived in 2005.

*I was taken to a centre – I got caught because I did not get through customs. Snakeheads had told me to apply for asylum and we could make up a story ourselves. My story wasn't good and the immigration officer didn't believe it, so he wanted to send me back home or send me to another place. I was scared.*

Her claim for asylum was rejected and she was detained in an asylum centre for two weeks before being released and told to find a solicitor to help her to appeal.

The majority of the participants were clear that their primary motive for travelling was to earn a better living and support their families. They fall into the imperfect category, therefore, of unforced migrants.

Seven participants, however, told us that one of the reasons they left China was because of fear linked to political or religious persecution of themselves or family members. They could, therefore, be considered to be forced migrants, travelling with well-founded fears of persecution. Two of them had obtained visas: one a one-year work permit and the other a visitor's visa. Both had overstayed, and at the time of the research did not have 'legal' status. Four of the seven had applied for asylum on arrival: three applications had been rejected and Xin Lau, who arrived in 2008, was still waiting for a decision. The seventh, Zhi Peng, came to the UK from Ireland in 2007 and made no mention of applying for asylum.

For those entering without documents, whatever or wherever the period of detention, a snakehead was there to collect them on release. Word was sent to China of their arrival: after their debts were paid (usually in a matter of days) in China the snakehead freed them and they could contact friends or relatives (see [Box 2: Mrs Liu's story](#)).

### **Box 2: Mrs Liu's story: she was determined to leave China and travel to the UK, however hard it would be.**

Mrs Liu was 32 years old and had been in the UK for over eight years. She had been working in a biscuit factory in China but found it difficult to manage on her earnings. She borrowed money from friends and work colleagues to pay the travel brokerage fee. Initially she travelled to Italy on a false passport with a visa for staying in a remote place. However, the next stage of her journey involved changing to another passport. The Italian authorities discovered this and Mrs Liu reports being beaten by immigration staff in Italy. She said:

*The snakeheads told me I had to use the second passport when I arrived in Italy. Actually I was so clueless that I didn't know anything. I didn't even know when to use the boarding card, so I had to look for the right place. I think this was why the staff paid more attention to me because I looked*

*like someone who had never been in an airport before. They didn't allow me to get on the plane that was going to the UK. ... I was locked up in the airport for two to three days; they just gave me a very thin blanket. Also I had to fight for the food with some other people. I felt like I was going through hell during those days.*

Mrs Liu was sent back to Beijing where she was detained for two days. 'I tried to go abroad again. I had made up my mind that I had to go abroad no matter how hard it was.' She returned to the snakeheads, who arranged another route for her for no further fee. This time she was accompanied to Holland, then Austria and then to Spain. She was detained in Spain but eventually the Spanish authorities agreed to send her to the UK rather than back to China. The snakehead got her to the UK on another false passport. She was told to destroy the passport during the flight, so that when she arrived in the UK she had no papers. She was detained for one night. A snakehead picked her up on her release from the airport. Once her debt had been collected in China she was freed by the snakehead and able to contact her friends in London.

All of the travellers were hampered on arrival by their lack of English, although throughout the formal questioning in regard to their claims for asylum, we were told translators were available. Ah Yuk came from Hong Kong, but the rest of the participants were from mainland China, where Mandarin was the dominant language. They did not speak English, and less than one-quarter of participants spoke Cantonese, although these were the most common languages spoken in the workplaces in which they later found employment.

## **Conclusion: leaving China and travelling to the UK**

The migrant workers were, without exception, willing – determined, even – to leave China. They left backgrounds of poverty and insecure work to seek a better life and the ability to support their families financially. One-quarter of participants reported leaving for fear of political or religious persecution. Two young women had no family with whom to discuss their plans and Mrs Liu did not involve family in her decision to leave. The remaining participants all discussed their plans with family members. All but two participants were party to the discussions about finding the money and arranging travel, although for some this was taken out of their hands by a close relative who made all the arrangements. The travellers had no say over when they left or how, or the routes they were to follow. Throughout their journeys they were entirely in the hands of the travel facilitators and reported having no choice but to do what they were told.

The majority of participants entered the UK without documents and claimed asylum on arrival. Although they did not understand the purpose or processes of claiming asylum, doing so enabled them to reassert some control over their lives through the very procedure of making the claim and telling their story – whether genuine or not. Throughout the period of deciding to leave China and arriving in the UK, the migrants had different degrees of control over their lives, rendering them vulnerable to exploitation (see [Table 1](#)). Some factors contributed to both the vulnerability and the protection of workers.

**Table 1: Leaving China: vulnerability (lack of control) and protection (control) factors**

<b>Vulnerability factors</b>	<b>Protection factors</b>
<ul style="list-style-type: none"><li>• Economic conditions in China</li><li>• Increasing levels of unemployment</li><li>• Exchange rate of Yuan and Pound</li><li>• Traditions of migration</li><li>• Political or religious persecution</li><li>• Family encouragement and assistance</li><li>• Lack of family in China</li><li>• Family separation</li><li>• Precarious journeys and inability to return home</li><li>• Under control of travel facilitators</li><li>• Lack of identity documents</li><li>• Immigration rules preventing authorised entry of low-skilled migrants</li><li>• Willingness and determination to leave China</li><li>• Lack of English language</li><li>• Sparse availability of work and decent pay in China</li></ul>	<ul style="list-style-type: none"><li>• Expectation of employment, the recognition of human rights and a good life in the UK</li><li>• Family encouragement and assistance</li><li>• Information from relatives and friends in the UK</li><li>• Contact with relatives and friends in the UK</li><li>• Availability of facilitators and ability to raise money for the travel fee</li><li>• Claim for asylum on arrival</li><li>• Availability of translators on arrival</li><li>• Willingness and determination to leave China</li><li>• Availability of work and decent pay</li></ul>

For nearly all the participants, control was regained when they made contact with people they knew in the UK, frequently relatives or family friends. Families of origin and newly formed families contributed to workers' motivations and sense of purpose.

## 2 Family

Family gave meaning to most of the workers' lives. Not only had they left China in order to improve the quality of life for family members, but also at the time of interview, the majority of the travellers were married, albeit not always with formally registered marriages.

### Family in China

Those people who had husbands or wives and children in China did not make the decision to go abroad to work lightly. The wrench they experienced as they left loved ones behind contributed to their determination to overcome hardships en route and once working in the UK.

One-third of the interviewees left children behind when they travelled. Some, whose spouses subsequently joined them in the UK, left their children with grandparents to be raised. Although they regretted not seeing their children grow up, they were pleased to be able to support them financially – particularly their education – from afar.

Lao Zheng has been in the UK for six years. He has supported three children through their education, including university, from his overseas earnings. One of his daughters, a university graduate, has now joined him in the UK to work as a waitress, and his other two children are at university in China. Ah Wen worked to support his parents as well as his wife and son over a long period of time (see [Box 3: Ah Wen's story](#)).

#### **Box 3: Ah Wen's story: he came to the UK 17 years ago and his family has given him a sense of purpose all this time**

Ah Wen came to work in the UK in 1993. Before he left China he had married, and had a three-year-old son. He had seen people building houses from overseas earnings, and seen too how their children had got a better life. He had only studied up to Year 3 in primary school and worked as a general labourer. His parents were farmers and his family endured considerable hardship. His mother was a practising Catholic, which was considered illegal in the 1990s. As a result, his family repeatedly got detained and questioned and his mother was beaten. The only way he could see to make a better life for his family was to work abroad in the UK, which had a good human rights record. A Catholic friend introduced him to a snakehead and he was able to borrow money from relatives and people from the Catholic church. Once he arrived in the UK after a difficult journey, the son of one of his mother's Catholic friends picked him up and let him stay in his house; he then helped him find accommodation and a job. He took three and a half years to pay off his debts. He had borrowed ¥80,000 but ended up having to pay back ¥210,000 because of high interest rates on the debts. At some point he had got involved with loan sharks; hence the high rate of interest. After his debts were paid off he continued to send money back to support his wife, his son's education and his parents. He talked of the stress caused by the difficulty of earning enough:

*In the past there were people who grew eels in China but lost a lot of money and went to the UK. But they couldn't earn much in the UK either. They were under so much stress they committed suicide by jumping off the bridge in London. In the past I often found news like that in the newspaper. I'd think to myself: 'I'll take my time. It's not urgent. I'm not staying here for only one or two years, I won't go back for more than ten years. I should be able to repay the debts one day.'*



He has no plans to return to China now. Although his wife and son are in China, his wife is now living with someone else and his son has grown up. His parents are getting older. Ah Wen considers these changes to be the price of going abroad to work. He explained:

*After I paid the debts I was relaxed. I wanted my family to have a better life as my parents had suffered from a hard life. They had suffered a lot mentally. I can only earn money here to compensate them. I still send money back.*

All but two of the people who participated in the study had parents and other relatives in China. In addition to parents and siblings who remained in China, eight men had wives who stayed in China. Eight other workers had followed their husband or wife to the UK to work. Moving abroad for work and leaving family in China contributed to the stress and loneliness of life in the UK. Indeed, for some workers it was the desire to return to their families that drove them to seek repatriation.

On the other hand, when spouses joined them in the UK, workers' debts increased as further loans were taken out to facilitate the spouse's travel. Xiao Li's wife followed him to the UK after approximately four years. While this meant they could be reunited, it also meant further debts were incurred. He said:

*[It was] very hard. When my wife came the fee increased. It cost ¥300,300 to come to the UK. This fee I had to pay. I paid because she had married me, which was what we did in our home town – when women came here, men paid. ... I didn't have enough money. I had been working for two years. I paid off my debts and only had a dozen of thousands left. I also borrowed [from relatives and friends] ¥200,000. I had to repay ¥200,000 while my job was not stable.*

Despite the strain of additional debts when wives or children travelled to the UK, the presence of a family made life more bearable for some workers. Xiao Li's sense of responsibility for his family affected his work decisions – he no longer took the risk of selling DVDs to earn more money:

*When I was alone in the past, life was very boring and monotonous. After my wife had come, she had a child and I was happier. When I finished work I could go back home, spend time with my family and saw my kid. On my day off we went out. I've changed a lot. ... When she was pregnant I didn't gamble or sell DVDs any more. I knew if I got caught I would get sent back to China. So I didn't do anything against the law.*

It was not just the links they maintained with their families back in China and the knowledge that they were contributing to those families that kept workers going. Workers were also motivated by the additional responsibilities and obligations that came with the forming of new families in the UK.

## **Family in the UK**

Seven of our participants met husbands or wives in the UK. The marriages they talked about were not always registered marriages, either in the UK or in China. Only three men and one woman were single at the time of interview. One woman was separated from her husband who had been deported back to China. Twenty-eight workers had children: twelve couples had children in China and sixteen couples had children born in the UK. Only one of the women we talked to did not have children at all.

For some, the family of origin was closely involved in the decision to get married in the UK (see [Box 4](#): Mei Hua's story).

#### **Box 4: Mei Hua's story: her family of origin and newly formed family have been at the forefront of her work experiences**

Mei Hua had graduated in accountancy from a vocational course. Her uncle had told her life in the UK was not easy. She applied to work in the UK but was rejected. She had encouragement from her family:

*Everyone in my home town, including my family, kept telling me how good it was to go abroad. ... My parents supported me very much, that's why the idea of going always stuck in my mind. ... They didn't want me to go through dangerous smuggling, so I came by flying from Beijing.*

She travelled on a false student visa and fake passport, both of which she had to return to her travel facilitators on arrival in London. In London she stayed with relatives and then went to Manchester to stay with a cousin, where they shared cramped living conditions, including sharing a bed. Her cousin found her a general kitchen char job, which paid £160 a week, in the restaurant where she worked as a waitress. Her uncle introduced her to her husband:

*My parents said it was OK if I couldn't pay back the money immediately, I could first find a nice guy to date and let him pay back the money for me. This way I wouldn't have to work so hard and had someone to rely on. My uncle started to arrange blind dates for me and I met my husband on my first blind date... [then] my parents went to his family's house to have a look and check up on him. They found his family had a house and some money. ... They checked on the background to make sure I wouldn't get cheated on. ... He said he had paid all the money he owed and that he had a house with five floors back home worth ¥400,000. He was quite a fast learner and he was quickly promoted to become the head chef and he got paid quite well. Also he didn't gamble, didn't visit prostitutes. ... He had a property and was debt free so I thought I could date him.*

She and her husband then worked together to pay off her debts. Mei Hua said that the tradition in China when people got married was that the man would pay the woman's family ¥500,000. She went on:

*At that time my husband had not got any money but my parents just said if he was a good guy then you could start saving up together and make a better life. When I was six months pregnant and stopped working I was still in debt, but my husband kept working [until all the money was paid back].*

Mei Hua left work when she was pregnant. Initially she sent her daughter back to China as the couple thought they both needed to keep earning. Once she knew she could get some help with costs and housing if she claimed asylum she did so, and brought her daughter back. She said:

*If I get caught and sent back home now, firstly I haven't earned enough money, which would make my family lose face because people would say I have been in a foreign country for so long and still haven't become rich. Also I have a family – I have a child and a husband. I just need my family together. My parents respect my choices though they would support me if I wanted to go back – I am debt free and would not be a burden to them. I won't let my family worry about me.*

The majority of young women we interviewed stopped working when they were pregnant and had small children, increasing the pressure on their husbands to earn enough to pay off their debts as well as their own, and to ensure they could eat and had somewhere to live. While the cost of childcare was prohibitive, participants did not report drawing on social networks and social capital from within the migrant communities in order to share childcare, as reported in other studies of migrant workers (Wills, *et al.*, 2010). Their solutions

were individual ones – to give up work. These arrangements reflected experiences of earlier studies of Chinese women migrants in the UK (Lee, *et al.*, 2002): they increased women's isolation, traditional gendered domestic duties and economic dependence on their husbands, making it difficult for them to leave if the marriage did not work out. One of the interviewees, Yan Fen, had separated from her husband after a quarrel, but got back together with him after her daughter was born.

Xiao Yan sent her daughter back to China when she was two, to be raised by her mother, as she could not see how she and her husband could afford to repay their debts unless they both kept working (see [Box 5](#): Xiao Yan's story).

### **Box 5: Xiao Yan's story: she continued to work after having her daughter and regrets having come to the UK**

Xiao Yan left China to work abroad twelve years ago. Her initial intention had been to help her family pay off debts incurred by her father, who had disappeared. No one in her family was working at the time in China. She borrowed more money from relatives, friends and friends of friends (¥300,000) to travel to the UK. After travelling for a month, she was stopped and questioned at the airport in London. She gave the account that the travel facilitators had helped her prepare: it was assumed she was applying for asylum although she was not clear that this is what she was doing. It was only later, when her claim was turned down, that she understood that is what had happened. Part of the package arranged with the snakehead included finding a job and she was referred to a job washing dishes in a Chinese restaurant. She was paid £130 a week including accommodation. She got to know other workers and after talking to them realised her salary was very low. After about four months she changed jobs. Her friend helped her find another job for a £200 fee. The second job was better paid – £150 a week for general kitchen duties in a takeaway. She continued to change jobs regularly, either for more money or because of conflicts among workers. In one job she worked closely with the employer's wife. She said: 'If you work with their family, when anything happens it seemed no one would talk to you, you'd feel very lonely. When one person did not get along with you the whole family would not do so either. It was not good.' In another job she was accused of working too slowly, so she left the job. 'In one of the jobs I asked the employer to increase my salary. Then he asked me to be his wife. Then I quit the job.' A friend introduced her to the man who became her husband. They had a daughter (who is now five) together and Xiao Yan stopped working to look after her. When she was two, however, they sent her back to China for Xiao Yan's mother to look after: they could not afford to keep her in the UK as they both needed to work. Although Xiao Yan has been in the UK now for twelve years, she intends to return to China. 'Here I have no prospects. I cannot earn much. ... Life in the UK is very boring. Nothing special – go to work, go home, then sometimes watch TV and then go to bed.' They have now paid off all their debts but still find life very hard. She regrets having come to the UK, misses her daughter, and thinks she could have earned a living if she had stayed in China.

Other couples had seriously considered sending children home, but once they began receiving some help with accommodation and some financial support in the UK as asylum seekers, they changed their minds, realising they might, after all, be able to cope. Xiu Lan told us that the decision to become pregnant was in part due to the fact that she and her husband had heard it would be easier to get permanent residence if they had a child. This was a common misconception and was linked to the lack of understanding about the asylum system. For example, Ah Jing, a single mother with an infant son, did not understand why her claim for asylum had been rejected when she had a son born in the UK.

Hui Yi came to the UK to join her husband, who held a work permit, when her daughter was about a year old. The decision to leave her behind caused strain in the families both in the UK and China:

*I am now trying to get my daughter to be with me. She's so small, one year and ten months old. Usually I can only see her through the webcam. My mother-in-law looks after her. I went back to visit my parents-in-law – they are already 70 years old. He [father-in-law] had a cataract. He also had high blood pressure and diabetes. You know it is not easy for two elderly people to look after a child. ... We have to consider their physical abilities. They are frequently ill. ... My friends are all sympathetic. As parents, who would be willing to leave their children behind? ... Whenever I mention her my eyes turn red. ... I do want to get her here but there's nothing I can do about it.*

Workers maintained close links with family members in China throughout their working lives in the UK. Links were usually maintained by telephone, although more recently some workers used computers. These contacts were important, and acted as reminders of why the workers were enduring their hardships – in part to better their families' lives. They had been spurred to emigrate for work on the promise they would be able to contribute to the quality of life of families remaining in China, and this remained an important factor that gave them a sense of purpose.

## **Family responsibilities and debt**

Workers incurred large fees payable to the facilitators (snakeheads) enabling them to travel abroad. Workers' relatives contributed to raising the funds needed and were the main point of contact from which the fees payable were collected once the worker arrived in the UK. Thereafter, workers' debts were primarily to family, not to snakeheads or employers. Most of the workers repaid their families the money they owed within two to five years.

Once the travel debts were paid off, participants felt a sense of relief: some of the stress of needing to keep working was removed. However, many felt their obligations went further than just paying off the money owed: as a matter of pride they said they needed to continue earning and sending money back. Two of the workers in this study faced pressure from families to pay the money back. However, all the workers reported self-imposed pressure to pay their loans back, and as quickly as possible. Furthermore, workers perceived pressure to continue to send money back after the debt was paid off, in order to avoid the shame of being less successful than other families' overseas workers, or to continue to ease their families' lives.

The extent to which this pressure is different from the pressures experienced by other migrant groups to continue to send remittances home is unknown. The interplay between Chinese culture, Chinese conceptions of family and obligation to send money home – for the continued support of families of origin and in order to maintain 'face' – is an area for further research.

At the time of his interview, Ah Qiang had been working in the UK for three years and had nearly paid back his debts. He was not planning to return straight away, as he had to pay interest on his loans and his relatives would have expected him to have been more successful than he had been.

*I want to keep working here and see if there is any progress. In the near future I don't want to think about going back. I will lose face if I go back now. If you go back you have to give money to people. Before you left, those relatives gave you ¥500, so you have to pay them ¥1,000 when you come back.*

The concern not to lose face with one's family of origin was expressed by a number of participants, illustrating the ever-present influence of the China-based family. Several interviewees mentioned the visibility of large Western-style houses that overseas workers had built with the money they had earned: this was one of the lures of working abroad from the outset, and part of the tradition in Fujian of overseas work (Pieke, 2010). Others continued to send money home to help with the children's education.

## Revised decision to return or stay

Most workers at the start of their journeys had intended to return to China. These decisions were closely intertwined with family responsibilities and sometimes changed once they had children born or brought up in the UK.

While most of the migrants in the study had not completed secondary education and only three had graduated from college or university, they valued education for their children. The fact that their children could receive free education in the UK was an important reason why some of them changed their minds about returning to China and wanted to stay in the UK. Ling and Yu Lian both told us they would not be able to afford to send their children to school if they returned to China and because of the 'fines' they would have to pay if they returned:

*They won't be able to go to school if they go back to China because they were not born there. Here they still get education even if they don't have the legal status. But in China you need to pay a lot of money for them to get education. First of all they don't have legal status because they were not born there, so we would need to pay a huge fine to the Government. Secondly, the second son falls into the excess birth category. If I don't pay them the money they would take my younger son away from me. ... Why let them separate my family? The fine would be something like ¥100,000. How could we afford that?*

Yu Lian

Lao Wu, however, wanted to return to his family. He had been in the UK for eight years and had just sought voluntary repatriation. He described the monotony of living and working in the UK and his lack of prospects, in the absence of his family, his wife and children.

*We just go through the same things every day, working then sleeping then working again. If a person lives just like that, working and sleeping day after day how difficult can that be? ... What's the point of life if you have to live like that? ... In China at least you get to stay with your family.*

The aspects of China that the majority of workers missed the most were family and friends. Two workers reported that their connections to families in China had weakened and there were no family reasons to return; even so, they continued to send money home to their parents on a regular basis.

## Conclusion: family

Families of origin as well as newly formed families played a large role in workers' lives. They influenced decisions to travel and gave a sense of purpose to those experiencing hardship. Workers would not have been able to emigrate without family help. Links with families were maintained over time and further debts incurred, either by assisting family members to travel or by forming new families.

The links between either the China-based or UK-based families and workers' motivation for and experiences of work are strong. This suggests that the family might be more usefully understood as the economic unit, rather than the individual. Family considerations triggered a change in identity and aspiration among the workers, from migrant to immigrant. With respect to the impact of family on their working lives, the migrants had different degrees of control over their lives that fluctuated over time, rendering them vulnerable to exploitation (see [Table 2](#)). Some factors contributed to both the vulnerability and the protection of workers.

**Table 2: The family: vulnerability (lack of control) and protection (control) factors**

Vulnerability factors	Protection factors
<ul style="list-style-type: none"> <li>• Pressure to maintain face by being successful abroad</li> <li>• Obligations to family contributing to motivation for enduring hardships</li> <li>• Separation from spouse and children</li> <li>• Sending children back to China because they could not be supported</li> <li>• Being joined by spouse and/or children, and thus incurring further debt</li> <li>• Debts outstanding to family and friends (sometimes with interest)</li> <li>• No family support in China resulting in debts due to snakeheads</li> <li>• Long period of time before permanent residence can be applied for</li> <li>• Unauthorised or irregular status</li> <li>• No prospects in the UK</li> <li>• Women giving up work to look after children</li> </ul>	<ul style="list-style-type: none"> <li>• Increasing levels of unemployment in the UK</li> <li>• Emotional and financial support from families in China</li> <li>• Family betterment contributing to motivation for enduring hardship abroad</li> <li>• Supportive families in China</li> <li>• Maintenance of contact with family in China</li> <li>• Being joined by spouse and/or children, and thus getting emotional support</li> <li>• Forming of new families in the UK</li> <li>• Support from families of origin for raising children</li> <li>• Debts due to family and friends</li> <li>• Debts cleared</li> <li>• Financial and housing support for asylum seekers with children</li> <li>• Regular status</li> <li>• Ability to apply for permanent residence after a period of time</li> <li>• Positive prospects, especially for children in the UK</li> <li>• Possibilities for work widened with regular status</li> </ul>

Family of origin as well as newly formed families had a different impact on men and women; this was particularly so in relation to children and to the role that spouses played in participants' migration experiences. They gave all migrants motivation and a shifting sense of purpose, which affected decisions about whether to aspire to return to China or to stay in the UK, as well as about work and living in the UK.

### 3 Working in the UK

The primary reason Chinese migrants came to the UK was to work, in order to earn enough money to repay the loans they had taken out to enable them to travel to the UK, and to continue to earn and send money home to better their lives and those of their families. They had various degrees of control over getting a job, their working conditions and changing jobs. The 'legal' status of the workers affected all aspects of working in the UK.

#### Getting a job

Most travellers were keen to start work as soon as possible. In general, snakeheads did not assist in finding work: their contact ceased once the money for facilitating the travel had been paid in China. In common with other migrants (Wills, *et al.*, 2010), workers drew extensively on family and social networks and social capital from within the Chinese community for work.

Family members already living in the UK gave important help to new arrivals. They provided an initial point of contact and assistance in finding a job and accommodation – either directly or indirectly via friends. Initial contacts were made with friends or acquaintances of parents, brothers and sisters, uncles, aunts or cousins, reflecting the reach of family networks. Ah Ming relied on family friends when he arrived in the UK:

*When I got to London the snakehead called my nephew's friend and said 'your relative is here, you can come to somewhere and pick him up'. My brother had a friend in there as well. He was working in a restaurant in London. So he came to pick me up. He took me to his accommodation. ... I had no more relationship with the snakehead.*

People found out about jobs from the friends and relatives that they contacted on arrival in the UK, or by asking around in London's Chinatown or in Chinese restaurants and takeaways. Information was mostly given freely as part of the wider moral obligations migrant workers have to assist other Chinese migrants. Only one of the participants reported any sense of obligation to remain in a job she had obtained via a family member. Ah Yuk's younger brother had applied for a work permit for her to come to the UK and she both worked for and lived with him when she arrived. She owed him ¥100,000 for the cost of the permit. In her case, this was not a satisfactory arrangement and she reported that her brother did not fulfil the requirements of the work permit. The fact that her employer was a family member made it more difficult for her to leave and find another job.

Ah Yuk's work permit stated her salary would be £11,000 per year but she was only paid £160 a week – under £9,000 a year. Her employer was her brother, and when he sacked a British worker she was expected to pick up additional duties. Although her brother agreed to pay her tax, she had to pay this back to him from her wages. She and her family also lived with her brother, his wife and three children. Because she was tied by the work permit she felt she could not leave. Over time he asked her to do more and more in the business and was 'picky' about her work. It was not until the whole family had got British citizenship – six or seven years later – that she was able to leave her brother's household. At the time of interview she had paid back what she owed her brother. She was unemployed, although her husband continued to work in a different brother's takeaway business.

Hui Yi's husband, also working with a work permit, ended up being paid £8,000 less than the amount stipulated on the permit. If he wanted payslips he had to pay for them, and he was issued with a false P60.

Irrespective of their previous work experiences, the jobs new arrivals found were in Chinese businesses, usually undertaking general duties or charring in Chinese restaurants or takeaways. Other types of initial jobs included working as a cleaner; doing general housework in a massage parlour; folding clothes in a washing and processing factory; working in Chinese bakeries; working as a nanny for a Chinese household; or working in construction. Two migrants worked at some point in construction for non-Chinese employers, and one other worker worked for a non-Chinese employer on arrival.

## Working conditions

The working conditions endured by the participants in the study reflected those of other low-skilled migrant workers, and vulnerable British workers, that are well documented (see, for example, TUC, 2008; Wills, *et al.*, 2010). The common reported features of people's jobs were:

- long hours for pay well below the minimum wage: wages ranged from £110–£200 a week;
- working week of 6–6.5 days a week without holidays, working 11–14 hours a day, leaving very little spare time;
- initial jobs for most people involving heavy, physical work in hot conditions, such as working as kitchen chavs, away from public scrutiny;
- lack of ability to communicate with other workers (most of the study participants spoke Mandarin, but employers and other workers spoke Cantonese or English);
- foul language, bullying and chastisement from other workers;
- harassment from employers' relatives;
- failure of employers to pay tax and National Insurance contributions;
- for those with work permits, failure of employers to pay the wages stipulated on the permit or the correct amount of tax, and failure to provide accurate P60s;
- absence of written contracts, payslips or annual summaries of wages and deductions; and
- provision of accommodation (in catering jobs).

Most workers had expected hard work, but they had not anticipated how physically demanding, tiring, stressful and lonely the work would be. They did not tell their families at home much about their lives in the UK, rather maintaining the appearance that all was as anticipated. Two women reported sexual harassment from work colleagues; in one case an employer 'asked her to be his wife'. In both cases they were able to extricate themselves from the situation. Other workers, however, told us of helpful and flexible employers: Mei Hua's employer, for example, found her lighter duties to do when she was pregnant, enabling her to keep her job. Some workers told us that recently there had been more frequent raids by the authorities on employers, and that they or other undocumented workers they knew were finding it harder to obtain work (see [Box 6: Xiao Zhou's story](#)).

### **Box 6: Xiao Zhou's story: he tells a typical story of the ups and downs of irregular work in the UK**

Xiao Zhou had worked as a decorator in China and travelled to the UK in 2005 in order to earn more money. His wife followed him some years later. He applied for asylum on arrival, having been told by the snakeheads: 'just to say how difficult our life was – if you get their sympathy you might be able to get status'. Initially he stayed with a friend in London who helped him find a job in a restaurant. 'When I was living in London, one room was shared by five to six people; we slept on mattresses. Later, when I worked in Manchester, the employer provided us with accommodation and one room was shared by two people.'



Xiao Zhou worked washing dishes for £200 a week. After three months he found another job that paid a little better, working as a general labourer in a restaurant's kitchen. His friends told him about a job in Manchester that involved frying rice and noodles and that was better paid again, with accommodation provided. After he had paid off the debts he owed for the travel fee, Xiao Zhou's wife joined him, which meant they had to borrow another sum of money. They managed to pay this off in a year. Xiao Zhou's wife got a job at a restaurant close to him and they later moved in together to a rented room. When she became pregnant she stopped work to look after their son. At the time of interview Xiao Zhou had recently lost his job. He said:

*I became jobless recently, because they are arresting 'illegal' workers more frequently. The employers do not dare to employ people without a work permit. If they get caught the employers will be in trouble. So the employer said, 'because the police raids are frequent you can't continue working'. I now do some casual work, something that stops us from starving. My salary has always been low. If we are granted status our salary will be higher. From the point of view of the employers, they are also worried and frightened. It is natural that they are a bit harsh to us.*

Once Xiao Zhou's wife joined him he felt more relaxed and happier about his life, and now they have a child they have a sense of purpose and more fun in their lives. Xiao Zhou and his wife hope to get authorised status and then to be able to work more freely, pay taxes and be less afraid of arrest, the possibility of which continually hangs over them.

Working conditions in the construction industry differed from those in catering. Workers were generally paid £45–£100 per day and work was sporadic.

Lao Li initially worked for £55 per day doing general duties on construction sites. His hours were long: 11–13 hours a day. He said:

*When I first started the job it was like that. I had no choice. The days were not fixed, sometimes four days a week, sometimes six because when one job does not follow another I had no work. At the beginning I worked for a fixed employer. He was subcontracted from foreigners and gave us some work to do. ... Not any more. Now I rely on phone calls offering work.*

He was seldom asked for papers and his employers did not seem concerned about his status as long as he got the work done.

There was a risk of further exploitation in the construction industry, particularly in terms of not being paid. Lao Li, for example, told us he had worked for three different employers who did not pay him for the work he did, and he had no means of contacting them. Guo worked for a month without pay from one employer. Both construction workers also told us there was no protective clothing or attention paid to health and safety, which had resulted in some accidents at work. Irregular workers often worked on internal, rather than outside, construction jobs – away from public scrutiny.

Many jobs, particularly those in restaurants and takeaways, were linked to accommodation. This was often shared and cramped but not felt to be intolerable. The close relationship between employer, working conditions and accommodation did lead in one case to the worker being asked to take on additional unpaid domestic duties – housework and babysitting – which she felt she could not refuse. However, others enjoyed the companionship of shared accommodation. Nobody reported being unable to leave a job for fear of becoming homeless. Some workers paid separately for the accommodation provided, but most did not. One participant, Hui Yi, reported an unreasonable deduction of wages for accommodation for her when she visited her husband who held a work permit. Nobody else thought deductions for accommodation were unfair – rather the provision of accommodation helped them manage to save on low wages.

A minority of workers told us that they, or people they knew, had what they thought were unreasonable deductions from their wages for other purposes. Researchers were told of Yao Ming, who had been working in the UK for about eight years. His working hours were 11am to midnight and he was paid £240 for a 60-hour week. He had one day off a week but no holidays. One meal was provided and if he wanted another then he would have to pay, with a 20 per cent deduction from his daily wage. Each worker in the kitchen was responsible for a fridge – including cleaning it. If the fridge was out of order they would have to pay for the repair with a weekly deduction from their wage. Similarly, if any utensils or other things went missing the workers would have to pay. If they were late for work they were fined. Yao Ming's first month's wages were retained by his employer as a 'deposit'.

## Changing jobs

When they began working, the migrants had no way to assess the nature of their work – whether their pay was reasonable, and so on. They generally expected to be working at the bottom of a workplace hierarchy as they had no relevant experience. However, over time, they got to hear about other people's pay and conditions. Most workers told us about frequent decisions to voluntarily leave one job and get another for higher pay. They found out about jobs, again, from word of mouth (see [Box 7](#): Yan Fen's story). While some information was given freely, information about jobs was seen as a legitimate service, for which a fee was rightly requested. The fees exchanged for job information ranged from £100 to more than £200, or a week's wages.

### **Box 7: Yan Fen's story: she used word of mouth to find work and changed jobs frequently**

Yan Fen arrived in London without knowing anyone. She passed a Chinese takeaway shop and asked in there for work and a place to live. They were able to help her find shared rented accommodation but not work. She shared a room with two other people and asked her room-mates to help her find work. Eventually she found work as a general duties worker in the kitchen of a takeaway shop. She earned £150 a week, from which she paid £25 a week for rent and food. She did not do this job for long as she was picked on constantly by the chef. She said about this first job:

*At the beginning I was very tired. I had to work six and a half days a week and got only half a day off. I can't remember how many hours I had off. I had to work from 11.30am until 2pm, then a break until 4pm and then worked until 11pm. When they [other workers] were not in a good mood they would say, 'This is not done well. That is not either'. They intentionally made my life difficult. Also I couldn't speak Cantonese. I couldn't understand what they said. When I asked him [the chef] to repeat what he'd said he would start losing his temper. The other workers bullied me, but in order to survive we had no choice.*

She was the only woman in this workplace and found it tiring and stressful. Because she was not happy with her job she began to look for other work. Yan Fen found another job through the friends she lived with. Her next job was in a takeaway outside of London in the countryside. She lived in a small, damp, windowless attic room. She found this job better, as people were nicer to her and she earned £20 more each week. Over time she changed her job many times. As Yan Fen said:

*I learnt from other people. ... When we started working we knew nothing and we had to learn. I tried to learn as many things as possible. In the kitchen the chef taught me how to cook and fry the rice and noodles and deep-fry the food. When you knew how to do things and moved to another job your salary was different. If you know how to deep-fry things your salary is higher. That's why I've moved between jobs.*

Each time she moved jobs she got information from friends who had been in the UK longer and had amassed a large number of contacts. Sometimes there was a charge.

*[They'd say] 'I introduced you to a job; you have to give me £100, £150 or £200, or a week's wages.' Some of them were friends' friends. They didn't know me, they needed a fee. When you needed a job you had no choice but to give them a fee.*

In her last job, Yan Fen worked at the counter of a restaurant, rather than in the kitchen. This was a better working environment and paid a higher salary. She met her husband there, but they had a fight and separated. Then she found she was pregnant. After her daughter was born she got help from various people, and was able to receive some benefits as she could no longer work. After a period of time she was reunited with her husband. In order to earn extra money, he tried to sell DVDs on the street but got arrested for doing this. She currently feels trapped, as she would like to work but cannot because she has to look after her daughter and she is pregnant again. She says she would now find it difficult to work anyway with her 'illegal' status, and she worries about not knowing how to get her daughter into school and how she will keep supporting her.

The decision to move jobs was made actively by the worker, and people were not relocated by employers against their will. The only exception to this was Hui Yi's husband, who was tied to his employer through a work permit and felt he had no option but to move between towns when his employer required him to.

On the whole, workers did not report difficulty finding work. However, one-fifth of the participants experienced periods of worklessness and felt pressure to take whatever jobs they could. In these circumstances, workers are particularly vulnerable. They have to keep up repayments of their loans, so they have to earn, and if they are desperate for work they are ripe for exploitation. Nevertheless, even in those instances where it appears a worker is particularly vulnerable, they are, for the most part, able to exercise a degree of control over their lives (see [Box 8: Lao Zheng's story](#)).

### **Box 8: Lao Zheng's story: he was employed in various precarious jobs over a long period of time**

Lao Zheng came to the UK in 1992. He had had limited schooling and had worked in fishing, earning very little. His business had failed and he owed money. He left his wife and children in China. He joined his older brother in Manchester and worked in a restaurant washing dishes. Lao worked ten hours a day, six days a week for £200. There were no holidays. He stayed with his brother and some other Chinese workers.

*We rented a house ourselves. Upstairs there were more than ten people, four to six people per room. Some slept on bunk beds, some lying in rows on mattresses. It cost us £19 each. We were very thrifty. As long as we could save money, wherever we slept was fine. We came to the UK to earn money.*

He moved catering jobs, still working as a pot washer in the kitchen. When his employer suddenly reduced the dish washers' salaries by £20 he left the job. He had heard that cockle picking paid well and moved to Liverpool to join a cockle-picking gang. This paid £70–£80 a day, although the working hours varied with the tides. He worked near to where the cockle pickers had drowned in Morecambe Bay.

*There was no fixed time for working. It took two hours to get to the sea by car. When we got to the middle of the sea the sun would be rising and we had to start working. Every day the hour changed. So if you set off at 3am you might be finished by 11am. Then the following day it would be 12pm. The more I dug, the more I got – we were paid by the bag; each bag earned me £10. Every month there were about 18 consecutive working days, winter and summer. ... After the deaths of those people we ran away.*

Lao Zheng returned to Manchester and, despite not being able to speak English, began to sell DVDs on the streets, at factory gates, churches – anywhere people congregated. He told us:

*Many people bought them. I found the earnings from this were quite good. I could get new DVDs every day. Sometimes I could only earn £20 or a bit more than that. Sometimes I could earn a few hundred pounds, £200–£300 in one day. If a person had good English and knew which bus to take [knew the best locations to go] he could earn 60,000 RMB a week.*

It is not so easy to earn this much now, as more people are selling DVDs and they are cheaper to produce. Lao Zheng was apprehended on a number of occasions and had his bag taken away. The greater risk was from those who sold him the DVDs. He told us:

*I had to go to their place to get some DVDs. If they knew [I wasn't going to buy] they'd beat me to near death. ... They didn't just beat me they also asked me to give them money. If I didn't give them money they'd beat me to near death. I had to buy from them. That's the triads. ... Nowadays there is also danger from 'foreigners'. They come up and you show them what's in the bag and they steal the whole bag from you.*

After he managed to leave DVD selling, Lao Zheng obtained more jobs in catering. At the time of interview he was unemployed.

We heard similar, indirect, stories of other people who had experienced physical threats and were robbed while working as DVD sellers.

There was an emerging consensus that finding work was becoming more difficult. This was particularly so in the catering industry as there had been a recent increase in raids on employers, who were fined if they were found to be employing irregular workers. This meant that instead of changing jobs in order to increase their earnings, some workers stayed where they were, rather than risk the possibility of not getting further work.

## **Regularity of status and vulnerability in the workplace**

Participants all talked of the strain caused by their irregular or undocumented status. Status in the context of their accounts meant legal status, which would enable them to work legally, pay taxes, start their own businesses and freely visit family in China and return to the UK. As it was, participants' irregular status framed their experiences in multiple ways. Their status:

- was a continual source of anxiety and pressure, and the possibility of denunciation was ever-present, although rarely directly experienced;
- prevented them from complaining about working conditions lest they lose their jobs;

- was a source of bewilderment, as workers wanted to be able to work and pay their taxes, but were prevented from so doing;
- prevented them from opening bank accounts and obtaining safe storage of earnings;
- prevented them from achieving independence through legitimate work and the running of their own businesses;
- contributed to a sense of rootlessness and of lives lived in the shadows;
- meant they could get neither jobs nor accommodation that required them to show proof of identity, and were therefore confined to clandestine work and tied accommodation; and
- restricted their ability to travel, particularly to return to visit family in China.

Although most people knew that the means by which they travelled to the UK were irregular, they did not understand the asylum system. They did not realise that their claims for asylum would not automatically be approved. They did not discuss the gaining of refugee status – which is not surprising, as they did not understand the system. The migrants were not prepared in advance to live underground lives; instead, they had anticipated being recognised for their work, contributing to the UK tax system and being able to move around and access facilities and services freely. Indeed, workers wanted to be visible and make their contributions, and did not want to claim welfare benefits, supporting the findings of Crawley (2010).

Xiao Li contrasted his life first as an irregular worker and now that his status has been regularised:

*When I woke up I went to work. In between the working hours I went to the betting shop for a rest. ... Gambling. When I finished work I went back home, watched TV and then went to bed. That was what my life was like. Every week the same. ... With status, every aspect of your life changes. ... When we are free, we may go to a restaurant for a meal. In the past we wouldn't do that. We had to save money. How do you know if your whole family will get sent back to China tomorrow? Many people are afraid of that.*

## Language difficulties

New arrivals spoke Mandarin: they did not speak English or Cantonese, which was largely spoken in the kitchens. As a result, most workers tended to stick with Chinese employers and to mix with Chinese people. Their working hours were so long they had no time to get to know other people. Even when they changed jobs, they moved between Chinese employers. No one mentioned English friends, although some people had met migrant workers from other countries in the workplace. Some workers who had been working in the UK for five years or more still spoke no English. Lao Wu, for example, had been in the UK for eight years. He knew little English and his work options were restricted because of this:

*I can't do other types of work here, only cooking, because I can't speak English and I don't have legal status. I can only work in the kitchen. Every day I go downstairs to work; after work I go back upstairs to sleep. I mainly stay in the restaurant. Sometimes I watch TV.*

All our participants expressed the desire to learn English and recognised the importance of being able to speak English. This was reflected in the fact that our initial group of respondents attended a voluntary-sector language-support project; the majority of them were women with young children who could find time during the day to learn English. Working conditions for most made this very difficult. Lack of English also made it difficult to reach support projects and to access health services. Language barriers and long working hours contributed to the isolation experienced by most of the participants: isolation is one of the factors increasing vulnerability to forced labour identified by Anderson and Rogaly (2005).

## Conclusion: working in the UK

The migrants used family and social networks to find work. They were mostly able to move jobs freely, and did so in order to gain experience and to earn more. Those tied to work permits perceived more constraints on their freedom to move and experienced violations of the conditions of their permits. Workers relied on word of mouth from within the Chinese community for information about work. The majority of participants worked, and continue to work, in Chinese catering businesses, which in turn were assured (with minimum recruitment costs) of a regular stream of cheap workers willing to endure sub-standard working conditions. Working conditions were generally poor with long hours and pay below the minimum wage, but workers felt they had little choice but to accept these, due to their irregular status. Irregular status and language difficulties caused strain in the workplace and in people's lives more generally.

The workers had different degrees of control over their working lives, rendering them vulnerable to exploitation at work (see [Table 3](#)). Some factors contributed to both the vulnerability and the protection of workers.

**Table 3: Working in the UK: vulnerability (lack of control) and protection factors (control)**

Vulnerability factors	Protection factors
<ul style="list-style-type: none"> <li>Availability of low-skilled workers from eastern Europe</li> <li>Loneliness and homesickness</li> <li>Pregnancy and childbirth</li> <li>Debts that increase with family members joining</li> <li>Debts that increase with interest</li> <li>Lack of understanding of the immigration system</li> <li>Enforcement of conditions of employing overseas workers</li> <li>Irregular status</li> <li>Little relevant experience or skill</li> <li>Language difficulties in and out of the workplace</li> <li>Availability of low-skilled irregular work</li> <li>Willingness of employers to employ undocumented workers</li> <li>General, heavy duties the most common form of work available</li> <li>Low pay, long hours and generally poor working conditions</li> <li>Accommodation tied to the workplace</li> <li>Bullying in the workplace</li> <li>Work-permit restrictions and abuses</li> <li>Employers not paying full dues or tax</li> </ul>	<ul style="list-style-type: none"> <li>Information from friends or relatives about work</li> <li>Friendships and relationships developed</li> <li>Pregnancy and childbirth giving a sense of purpose</li> <li>Possibilities to pay back debts</li> <li>Claims for asylum</li> <li>Regular status</li> <li>Support from others, agencies and via the asylum system</li> <li>Availability of work in Chinese businesses</li> <li>Willingness of employers to employ undocumented workers</li> <li>Freedom to move jobs as experience and skill gained</li> <li>Adequate accommodation provided</li> <li>Good, flexible employers</li> </ul>

Workers exercised control over many aspects of their working lives, freely entering into work and changing jobs, while enduring, voluntarily, poor working conditions. The majority were not in forced labour, nor were they in decent work.

## 4 Forced labour or vulnerable and exploited workers?

We did not find evidence of sustained experiences of forced labour. However, most of the workers experienced elements of forced labour, according to the ILO's (2005) indicators, some of the time. For some workers there were times when they were on the verge of being in a forced-labour situation, but they managed to reassert control and leave the situation. Others were vulnerable to the kinds of exploitation that lead to forced labour. For the most part, the workers were able to decide freely to leave any particular employment. This is consistent with the findings from other recent studies of Chinese migrant workers in Europe (Pieke, 2010).

### Threats and physical harm

For the most part, workers were not physically threatened. From those workers in restaurants and takeaways there were accounts of verbal abuse and 'scolding' from chefs in kitchens and from employers, and occasionally of physical abuse. Workers in catering are visible: there are always other people around, and the opportunities for physical assault are few. However, in some other settings, such as on the streets selling DVDs, workers are less visible and there are more opportunities for physical threats. Ah Jing still owed snakeheads money when they released her, and she was threatened that harm would come to her and her unborn baby if she spoke about what had happened to her (see [Box 9](#): Ah Jing's story in this chapter).

### Restriction of movement and confinement

Ah Jing was the only worker to report restriction of movement in the workplace, accompanied by threats. When a job was linked to a work permit, participants believed themselves not to have freedom of movement, and to be tied to a particular employer. After five years of working with a work permit, they believed they would be eligible to apply for permanent residence; the nearer they were to the five-year limit, the more constrained they perceived themselves to be.

### Debt bondage

Most of the respondents' debts were to family and friends in China and not to employers. Therefore they could not, strictly, experience debt bondage. Nevertheless, the debts they owed compelled them to work, and to stay in work and accept poor working conditions without question. The workers' overriding concern was to work, earn money and pay off the debt as soon as possible. Two workers owed money directly to employers who had paid for the paperwork and travel linked to work permits. Their freedoms were perceived to be more limited, especially as they neared the five-year point beyond which they believed they could apply for permanent residence.

Two women, Wei Yun and Ah Jing, had no family in China from whom to borrow money: they had borrowed money from the snakeheads and were indebted to them on arrival in the UK. For Ah Jing, the snakehead organisation was also the employer, and thus she could be said to be in a situation of debt bondage (see [Box 9](#): Ah Jing's story in this chapter). She only escaped from compulsory sex work when she became pregnant and was of no further use to her 'employer'.

### **Box 9: Ah Jing's story: she was in debt bondage to snakeheads, who required her to undertake sex work**

Ah Jing told us her parents had been arrested for practising Falun Gong when she was seven or eight years old. Since then she had been homeless, fending for herself, earning a meagre living trading scrap paper, cardboard, cans, bottles, jars and books. When she was 16, she borrowed some money from some snakeheads who then told her they could find her work in the UK, so that she could repay what she owed.

*I met those snakeheads [in Sichuan] when I was homeless. I owed them money and they lied to me that they could find me a job in the UK, so I could earn money to pay them back. When I got to the UK I was controlled by them. ... It didn't matter how much money I owed them, they said they had ways to let me pay for the money I owed. They knew people like me would not have much money, but what they wanted was to set me to pay the money in their way.*

Before she left China Ah Jing owed ¥100,000 to the snakeheads: on arrival in the UK she owed a further ¥170,000, making ¥270,000 in total. Ah Jing had willingly left her hard life in China, where she had no identity papers, money or home. As she said:

*You had no other choice other than to believe them [snakeheads]. Because they got money from helping me go abroad, if I had a job I could pay them back. So no matter how difficult it was I would still be willing to do so, even if I had to pay them all the money I had.*

Once she was in the UK, her debts had increased and she was pressurised into sex work, which she resisted.

*Because I owed them money I had to do things I didn't want to do, something like prostitution. I fought against it by not eating any food. ... They started to treat me badly because I didn't do what I was told. I would use some extreme ways to protest, like threatening to kill myself using a knife. ... If they took people in and forced me [to have sex] I told them I would kill myself. They had no choice, because if I died they would lose everything.*

Although Ah Jing resisted, she was raped by a snakehead and became pregnant. As she was no further use as a sex worker, she was released with threats that if she told anyone about her ordeal, they would take revenge.

*They just told me to pack my bags and go with them. They took me to a place and told me to get out of the car. Then they said I still had to pay them back the money, but because I was pregnant they just let me go till I gave birth. They warned me not to say anything to anyone. They would take revenge if I said something. They said they knew how to find me and take revenge on me. So I didn't say anything about the snakeheads when I was interviewed by the Home Office staff.*

After being released she met a Chinese person in the street who advised her to apply for asylum. She did this but her claim was refused.

The strain of debt, and vulnerability, increased whenever work became harder to find.



## **Withholding wages or excessive deductions**

All workers received low pay well below the minimum wage, and while they did not have explicit deductions made, it could be argued that the level of their earnings was excessively low and that this condition of forced labour was met. Participants were willing to accept low wages in order to work and earn. As they gained experience and/or skills they moved jobs for more money, but still generally earned less than authorised workers and worked longer hours.

Working hours were excessively long for Ah Juan, who worked as a nanny for two different Chinese families. She worked 18-hour days from 6am to midnight for £170–£180 a week, including accommodation. She was often asked to undertake additional duties. Prior to these jobs she had worked as a cleaner and cook in a massage parlour, working 17-hour days. Liang and Ah Hai both reported being asked to work longer hours for the same pay in the catering industry.

Construction workers received better pay but it was less consistent. Guo and Lao Li both experienced non-payment of earnings for anything from a day to a month, with no means of contacting or seeking redress from employers.

Employers who had sponsored work permits were able to wield considerable power and coercion over their employees – whether real or imagined. The kinds of powers reported included additional demands for work; moving the employee to another city for work; changes in the contract from the provisions stated on the permit to the reality; excessive deductions of wages and non-payment of tax; and failure to provide paperwork, such as payslips and P60s.

Workers reported other deductions, but these were not considered unreasonable. Some of the workers had to pay a fee for formal or informal introductions to jobs. Agencies charged anything from £40–£200 and workers paid either a week's wages or anything up to £200 to friends of friends who gave them information about work. These charges were perceived as legitimate fees for services rendered.

Accommodation was provided for most workers in the catering industry. It was unclear what, if any, deductions from earnings were made for this, as most workers did not report paying separately for their accommodation. Apart from one worker who was charged excessively for his wife to stay overnight, no one else reported dissatisfaction with the cost of accommodation.

## **Retention of passports and identity documents**

Employers did not retain documents as most workers had none when they started work.

## **Threat of denunciation to the authorities**

The workers in this study had not had their irregular status denounced to the authorities by employers or workplace colleagues, although Guo told us of some examples of people he had heard of who had been denounced by employers. Nevertheless, all those workers with irregular status were worried about being reported or having their status revealed. The threat of denunciation – whether real or perceived – kept workers in employment that was exploitative, in which they were sometimes bullied, or verbally or sexually harassed. However, we did not encounter further exploitation linked to the threat of denunciation.

## **Beyond employment and the workplace**

Forced labour, as discussed above, is defined in terms of workplace and employment practices. However, the experiences of vulnerability and lack of control expressed by participants in the study were shaped by a wider and more complex *migration–work–family system*, in which leaving home, travelling to the UK and encountering the UK border controls interact with family decision-making, personal aspirations and employment opportunities.

The decisions workers made at different points were strongly influenced by their families, and the motivation for and commitment to work and earning, and to enduring exploitative work situations, was given meaning through family connections and commitments.

The anxieties felt by workers due to their irregular positions were created in part by their undocumented status. During their journeys to the UK many workers had papers withheld by their facilitators, or were given false papers and told to destroy them before they arrived. Some who entered with visas and false passports had to return these to the snakeheads on arrival. Additional anxiety was caused when papers submitted for official purposes were retained. Yu Lian's husband and Mr Shi had sent passports to the Home Office and had heard nothing for several months. Bing had submitted papers to the Home Office as part of an application for residence over two years previously and they had not been returned.

In various ways workers experienced restrictions of movement, accompanied by fear at different times:

- On their journeys, when at times they were not allowed out or to speak to people – although this was not linked to employment.
- If they had outstanding debts to family and friends – combined with the obligations some workers felt to continue to work and send money home so that the family's social status could rise – this effectively ensured they stayed in work, whatever the conditions, and with no channels for complaint.
- Through tied accommodation, which meant that if they left their jobs they had nowhere to live, and also meant they were confined to only those jobs with accommodation – although this did not seem to constrain workers' decisions to move jobs.
- Through living with irregular status – this was reported as a reason not to move jobs as work was becoming more difficult to find with greater enforcement of immigration rules.
- Through long working hours, a limited amount of free time and low levels of pay, which effectively restricted people – although this was not accompanied by coercion or threats.
- Through changes to and implementation of immigration rules – this led to fear of not being able to find another job or alternative accommodation without 'legal' papers and permission to stay.

## **Conclusion: forced labour or vulnerable and exploited workers?**

All participants in the study experienced one of the features of forced labour; namely '*withholding wages or excessive deductions*', due to the low levels of pay they received. Even though most of the workers, most of the time, exercised freedom of movement into and out of work, these choices were restricted to those employers who were willing to employ undocumented workers. Without exception, the workers were exploited at work and were exposed to conditions that increased their vulnerability to forced labour.

While forced labour did not dominate workers' experiences, two of the workers – Ah Jing and Wei Yun – were in conditions of forced labour when they arrived because the snakeheads from whom they had borrowed money to travel became their employers, and they were unable to leave their employment freely. They were held, under coercion and in debt bondage, with restricted movement and the withholding of pay. Ah Jing also received threats of denunciation and harm. However, over time, both did manage to move out of forced labour conditions. Other workers may have experienced one or more of the criteria for forced labour at some time, but always managed to achieve a shift away from it. Those workers who had wages deducted by some employers, who were physically threatened by DVD suppliers, or who were bullied in the workplace, were on the edge of forced labour, but managed to break away from the situations they were in.

While it might be possible to separate work from family issues and the context in which workers decided to leave China for work in the UK, the testimony from the workers in this study indicates that migration, work and family are inextricably intertwined. It is features of the migration–work–family nexus that both render workers vulnerable to forced labour and protect them from it. It is, therefore, the migration–work–family nexus that must be understood if vulnerability to forced labour is to be reduced.

# 5 Conclusion and recommendations

## The context of Chinese migration to the UK

### Globalisation and migratory flows

The Chinese community is the fastest-growing ethnic group in the UK, and since 1985, when restrictions on emigration by the People's Republic of China were lifted, increasing numbers of people from mainland China have travelled to the UK to work.

This increase in work-related migration is a feature of a) globalisation, which has transformed labour markets and cross-border flows of trade, investment and people; and b) a widening global North–South divide in working conditions, living standards and access to justice and human rights protection, leading to an increase in the number of people living in economic and domestic hardship who are prepared to travel overseas for work. The economic boom and political conditions in China have led to considerable labour churn and migration for work, both internally and overseas, with some areas losing most of their working-age population to work-related migration.

Migrant workers make complex decisions about their lives, anchored in their prospects at home and ability to earn enough overseas to improve the lives of their families, and are heavily influenced by family members and their social networks at home and abroad.

### UK immigration policy

At the same time, the UK Government has restricted immigration to very few categories of workers, closing opportunities for low-skilled workers from outside the EU to work in the UK. Since 2008, there have been no routes of entry to the UK for unskilled workers in the catering and hospitality sectors – traditional employers of Chinese migrants, and a sector in which demand from employers for cheap labour continues as the economic recession bites.

In addition, there has been increased enforcement of business regulations, particularly in terms of the requirements for employers to check the papers of those whom they employ, and of raids made on workplaces for evidence of the employment of undocumented workers (Evans, 2008). Nevertheless, the enforcement regime is patchy, both from the UK Borders Agency and from HM Revenue and Customs, whose responsibility it is to ensure that employers are compliant with NI and tax regulations.

The confluence of increasing economic hardship, as well as political and religious persecution in China and changes to the UK immigration system, creates conditions that are ripe for the potential exploitation of migrant workers.

### Forced labour among Chinese migrant workers in the UK

This study has drawn on the accounts of 32 Chinese migrant workers, mostly living in the north-west of England, to explore their experiences of forced labour in the UK. There was evidence of elements of forced labour: all the workers experienced wages being withheld through the excessively low pay they received. There were two examples of women working in conditions of forced labour: both were able to extract themselves from these situations. These findings are consistent with those of Pieke (2010). For the most part, workers did not report widespread threats and physical harm, restrictions of movement and confinement, debt bondage, retention of documents or threat of denunciation.

It is important to note, however, the challenging nature of researching experiences of forced labour. Despite including a long period of building trust with workers, it was difficult to encourage them to talk in depth about their experiences. Furthermore, the methods of recruitment to the study – via the Oxfam-funded Sunshine Project at the Wai Yin Chinese Women Society in Manchester – resulted in a study that was mainly

focused on workers in the Chinese catering and hospitality sector, and there was a disproportionate participation rate of mothers of small children. It is not possible to say, definitively, that there is little forced labour: it is likely that the study did not reach those workers in the most exploitative work conditions within the sector or in other sectors. Furthermore, the study focused mainly on people living and working in the north-west of England. Although they were able to draw on their own and others' experiences in other parts of the country, the extent to which the findings can be generalised to Chinese workers working throughout the UK is unknown.

## **Main findings**

The overall findings from the study were:

- Some Chinese migrant workers had experienced forced labour.
- There was widespread exploitation of Chinese migrant workers by employers who were not compliant with immigration, business or employment regulations.
- For most Chinese migrant workers there seemed to be no way out from exploitative work unless they were able to regularise their immigration status: without this they had no rights.
- Chinese migrant workers had little understanding of the UK immigration rules, asylum system or good business practices, and had been deceived by travel facilitators, who charged large amounts of money to enable them to reach and enter the UK.
- Chinese migrant workers desired to work hard in a regular way and to pay taxes. They sought regular status in order to be able to exercise employment rights, visit their families of origin and support their UK-formed families as well as they could. They did not – and did not wish to – draw on the benefits system.
- Chinese migrant workers' families influenced their lives in many ways, including their decisions and motivation to travel, their endurance of hard and exploitative working conditions in order to pay off debts and maintain remittances, and their aspirations to stay in the UK or not.

The vulnerability of workers and the degree to which they were able to exercise control over their circumstances fluctuated over time. They were both caught up in, and created, a dynamic system in which migration, work and family are all interconnected and part of what Pieke, *et al.* refer to as a wider migration configuration:

*Migration configuration ... describes the connections between the total sum of social institutions and practices in areas of origin, transit, and destination that produce and sustain a particular flow ... of migrants. ... A migration configuration ... [includes] flows of information, goods, money and other resources. Institutions and networks within a migration configuration shape interaction across different sites. Examples of such institutions are kinship groups, friendship and home community networks, emigration and immigration officials and commercial migration brokers...*

(Pieke, *et al.*, 2004: 19)

The migration–work–family nexus is part of the migration configuration, and when considering the continuum of exploitation (from decent work to forced labour), it is important to look at the interconnections between these three institutions, and not to look at work in isolation.

## The continuum of exploitation: from decent work to forced labour

Forced labour is an extreme form of exploitation; the antithesis of decent work. The distinction between forced labour and other forms of exploitation is not always clear, and Skřivánková (2010) suggests that exploitation is best understood as a continuum from decent work to forced labour or slavery.

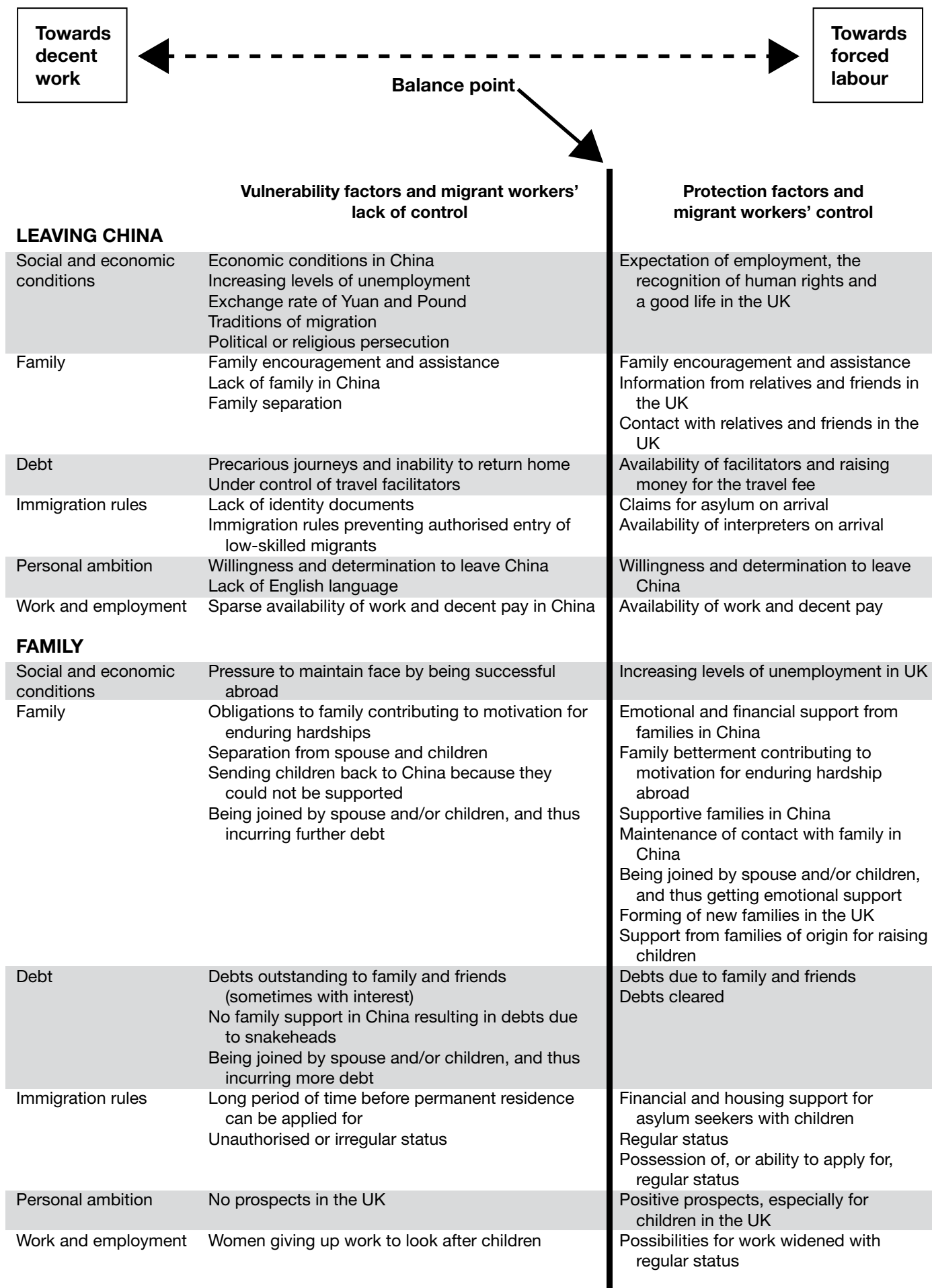
Although this study found few instances of forced labour, at different points in time all the workers were rendered vulnerable to worsening exploitation – away from the pole of decent work towards that of forced labour. In particular, they were rendered vulnerable to further exploitation by:

- obligations to families in China;
- debt;
- low levels of education and skill;
- language difficulties;
- an immigration system that offers few opportunities for work to low-skilled migrants;
- partial or misleading support and information about work and recognition in the UK;
- a lack of general information and support;
- the provision and perpetuation of poor working conditions;
- raids on employers employing ‘illegal’ low-skilled workers;
- abuse of work permit conditions;
- responsibilities to family in the UK.

One way of understanding a worker’s position on the continuum of exploitation (from decent work to forced labour) is to consider the balance of vulnerability and protection factors at any point in time. As vulnerability factors outweigh protection factors, the balance point moves, making it more likely that the worker will fall prey to greater exploitation in the direction of forced labour (see [Figure 1](#) in this chapter). As protection factors outweigh vulnerability factors, however, the balance point moves in the other direction, making it more likely that the worker will experience better, less exploitative work. The balance could shift in favour of decent work by measures that strengthen protection factors and/or weaken vulnerability factors.

Policies and practices that strengthen protection factors, or weaken vulnerability factors, and thus increase workers’ control over their situations will contribute to an improvement of people’s working lives; clearly some factors will have a greater impact than others.

**Figure 1: Potential for movement along the continuum of exploitation: from decent work to forced labour**



## WORK

Social and economic conditions	Availability of low-skilled workers from eastern Europe	
Family	Loneliness and homesickness Pregnancy and childbirth	Information from friends or relatives about work Friendships and relationships developed Pregnancy and childbirth giving a sense of purpose
Debt	Debts that increase with family members joining Debts that increase with interest	Possibilities to pay back debts
Immigration rules	Lack of understanding of the immigration system Enforcement of conditions of employing overseas workers Irregular status	Claims for asylum Regular status Support from others, from agencies and via the asylum system
Personal ambition	Little relevant experience or skill Language difficulties in and out of the workplace	Ability to speak English
Work and employment	Availability of low-skilled irregular work Willingness of employers to employ undocumented workers General, heavy duties the most common form of work available Low pay, long hours and generally poor working conditions Accommodation tied to the workplace Bullying in the workplace Work permit restrictions and abuses Employers not paying full dues or tax	Availability of work in Chinese businesses Willingness of employers to employ undocumented workers Freedom to move jobs as experience and skill gained Adequate accommodation provided Good, flexible employers

*Note:* Some factors are both protection and vulnerability factors. The balance point is a moveable point and depends on the strength of vulnerability or protection factors in relation to leaving China, working in the UK and family. Movement along the continuum can be achieved by strengthening protection factors or weakening vulnerability factors.

## Implications for policy and practice: the migration–work–family nexus

A number of issues relating to patterns of migration, work and family arose from the study, with implications for understanding people's situations, policy and practice.

### Situation in China

The political and socio-economic conditions in China, along with the artificially low exchange rate of the Chinese Yuan and opportunities for work that still existed in the UK, created the conditions in which workers decided to leave for work in the UK. Workers in this study made it clear that migration for work overseas will continue as long as the socio-economic pressures in China remain.

Workers' prime motive to migrate was to earn money for the support of their families, and family members in China contributed to their decisions to move for work and to raising the money for travel. The workers would therefore be considered to be unforced migrants, travelling by choice for work. However, this choice was illusory: as many participants said, they really had no choice but to move for work.

### The UK as a destination

The UK was the destination of choice for most workers, as they had UK-based contacts and/or family members who would be able to help them, and they had heard that work would be available. In the foreseeable future, the UK is likely to remain a destination of choice for workers for the same reasons, although workers reported that the increased enforcement of the rules against employing undocumented workers meant that such work was becoming scarcer. There was no evidence that the migrant workers took any account of ease of access to welfare benefits; on the contrary, several participants asserted that they wished to make no claim on the benefits system.



## **Use of travel facilitators**

The migrants paid travel facilitators or agencies to arrange their travel to the UK. Three-quarters of the participants in the study were smuggled into the country willingly, with no identification documents at the point of entry, and had been advised to claim asylum on arrival or shortly after, reflecting the findings of Pieke, *et al.* (2004) and Pieke (2010). Other workers entered in possession of 'legal' visitors' or dependants' visas, which they then overstayed, or work permits.

Workers valued the services of the travel facilitators; however, much of the information provided by them was misleading, incorrect or involved deliberate deception about the ease of gaining authorised entry and work in the UK. With the exception of those in possession of work permits, the workers did not use travel facilitators to help them find work.

## **Debt**

Families and friends usually raised the money for travel. The charges ranged from £9,500 to £28,700. Once the worker had arrived in the UK, families and friends paid the fees owed to travel facilitators and agencies. From then on, workers' debts were to families and friends. Most debts were paid off within two to five years.

## **Migrants' lack of knowledge of the immigration system**

Those who entered without documents depended on the advice and instructions given by their travel facilitators, or on information from other migrants. The majority claimed asylum at entry or soon afterwards. The workers did not understand the immigration rules and asylum system, and believed they were following the normal procedures for registering for work. It is not the migrants but the travel facilitators who abuse the asylum system, and there is a need for more comprehensive information to be made available to the migrants themselves in China, at ports of entry and more widely in the Chinese press and advice agencies.

Workers' status became irregular if their claims for asylum were refused, if they did not pursue their claims, if they overstayed their visas or if they were smuggled into the country, hidden at the point of entry.

In the absence of 'legal' or regularised means of entry for low-skilled workers (Tier 3), claiming asylum is likely to remain a strategy for entry and for work, so long as the UK remains attractive as a destination. It will cease to be attractive if it is made more difficult for workers to find employment or if the benefits of earning abroad do not exceed those of remaining at home.

## **Lack of English language**

Language difficulties made both immigration and employment situations particularly hard for the workers. Most workers did not speak the same language as their employers or fellow workers, and this made them the target of bullying in the kitchens of restaurants and takeaway establishments. It was difficult for workers to access advice and information that was usually available in English.

## **Family pressures and support**

Families of origin and newly formed families participated in decisions about travel and work. They gave workers a sense of purpose and the emotional strength to endure hardship. Most workers maintained close links with their families of origin. Those workers whose family members joined them in the UK felt reinvigorated and less stressed. One of the reasons workers sought regularisation of their employment status was so that they could freely return to China to visit their families.

The well-being of newly formed families in the UK contributed to workers' desires to remain in the UK through regular work, even if their original intention had been to return to China after a period of employment. Their irregular status meant that they were unable to access a range of family support for children that would have enabled mothers to have continued working, such as childcare support, income support and family-

friendly employment practices. Input from third-sector community organisations is crucial in providing work–family support.

## **Obligations to families**

Workers' obligations to their families continued after the debts were paid: as a matter of pride, they continued to send money back to China. These family obligations were underpinned by a desire to 'maintain face' and to be seen to have been successful in their local communities of origin. On the whole, workers did not tell families of origin of the hardships they were facing, and family interest and concern were both a support and an added pressure on them. The continued return of remittances earned overseas is common to migrant workers of different nationalities (see, for example, Wills, *et al.*, 2010), and the particular familial and cultural factors influencing Chinese migrant workers would be worth further study.

## **Working conditions**

Working conditions were generally poor – physically demanding and with long hours, a long working week and pay well below the minimum wage. There was no holiday or sick pay. Accommodation was often tied to the workplace and usually shared with other workers. Because of their irregular status, workers thought they had little choice but to put up with these conditions.

## **The trap of exploitative employment**

The increase of workplace raids and regulations linked to the employment of undocumented workers meant that some people felt trapped in their employment, and they reported that it was becoming more difficult to find alternative work. The irregular status of workers meant that they were denied access to employment tribunals and other means of challenging their employment conditions or levels of pay.

However, with the exception of those with work permits, who believed that they were linked to employers and did not always know the regulations for changing employer, workers were able to move freely between jobs. They changed jobs regularly as they gained skills and experience, in order to increase their pay.

## **Employers' demand for flexible and cheap labour**

The majority of workers in the study were employed in Chinese catering businesses. This is a sector that has expressed a preference for employing migrant workers because of their flexibility and positive work attitude, and has argued that labour and skill shortages are jeopardising their businesses (Lucas and Mansfield, 2008; 2010). The UK Government is urging businesses to train British-born workers and to offer better pay and conditions, in order to encourage non-migrant labour and reduce the high turnover that characterises the sector. Nevertheless, in the short to medium term, the needs and realities of Chinese catering and hospitality businesses need to be understood and linked in to the managed migration system, so as to provide 'legal' channels to enable migrants of all skill levels to work as required.

While this study did not explore employer perspectives, calls have been made to work with Chinese businesses in order to improve working conditions (Wu, *et al.*, 2009). The recent involvement of trade unions in the conditions under which migrant workers are employed, and in vulnerable working generally, opens promising avenues for assistance and the improvement of working conditions (BIS, 2010; Skřivánková and Beirnaert, 2011).

## **Exploitation within a hidden micro-economy**

From the testimony of migrant workers, it seems as if there may be a self-sustaining micro-economy operating within the Chinese catering industry in the UK, to the mutual financial benefit of all involved, but with undocumented migrant workers being exploited (not necessarily by choice, but through the lack of

alternatives). It would be a mistake to interpret their collusion with exploitation at work as a preference for exploitation. If they had the choice, they would almost certainly prefer decent work.

Within this micro-economy, according to the testimony, employers were assured of a flexible workforce, willing to endure poor conditions and pay and to work hard. Their profits were maximised by the willingness and availability of migrant workers, and they were saved recruitment costs by the Chinese community, through which information about available jobs was shared, sometimes at a cost. While these features are common to the use of migrant labour in the hospitality sector more generally (Lucas and Mansfield, 2010) and to other migrant groups (Wills, *et al.*, 2010), responsibility for paying below the minimum wage and demanding excessively long working hours must lie with the Chinese business employers.

## **What can be done to improve migrant workers' experiences?**

### **Ratification of and opt-in to international agreements**

The *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (OHCHR, 1990) confers rights on all migrant workers, whether regular or not. If this convention were to be ratified by the UK Government, then it might be easier to separate the enforcement of employment rights from immigration and border-control enforcement; this would pave the way for greater trade union representation of all workers, whatever the regularity of their status. In addition, ending the UK Government's opt-out of the EU's (2009) *Directive providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals* would be a step towards penalising rogue employers, while giving immigrant workers 'legal' terms of pay and employment.

### **Enforcement of business, employment and health and safety legislation**

There are a number of different regulatory systems governing business and employment practices, workplace safety and collection of revenue for the government. There seems to be a conflation between these regulatory frameworks and those linked to the detection of unauthorised workers. If the regulation of business practices (via business and employment regulators) and the protection of revenue (via HMRC) were clearly separated from the detection of irregular workers (via the UK Borders Agency), then it would be possible for exploitative working practices to be reported and for the authorities to improve working conditions, whatever the status of the workers, and to decrease tax evasion. This separation has been achieved by the Health and Safety Executive, which provides protection for migrant workers, whether they are working 'legally' or not (HSE, nd).

### **Empowerment of workers through the provision of good information and support**

Workers would be empowered and enabled to make more informed decisions if they had accurate information about working in the UK and a better understanding of the UK's immigration rules, including the purpose and operation of the asylum system. Better information is needed at points of departure and entry, and ease of access to information and support is needed once workers are in the UK. The Chinese media and Chinese community associations have an important role in providing this information and support, and in helping migrant workers acquire English language skills through, for example, volunteer-run language support (see, for example, Lawthom, Kagan and Porretta, 2009). Curtailing the activities of unscrupulous travel facilitators who knowingly mislead and deceive potential migrant workers would be a step towards worker empowerment.

### **Engagement of Chinese businesses and civil society organisations**

Chinese voluntary-sector groups and business networks have a useful role to play in working with employers, in order to encourage them to improve working conditions for undocumented workers. As Gao (2010: 8) says, at the moment, 'the situation is one in which Chinese employers simply take advantage of the vulnerability of their compatriots'.

There were some examples of good employment practices in the study, and means should be found of positively engaging these businesses, which, presumably, do not want to be undercut by rogue operators.

If employment conditions and pay were improved, the availability of work for unskilled irregular migrants might be reduced, and this in turn might influence people's decisions to travel to the UK: more research is needed into the likely effects on Chinese businesses and their models of business practices and management if migrant labour were to dwindle.

## **Regularisation of status and incentives to identify rogue employers**

The problem remains of what to do with the irregular workers who are willing to work and contribute to the UK economy, and unable to return to China. Participants in the study nearly all wanted to regularise their status. Further research identifying the economic issues for Chinese migrant workers and Chinese businesses would inform a business case (outlining the benefits to the UK economy) for the regularisation of status for long-term undocumented migrants. Without further research, this is a difficult case to make during an economic recession.

In the short term, incentives could be provided for exploited workers to co-operate with the authorities in identifying and prosecuting employers who engage in tax and National Insurance evasion and flout employment regulations in the exploitation of vulnerable workers.

## **Work-life integration**

The case for the regularisation of migrant workers is not just one of economic policy; it is also one of family policy. According to the participants in the study, apart from access to health care linked to childbirth and education for children, workers are unable to access other support for families with children. They are unable to access the range of family-friendly work practices, including the right to ask for flexible working, part-time work, maternity and paternity pay and leave, for example.

With either the separation of employment from immigration status, or the regularisation of their status, families would be able to access the full range of family support. With regular status they would also be able to return to China to visit their families of origin.

## **Recommendations**

### **For the UK Government**

- Opt in to the EU's (2009) *Directive providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals*.
- Ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (OHCHR, 1990).
- Extend the remit of the Gangmasters Licensing Authority to include all forms of labour providers, not just those involved in agriculture, forestry, horticulture, shellfish gathering and food processing and packaging.

### **For the Home Office/UK Border Agency**

- Listen to Chinese businesses about their labour needs and create authorised channels to enable migrants of all skill levels to work in the UK, in order to meet the needs and realities of the labour market in the short to medium term.
- Work with Chinese community associations to review and ensure the availability of accessible information about the UK immigration system, the meaning of asylum, and employment rights and how to seek redress

if they are being breached. Information should be available at points of departure, at points of entry, in advice centres and locations frequented by Chinese workers, such as Chinatowns and via the Chinese media.

- Work with the Better Regulation Executive (BRE) in the Department for Business, Innovation and Skills to develop a protocol for dealing with the identification of exploitative work practices, irrespective of the status of the worker.
- Work with the Chinese authorities in the districts of origin of migrant workers, to identify and prosecute unscrupulous travel facilitators who deliberately promote wrong and misleading information about living and working in the UK.

### **For trade unions**

- Build on links with the voluntary sector to organise and represent undocumented workers in Chinese catering businesses.
- Identify and report best practice by trade unions in organising and representing undocumented migrant workers in all aspects of employment, including work–family policies.

### **For business regulators**

- Establish systems for the confidential reporting of information about exploitative employment practices, and target inspections on those employers who breach decent work conditions and engage in tax fraud through underpayment and non-declaration of workers, irrespective of the status of those workers.
- Work with the UK Border Agency to introduce incentives for migrant workers to come forward and report their situations to the authorities, in order to seek redress and back payments due. Incentives might include, for example, anonymity, protection, or regularisation of status.
- Enforce employment regulations through regular inspections, by both regulators and HMRC, not just from the point of view of punishing ‘illegal’ or irregular workers and employers, but from the point of view of ensuring decent and safe working conditions.
- Engage in a process of collaboration with employer organisations, the BRE and allied regulators to raise awareness among employers about existing legislation and regulatory frameworks.

### **For Chinese businesses**

- Through Chinese business networks, enhance the reputation of the Chinese immigrant community and the attractiveness of working for Chinese businesses, through the celebration of good practice in providing decent work for all workers, irrespective of immigration status.
- Seek to identify rogue employers that undercut good employers through exploitative employment practices, and put pressure on them to adopt good employment practices.

### **For Chinese community associations and civil society organisations**

- Secure additional support to strengthen Chinese community associations, so that they are able to:
  - work with businesses to ensure best employment practice is understood and used in respect of all workers;

- deliver advice and support services for migrant workers;
- offer English-language classes to migrant workers and their families;
- develop services that link migrants with others from the community, as well as with other communities, to enable more extensive social support and decrease isolation;
- link with other Chinese organisations to share experiences and support;
- work with trade unions to develop support for migrant workers, irrespective of immigration status.

### **For research organisations**

- Undertake research with Chinese catering businesses to understand their business models, the role played by unskilled Chinese migrant workers in their businesses and the extent of exploitation in the sector.
- Undertake an analysis of the economic, workplace and family benefits of regularisation of irregular workers.
- Build the evidence base of the lived experiences of Chinese migrant families, with an emphasis on identifying specific cultural aspects of family relationships, while recognising the challenges of building sufficient trust for authentic data to be gathered.

# Notes

## 1 Terminology

The term **'migrant'** can refer to someone who travels within or between countries. Unless specified otherwise, in this report we use the term **'migrant'** to refer to those workers who have travelled from their country of origin (China) to a destination country (the UK), not to those who have travelled between residence areas within China. We use the terms **'undocumented'**, **'unauthorised'** or **'irregular'** migrants to refer to people who have entered the UK without a visa, or who have overstayed their visa and at this point in time do not have official permission from the authorities to live and/or work in the UK.

We have placed the term **'illegal'** in inverted commas when we are referring to a position adopted by the UK Government and its immigration authorities. There is no intention on our part to imply criminality.

An alternative vocabulary for describing groups of migrants is offered by Ruhs and Anderson (2007), who refer to degrees of compliance. *Compliant migrants* are legally resident and working in full compliance with the conditions of their immigration status; *non-compliant migrants* are those without the rights to reside (or work) in the host country; *semi-compliance* indicates a situation where a migrant is legally resident but working in violation of some or all of the conditions attached to their immigration status.

The term **'asylum seekers'** refers to those who have applied for asylum and have not yet been granted or refused asylum. While awaiting the outcome of their asylum application, asylum seekers are not irregular: they are permitted to stay in the UK while their requests are being examined.

The term **'snakehead'** is used for those who facilitate emigration for a fee. There is generally a chain of contacts enabling movement from China to the destination country, often with 'illegal' entry. There are elements of people-smuggling involved. While in the West the term has negative connotations and signifies criminality, it is not understood in this way by emigrating Chinese workers. Snakeheads will often be known to families – may even be relatives – and their businesses are seen as helpful and legitimate. In the report we have used **'snakehead'**, **'travel facilitator'** and **'guide'** interchangeably, as did most of our interviewees.

See PICUM (2010) reporting guidelines and UWT (2008) for more information about terminology.

## 2 Participant names

All participants have been given pseudonyms. Organisations have retained their actual names.

## 3 RMB

Renminbi is the official currency of People's Republic of China and used in mainland China. The primary unit is the Yuan (¥). At the time of writing, 100,000 RMB is equivalent to approximately £9,362.

# References

- Anderson, B. and Rogaly, B. (2005) *Forced Labour and Migration to the UK*. London: COMPAS/TUC
- Awad, I. (2009) *The Global Economic Crisis and Migrant Workers: Impact and Responses*. Geneva: International Labour Office. Available at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---actrav/documents/publication/wcms\\_112967.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_112967.pdf) [Accessed 20.7.2011]
- Barnett, A., Held, D. and Henderson, C. (eds) (2005) *Debating Globalization*. Cambridge: Polity Press and openDemocracy
- Bauman, Z. (1998) *Globalization: the Human Consequences*. Cambridge: Polity Press
- BIS (2010) *Migrant Workers Participation Project – UNISON Case Study*. London: Department for Business, Innovation and Skills. Available at: <http://www.bis.gov.uk/assets/biscore/employment-matters/docs/m/10-1099-migrant-workers-participation-unison> [Accessed 20.7.2011]
- Boden, P. and Rees, P. (2009) *Improving the Reliability of Estimates of Migrant Worker Numbers and their Relative Risk of Workplace Injury and Illness, Health and Safety Executive research report RR691*. Norwich: HMSO
- CEP (2010) *Immigration and the UK Labour Market: the Evidence from Economic Research*. London: Centre for Economic Performance, LSE
- Chan, C. K., Ngok, K. and Phillips, D. (2008) *Social Policy in China: Development and Wellbeing*. Bristol: Policy Press
- Coleman, J. (2010) *Employment of Foreign Workers: 2007–2009*. London: Office of National Statistics.
- Craig, G., Gaus, A., Wilkinson, M., Skřivánková, K. and McQuade, A. (2007) *Contemporary Slavery in the UK*. York: Joseph Rowntree Foundation. Available at: <http://www.jrf.org.uk/sites/files/jrf/2016-contemporary-slavery-uk.pdf> [Accessed 3.1.2009]
- Crawley, H. (2010) *Chance or Choice? Understanding why Asylum Seekers Come to the UK*. London: Refugee Council.
- EU (2009). *Directive Providing for Minimum Standards on Sanctions and Measures against Employers of Illegally Staying Third-country Nationals*. Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:168:0024:0032:EN:PDF> [Accessed 16.6.2011]
- Evans, Y. (2008) *'Papers Please': the Impact of the Civil Penalty Regime on the Employment Rights of Migrants in the UK*. London: Migrants' Rights Network.
- Fix, M., Papademetriou, D. G., Batalova, J., Terrazas, A., Yi-Ying Lin, S. and Mittelstadt, M. (2009) *Migration and the Global Recession*. Washington DC: Migration Policy Institute. Available at: [www.migrationpolicy.org/pubs/MPI-BBCreport-Sept09.pdf](http://www.migrationpolicy.org/pubs/MPI-BBCreport-Sept09.pdf). [Accessed 25.3.2011]
- FMO (2010) *What is Forced Migration?* Oxford: Forced Migration Online. Available at: <http://www.forcedmigration.org/faq/#fm>. [Accessed 20.7.2011]



Gao, Y. (2004) *Chinese Migrants and Forced Labour in Europe*. Geneva: International Labour Office

Gao, Y. (2010) 'Introduction', in Y. Gao (ed), *Concealed Chains: Labour Exploitation and Chinese Migrants in Europe*. Geneva: International Labour Office

HAC (2009). *Managing Migration: the Points Based System*. House of Commons Home Affairs Committee: *Thirteenth Report of Session 2008–9, Volume 1*. London: HMSO. HC217-1

HSE (nd). *Working in Great Britain from Overseas*. Health and Safety Executive. Available at: <http://www.hse.gov.uk/migrantworkers/index.htm>. [Accessed 14.7.2011]

Hutton, J. (2008) 'Preface', in BERR, *Globalisation and the Changing UK Economy*. London: Department for Business Enterprise and Regulatory Reform. Available at: <http://www.berr.gov.uk/files/file44332.pdf> [Accessed 14.7.2011]

ILO (1930) *Convention Concerning Forced or Compulsory Labour*. *Convention C029*. Date of adoption 28.6.1930. Geneva: International Labour Organisation. Available at: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029> [Accessed 3.6.2009]

ILO (2009b) *The Cost of Coercion: Global Report Under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*. Geneva: International Labour Organisation

ILO (2006) *Decent Work: Objectives and Strategies*. Geneva: International Labour Organisation

ILO (2009a) *Global Employment Trends Update, May 2009*. Geneva: International Labour Organisation. Available at: [http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms\\_106504.pdf](http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_106504.pdf) [Accessed 15.3.2011]

ILO (2005) *Human Trafficking and Forced Labour Exploitation: Guidelines for Legislators and Law Enforcement*. Geneva: International Labour Organisation

IOM (2008) *World Migration Report: Managing Labour Mobility in the Evolving Global Economy*. Geneva: International Organization for Migration

Köhler, H. (2002) 'Working for a Better Globalization: remarks by Horst Köhler, Managing Director, International Monetary Fund', in *Conference on humanizing the global economy*, January 28, 2002. Washington DC: IMF. Available at: <http://www.imf.org/external/np/speeches/2002/012802.htm> [Accessed 15.5.2010]

Lam, J. (2009) *Labour Shortage in Chinese Catering: Presentation to Migration Advisory Committee, 22 November 2009*. London: Chinese Immigration Concern Committee

Lawthom, R., Kagan, C. and Porretta, B. (2009) *Inclusion and Integration through ESOL: a Pilot Project in Manchester. Summary Evaluation and Template for Future Action*. Manchester: RIHSC

Lee, M., Chan, A., Bradby, H. and Green, G. (2002) 'Chinese Migrant Women and Families in Britain', *Women's Studies International Forum*, 25(6), pp. 607–618

Lucas, R. and Mansfield, S. (2010) 'The Use of Migrant Labour in the Hospitality Sector: Current and Future Implications', in M. Ruhs and B. Anderson (eds), *Who Needs Migrant Workers? Labour Shortages, Immigration and Public Policy*. Oxford: OUP

- Lucas, R. and Mansfield, S. (2008) *Staff Shortages and Immigration in the Hospitality Sector*. London: Migration Advisory Service. Available at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/workingwithus/mac/239769/lucasandmansfield2008> [Accessed 14.7.2011]
- Millar, M. (2008) 'Immigration Squeeze Hits the Ethnic Restaurant Sector', *The Caterer*, 28.2.2008. Available at: <http://www.caterersearch.com/Articles/2008/02/28/319247/Immigration-squeeze-hits-ethnic-restaurant-sector.htm> [Accessed 2.1.2010]
- Neumayer, E. (2005) 'Bogus Refugees? The Determinants of Asylum Migration to Western Europe', *International Studies Quarterly*, 49, pp. 389–409
- NU-ILO (2009) *The Employment of Chinese migrants in the UK: Issues and Solutions: Workshop Report (Part of a European Union–China Collaborative Project 'Capacity Building for Migration Management in China (CBMM)')*. Nottingham: University of Nottingham and ILO
- OHCHR (1990). *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. Geneva: OHCHR: General Assembly resolution 45/158 of 18 December 1990. Available at: <http://www2.ohchr.org/english/law/cmw.htm> [Accessed 6.3.11]
- ONS (2009) *Population Estimates by Ethnic Group: 2001–2007 Commentary*. London: Office for National Statistics. Available at: [http://www.statistics.gov.uk/downloads/theme\\_population/PEEGCommentary.pdf](http://www.statistics.gov.uk/downloads/theme_population/PEEGCommentary.pdf) [Accessed 4.4.2011]
- Pharoah, R. and Lau, S. (2009) *Shaping the Future for London's Chinese Community: a Research Based Policy Briefing*. London: Chinese in Britain Forum
- PICUM (2010) *Reporting Guidelines*. Brussels: Platform for International Cooperation on Undocumented Migrants. Available at: <http://picum.org/en/resources/guidelines-for-journalists> [Accessed 10.10.2010]
- Pieke, F. (2004) *Chinese Globalization and Migration to Europe*. San Diego: University of California, Centre for Comparative Immigration Studies, Working Paper 94. Available at: <http://www.ccis-ucsd.org/PUBLICATIONS/wrkg94.pdf> [Accessed 9.11.2009]
- Pieke, F. (2010) 'Migration Journeys and Working Conditions of Chinese Irregular Immigrants in the United Kingdom', in Y. Gao (ed), *Concealed Chains: Labour Exploitation and Chinese Migrants in Europe*. Geneva: International Labour Office
- Pieke, F. (1998) 'Introduction', in G. Benton and F. Pieke (eds), *The Chinese in Europe*. Basingstoke: Macmillan
- Pieke, F., Nyiri, P., Thuno, M. and Ceccagno, A. (2004) *Transnational Chinese: Fujianese Migrants in Europe*. Stanford, Stanford University Press.
- Pollock, J. (2010) 'The Migrant Worker, the Refugee and the Trafficked Person: What's in a Label?', *Alliance News: Beyond Anti-trafficking Frameworks: Linkages between Trafficking, Migration, Gender, Labour and Globalisation*, 33, pp. 19–22. Bangkok: Global Alliance Against Trafficking in Women (GAATW). Available at: [http://www.gaatw.org/publications/Alliance%20News/Alliance\\_News\\_July\\_2010.pdf](http://www.gaatw.org/publications/Alliance%20News/Alliance_News_July_2010.pdf) [Accessed 4.4.2011]
- Rogers, A., Anderson, B. and Clark, N. (2009) *Recession, Vulnerable Workers and Immigration*. Oxford: COMPAS

Ruhs, M. and Anderson, B. (2010) 'Migrant Workers: Who Needs Them? A Framework for the Analysis of Shortages, Immigration, and Public Policy', in M. Ruhs and B. Anderson (eds), *Who Needs Migrant Workers? Labour Shortages, Immigration and Public Policy*. Oxford: OUP

Ruhs, M. and Anderson, B. (2007) *The Origins and Functions of Illegality in Migrant Labour Markets: an Analysis of Migrants, Employers and the State in the UK*. Oxford: COMPAS

Skřivánková, K. (2010) *Between Decent Work and Forced Labour: Examining the Continuum of Exploitation. JRF Programme Paper: Forced Labour*. York: Joseph Rowntree Foundation

Skřivánková, K. (2006) *Trafficking for Forced Labour: UK Country Report*. London: Anti-Slavery International

Skřivánková, K. and Beirnaert, J. (2011) *Never Work Alone: Trade Unions and NGOs Joining Forces to Combat Forced Labour and Trafficking in Europe. ITUC Guide*. Brussels: ITUC

TUC (2008) *Hard Work, Hidden Lives. Full Report of the Commission on Vulnerable Employment*. London: TUC

Turton, D. (2003) *Conceptualising Forced Migration. RSC working paper no. 12*. Oxford: Refugee Studies Centre

UNHCR (2010) *Asylum Levels and Trends in Industrialised Countries, 2009. Statistical Overview of Asylum Applications Lodged in Europe and Selected Non-European Countries*. Geneva: UNHCR, Division of Programme Support and Management. Available at: [www.unhcr.org/4ba7341a9.html](http://www.unhcr.org/4ba7341a9.html) [Accessed 22.3.2011]

UWT (2008) *Undocumented migration glossary. Undocumented Worker Transitions Project, Workpackage 5*. London: Roskilde University and Working Lives Research Institute. EU Sixth Framework Programme, Contract No. 044272. Available at: [http://www.undocumentedmigrants.eu/londonmet/library/h11625\\_3.pdf](http://www.undocumentedmigrants.eu/londonmet/library/h11625_3.pdf) [Accessed 8.9.2010]

Wills, J., Datta, K., Evans, Y., Herbert, J., May, J. and McIlwaine, C. (2010) *Global Cities at Work: New Migrant Divisions of Labour*. London: Pluto Press

Wu, B., Sheehan, J. and Guo, L. (2010) *Economic Recession, Employment and Working Conditions of Chinese Migrant Workers in the UK. Briefing series – issue 62*. Nottingham: University of Nottingham, China Policy Institute

# Appendix I

## Method

### Objectives of the research

The overall aim of the study was to gain an in-depth understanding of the experiences of forced labour among Chinese migrant workers in the north-west of England

### Research partners

The research partners were: the Wai Yin Chinese Women Society, based in Manchester, and the Research Institute for Health and Social Change of Manchester Metropolitan University (MMU). The Wai Yin team members were experienced in working with and supporting Chinese migrants. The MMU team were experienced social researchers. A bilingual researcher was appointed, based in the Wai Yin and supervised by researchers at MMU. Hsung Haio, the author of *Chinese Whispers*, and the Sunshine Project workers acted as advisers to the project. The Northern Ireland partner was the Chinese Welfare Association.

### Design

The project consisted of two parts:

- Life-story interviews with 32 Chinese migrant workers, who came to the UK legally or 'illegally', but whose status is or has been irregular. The original intention had been to use a co-researcher model, wherein migrant workers were trained in life-story elicitation techniques. However, only one of the 22 people who attended training wished to become a co-researcher. Therefore the strategy was changed to a researcher-driven semi-structured interview process, but one that contained several features of trust building more familiar to co-researcher methods.
- Case discussions with colleagues from the Northern Ireland-based Chinese Welfare Association, the Chinese Migrants Network in London and with Wai Yin advisers and support workers. This enabled the sharing of experiences to ensure that the detailed qualitative work undertaken in part one was comprehensive in its reach.

### Participants

32 Chinese migrants took part in the main study: 14 women and 18 men. Five workers entered the UK with visas; 19 claimed asylum at the point of entry; four claimed asylum after being in the country for some time; and five were smuggled into the country undetected. A further seven detailed case studies were contributed by linked organisations. [Table 4](#) summarises the participants.

**Table 4: Participants**

<b>No. of years in the UK</b>	<b>10+</b>	<b>5–10</b>	<b>2–5</b>	<b>Notes</b>
<b>Occupation at time of interview:</b>				
<b>Catering</b>	2	8	3	2 men on the point of voluntary repatriation
<b>Construction (all men)</b>		2	2	Some had worked in catering in the past
<b>Housewives (all women)</b>	1	6	4	Most had worked in catering in the past
<b>Other (DVD selling)</b>		1		Some spouses also worked as DVD sellers
<b>Unemployed</b>		1	2	

The majority of participants originated from coastal Fujian. Five came from central Fujian and three from north-eastern China. Sixteen participants were Sunshine Project learners. A further three were spouses of learners. Six participants were recruited via the London-based Chinese Migrants Network. The remaining seven participants came via word of mouth of participants or Wai Yin workers or volunteers.

## **Recruitment**

Initial contact with migrant workers was made via the Sunshine Project, a language and learning project within the Wai Yin, funded by Oxfam. The researcher spent a considerable amount of time with the project and those attending it, which enabled her to build trusting relationships with potential participants prior to beginning the research. It was difficult to encourage people to talk about their migrant work and family experiences. The findings in the study are closely linked to the self-selection of participants.

## **Researcher**

The main researcher was a Mandarin- and Cantonese-speaking Chinese graduate who was originally from Hong Kong. She was supported in translations of recorded interviews by another Chinese, Mandarin-speaking graduate, originally from mainland China. Both researchers examined their own experiences of and feelings towards leaving China as part of their project orientation. This enabled them to give full attention to participants during interviews and to strengthen their interview skills. The interview schedule was developed and refined during the orientation period.

## **Ethical clearance**

The project protocol was approved by the Manchester Metropolitan University Faculty of Health and Social Care Ethics Committee.

## **Interviews**

Most interviews were carried out individually at a place of the participants' choosing, usually at the Wai Yin. Some interviews were conducted jointly. All but three of the interviews were audio recorded, and detailed notes were taken of the others. Care was taken to ensure that all participants knew the purpose and nature of the study. Verbal consent was gained and reassurance given about the confidentiality and anonymity of the information given. All interviews were carried out in Mandarin Chinese.

## **Analysis**

After each interview an interview summary was produced. This did not contain direct data and focused on the factual aspects of the accounts. The summaries provided information for the research team to consider, in

preparation for later detailed analysis of transcripts. They also provided the basis for meetings with project advisers, aimed at clarifying thinking about the experiences of Chinese migrant workers.

All recorded interviews were transcribed and translated into English. Three transcriptions were cross-translated by both the researcher and the volunteer researcher who had undergone the orientation sessions and was familiar with the project. Discrepancies in translation were discussed. It was agreed with the research team that any minor discrepancies in translation that had occurred would not have had a substantial effect on the final transcript, and that from then on double translation would not be needed. All interviews were then transcribed and translated by either the researcher or the volunteer researcher.

The core research team (researcher plus two MMU researchers and one Wai Yin worker) analysed the data collectively. Each person read all the transcripts and immersed themselves in the data. Three-and-a-half day workshops were held to discuss themes linked to the project's aims and any other emergent themes. In addition, case studies were discussed. Final decisions about how best to interpret the data and the recommendations to come out from this were made collectively.

# Appendix II

## Timeline of significant events in China

**Table 5: Timeline**

Year	What happened
1921	The Chinese Communist Party is formed.
1949	Mao takes Beijing and declares the foundation of the People's Republic of China. Chinese Communist Party takes power.
1956	The Hundred Flowers Campaign encourages intellectuals to give their opinions about the government.
1958–1960	The Great Leap Forward: an attempt to boost production through redistribution of land and millions of backyard furnaces.
1966–1976	The Cultural Revolution: Mao starts the Great Proletarian Cultural Revolution. Young people, mostly students, form bands of Red Guards and go around destroying anything redolent of the West, capitalism, religion or tradition. The health and education systems collapse, and most of China's cultural heritage is destroyed.
1976	The death of Mao leads to the end of the Cultural Revolution.
1978	<ul style="list-style-type: none"><li>• Deng Xiaoping comes to power.</li><li>• Economic reforms begin in China.</li></ul>
1980	Deng begins the policies of 'reform and opening up' which see China open up its economy and political life.
1986	The National People's Congress passes the Compulsory Education Law of the People's Republic of China, to provide nine years' compulsory education for children.
1989	<ul style="list-style-type: none"><li>• The Tiananmen Square protest happens.</li><li>• Jiang Zemin becomes leader of China.</li></ul>
1990	The official unemployment rate in China is 2.5%: 3.8 million workers are seeking work.
1992	The Party Congress adopts a resolution to set up a 'socialist market economic system'.
1993	The second stage of economic reforms starts. The Chinese Government aims to transform state-owned enterprises into modern business enterprises.
1997	<ul style="list-style-type: none"><li>• Deng dies.</li><li>• Hong Kong returns to China.</li><li>• The Party Congress changes the position of private enterprises from their previous role as 'supplement' to 'important component' of the economy.</li></ul>
1998	The Ministry of Labour and Social Security (MLSS) is established. The MLSS is in charge of China's labour policies and employment-related social insurance policies. Since the mid-1990s, the MLSS has been a key player in formulating policies and programmes to create re-employment opportunities.
2000	58 'illegal' Chinese immigrants are suffocated and killed in a sealed container in Dover, England.
2001	China is admitted to the World Trade Organisation and bids successfully for the 2008 Olympics.
2002	<ul style="list-style-type: none"><li>• Hu Jintao becomes the leader of China.</li><li>• The Party Congress grants party membership rights to entrepreneurs.</li></ul>
2003	The SARS outbreak happens.
2004	<ul style="list-style-type: none"><li>• A constitutional amendment guarantees property rights.</li><li>• 23 Chinese cockle pickers, who were 'illegal' immigrants, are trapped and killed by rising tides in Morecambe Bay, England.</li></ul>
2008	The Beijing Olympics are successfully hosted by the Chinese Government.

# Acknowledgements

We would like to thank Nancy Kelly and Louise Woodruff, project managers at the Joseph Rowntree Foundation; Hsiao-Hung Pai, who was consultant to the project; and Klara Skřivánková, who was adviser to the forced labour programme.

The research would not have been possible without assistance from the following:

- All those Chinese migrants and irregular workers who participated in the research, either through the research training programme or by telling us about their experiences.
- Siu Hei Wong and Lucy Zhao, who are project workers from the Wai Yin Chinese Women Society Sunshine Project, which is supported by Oxfam.
- Aiyun Irene Bi, who worked as a volunteer researcher.
- The Chinese Welfare Association in Belfast and the Chinese Migrant Network in London for discussions and contacts with potential participants.
- Simon Challis and David Brown from the Research Institute for Health and Social Change at Manchester Metropolitan University for project management.

## About the authors

Carolyn Kagan, Rebecca Lawthom and Sue Baines are all from the Research Institute for Health and Social Change at Manchester Metropolitan University.

Lisa Mok, Sylvia Sham, Mark Greenwood are all from the Wai Yin Chinese Women Society, Manchester.

Sandy Lo is the project researcher and was employed by the Wai Yin Chinese Women Society, Manchester.



The Joseph Rowntree Foundation has supported this project as part of its programme of research and innovative development projects, which it hopes will be of value to policy makers, practitioners and service users. The facts presented and views expressed in this report are, however, those of the author[s] and not necessarily those of JRF.

A pdf version of this publication is available from the JRF website ([www.jrf.org.uk](http://www.jrf.org.uk)). Further copies of this report, or any other JRF publication, can be obtained from the JRF website ([www.jrf.org.uk/publications](http://www.jrf.org.uk/publications)).

A CIP catalogue record for this report is available from the British Library.

All rights reserved. Reproduction of this report by photocopying or electronic means for non-commercial purposes is permitted. Otherwise, no part of this report may be reproduced, adapted, stored in a retrieval system or transmitted by any means, electronic, mechanical, photocopying, or otherwise without the prior written permission of the Joseph Rowntree Foundation.

© Manchester Metropolitan University 2011  
First published 2011 by the Joseph Rowntree Foundation

ISBN: 978-1-85935-867-2 (ebook)

Original design by Draught Associates  
Ebook development and conversion by Cambridge Publishing Management Limited

Joseph Rowntree Foundation  
The Homestead  
40 Water End  
York YO30 6WP

