Responses to the MAC consultation on the impact on the UK labour market of the UK’s exit from the European Union.

Non Professional Services (SIC 77-82, 95, 96, 97)

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Response to the Migration Advisory Committee call for evidence

Introduction

Apostleship of the Sea is a charity serving seafarers from across the world, regardless of belief, nationality or race. Our team of chaplains and volunteer ship visitors support and befriend tens of thousands of seafarers each year, meeting their needs through:

- The provision of pastoral support and advice;
- Ensuring better working conditions on board vessels;
- The provision of practical help such as internet connectivity and transport.
- Challenging unscrupulous employers and failure to pay wages;

In 2016 Apostleship of the Sea visited 10,035 ships across Great Britain alone, assisting 200,701 seafarers and fishermen.

Response to questions in the call for evidence

How aware are you of current UK migration policies for non-EEA migrants? If new immigration policies restrict the numbers of low skilled migrants who can come to work in the UK, which forms of migration into low skilled work should be prioritised? For example, the current shortage occupation list applies to high skilled occupations; do you think this should be expanded to cover lower skill levels? Please provide examples to support your answers.

Transit visas for non-EEA nationals:

Non-EEA nationals have no legal entitlement to work in the UK, including in UK territorial waters, defined as being 12 miles from shore. However, they can access a transit visa which entitles them to pass through the country onto their vessel. These visas are required to allow international vessels to change crew, allowing fresh crews to arrive in the UK to join ships and outgoing crews to leave ships and return home. At present, we do not know how many transit visas are issued by the UK Government each year.

While the vast majority of UK vessels provide the necessary levels of treatment for seafarers (including fishermen) we are aware that some non-EEA crew personnel on transit visas end up working in UK ports before joining a fishing vessel or end up working on vessels in the UK inshore fleet, with their identity and whereabouts unknown to UK Visas and Immigration. This is a clear abuse by an employer of UK immigration rules. Precise figures are not available but we estimate that hundreds of non-EEA fishermen in the UK fishing fleets are being employed illegally without access to the UK national minimum wage and a guarantee of safe and proper accommodation.

Some of these personnel endure appalling accommodation on-board their vessels, inadequate food supplies and physical and emotional abuse, including forced labour, beatings and sleep deprivation.

The Maritime Coastguard Agency states that all commercial fishermen in UK territorial waters must complete basic health and safety training, sea survival training, fire-fighting and
first aid training to comply with UK requirements. Non-EEA nationals working unlawfully in UK ports or on UK vessels will not necessarily have this level of training because they are not registered as fishermen working in UK territorial waters. This invariably creates considerable problems for their safety and wellbeing as well as that of others with whom they work.

It is also the case that some non-EEA workers who obtain transit visas to join ships operating outside UK territorial waters face mistreatment but are unable to complain because of the type of visa which allows them into the UK. A most recent case involved a Filipino taxi driver brought to the UK on a transit visa and made to work on a prawn trawler, 20-hour days, seven days a week with no training sleeping in cramped and damp conditions. When a winch sliced into one of his fingers so that he couldn't continue working, his skipper simply abandoned him on the quayside of a Scottish port. He was taken to hospital with help from Apostleship of the Sea, where the finger was amputated. The victim received no wages and had no access to UK employment rights, even though he was working on a British vessel, for a British skipper, trawling for prawns for the British market.

Establishing a new visa system for non-EEA nationals:

The solution in our view is to replace the inadequate transit visa with a robust and transparent new visa or seasonal workers’ permit which allows for limited and controlled immigration of non-EEA fishermen. This will protect against abuse and exploitation in the UK fishing sector and make sure that all non-EEA seamen working in the UK or in UK territorial waters receive full employment protection and proper accommodation.

In addition to this a new visa system will ensure much needed labour and skills for a significant UK industry. There is, at present, a major shortage of fishermen in the UK fishing fleet. During a recent debate in Parliament MPs representing the coastlands of Scotland talked about a crippled industry because boats cannot get the crew they need to go to sea. Stories were told of fishing boats on the west coast of Scotland and in Northern Ireland tied up due to a lack of fishermen.

Local labour is at an all-time low in many of the key fishing regions with more men of working age joining the offshore oil and gas and renewables industries, the merchant navy and tourism sector rather than turning to a career in fishing. Demographic trends add further difficulties; in the Western Isles for example, it’s estimated that the number of people aged between 17 and 65 will fall by 1,979 in the next seven years - a reduction of 12%. Meanwhile the number of people aged over 66 will rise by 1,482, an increase of 26%. This is inevitably having a negative impact on local economies as the onshore processing infrastructure operates at lower rates of production. Markets are being lost as continued supply cannot be guaranteed. And this is at a time when demand for high quality seafood from the coasts of Scotland is in serious demand across the globe. In addition to this the Treasury is losing out due to reduced taxation being collected from vessels and crews and decreasing levels of export sales.

In Orkney vessels have had to go to sea with what they consider are less capable crew. This poses serious safety issues particularly if there is lack of experience. Fishing remains the most dangerous occupation in the UK with the past year seeing an unwelcome spike in the number of fatalities. Many fishing associations throughout Scotland have spoken about skippers who are also the owners of the vessels going through periods of extreme stress when unable to source their preferred crew, with the fear of being unable to meet financial commitments.
While the UK fishing industry has access to EU fishermen, notably from Romania and Turkey, there are insufficient numbers of experienced personnel. Many fishermen from outside the European Economic Area (EEA), such as those from the Philippines, have the skills and experience that are desperately needed but as discussed have no legal entitlement to work in the UK.

What a solution might look like:

Between 2010 and 2012 the Government introduced short term visas for a select number of non-EEA fishermen. This worked well satisfying a fundamental labour and skills shortage in the sector which was evident at the time and is very evident now. Non-EEA seamen knew how long they were going to be working in the UK in the full knowledge that if they did not return home within the specified period they would be denied a future visa.

The Government would do well to reimplement this visa system during the Brexit negotiations allowing controlled and fair migration into the UK fishing industry. The number of visas would not be significant. The Western Isles Fishermen’s Association and the Orkney Fisheries Association both say that just 60 experienced fishermen from outside the EEA would be required to crew the inshore fleet to the required levels and provide the necessary volumes of landings needed for the onshore factories to operate at a sustainable level.

The UK’s current shortage occupation list could be opened up to accommodate low-skilled occupations where there is a clear shortage of resident workers within a sector and where it is hard to recruit resident workers, such as in the fishing industry.

Summary:

We believe that the Government must act quickly to make sure that a vital UK industry which has provided long term sustainable employment in fragile coastal areas for generations is able to prosper in a post-Brexit world.

Introducing a new visa system for non-EEA nationals will help to fill a skills shortage and give people who come from overseas to work within UK territorial waters the protection of the national minimum wage and safe and proper accommodation. Furthermore, such a move will support the Treasury with taxes and oil consumption but above all bring a much-needed boost to local communities and allow onshore factories to work at a profitable level of production.
The Salvation Army welcomes this call for evidence. We are keen to feed into this discussion for a number of reasons, not least because – as Prime Contractor of the government’s Adult Victims of Modern Slavery Care and Coordination Services contract - we are concerned about the fate of the many EEA nationals who are trafficked into the UK labour market, often working illegally, without pay and subject to appalling conditions.

We recognise that the focus of the Migration Advisory Committee’s (MAC) inquiry is on legal (i.e. known) EEA migration trends and recruitment practices, and the relationship with the UK labour market. However, whilst we understand the government’s desire to concentrate on these issues, we believe that the scope of the MAC’s inquiry does not extend far enough. Specifically, we would like to highlight the substantial illegal labour market operating within the UK and involving thousands of trafficked EEA nationals.

As the MAC will no doubt be aware, it is estimated that there are currently up to 13,000 victims of modern slavery in the UK - many of whom are exploited for labour. Indeed, as our own statistics show, as many as 42% of victims of modern slavery have been trafficked into this country for labour.\(^1\) As the Prime Contractor for support and accommodation services to such victims (many of whom are EEA nationals), we see the devastating impact that labour exploitation has on people’s lives; hence our interest in bringing this issue to the MAC’s attention.

Though we know that many EEA victims of modern slavery are exploited for labour (which includes British citizens), recent research undertaken by The Salvation Army has revealed in more detail the precise nature of this work, as illustrated below:\(^2\)

![Pie chart showing the types of forced labour undertaken by EEA victims of modern slavery](chart.png)

<table>
<thead>
<tr>
<th>Type of forced labour undertaken by EEA victims of modern slavery</th>
</tr>
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<tbody>
<tr>
<td>Factory</td>
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</table>

Whilst our research is based on a relatively small data sample, it nonetheless shows that EEA victims of labour exploitation are most likely to work in a carwash (22%), with a significant proportion also exploited in factory work (20%), construction (14%) and cleaning (12%). This is concerning, particularly as it shows most victims to be working in areas that are part of the ‘cash-in-hand’ economy and which are less likely to be regulated, leaving victims exposed to a greater risk of exploitation, malpractice and abuse. This poses a

\(^1\) This is based on 2,013 victims of modern slavery who entered The Salvation Army’s care between July 2015 and June 2016.

\(^2\) The forced labour experiences of 50 adult victims of modern slavery from EEA countries, referred to the National Referral Mechanism (NRM) between August 2016 and September 2017.
further problem for local authorities, the police and other ‘first responders’, who are tasked with referring instances of modern slavery and who often rely on the vigilance of local communities in identifying and reporting such cases in the first instance – a task made all the more harder given the largely hidden nature of victims’ work.

The challenge facing first responders is made even more difficult when other factors are taken into account. For instance, our research shows that just under one in three victims had a mental health issue and/or learning disability, whilst in 38% of cases a victim cited evidence of a power relationship existing between them and their employer (either in the form of violence/threat of violence, sexual violence or verbal abuse). Taken together, these factors are likely to further reduce the ability of victims to speak out against an employer/gangmaster and inform the authorities of their situation. We can only speculate as to how many more victims of labour exploitation there are in the UK who are currently unaccounted for – either as a result of being (or feeling) unable to report their injustice, or because they have been prevented from doing so.

Equally concerning is that a majority of victims had reportedly been forced to work in unacceptable conditions (72% said they had experienced this), whilst 70% had been forced to work excessive hours and/or without a break. Our research also revealed that whilst 60% of victims were promised a salary by their employer, only 6% actually received one. This just goes to highlight the appalling and inhumane conditions that many victims of labour exploitation have to experience, often unbeknown to the local community.

We hope that this letter provides a snapshot of the nature of the illegal labour market operating within the UK and involving EEA nationals, and that the MAC will consider extending the remit of its inquiry as a result. In order for the government to fully understand the nature of the work undertaken by EEA nationals in this country - and to plan for a post-Brexit economy and future relationship with the EU - it is crucial that the issues of EEA migration, the labour market and human trafficking are taken together. It is only by seeing these as interconnected, cross-border issues that the government will be able to effectively tackle modern slavery, both now and in the future.

The Salvation Army warmly thanks the MAC for the opportunity to respond to this call for evidence and we look forward to engaging with any subsequent consultations on this matter.
The Adecco Group

The Adecco Group is the world's largest workforce solutions company. A Fortune Global 500 company, The Adecco Group operates in more than 60 countries including the UK. The Adecco Group employs 33,000 full-time staff, based across over 5000 offices worldwide.

The Adecco Group is the parent company for a range of specialist recruitment and managed services brands, helping place workers in a number of sectors including, but not limited to: office management and admin; construction; industrial; IT; engineering; hospitality and catering; financial services; and legal services.

The Adecco Group holds unparalleled data and insights into the UK's labour market, right down to the local level. In almost real-time, The Adecco Group sees trends in recruiting, salaries, skills requirements and employment levels across the UK. What follows below is an outline of our understanding of the key issues relating to immigration policy, and the potential effects of changes arising from Britain's exit from the European Union.

EEA Migration Trends

1. The Adecco Group, in partnership with The Chartered Institute for Personnel and Development (CIPD), produces a quarterly Labour Market Outlook report which examines trends in the UK labour market, including the effects of immigration policy and Britain’s impending exit from the EU. The latest version of this report is attached to this document as an appendix.

2. The report notes that the ability of UK employers to hire EU workers has helped to offset any tightening in the labour market resulting from increased demand. The report also references separate research that finds some employers, particularly those in sectors more dependent on non-native workers, are widening their recruitment channels in anticipation of future restrictions on migration.

3. The December 2016 edition of the Labour Market Outlook looked into the preparedness of the UK labour market and UK businesses for potential post-Brexit restrictions on immigration. The report found that only 15% of organisations have started to prepare for the impact of restrictions on EU labour, despite 42% of employers expecting such restrictions to damage their UK operations.

4. Nearly two-thirds (62%) of respondents said their organisation employed migrant workers, whilst nearly a quarter (23%) of these employers said they had seen evidence that EU migrants were considering leaving the UK in the next 12 months as a result of the referendum result.

5. More than half (54%) of those with stated intentions to recruit EU migrants over the next 12 months believed their task would be harder than before the vote.

6. The Adecco Group works with a number of companies that employ EEA migrant labour, and we help to place EEA workers across a number of sectors. A post-Brexit reduction in the availability of EEA migrant labour would have an adverse effect on our business and on our ability to meet the recruitment needs of companies with
which we work. It could also lead to an increased reliance on temporary work and other insecure forms of employment as companies look to find ways of filling the gaps left by a labour shortage. In addition to these challenges, as The Adecco Group is an international company it is likely that the restrictions on talent mobility will put our own business in the UK at risk as we depend the two-way flow of internal talent to fuel our business.

Recruitment Practices, Training & Skills

7. One of the specific advantages of employing EEA workers is the ease with which they can be employed, due to EU freedom of movement regulations. EEA workers provide businesses with an easy to access pool of migrant labour, making them ideal targets to fill short-term placements or low-skill vacancies.

8. Non-EEA migrant workers have to go through a comparatively far more complex immigration system, involving numerous bureaucratic burdens and charges, before they can be employed in the UK; this makes such workers less suitable and less attractive to employers looking to fill temporary placements, or vacancies in low-skilled positions. In a post-Brexit environment the UK will need to implement a more effective and efficient system to assess individuals’ right to work in the UK, the responsibility should no longer sit with employers it should sit with border control.

9. A post-Brexit immigration system that imposes similar restrictions on EEA migration as currently exists for non-EEA migration could therefore have a significant impact on sectors based on low-skill, low-value work (for example, hospitality and catering).

10. Freedom of movement rules have meant that the proportion of EEA workers in the UK working in low-skilled occupations is far higher than the proportion of non-EEA workers in such occupations. A drastic reduction in the availability of low-skilled EEA workers could therefore lead to significant recruitment pressures, as employers struggle to replace this worker pool with native labour. We recognise the value of promoting high-skilled immigration to the UK; however it is important to ensure that low-skilled migration, and its value to the UK labour market, is not neglected.

11. Similarly, attempts to reduce the number of migrants who come to the UK for reasons other than work (for example, in order to stay with family members) could have an adverse effect on the supply of low-skilled labour. Many lower skilled migrants report coming to the UK for reasons other than work, but nonetheless once they arrive in the UK they become part of the workforce and help contribute to labour supply.

Economic, Social and Fiscal Impacts

12. The prioritisation of different skill sets in the immigration system can have a knock-on effect on the Government’s skills and training agenda for native labour. An undue focus on promoting high-skilled immigration, at the expense of low-skilled migrants, could conflict with Government initiatives to upskill the domestic workforce and lead to an imbalanced, top-heavy labour market.
13. When looking at migrant labour statistics by region and occupation, it is important to bear in mind that in some sectors these figures can overlap. For example, many EEA migrant fruit-pickers will move from region to region in order to pick different fruits as harvesting seasons arrive. Therefore an immigration policy that affects, say, strawberry pickers in Cornwall can also have a knock-on effect on apple pickers in Essex, as the workforce in both cases is often the same. This is particularly the case for seasonal or agency workers, who often work a number of different assignments in a year.
Mploy Staffing Solutions Ltd

Mploy Staffing Solutions Ltd is an award-winning employment agency and the largest independent South West labour provider. The business started trading in 2001 and currently covers with its 7 offices the counties of Dorset, Somerset, Hampshire and Wiltshire. Mploy operates in variety of sectors including: Horticulture, Manufacture of Food Products, General Manufacturing, Engineering, Boatbuilding, Commercial and Healthcare. Mploy prides itself on its high quality of services provided to all its candidates and clients. Mploy holds GLA licence, ISO 9001 Accreditation, is a member of Recruitment and Employment Confederation (REC), member of Association of Labour Providers (ALP), Stronger Together Business Partner in Tackling Modern Slavery in the Supply Chain as well as a Gold Investor in People.

Evidence included in this report has been based on data obtained from all our offices. All comments are based on opinions of senior managers within the business who have a day to day involvement in supplying temporary and permanent staff to local businesses.

We have answered questions for which we felt that our local knowledge and expertise can benefit the report.

Please provide evidence on the characteristics (e.g. types of jobs migrants perform; skills level, etc) of EEA migrants in your particular sector/local area/region. How do these differ from UK workers? And from non-EEA workers?

Types of jobs undertaken by EEA migrants and UK workers in the South West cover the same sectors and most of the roles. The level of seniority of these roles may differ in some sectors between EEA workers and UK workers. The number of non-EEA workers undertaking roles with our company is insignificant and will mainly apply in higher proportion to the Healthcare sector.

Main types of jobs EEA migrants:

- **Manufacture of food products** – Packing, production, machine operating, warehouse, line leaders, supervisors.
- **General Manufacturing** – Packing, production, machine operating, electronic / mechanical assembly, warehousing, stores.
- **Horticulture** – packing, production, nursery assistant.
- **Engineering** – Machinists, sheet metal workers, welders / fabricators.
- **Boatbuilding** – Carpenters, boat builders, mechanics, engineers, laminators, finishers.
- **Trades** – Carpenters, plumbers, electricians, semi-skilled trades
- **Healthcare** – Nurses, Healthcare assistants, Care workers
- **Office workers** – Call centre, Administration, Data Entry, Receptionist

UK workers sectors:

- **Management** – Production Managers, Operation Managers, General Managers
- **Manufacture of food products** – Packing, production, machine operating, warehouse, line leaders, supervisors.
- **General Manufacturing** – Packing, production, machine operating, electronic / mechanical assembly, warehousing, stores.
- **Horticulture** – packing, production, nursery assistant.
- **Engineering** – Machinists, sheet metal workers, welders / fabricators, Maintenance Engineers, Mechanical Assemblers
**Boatbuilding** – Carpenters, boat builders, mechanics, engineers, laminators, finishers.

**Trades** – Carpenters, plumbers, electricians, semi-skilled trades

**Healthcare** – Nurses, Healthcare assistants, Care workers

**Office workers** – Call centre, Administration, Data Entry, Reception, System Designers, Project Managers, Business Support Officer, Materials Controller, Accounts Clerk, CAD Designers

**Non-EEA workers sectors:**

**Healthcare** – Nurses, Healthcare assistants, Care workers

**Manufacture of food products** – Packing, production

**Skills levels and percentage of workers in these roles per sector** (the data has been averaged across all region. The percentages would vary per office dependent on the office location and types of businesses supplied and access to available candidates).

<table>
<thead>
<tr>
<th>Skills levels and sector</th>
<th>% of EEA migrants</th>
<th>% of UK workers</th>
<th>% of non-EEA migrants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unskilled roles in Horticulture and Manufacture of food products</td>
<td>80%</td>
<td>19%</td>
<td>1%</td>
</tr>
<tr>
<td>Semi-skilled and skilled roles in Boatbuilding, Trades and Engineering</td>
<td>45%</td>
<td>54%</td>
<td>1%</td>
</tr>
<tr>
<td>Healthcare</td>
<td>50%</td>
<td>40%</td>
<td>10%</td>
</tr>
<tr>
<td>Medium and High-Level Management roles</td>
<td>20%</td>
<td>80%</td>
<td>Lack of data</td>
</tr>
</tbody>
</table>

**Comments:**
From our observation businesses in more rural locations attract more EEA migrants whilst businesses located in towns tend to attract more UK workers.

**To what extent are EEA migrants seasonal; part-time; agency-workers; temporary; short-term assignments; intra-company transfers; self-employed? What information do you have on their skills levels? To what extend these differ from UK workers and non-EEA workers?**

Mploy recruits majority of their staff from workers already residing in the UK. We have observed over the years an increase in migration of seasonal workers to the UK during summer months, especially students for periods of 2-3 months.

This doesn’t however correlate with seasonal demands of the local businesses. Horticulture as well as food manufacturing in our area sees the biggest seasonal changes. The periods of an increased demand will fall mainly around Easter and Mother’s Day as well as Christmas season from end of August until January.
For these demands we recruit from locally residing candidates however, an ongoing growth in clients’ staffing needs and local candidates’ shortages result in some seasonal migration of EEA workers to the area for the periods of an increased staffing demands, mainly friends and families of the EEA national already residing in the UK.
Other sectors fluctuations in their staffing demands are less significant and mainly driven by customers’ requirements and promotional activities.

Healthcare sector is not driven by seasonality. It is an ongoing demand.

**Have the patterns of EEA migration changed over time? What evidence do you have showing your employment of EEA workers from 2000? And after the Brexit referendum? Are these trends different for UK workers and non-EEA workers?**

Mploy saw a big influx of A8 nationals after the introduction of the Accession State Worker Registration Scheme in 2004. These were mainly Polish workers followed by Lithuanians and Latvians and then again, an increase in migration after 2011 with the accession of A2 nationals.

The available candidate market has become significantly tighter since the Brexit referendum. Fewer workers from original A8 nationals migrate to the UK for the work finding purposes and many of them already residing in the UK have made decisions and returning to their home countries. This may be based on falling value of the Pound against the Euro, growing economies of their home countries, competitive work offers from other EU countries and uncertainty around Brexit and their future immigration status in the UK.

**Have you made any assessment of the impact of a possible reduction in the availability of EEA migrants (whether occurring naturally or through policy) as part of your workforce? What impact would a reduction in EEA migration have on your sector/local area/region? How will your business/sector/area/region cope? Would the impacts be different if reductions in migration took place amongst non-EEA migrants? Have you made any contingency plans?**

The South West region benefits from a significant number of local food producers and processing plants as well as horticultural sector. Considering current numbers of EEA workers employed or engaged on temporary contracts by these businesses we assess that the impact to especially that sectors would have significant and negative consequences on ability of these businesses to produce and distribute their products. We already record shortages in these sector in the local area.

As based on Regional Labour market statistics in the UK: October 2017 Office for National Statistics unemployment rate for the South West region is of 3.6% which is one of the lowest unemployment rates in the country. Source: https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/regionallabourmarket/october2017

With this in mind any further reduction in staff availability or restrictions on EEA migration to the region, especially for seasonal peaks will have a negative impact on availability of staff and in turn local businesses meeting their production demands.

Mploy has been heavily involved in participating in post Brexit labour market meetings with its clients as well as internal discussions. We have been asked to share our views on possible outcomes by our hugely concerned clients. There is a real uncertainty within local businesses. Mploy has started strategic planning which may require changes to the current business model however, it is difficult to carry out further plans and investments without any guarantees or a real direction from the government.
Healthcare sector also significantly relies on influx of EEA workers on an ongoing basis and reports real concern over ability to provide care workers and nurses to the industry should the restrictions be imposed on candidates ability to enter the UK and access employment.

Please provide evidence on the methods of recruitment used to employ EEA migrants. Do these methods differ from those used to employ UK and non-EEA workers? What impact does this have on UK workers? Have these methods changed following Brexit referendum?

Mploy actively uses multi-channels to attract candidates ranging from traditional forms of window and A-board advertising, through participating in local recruitment fairs, leaflets and advertising in local newspapers, to the use of multiple job boards and social media sites. These channels do not vary based on nationality. Mploy uses the same source of advertising for EEA, UK and non-EEA applicants. Candidates suitability is assessed on an individual ability to perform the tasks related to the role through a non-discriminatory selection process, taking into account eligibility to work in the UK as well as candidates skills and availability. All jobs are offered to candidates free of charge and it is up to the candidate to either accept the role or not.

Since the Brexit referendum and continuously decreasing candidates availability Mploy has invested heavily in additional advertising systems allowing to reach a wider range of candidate and to track most efficient ways of advertising, to be able to perform more targeted advertising campaigns. Mploy has also employed more internal staff to provide further support in candidates searching abilities within its offices.

Do recruitment practices differ by skill-type and occupation?

Mploy uses the same recruitment practices for candidates from all skills levels and occupations. All candidates are subject to eligibility to work in the UK checks, personal registration process and face to face interviews. However, different channels of attracting candidates may generate different level of response dependent on skills set and occupation. We are in a process of investing to be able to track and assess the most efficient channels of attracting candidates for different roles and skills levels.

What are the advantages and disadvantages of employing EEA workers? Have these changed following Brexit referendum results?

Advantages of employing EEA workers
- Good work ethic
- Willingness and readiness to perform low skilled jobs
- Willingness to work additional hours as dictated by business needs
- Reliability
- Prepared to work for a national living wage
- Flexible
- Keen to learn
- Availability at the short notice

Disadvantages of employing EEA workers
- Language barriers – difficulties in communication, training and challenges with promotions and succession planning
- Cultural differences – sometimes leading to misunderstanding
- Longevity that some of these workers can work for due to family commitments abroad
Higher risk of becoming a victim of illegal work exploitation

How well aware are you of current UK migration policies for non-EEA migrants? If new immigration policies restrict the number of low-skilled migrants who can come to work in the UK, which form of migration into low-skilled work should be prioritised? For example, the current shortage occupation list applies to high skilled occupations; do you think this should be expanded to cover lower skill levels?

The South West region benefits mainly from UK and EEA workers. As per MAC briefing note provided to these enquiry non-EEA workers tend to occupy higher level positions, often self-employed and often in a Healthcare sector.

Mploy has been recruiting mainly from a local area in which majority of candidate are UK or EEA born. Therefore, we have not had much interest in migration policies for non-EEA workers so far.

In an absence of free movement, imposed restrictions on immigration of low skilled workers into UK, unemployment rate below national average and an increasing trend of emigration of EEA workers there is an urgent need for considering migration policies allowing low-skilled workers to come to the UK to support business´ demands. These migration policies should take into account sectors like agriculture, horticulture and food manufacturing which heavily depend on low skilled workers.

There are two areas of concern that require re-addressing:
- Increasing emigration and restriction on immigration of low skilled workers may lead to shortages in availability of staff for full time employment, training and succession plans mainly within mentioned sectors.
- Seasonal increase in demands with restricted immigration, low unemployment and increased emigration of EEA workers may lead to local businesses being unable to produce products to meet their customers’ demands. This may result in some businesses ceasing trading and prices of food and other products increasing.

These could be re-addressed by introducing low skilled shortage occupations/sector lists as well as seasonal work permits schemes. However, it could be beneficial to introduce a system which allows for a certain percentage of workers arriving annually under the seasonal work permits or low skilled shortage occupation list to obtain a right to path to settlement or switching into permanent route based on their performance and assessment of suitability to the business and economy.
The Business Services Association

Introduction

The BSA – the Business Services Association - is a policy and research organisation. It brings together those who are interested in delivering efficient, flexible and cost-effective service and infrastructure projects across the private and public sectors. A membership list is attached for reference.

Business services comprise facilities management, ICT, business process outsourcing, construction and infrastructure services and managed public services. Together these sectors account for 3.3 million jobs and almost 8 per cent of the economy, across every part of the country.

Two thirds of these services are provided business-to-business, helping those businesses become more productive; the rest are provided to the public sector.

This is an industry which has a crucial role to play in helping meet the productivity challenge and delivering inclusive growth, as well as delivering value and social value in the provision of public services.

Brexit will affect different companies, and sectors of business services, differently. Since the referendum we have conducted a series of evidence-gathering sessions, and our members have met a range of local, devolved and UK government representatives. This note is a summary of the points made at these meetings as they relate to labour supply.

Summary

In summary, we believe a post-Brexit migration system will need:

- to recognise the labour supply needs of the business services industry across a range of skill levels. An important part of this is an ongoing commitment by government to work with businesses to upskill UK workers;
- to be flexible enough to cope with rapidly changing circumstances, including in different areas of the UK and as technology develops and businesses adapt; and
- to involve as little bureaucracy as possible, especially at a time when the economy is in a fragile state and labour costs have already risen.

Business Services and the UK Economy

One of the factors the MAC is rightly taking into account in assessing the impact of migration on UK residents is the effect on UK business.
Business services make a substantial contribution to other UK businesses. Research commissioned by the BSA from Oxford Economics shows 70 per cent of business services’ work is business-to-business, with the remainder for the public sector.\(^3\)

This business-to-business work is often hidden from the public. But further research commissioned by the BSA shows the link between the use of business services by other sectors and increases in their productivity, as companies focus on delivering their core activities more efficiently; it also shows that this is not coming at the expense of jobs. The research also demonstrates a link with export growth.\(^4\)

However, because much of this work is carried out behind the scenes, there is a danger that its contribution to the economy will not be fully recognised when deciding which sectors should be considered priorities in a post-Brexit migration system.

Furthermore its diversity means the industry is not always readily identified as a coherent industry either in official statistics or in the industry groupings which government has established. It spans a number of the sectors highlighted in MAC briefing for example. That is why Oxford Economics was commissioned by the BSA to estimate its economic impact and its findings can be found here.\(^5\)

**Business Services and Labour Supply**

In light of these points it is vital that the requirements of the business services industry are not neglected in the Brexit negotiations.

Some of these requirements relate to the industry as a whole. Others relate to particular sectors within it, although the links between these sectors mean many BSA members are involved in more than one – for example both infrastructure and facilities management.

Specifically in relation to labour needs, particular issues faced by sectors of the business services industry include:

- providers of highly technical or specialist services, who need to be able to attract highly mobile, experienced and qualified professionals from across the globe; and

- employers of large numbers of entry-level staff, providing infrastructure or service projects which are vital to UK business, the wider economy, and public services.

Many businesses of course fall into both categories.

Issues in relation to different skill levels will therefore differ. At some levels there may be issues of skill availability; at some there may be issues of training and the length of time this will take; at some it may be the need to draw people into the labour market.

UK labour costs have been rising prior to Brexit – for laudable reasons such as the national living wage - but such costs still need either to be absorbed or passed on to clients including in the public sector. Any reduction in the availability of workers, and the subsequent additional cost to business which will likely result from this, needs to be seen in this context. This can already be seen in areas like construction and hospitality.

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\(^4\) http://www.bsa-org.com/articles/2015/11/18/increased-outsourcing-leads-to-productivity-gains

The MAC rightly notes that one answer to labour restrictions will be automation, which will increase productivity. But there are areas of the services sector, especially those which are customer-facing, which will need to remain labour intensive for the foreseeable the future. Furthermore investment in technology needs time, up-front resource and, crucially in the case of the business services sector, a clear and stable forward pipeline of work.

**Migrant Workers**

The proportion of staff who are non-UK passport holders varies significantly between BSA members and the sectors of business services in which they specialise. The proportions tend to be higher for those working in construction and infrastructure; aspects of facilities management; and contact centres.

There is also a need to take the cost to business of any additional paperwork fully into account. These costs may be disproportionately high for the SMEs the Government is trying to encourage in public procurement.

As the MAC Briefing Note⁶ states, the current UK work-related migration system for non-EEA citizens has a clear preference for higher-skilled workers, and a much higher proportion of EEA migrants are lower skilled. Indeed it notes that the system does not have an explicit work route for lower-skilled workers from outside the EEA at all, because the view has been taken that free movement ensures a sufficient supply from within the EEA. The Note also points out that some occupations below NQF6 still require a considerable level of training.

It is clear that, if a post-Brexit migration system builds on current systems (ie adapting non-EU immigration rules to the EU), then the Shortage Occupation List will need to expand significantly.

**The Need for Flexibility**

It is also important that, whatever system government adopts in recognition of industry’s need for labour with a range of skill levels, the system is flexible enough to cope with changing circumstances. Not only will workforce requirements depend on the speed with which UK nationals can be drawn into the labour market and upskilled as appropriate, but crucially they are also linked to ‘churn’ in relation to the willingness of EU nationals currently living in the UK to remain. If large numbers choose to leave the UK post-Brexit or in response to exchange rate fluctuations – and there are already signs of this happening in some cases - it is vital that the immigration system is flexible enough to cope.

The key issue in relation to such ‘churn’ is the attractiveness of the UK to overseas workers able to work here, either currently or in the future. This includes such issues as residency for those who wish to remain and start a family.

This may well affect different parts of the UK very differently, as paragraph 5.21 of the MAC briefing note indicates, and a centralised system tightly controlled from Whitehall will face challenges in enabling the right amount of flexibility.

Parags 4.7 - 4.9
UK Workers

BSA members fully recognise the need to draw on the UK workforce to meet their need for labour post-Brexit. And, as well as acting to retain the skills of people who have already migrated here, and continuing to attract talent into the UK, government must work with industry to improve the skills of UK workers with the aim that the UK economy becomes self-sufficient over the medium to long-term.

It is important to recognise that an upskilling of UK workers, and drawing other workers into the labour market currently excluded because they have more complex needs, will have up-front resource implications - for government, business, or both. This work needs to start now.

The apprenticeship levy has an important role to play in this. But the need isn't simply for more apprentices. In-work upskilling and career development is also essential, as is bridging the gap which often exists between those outside the labour market and readiness to take on an apprenticeship.

The BSA welcomes steps such as the innovative employment support schemes launched in combined authority areas\(^7\) insofar as they go. There may also now be a need to broaden slightly the training the apprenticeship levy can pay for, especially in those areas of the country with acute need. Businesses will clearly be affected differently in different areas of the country.

The Industrial Strategy Green Paper focuses heavily on skills, especially at a technical level. This needs to be across-the board, including in business services, not just in particular sectors.

The planned UK Shared Prosperity Fund will also be able to contribute to these goals. It is an opportunity to align funding more closely with the needs of a post-Brexit economy in different parts of the UK. The stated aim of ESI funding is to contribute to Smart and Inclusive Growth. It is on these goals that the new Fund should also be focused – and, in particular, on up-skilling and employment support.

City and Guilds

Please see below for a response to two questions in the Migration Advisory Committee’s July 2017 consultation on the economic and social impacts of the UK’s exit from the European Union and how the UK’s immigration system should be aligned with a modern industrial strategy.

Please do not hesitate to get in touch if you have any questions.

Best wishes

Clare

Responses from City & Guilds

• Have you made any assessment of the impact of possible reduction in the availability of EEA migrants as part of your sector? How will your sector cope? Would impacts be different in migration if took place amongst non-EEA migrants

A world leader in skills education, City & Guilds works with governments, employers, colleges and training providers to deliver workplace relevant qualifications, certification and assessment. Our qualifications are valued by employers across the world, helping individuals and businesses develop their skills for personal and economic growth. We operate across five continents – from Johannesburg to Jamaica, Dublin to Dubai - reaching millions of people every year. City & Guilds is part of the City & Guilds Group – a group of seven businesses all focused on giving individuals, businesses and economies the skills they need to progress. Everything the City & Guilds Group does is about helping people get into a job, develop on the job and progress onto the next job. Given the nature of our work, we work in a variety of sectors, several of which we have concerns on regarding any future potential reduction in EEA migrants.

A particular concern for City & Guilds ahead of the UK’s exit from the European Union is the ability of the construction sector to ably deal with the changes that could be brought about by a reduction to its workforce.

In July 2017, City & Guilds hosted a workshop with construction industry professionals, examining the changes coming down the line in future. The aim was to have a robust discussion around construction skills, the changing landscape, and how to incorporate the ideas from Mark Farmer’s report ‘Modernise or Die’ which considered the importance of technical education in the construction sector. Following this event, City & Guilds published its findings and summary of the key points covered. Although the event focused on several issues, it was felt that the combination of the changes to the sector coming from
the Apprenticeship Levy, preparation for T-Levels as well as the fact that Brexit will create even more need to develop a sustainable and home-grown talent pipeline.

The report noted in its conclusion that there is a need to find a ‘home-grown’ solution to our problems that encompasses the views of the entire industry as well as the education professionals and institutions on which it relies. T-levels may be a way to achieve this, but we must not get this transition wrong. In summary, the reduction of EEA migrants, combined with the fact that many construction workers are set to retire in the coming years, indeed the rate of retirement looks set to increase as 22% of the workforce are over 50, and 15% are in their 60s, as well as major changes in the UK’s skills system leaves the future employments and skills prospects of the construction sector with significant uncertainties.

Earlier this year we also published Skills Shortage Nation where we polled 500 senior Apprenticeship Levy paying organisations to gain a better understanding of their knowledge of their recruitment challenges, their knowledge of the changes to the apprenticeship system and their thoughts about the likely impact on their businesses. The companies we questioned told us that on average, 30% of their staff currently come from the European Union with almost one fifth (18%) of respondents telling us that over half of their workforce is from mainland Europe. Somewhat surprisingly then, a significant proportion of senior financial decision makers questioned (42%) told us that they think Brexit will have a positive impact on their business’ ability to attract and recruit the right people compared to 29% who thought it would have a negative impact.

It is encouraging to see businesses take a positive outlook to Brexit and the future of their sectors, however 87% of those surveyed for the report said they had problems in recruiting the people to meet the needs of their business, with 29% noting that they have a problem in recruiting in skilled trade occupations. Over the course of the next 12 months however, 32% noted that they are planning to recruit for skilled trade occupations.

From this evidence it is clear in construction (as in many sectors), Brexit is certainly not the only problem being presented, but there is a need for a more holistic view across government to ensure that the combination of changes in the skills sector, and the skills gap emerging in the sector as a result of Brexit are mitigated. It is for this reason we are in the process of conducting a piece of research on skills utilisation which will look beyond the current policy focus on reforming the technical education system and the emphasis on developing new skills for entry to secure new jobs but to understand the implications of modern working practices for better re-skilling, upskilling and skills utilisation too for those already in the labour market.

- How involved are universities and training providers in ensuring that the UK workforce has the skills needed to fill key roles in high demand. Are there plans to increase this involvement?
In order to ensure the UK workforce has the skills needed to fill roles in high demand, a coordinated effort is needed, not just across government departments, but with the help of employers, further and higher education institutions, training providers and local representative bodies to ensure a holistic and reflective skills landscape in each area. If the appropriate skills are developed in a cohesive approach, linked back to the local labour market, then the likelihood of filling key roles will be improved and will help ensure successful productivity levels in the UK workforce.

The need for labour and skills strategies was a point we raised in our report, *Great Expectations*, originally published in February 2015. Working with economic modellers, EMSI we outlined the differences between young people’s aspirations and the job opportunities that will be available to them as they hit the jobs market over the next few years. The mapping of the findings produced some notable mis-matches between the expectations of those surveyed, and the demand for the jobs that they’re looking to apply for. The most effective way to combat skills shortages is to tackle them as early as possible and to ensure that young people’s expectations are managed, accompanying this with high-quality independent careers advice based on accurate local labour market information. Once more, there is a need for strong links to business so that young people are given a realistic view of the jobs market in their local area and across the country.

Examples of the need for more consistent advice was a point we also highlighted in *Great Expectations*. We found that 70% of young people were confident they had all the information they needed to make an informed choice about their career choice. However this confidence could prove to be misplaced in future, as our findings demonstrated that respondents opted for jobs where there are limited employment opportunities.

Training providers have a role to play, as well as colleges and need to support employers’ recruitment strategies by engaging with their local communities and providing information and signposting to local apprenticeship opportunities. It is our hope that the government through the proposed Institutes of Technology, and more broadly, the Industrial Strategy will seek to encourage this collaborative activity.

Employer involvement is key, and young people need to be given better and more consistent exposure to employers and the workplace throughout their education to give them insight into the vast array of careers that are available to them. Employers also have a role to play in recognising the value of educational routes other than traditional academic ones and create the demand for people with professional and technical qualifications and apprenticeships. Employers should also be supported at a local level.

Additionally, employers need to be supported at a local level to design jobs which not only reflect the breadth and depth of the role to be undertaken, but adapt to changes in technology, innovative work practices and support employer aspirations to become a high performing workplace in high value industries.
This all needs to be backed-up and reinforced by clear workforce plans for each industry, which should be incorporated into the Government’s Industrial Strategy. These plans should break down, sector by sector what proportion of the workforce will be impacted by skills gaps. Crucially, some of these skills gaps will take longer to fill owing to the time needed to train (e.g. engineering). Having such clarity and planning in place will help forecast and future-proof in advance, therefore averting future skills crises.

There is however no silver bullet solution for decreasing skills gaps, and they will only be alleviated through a joined up approach and dialogue involving employers, educational institutions, LEPs and local government, backed up through accurate labour market information.
NASUWT

1. The NASUWT welcomes the opportunity to respond to the *Call for Evidence: July 2017 MAC Commission*. The NASUWT’s response to the call for evidence focuses on migration matters that relate to teaching and education.

2. The NASUWT is the teachers’ union.

GENERAL COMMENTS

3. The NASUWT raised a series of concerns about the shortage of teachers in the UK in its response to the *MAC Call for Evidence: Partial Review of the Shortage Occupation List: Teachers*.

4. The NASUWT wishes to express its disappointment that the MAC’s review of whether teaching should be included as a shortage occupation in 2016 failed to acknowledge the difficulties that schools encounter in recruiting, developing and retaining a high-quality teaching workforce. It is vital that the MAC Commission recognises and reports on the challenges facing teaching. It is also essential that the MAC’s response locates any consideration of the impact of Brexit and changes to both European Economic Area (EEA) migration and non-EEA migration on teaching within this wider context.

5. The NASUWT believes that there are major problems with the quality of data about the teacher workforce, including data relating to recruitment, retention and vacancies.

6. The School Teachers’ Review Body (STRB) 2017 report has identified a serious challenge in relation to teacher recruitment and retention. The STRB draws attention to the target for recruitment to initial teacher training (ITT) being missed for a fifth successive year and to specific targets for most secondary school subjects also being missed.

7. The Universities and Colleges Admissions Service (UCAS) *End of Cycle Report 2016* revealed a six per cent decline in the number of applications to postgraduate teacher training through the UCAS teacher training scheme over the period 2014 to 2015. There

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was a decline of 11% for primary ITT places over the same period.\textsuperscript{9} An examination of data in the 2016 UCAS End of Cycle report reveals that there was a further decline of two per cent for the period 2015-2016.\textsuperscript{10}

8. The STRB reports increasing difficulties relating to teacher retention. Increasing numbers of teachers are leaving the profession for reasons other than retirement and the STRB report identifies a notable increase in the number of teachers with between two and five years’ service leaving the profession. The STRB also notes that there has been a marked increase in the number of schools that report vacancies and temporarily filled posts over the last five years.

9. The number of teachers leaving the profession for reasons other than retirement rose from 27,910 to 39,000 over the period 2011 to 2015. Evidence from the NASUWT’s Big Question survey also identifies increasing levels of dissatisfaction amongst teachers. For example, 71\% of teachers reported that their job satisfaction had declined over the past 12 months, up from 57\% the previous year, and 71\% said that they had considered quitting the profession in the last 12 months.\textsuperscript{11}

10. Evidence from the School Workforce Census indicates that schools are being forced to deploy teachers to teach subjects which are not their first specialism or for which they have not been trained. For example, only 82\% of maths lessons and 75\% of physics lessons in year groups 7-13 were taught by teachers with a relevant post-A level qualification in the subject.\textsuperscript{12}

11. Over the period 2016-22, secondary schools will need to cater for an additional 800,000 pupils, an increase of 20\% over the period. The primary school population is projected to increase by 8\% between 2015 and 2022.\textsuperscript{13} In contrast, the pool of recent graduates is expected to shrink as the result of a smaller pool of 18 to 21 year olds.\textsuperscript{14}

12. Teachers’ starting salaries are considerably lower than those of other graduate entry professions and profession-wide earnings for teachers are significantly lower than those

\textsuperscript{9} NASUWT (December 2016), \textit{The NASUWT submission to the School Teachers’ Review Body}, page 46.
\textsuperscript{10} UCAS (August 2017), \textit{End of Cycle Report 2016}.
\textsuperscript{11} NASUWT (December 2016). \textit{op.cit.} page 48.
\textsuperscript{12} \textit{bid.} page 50.
\textsuperscript{13} \textit{ibid.} paragraphs 4.35 and 4.36.
\textsuperscript{14} STRB (2017). \textit{op.cit.}
of other graduate professions.\textsuperscript{15} Independent research commissioned by the NASUWT found that the starting salary for teachers is more than £4,000 less than the starting salary for graduate professions generally. The research also found that the gap increases to more than £7,000 after three years’ service. The pay gap between teachers and other graduate professions continues to widen to 40% after five years.\textsuperscript{16} This represents a significant challenge to recruitment into the profession.

13. There is a real and growing risk that schools will not be able to recruit and retain a workforce of high-quality teachers to support pupil achievement.\textsuperscript{17}

**SPECIFIC COMMENTS**

Migration trends

14. The Migration Advisory Committee report, *Partial Review of the Shortage Occupation List: Review of Teachers* reports on the numbers of migrant teachers coming to the UK to teach under a Tier 2(General) visa. This found that 607 Certificates of Sponsorship (CoS) were awarded to secondary teachers, 271 to primary and nursery education, and 35 to special educational needs (SEN) teachers in the year ending June 2016.\textsuperscript{18} The report also found that there was a marked decrease in the number of CoS awarded for teaching over the period 2009 to 2016 – down from almost 1,500 in 2009 to just over 900 in 2016.\textsuperscript{19}

15. The Migration Advisory Committee report highlights the difficulty in trying to establish accurate data about the employment of migrant teachers and identifies particular issues with data about Tier 5 (Youth Mobility Scheme).\textsuperscript{20} The report uses data provided by a recruitment agency to indicate differences in the numbers of migrant teachers from different backgrounds. This finds that approximately 30% of teachers were from the EEA/EU, around ten per cent were Tier 2 and 46% were Tier 5.\textsuperscript{21} The MAC report states

\textsuperscript{15} ibid. page ix.

\textsuperscript{16} Incomes Data Research (2015), *A review of school teachers’ pay in England and Wales with other graduate professions*.

\textsuperscript{17} STRB (2017), *op.cit.*

\textsuperscript{18} Migration Advisory Committee (January 2017), *Partial review of the Shortage Occupation List; review of teachers*

\textsuperscript{19} ibid. page 93, paragraph 5.15.

\textsuperscript{20} ibid. page 98.

\textsuperscript{21} ibid. page 98, paragraph 5.33.
that there are at least 30 other recruitment agencies that deal with teachers and that ‘extrapolation suggests that the numbers of teachers being brought to the UK under Tier 5 may significantly exceed those being brought in under Tier 2’.\textsuperscript{22}

16. The lack of comprehensive and accurate data about Tier 5 migrants working as teachers is a serious concern because it means that it is not possible to identify migration trends or judge the impact of policy decisions about migration on education. The Government has a responsibility to collect detailed and accurate data about the migrant teaching workforce. Absence of such data at national level indicates that the Government is not aware of the extent of the problem or impact of changing rules regarding migrant workers.

17. A KPMG report of the effect of Brexit on EU nationals includes information about views and trends. This finds that 41\% of EU nationals working in education and teaching are considering leaving the UK.\textsuperscript{23}

**Recruitment practices, training and skills**

18. The MAC report of whether teaching should be added to the shortage occupation list identifies evidence of some statistically significant undercutting by migrant secondary teachers employed via the Tier 2 route compared to the teaching population as a whole.\textsuperscript{24} This finds that migrant secondary teachers undercut teachers’ pay by £1,800. However, the NASUWT is concerned that this finding overlooks some of the complexities of making judgements about teachers’ pay. The Union is also extremely concerned that the finding ignores the impact of teachers employed via Tier 5 (youth mobility scheme) on teaching.

19. Historically, teachers would expect to move up the pay scale as they gain experience and take on specialist and senior positions. Changes to teachers’ pay arrangements in England mean that teachers can no longer assume that they will move up the pay range, even if their performance is judged to be outstanding and even if they take on responsibilities. There is a significant risk that newly appointed teachers will be used to undercut teachers’ pay. Evidence from independent research commissioned by the NASUWT indicates that increasing numbers of teachers are being employed at the

\textsuperscript{22} ibid. page 99, paragraph 5.35.
\textsuperscript{23} KPMG (August 2017), *The Brexit effect on EU nationals: a survey of what European workers will do now.*
\textsuperscript{24} Migration Advisory Committee (2017). *op. cit.* paragraph 5.60.
bottom of the pay range, and that there is increasing volatility in earnings growth, particularly since 2013.\textsuperscript{25} The NASUWT is concerned that migrant teachers are at greater risk of being employed at the bottom of the pay range, and that migrant teachers may be used to undercut and depress teachers’ salaries. However, the lack of data about teachers employed via the Tier 5 route means that it is difficult to establish the nature of and extent to which this is a problem.

20. The NASUWT estimates that there are more than 400 agencies that recruit to education and teaching positions. A review of the websites of some of these agencies reveals that many actively recruit from the EU, USA, Canada, New Zealand, Australia, and in some instances, South Africa. A number of agencies have established offices in these countries. Some agencies offer services to schools/employers which include actively recruiting teachers from specific countries. Whilst it is unclear how many migrant teachers are recruited via agencies, it is likely that many migrant teachers are recruited in this way.

21. The NASUWT has very significant concerns about the pay and conditions of many teachers recruited through agencies, particularly teachers employed to work as supply teachers or on temporary and short-term contracts. An NASUWT survey of supply teachers found that 41\% of supply teachers reported earning between £51 and £119 per day, with one per cent reporting that they earned less than £50 a day.\textsuperscript{26} There is also evidence that teachers are employed in increasingly precarious, low paid and insecure work. Migrant teachers are less likely to be aware of their rights and of the routes that can be taken to secure entitlement. Therefore, they are likely to be at particular risk of exploitation.

22. The NASUWT believes that the Government should take active steps to collect and analyse data about the employment of migrant teachers who come to the UK via the Tier 5 route. The Union believes that steps could be taken to link information about the award of QTS with individual teacher number data and conduct analyses via the school workforce census. Action will also need to be taken to ensure that the Government can collect and analyse data about migrant teachers employed as unqualified teachers.

\textsuperscript{25} Owen, David (May 2017), \textit{The impact of changes to teachers’ pay on equality in schools: report on employment and earnings trends for teachers with protected characteristics between 2010 and 2015}.NASUWT/Warwick Institute for Employment Research

\textsuperscript{26} NASUWT (2017), \textit{Supply Teachers: Annual survey of experiences 2017}. 
Economic, social and fiscal impacts

23. The NASUWT is extremely concerned that Brexit is creating significant uncertainty and is having an adverse impact on society and on the economy. The NASUWT believes that a successful economic and social future for the UK is dependent on increased investment in education to create a world-class education system. This is inextricably linked to the quality of the teaching workforce. A high-quality teaching workforce is dependent on all teachers having decent pay, good terms and conditions and access to high-quality professional development.

24. There has been a significant rise in reported incidents of hate crime following the EU Referendum. Home Office figures indicate that the number of racially or religiously aggravated incidents recorded by the police was 41% higher in July 2016 than July 2015. A KPMG survey of EU nationals also reveals that half of those surveyed who indicated that they were considering leaving the UK reported that they felt less welcome and valued following the Referendum. Further, the study found that younger, better qualified and more highly paid people were more likely to be thinking about leaving the UK.

25. The KPMG report considers the protections from being in the EU that EU nationals value. Ninety per cent of respondents said that retaining the protections of the European Court of Justice was important post-Brexit. This links to concerns the NASUWT has raised about workers’ rights. It is vital that the Government does not remove any of the protections offered by the European Court of Justice, including those relating to employment, equality and human rights and the protections afforded to current EU citizens living and working in the UK.

27. Home Office (October 2016), Hate Crime, England and Wales 2015/16, Annex A.

28. KPMG (August 2017), The Brexit effect on EU Nationals.
Background

UNISON is the UK’s largest public service union with 1.25 million members. Our members are people working in the public services, for private contractors providing public services and in the essential utilities. They include frontline staff and managers, working full or part time in local authorities, the NHS, the police service, colleges and schools, the electricity, gas and water industries, transport and the voluntary sector.

UNISON welcomes the Migration Advisory Committee (MAC) call for evidence on European Economic Area (EEA) workers in the labour market. EEA workers help keep our public services running; make a net contribution to the exchequer and are valued members of our communities. This is equally true of migrant workers from different generations from the rest of the world. UNISON has approximately 60,000 EEA members and like other migrant worker members they are active at all levels of the union’s democracy, from office or shop floor to local or national leadership. Our response is rooted in this real workplace experience.

UNISON has a long involvement in giving evidence to the Migration Advisory Committee since it was created to advice the UK government. Ours is a rights based approach that does not divide workers into categories with varying status, rights, responsibilities, access to services and entitlements. We will make the case for continued access to the skills and talents of migrant workers for UK public services.

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29 MAC (2017) Call for evidence on EEA workers in the labour market  


Introduction

UNISON believes that migrant workers bear the brunt of a highly politicised debate around immigration and the UK labour market. Attacks on migrant workers’ rights have led to their increasing vulnerability to unscrupulous employers and has created a race to the bottom which further inflames tensions within sectors of the labour market. UNISON further believes in a mature, humane and rights-based immigration policy that does not pit groups of workers against each other and treats all migrant workers and their families with dignity.

Minimum salary levels

Based on our experience, we believe that the use of minimum annual salary levels for particular jobs is not a useful tool for deciding access to the UK labour market because it is not proxy for skill levels. The high skills/high incomes considered by Government to be desirable for the economy are often not what is required by employers of all sizes or for rational workforce planning to meet the needs of society. Traditional productivity statistics do not work either in public services as for example if service quality declines, e.g. care workers have to rush leave a client after a 15 minute visit without a chance to ask how they are, this is deemed increased productivity and good for the economy even if the client is profoundly dissatisfied and upset.

Our experience of public services and the colleagues we work alongside is that our roles across the public services team are often undervalued in monetary terms even though they have a strong social purpose and ethos. Furthermore, migrant workers are often over qualified for the roles they actually perform in the UK labour market. That public services are made up of a large majority of women workers, and we still operate in gender segregated occupations and sectors despite the Equal Pay Act, cannot be ignored by MAC if they continue with high minimum salary levels for shortage occupations. Also, as the Prime Ministers recently published statistical audit of the UK by race showed; Black workers experience of the labour market varies widely and is usually at the poorer end of any comparison.

Public services

Well funded and high quality public services are a force for good, help promote equality and economic and social fairness and correct for failures in the market economy. We remain sceptical of special discretionary Migration Impact Funds proposed by politicians to assist public bodies and believe that existing public service funding formulas based on need should continue to be the transmission mechanism for funding of local services. The Census data used for funding should be supplemented annually by administrative sources such as GP registrations to avoid the undercounting of the local population and to enable more regular and accurate updates to local funding.
Right to Remain

UNISON is committed to the right to remain for existing EU/EEA nationals, including those that arrive to work during a likely transition period up to the point of exit, and that their rights to freedom of movement to live and work across the EU/EEA should be kept in perpetuity. Our annual conference in 2017 supported a future EU/UK relationship that included freedom of movement for UK and EU/EEA workers:

“Conference notes the free movement of goods, services, capital and workers remains a corner stone of the EU’s Single Market. There can be no access to the Single Market if the right of EU - workers to seek employment in the UK and vice-versa is no longer guaranteed and is restricted by various controls. A core principle of EU free movement of labour should be that there is equal pay for equal work in the same work place regardless of nationality and it allows for the expansion of collective bargaining.”

Any future migration system needs to be rights based and ethical and matched to the future needs of all UK public services. Our work with employer federations, such as the LGA, UCEA and NHS Employers and devolved administrations in Scotland and Wales means that there is a shared desire to secure a future workforce sufficient to meet rising demand for services. From our point of view this must also be good quality work, with secure contracts, collective bargaining and well paid. A process of contracting out UK public services, with worse pay and conditions, began in the 1980s and continues today; so we do not view the net increase in EEA workers since 2004 as undercutting the UK public sector workforce or a cause of lower wage rates.

Health and social care

We are members of the Cavendish Coalition of over 35 national NHS and social care organisations concerned about the workforce implications of EU exit and support their submission. We therefore support their call for the future availability of EEA and non EEA workers to assist the NHS during both the transition periods and as part of a trade or membership deal after EU exit.

Our responses to the consultation questions, below, will concentrate on the health and social care sector. The best workforce data is found in the NHS.

Northern Ireland

We also support the Irish Congress of Trade Unions (ICTU) in seeking to protect the free movement of citizens, workers, goods and services across the border between the Republic of Ireland and Northern Ireland (NI) as economically vital but also as part of the peace process. We have members who live in the Republic but work in Northern Ireland.
Northern Ireland traditionally had a much lower proportion of migrants in the population than the rest of the UK, with numbers only increasing in the last decade after the opening of the A8 countries in 2004. Polish migrants have become the biggest Minority Ethnic group in Northern Ireland. Even though numbers might still be low compared to the rest of the UK there will be a disproportionate amount of European migrants amongst the overall migrant population. 2011 census figures for Northern Ireland confirm that citizens from EU countries account for the vast majority of migrants living in Northern Ireland, with Eastern European migrants making up less than 2% of the Northern Irish population. By contrast Asian-born migrants make up around 1% of the Northern Irish population and African-born migrants account for only 0.3%.

The former First and Deputy First Ministers (prior to the NI Executive collapsing in January) in August 2016 wrote in a letter to Theresa May that public services in NI are ‘heavily dependent’ on EEA nationals and other migrants who work in them. UNISON organisers are aware that private nursing homes in NI are hugely dependent on migrant workers, both EEA and non-EEA. We would estimate, for example, that around 50% of UNISON membership in Four Seasons Group Ltd (the largest residential care company in NI and the UK) in NI are migrant workers. This sector is hugely dependent on migrants in particular and a loss of migrant workers would threaten the sustainability and capacity of the sector.

UNION’s EU members speak up

UNISON has been asking EU citizens who work in UK public services what their reactions have been to EU exit. The respondents range from technicians to librarians and from nurses to social workers. What was striking was how decisive the EU exit vote had been in their feelings about being welcome in the UK. Some had lived here for over thirty years; others had recently come to the UK to work. Many described themselves as being drawn to the UK because of their love and interest in British culture. One said, “I've always dreamed of coming to the UK and live in London as I am interested in British culture and history”. Another described herself as a 100% Anglophile. Both said they now felt unwelcome in the UK after the EU exit vote – in fact this was a near universal comment. Many respondents said they were thinking of leaving.

We asked if they and their family considered the UK as their home and whether this had changed after the EU referendum. These are some of the replies we received:

- I 100% consider it as a home and until the Brexit vote I really wanted to do my part and contribute to this country, now I feel unwelcome and anxious due to uncertainty
- We very much did. After the referendum we are now strongly considering moving to the Netherlands
- More or less, less sure now
- Yes, it has changed as now want to leave the country
- We no longer feel this is our home but feel very insecure at the moment
Very much so, I'd like to think it hasn't changed, but I feel rather unsettled now after 30 years of living here.

Yes, I used to think of myself as a Brit, now I am no longer welcome apparently.

Yes, the UK is my home after 13 years of living here

UK is my home now but I am not sure what will happen after Brexit. I wish to stay here

Yes, I consider the UK as my home but I don't always feel welcome here - especially after the referendum.

When we asked what they would like to hear from politicians and the UK Government, all the responses ranged from the protection of their rights, clarity and a clear plan ahead. There has clearly been a breakdown of trust in both the intention and the competence of the Government.

That anyone with a contribution to the UK doing legit work are safe and welcome to stay.

That I can retain my rights

I don't think they know what they are doing

One plan regardless of what it is - their indecision leads nowhere. I run a business and don't know what to plan for other than possibly relocate

Clear information as to how EU citizens are going to be treated after 29 March 2019

That they are going to consider the rights of everyone, who have contributed to this society.

If these responses are reflective of the wider 3 million EU nationals in the UK, then it has clear long term implications for the UK’s reputation abroad as well as our ability to continue to be able to attract migrant workers in the future, both from the EU and beyond.

The Migration Advisory Committee

The MAC has a difficult job collecting evidence for this inquiry as both the EU exit negotiations are fast moving and the economy could face disruption and decline. Whilst at the same time the UK government keeps gradually, regulation by regulation, making the lives of non-EU migrants to the UK harder and harder and the UK a less attractive place for overseas workers. Currency exchange rates (the pound is falling in value) that effect remittances home can effect migrant worker decisions too.

The government remit for MAC means that the proposals are also framed as a way of reducing non-EU migration. As the call for evidence states, “MAC is asked to advise on changes to Tier 2 to address concerns about the rising number of migrants in that route and reliance on them to fill shortages”. The government has also explicitly stated its intention that the broader review of Tier 2 is to ‘advise on what more can be done to reduce levels of work migration from outside the EU.’ It is quite clear that at this point the only outcome the UK government would contemplate is a politically driven need to reduce numbers in the crudest fashion without careful examination of the economic realities driving immigration.
UNISON is opposed to setting a cap on the number of non-EU migrants that can enter the country as it limits recruitment of migrant workers where there are skills gaps in the labour market. By suggesting that migration is a problem that should be limited across the board and is related to total numbers only increases discrimination against migrant workers and stokes social tension without tackling the causes of anti-migrant sentiment.

UNISON recently submitted evidence to MAC highlighting critical levels of staff shortages within the health service. We argued that the demand for nurses, paramedics and occupational therapists is growing. However, because of a number of factors, supply of nurses, paramedics and occupational therapists in the UK is unlikely to meet this demand. Furthermore, the European Economic Area (EEA) labour market does not have an unlimited supply of nurses, paramedics and occupational therapists. However, MAC did not accept our contention that it was essential that nurses, paramedics and occupational therapists are added to the occupational shortage list.

By not recognising existing shortages within the health service, the Government will not be able to prepare in a long term or effective way to fill shortages without in future recruiting non-EEA migrant workers in our opinion.

Whilst MAC is considering the historic evidence and labour market data the UK could see an outflow of existing EU workers currently resident and less seeking to move to the UK for the first time. It is highly probable that whatever is finally recommended in September 2018 that it will need to be adjusted time and time again as governments confront the realities of EU exit.

Consultation response

UNISON is concerned that gaps in the law on employment rights combined with weak enforcement of employment rules and low collective bargaining coverage has meant significant numbers of workers are at risk of exploitation. While migrant workers are particularly vulnerable to exploitation, UK born workers employed on insecure contracts are also at risk of exploitation.

In our response, we will provide answers to the consultation questions we are best equipped to answer, with an emphasis on health and social care.

Answers to consultation questions

Please provide evidence on the characteristics (e.g. types of jobs migrants perform; skill levels, etc) of EEA migrants in your particular sector/local area/region. How do these differ from UK workers? And from non-EEA workers?

We will cover the health and social care sectors as well as make some general comments.

Health

The extent to which the health care system depends upon staff from outside the UK, particularly Europe, should not be underestimated. There are currently around 55,000 EU nationals working in the English NHS alone, accounting for 5 per cent of its workforce. This
includes 10% of doctors and 4% of nurses. In the past few years thousands of EU nurses have been proactively recruited to cover gaps in staffing, and the NHS has become increasingly reliant on EU nationals to stand on its feet, with the numbers employed rising from by more than 20,000 since 2012. For some particular NHS organisations, the picture is even starker, with more than 10% of the workforce coming from the EU at a number of foundation trusts, primarily in London. At the Royal Brompton and Harefield this figure is as high as 15.3%. As the IPPR think tank notes, “Without them, the NHS would collapse. It is critical to public health that these workers do not seek jobs elsewhere.”

We support the full submission of the Cavendish Coalition (an alliance of 35 national NHS and social care organisations which we are part of) on current and future NHS staffing needs. Accessibility and granularity of workforce data varies a great deal across both the health and care sectors, as well as across the four countries in the UK. The evidence collated by the Cavendish Coalition so far is robust and valuable, but it is acknowledged that further work needs done to provide a complete picture of the workforce requirements of the health and care sectors across the UK. UNISON would urge MAC to accept additional evidence from the Cavendish Coalition at a later stage, particularly as it might provide insight into sectors in which there is traditionally fairly poor workforce data.

Social care

The National Minimum Data Set (NMDS) for social care puts the turnover rates of all care workers at 33% - for homecare workers this rises to 38.6%. Social care has therefore has one the highest rates of annual turnover of staff in the economy.

Using NMDS, we can see that vacancy rates across England for all care workers are 7.3% of posts are empty at any one time. Regions like London and the South East the rate is closer to 10% and again for home care (or domiciliary care) the rate is just below 11%.

There is quite a degree of difference regarding what proportion of the workforce EU care workers make up across the country. They are most prevalent in the Greater London and South East regions. See Table 1 on next page.

Table 1: Proportion of English care sector workforce by Nationality and Government Office Region

<table>
<thead>
<tr>
<th>Region</th>
<th>All social care job roles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern</td>
<td>Eastern</td>
</tr>
<tr>
<td>Total</td>
<td>145,000</td>
</tr>
<tr>
<td>British</td>
<td>81%</td>
</tr>
<tr>
<td>EEA (non British)</td>
<td>8%</td>
</tr>
<tr>
<td>Non-EEA</td>
<td>11%</td>
</tr>
<tr>
<td>East Midlands</td>
<td>East Midlands</td>
</tr>
<tr>
<td>Total</td>
<td>120,000</td>
</tr>
</tbody>
</table>

32 [www.hsj.co.uk/sectors/acute-care/revealed-the-trusts-most-reliant-on-eu-staff/7006121.article](http://www.hsj.co.uk/sectors/acute-care/revealed-the-trusts-most-reliant-on-eu-staff/7006121.article)
<table>
<thead>
<tr>
<th>Region</th>
<th>British</th>
<th>EEA (non British)</th>
<th>Non-EEA</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>British</td>
<td>88%</td>
<td>5%</td>
<td>7%</td>
<td></td>
</tr>
<tr>
<td>EEA (non British)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-EEA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>London</td>
<td></td>
<td></td>
<td></td>
<td>170,000</td>
</tr>
<tr>
<td>North East</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>British</td>
<td>95%</td>
<td>2%</td>
<td>3%</td>
<td></td>
</tr>
<tr>
<td>EEA (non British)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Non-EEA</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>North West</td>
<td></td>
<td></td>
<td></td>
<td>75,000</td>
</tr>
<tr>
<td>British</td>
<td>91%</td>
<td>3%</td>
<td>5%</td>
<td></td>
</tr>
<tr>
<td>EEA (non British)</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Non-EEA</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>South East</td>
<td></td>
<td></td>
<td></td>
<td>180,000</td>
</tr>
<tr>
<td>British</td>
<td>78%</td>
<td>10%</td>
<td>12%</td>
<td></td>
</tr>
<tr>
<td>EEA (non British)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-EEA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South West</td>
<td></td>
<td></td>
<td></td>
<td>220,000</td>
</tr>
<tr>
<td>British</td>
<td>86%</td>
<td>8%</td>
<td>6%</td>
<td></td>
</tr>
<tr>
<td>EEA (non British)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-EEA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Midlands</td>
<td></td>
<td></td>
<td></td>
<td>145,000</td>
</tr>
<tr>
<td>British</td>
<td>88%</td>
<td>4%</td>
<td>8%</td>
<td></td>
</tr>
<tr>
<td>EEA (non British)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-EEA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yorkshire and Humber</td>
<td></td>
<td></td>
<td></td>
<td>130,000</td>
</tr>
<tr>
<td>British</td>
<td>92%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EEA (non British)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-EEA</td>
<td></td>
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</tr>
</tbody>
</table>
Impact on social care sector

- Because of demographic changes in UK society we will require an extra 1m care workers by 2025;
- It will be impossible to meet this target whilst care workers continue to be paid so poorly and treated so badly creating a continuous high churn and turnover of staff;
- Removing EEA care workers from the sector will clearly make the situation worse
- There is an increased level of care providers getting poor inspection results from the CQC in England in 2017. Part of this is because of the high levels of turnover and vacancy rates. If EEA workers are forced out of the system it will exacerbate the crisis and help to ensure that standards of care continue to decline.

Social worker occupational group

UNISON analysis of the current social work register (held by the Health Care Professions Council (HCPC)) and the figures they have on the nationalities of social workers who work in England reveals:

- According to HCPC’s figures from 2016 they only have details of the nationalities of 23,682 of the 90,294 social workers they registered (the nationalities of the other 66,612 were unknown)
- Of the 23,682 who gave details of their nationality 1,070 were from the other 27 EU countries – 4.5%
- 2015 - 91,812 registered social workers - nationalities of 72,554 unknown. Of the 19258 SWs who gave details of their nationality 826 were workers from the other 27 EU countries - 4.28%
- 2014 - 90,830 registered social workers - nationalities of 78,374 unknown. Of the 12,456 SWs who gave details of their nationality 518 were workers from the other 27 EU countries - 4.15%.

The HCPC statistics are not complete but they do give a sense that we are seeing a very small increase in the proportion of registered social workers from other EU/EEA countries. They also represent a small but sizeable proportion of the social work workforce (across all children and families and adults teams) – a workforce that is experiencing problems with recruitment and retention. So if the EU/EEA social workers were no longer able to practice then this would cause significant problems for the sector.

Out-sourced public services

In our experience both EEA and non-EEA migrant workers have a greater propensity to work in outsourced public services. This is because the formal public sector has done very little recruitment and training whilst it has shed posts in the last decade of austerity and
pay restraint. Formal processes and qualifications to join the public sector direct for permanent employment are more demanding and lengthy than in other sectors.

The private companies and voluntary sector providing public services tend to have lower pay and conditions and high turnover and hence a higher vacancy rate. There has been also a growth in agency labour in the public sector as a way of employers avoiding hiring freezes, lowering costs by not paying on-costs such as a defined benefit pension, pay restraint and shortages and these posts are often the first entry point for migrant and Black workers. This is common in cleaning, catering, care and facilities management. In regulated professions, such as nurses and social workers, there can be a very high hourly pay rate from agencies (higher than the equivalent public sector hourly rate) at the expense of not receiving sick pay, uncertain shifts, the statutory minimum of holiday pay and no pension provision. This can be attractive to migrant workers seeking to send remittances home, staying a fixed period and not having their family with them in the UK and not wanting to acquire a UK pension.

The other point our field organisers and local lay representatives make is that when visiting care homes in the private and voluntary sector is that the shifts with unsocial hours in the evening, over night and weekend have a far greater proportion of migrant workers from both EEA and non-EEA than the day shift. This can be both a mixture of discrimination, the shifts the new vacancies arise or some migrant workers volunteering for these shifts if any premium pay available, being on average younger and/or having less UK family commitments.

Size and nature of employer
Related to our experience that EEA workers are more likely to work in outsourced public services, anecdotal evidence suggests that EEA workers are more likely to work in small employers than non-EEA workers are.

Although small in number per employer, this could represent a 'long tail' element of the EEA workforce providing health and care services in small and specialised employers.

Large employers, often with central HR functions and compliance structures, are more able to cope with the demands of Home Office requirements of Tier 2 sponsors.

We are concerned that a move to regulate EEA migration and working in a way similar to the current Tier 2 system would be close to unworkable for those small employers.

Even if issues of selection were addressed, for instance in terms of salary thresholds and qualifications requirements, a complicated and burdensome regulatory and compliance system would pose major challenges for small employers, potentially leading to large shortages in the overall workforce.

Inadequate enforcement of employment rules
In sectors where there is low collective bargaining coverage and less union visibility such as outsourced public services, or where agency workers used, migrant workers as well as all other workers are at risk of being exploited due to inadequate enforcement of employment rules. That is one reason why UNISON’s successful judicial review of Employment Tribunal fees in Great Britain was a massive win for access to justice for all workers.
UNISON is concerned that government agencies tasked with ensuring employment rules are followed – such as HMRC, the Employment Agency Standards Inspectorate (EASI) and the Gangmaster and Labour Abuse Authority (GLAA) - have not had the resources to enforce employment rules adequately. New resources for minimum wage enforcement and for the GLAA have been welcome, but more will be needed, as the number of workers covered by the minimum wage is growing rapidly. The EASI is under-resourced, having seen its budget cut in half to £500,000 over the last five years. EASI currently has just eleven inspectors to cover the entire country.

To what extent are EEA migrants seasonal; part-time; agency-workers; temporary; short-term assignments; intra-company transfers; self-employed?

Insecure work

UNISON is concerned that EEA and other migrants employed in public services are likely to be on insecure and/or fixed term temporary contracts where they can be exploited.

This is due to a push by governments and public bodies since the 1980s for ideological or money saving reasons to bring in new providers, promote competition and reduce costs. This has allowed employers to avoid collective agreements, union recognition and allowed employers to take on workers on zero-hours contracts and other insecure temporary contracts to save money and increase profits.

However it is not just migrant workers but all those on temporary contracts that are at risk of being exploited in this way. TUC analysis shows 810,000 are now employed on zero-hours contracts and 730,000 are in low paid temporary work such as agency/casual and seasonal work and 1.7 million people are in low paid self-employment.  

Posted workers

Due to the UK government’s limited application of the EU Directive on posted workers, EEA workers already employed by EEA firms but transferred in on short term ‘posted’ contracts to UK firms are only required to be paid the national minimum wage rather than wages secured by UK collective agreements. This obviously has more of an impact in sectors where wages are generally well above the statutory minimum wage. This loophole does not have much impact in UK public services as EU companies bidding for public contracts set up subsidiary UK companies as the UK has favourable and weak employment law, minimal regulations and low levels of company taxation to enable them to maximise profits.

Zero hours contracts

Significant numbers of EEA migrants are employed in the sectors that make the most use of zero hours contracts, and for UNISON that is social care.

Those on zero hours contracts often miss out on key employment rights, including family friendly rights, redundancy pay and sick pay as they are classified in law as ‘workers’ rather than ‘employees’. Workers on zero hours contracts are also likely to be lower

34 https://www.tuc.org.uk/sites/default/files/Living%20on%20the%20Edge%202016.pdf
36 https://www.tuc.org.uk/sites/default/files/Living%20on%20the%20Edge%202016.pdf
paid: the median hourly rate for zero hours workers is £7.25 whereas it is £11.23 for permanent workers.

Self-employed contracts

Significant numbers of EEA migrants are employed in the sectors that make the most used of low-paid self-employed contracts (which can sometimes be bogus self-employed contracts), namely construction, transport and storage, and wholesale.37

Self-employed workers also have no right to a minimum wage, sick or holiday pay. Many self-employed workers are also low paid. The Social Market Foundation estimates that 45% of self-employed workers are paid below £7.20 an hour.38

On the fringes of public services we are beginning to see self employed workers having to set up with umbrella companies as self employed or as employees of their own company by unscrupulous agencies in social work, social care, teacher supply, security, nursing and medical locums.

Swedish derogation

Insecurity has also been facilitated by other loopholes in the law such as the so called ‘Swedish derogation’, whereby agency workers directly employed by their agency on contracts of at least 2 hours a week may be paid less than other directly workers after 12 weeks doing exactly the same job and put on worse terms and conditions too. Even the 2017 Taylor Review proposed closing this loophole but the government have yet to make any proposals for regulations to that effect.

What information do you have on their skill levels? To what extent do these differ from UK workers and non-EEA workers?

In spite of the fact the majority of EEA workers have medium to high levels of skills, they are disproportionately likely to be employed in occupations requiring low levels of qualification. 40% of workers from A8 countries, 37% of workers from A2 countries and 37% of workers from EU15 countries are more qualified than their jobs require.39 This is due to the fact that migrants, particularly those from poorer countries, often need to take a job to secure an income quickly and so called ‘low skill’ work is more available.

Discrimination, lack of English language ability and difficulties in getting qualifications recognised can also prevent some migrants gaining skilled employment. The most common place UNISON see this is skilled and qualified nurses and social workers working in social care.

This represents a waste of the skills and talent that could be contributed to the economy were there more skilled job opportunities.

37 https://www.tuc.org.uk/sites/default/files/Living%20on%20the%20Edge%202016.pdf
38 http://www.smf.co.uk/low-paid-self-employed-will-be-worse-off-under-universal-credit/
39 www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/articles/migrationandthelabourmarketuk/2016#how-skilled-were-non-uk-nationals-living-in-the-uk
To what extent has EEA and non-EEA migration affected the skills and training of UK workers?

UNISON is concerned that employers and government have cut funding for skills, notwithstanding the new Apprentice Levy.

The government’s adult skills budget was cut by 41% between 2010/11 and 2015/16. The UK government’s decision to scrap bursaries for nurses, midwives and allied health professionals (such as radiographers, chiropodists, dieticians, occupational therapists, physiotherapists and podiatrists) in 2016, meanwhile, has already led to reductions in the numbers of UK students applying to study for these careers, many of which are facing significant shortages at this critical time.

Table 2 shows that in some sectors facing high skills shortages employer investment in training has also fallen in the last four years. With the exception of the utilities sector, meanwhile, none of the sectors with the highest skills shortage rates – construction, transport (including maritime)/communications and manufacturing – witnessed any significant increase in employer investment.

Table 2: Employer spend on workforce training by sector (2011 and 2015) and skills shortage vacancy density (2015)

<table>
<thead>
<tr>
<th>Sector</th>
<th>2011 (£ billions)</th>
<th>2015 (£ billions)</th>
<th>Skills shortage vacancy density (2015-2016)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utilities</td>
<td>0.3</td>
<td>0.7</td>
<td>35%</td>
</tr>
<tr>
<td>Construction</td>
<td>2.5</td>
<td>2.5</td>
<td>35%</td>
</tr>
<tr>
<td>Transport/Communications</td>
<td>3.1</td>
<td>3.4</td>
<td>31%</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>3.4</td>
<td>3.2</td>
<td>30%</td>
</tr>
<tr>
<td>Business services</td>
<td>8.3</td>
<td>9.8</td>
<td>26%</td>
</tr>
<tr>
<td>Agriculture</td>
<td>1.1</td>
<td>0.6</td>
<td>22%</td>
</tr>
<tr>
<td>Financial services</td>
<td>1.5</td>
<td>1.6</td>
<td>21%</td>
</tr>
<tr>
<td>Arts &amp; other</td>
<td>2.3</td>
<td>2.6</td>
<td>21%</td>
</tr>
<tr>
<td>Health/social care</td>
<td>5.2</td>
<td>6.1</td>
<td>21%</td>
</tr>
<tr>
<td>Retail/wholesale</td>
<td>5.1</td>
<td>5.1</td>
<td>20%</td>
</tr>
<tr>
<td>Accommodation/food</td>
<td>3.0</td>
<td>3.3</td>
<td>19%</td>
</tr>
<tr>
<td>Education</td>
<td>4.9</td>
<td>4.6</td>
<td>16%</td>
</tr>
</tbody>
</table>


41 Skills shortage vacancies are defined as those vacancies that are hard to fill due to a lack of skills, experience or qualifications among applicants. The “skills shortage vacancy density” rate is the total number of skills shortage vacancies expressed as a proportion of all current vacancies in each sector.
Training in the care sector

UNISON surveyed care workers in the autumn of 2016 and over 1,000 responded. The question on training revealed the levels of different areas of training across both home and residential care sectors:

Q. Have you received specialised training to care for people with?:

- Dementia - Residential 88% - Homecare 70%
- Diabetes – Residential 38% - Homecare 34%
- Mental Health problems – Residential 38% - Homecare 39%
- Neurological problems – Residential 14% - Homecare 21%
- Physical and learning disabilities – Residential 31% - Homecare 36%
- Sensory loss – Residential 26% - Homecare 32%

UNISON does not consider the recent recruitment of skilled EEA nationals the reason for low training levels but the chronic lack of funding in the sector is.

International skills comparisons

Research from IPPR shows that UK employers invest half as much per employee as the EU average for vocational training. Countries such as Belgium, Germany and Sweden spend well above the average and also have significant numbers of migrants in their labour force too.

Part of the reason why training policies in countries such as Belgium, Germany and Sweden are more effective at support sectoral strategies is that they take a social partnership approach that is lacking in the UK. UNISON and the TUC are concerned that, since 2010, UK governments have withdrawn support from sector skills bodies that involved trade unions such as sector skills councils. Meanwhile union representation on many of the remaining bodies has been weakened. And appointments to the board of the Institute for Apprenticeships earlier this year did not include anyone with a trade union background.

Domestic supply of workers

Source: Employer Skills Survey 2015, UKCES, May 2016

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Part of the reason why training policies in countries such as Belgium, Germany and Sweden are more effective at support sectoral strategies is that they take a social partnership approach that is lacking in the UK. UNISON and the TUC are concerned that, since 2010, UK governments have withdrawn support from sector skills bodies that involved trade unions such as sector skills councils. Meanwhile union representation on many of the remaining bodies has been weakened. And appointments to the board of the Institute for Apprenticeships earlier this year did not include anyone with a trade union background.

Domestic supply of workers

Source: Employer Skills Survey 2015, UKCES, May 2016

UNISON does not consider the recent recruitment of skilled EEA nationals the reason for low training levels but the chronic lack of funding in the sector is.

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Domestic supply of workers
Health

There are many problems and barriers to overcome in developing a home grown NHS workforce:

1. **UNISON has called for Funding to plug the £20billion gap by 2020.** In the words of NHS England chief executive Simon Stevens, "When the British economy sneezes, the NHS catches a cold". While the exact fallout for the economy from an EU exit remains unclear, there is considerable concern from economists and financial institutions, with a consensus that there will be some level of detrimental impact. (One thing that is for certain is that the extra £350m a week for the NHS that the Leave campaign suggested would be available following an EU exit is never going to materialise – as many organisations, including UNISON, warned would be the case during the referendum debate.) Given the damage that been done to the NHS and social care by the enforcement of austerity since 2010, the prospect of any more cuts as a result of further economic turmoil is extremely worrying for all that work in the system and benefit from care.

2. **UNISON has campaigned to remove the Coalition and Conservative governments’ imposition of pay freezes** and the ongoing 1% pay cap which has been one of the most striking features of the impact of austerity on our public services. This policy is already unsustainable – from both a staff living standards point of view and the ability of our services to recruit and retain the necessary workforce – so any further impact on public service pay as a result of economic woes stemming from an EU exit would be deeply damaging.

3. **UNISON has campaigned to stop the pay freeze damaging the reputation of nursing** as a well paid decent profession. The amount of publicity on nurses needing food banks and soaring family debt was a big feature in the 2017 General Election.

4. **UNISON has campaigned for a fair and Living wage.** The Resolution Foundation think tank has estimated that, as a result of increasing uncertainty about the outlook for earnings, by 2020 the real-terms value of the government’s “national living wage” could be up to 40p an hour lower than the £8.31 predicted before the EU vote. In their words, “Brexit is likely to reshape the landscape in which many low-paying sectors operate”.

5. **UNISON is campaigning to bring back the nursing and allied health professionals bursary.** We would like to demonstrate in particular the example of the removal of the nursing bursary. In the context of EU exit and the recent removal of funding schemes for nurse training, such as student bursaries in England, there will be a dramatic negative impact on the supply of nursing students in the UK in the future:

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44 [www.bbc.co.uk/news/uk-politics-eu-referendum-36353145](http://www.bbc.co.uk/news/uk-politics-eu-referendum-36353145)

On 1 February 2017 UCAS published its analysis of full-time undergraduate applications made by the 15 January deadline. The UCAS figures showed a total of 37,380 applicants (UK, EU, and non-EU) for nursing courses in England. Last year this figure was 48,230, so there has been a significant reduction of 23% following the government’s decision to abolish bursaries for healthcare students in England.

While applications from English domiciled applicants did not increase in Wales, they dropped by considerably less than in Scotland and England, where students will not qualify for a bursary in future:
- 9% drop in English domiciled applicants for nursing courses in Wales;
- 6% drop in English domiciled applicants for nursing courses in Scotland;
- 23% drop in English domiciled applicants for nursing courses in England.

It seems that access to the NHS bursary therefore acted as an incentive for English domiciled applicants to apply for courses in Wales if they commit to work in the Welsh NHS for two years. In terms of nursing applications for courses in each country, the size of the decline makes clear which funding model is preferred:
- Scotland – 4% decline (bursary with no conditions and better support);
- Wales – 9% decline (bursary with conditions);
- England – 23% decline (no bursary – replaced with tuition fee and loan).

More funding is therefore encouraging more applicants – one of the reasons why UNISON continues to support the idea of a living bursary or salary status for healthcare students.

No detailed figures are yet available from UCAS for healthcare courses other than nursing, but it seems reasonable to expect there to be a similar reduction in demand for courses in the allied health professions. In December 2016 Universities UK warned that applications in areas such as occupational therapy and podiatry had been particularly badly affected.

UNISON has consistently warned of the damage that would be done by the government’s decision to abolish NHS bursaries. There is clear evidence that the switch from bursaries to loans is having a negative impact on the number of applications. The plans will leave student nurses, midwives and allied health professionals with over £52,000 worth of debt. As we are now seeing, the fear of debt will discourage many people from training to become healthcare professionals.

Restoring bursaries will need to be a key ask to develop the “homegrown” workforce to meet the country’s future demand and in particular the English NHS will be even more dependent on other countries for recruitment. In light of the emerging evidence of a negative impact on supply UNISON has called for the reinstatement of the bursary.

Where official statistics have shown EEA workers being paid less on average than UK born NHS workers on same grade this is due to the increment effect of EEA workers yet to move fully through to the top of the pay scale. This would be exactly the same experience of – for example – a worker who spent 5 years working in General Practice or a private
provider before moving into NHS employment and starting at the bottom of the scale. Comparisons of pay and reward based on age – particularly age as a proxy for experience – are simply not valid.

Social Care

There are systemic problems in preventing people from working in the care sector and challenges in improving the domestic labour supply in social care

Social care is dependent on EU nationals too, with 6% of the social care workforce in England alone being EEA migrants, equating to around 84,000 people. Of this number, 90% (78,000) do not have UK citizenship, meaning they could be at risk of changes to their immigration status following a UK exit from the European Union.46

Social care recruitment problems

• Lack of funding in social care for commissioners to adequately fund providers resulting in poor pay and conditions, an isolated and pressurised work environment, high turnover and low training levels;
• In turn this has a systematic negative impact on service users and carers with the resulting poor “image” of social care as a career or even occupation choice;
• Minimum standards and light regulation of the social care workforce reinforces the ‘unprofessional’ image of social care;
• Lack of funding and the minimum standards result in minimum training and qualification levels in social care;
• With little additional remuneration for any higher skill development there is little rewarding career progression;
• Lack of good staffing ratios in social care leads to burnout, high turnover and staffing shortages in key occupational and geographical areas.

All of the above need to be addressed to improve domestic supply of workers.

UNISONs response to improve social care jobs

➢ Tackling non-compliance with the Minimum Wage in the care sector. UNISON is taking action to try and improve minimum wage compliance. In order to tackle these issues, a major change in policy is needed if the government is serious about stamping out deep-rooted practices and protecting the legal rights of workers. We have recommended that the Government make regulations as provided for by section 12 of the 1998 NMW Act that would force employers to be a lot more transparent with workers about their pay. This was a key demand in UNISONs Low Pay Commission submission this year.

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Both of UNISONs charters, the Ethical Care Charter for homecare and the Residential Care Charter, are steps to try and improve commissioning practices and both employment standards and outcomes for care users. An independent evaluation\(^47\) by Greenwich University of the Ethical Care Charter has demonstrated that it has had a positive impact where it has been adopted.

UNISON has carried out a series of Freedom of Information Act requests in recent years highlighting poor commissioning practices by Councils. They have focused on whether they take steps to ensure that the providers they commission are compliant with the minimum wage (the majority still don’t) and whether they are commissioning unduly short homecare visits. We have encouraged them to subsequently improve how they commission and have continually raised the issue with ADASS.

UNISON has carried out a number of our own surveys highlighting the lack of training that many care workers receive, the lack of time they get and various other issues.

UNISON did a joint piece of work with the Alzheimer’s Society to specifically highlight how a significant proportion of homecare workers have not received any dementia training.

UNISON is also taking strategic legal action against major care providers who are non-compliant with the national minimum wage. We’re focussing on trying to improve working conditions and pay and enforcing NMW thereby improving retention and image of sector etc

UNISON also a social care project running in the North West region which is about trying to recruit and organise care workers into the trade union but also set up networks for domiciliary care workers to combat isolation

UNISON also has a dedicated learning approach in social care. UNISON has campaigned for minimum training and regulation. There are courses that UNISON in partnership with employers helps to run or arrange access to for employees and members. These may be in basic numeracy and literacy and return to learn courses etc. There are also some specific courses we support to encourage nurses social workers and other professional staff to come back to their professions after a gap.

What are the impacts of EEA migrants on the labour market, prices, public services, net fiscal impacts (e.g. taxes paid by migrants; benefits they receive), productivity, investment, innovation and general competitiveness of UK industry?

UNISON values the contribution made by EEA migrants, as well as migrant workers from other countries, to the UK economy and society. They are welcome in our union.  EEA

\(^47\) https://www.unison.org.uk/content/uploads/2017/06/ethicalcarecharterEDITFINAL.pdf
migrants work hard in stretched public services and fill crucial jobs in manufacturing and services.

A comprehensive analysis by UCL in 2014 calculated that EEA migrants contribute £2 billion net to the Treasury every year.48

But this income has not been invested in public services, jobs or skills in many parts of the country. Instead the government’s austerity agenda has meant cuts to health, education and housing services across the country while pay has dropped in real terms due to a pay freeze and pay cap for public service workers over the last decade.

Successive governments and employers have also failed to adequately invest in training and industry. These factors must be addressed in the government’s industrial strategy to improve the UK’s productivity as well as providing workers with more opportunities to get skilled, decently paid jobs.

**Conclusions**

UNISON has the following recommendations for Government:

**Right to remain**

The government should:

- Guarantee all EEA citizens the right to remain in the UK. This should be a unilateral offer made by the government rather than being subject to negotiations. People’s lives should not be used as bargaining chips. It is unacceptable that over three million EEA citizens still have no security about their future a year after the EU referendum.

**Stopping exploitation**

The government should:

- End the ‘Swedish derogation’ so that agency workers employed by agencies receive the same pay and conditions as those directly employed doing the same job;
- Properly implement the EU posted workers directive so workers posted in the UK are paid collectively agreed rates of pay;
- Create a legal presumption that everyone qualifies for the full set of employee rights, placing the onus on the employer to prove that this is not the case;
- Ban the regular use of zero hours contracts, and ensure all workers receive premium pay for any non-contract hours and compensation when shifts are cancelled at short notice;
- Support local authorities and other public sector commissioning bodies to use their commissioning and procurement practice to ensure collective agreements are followed with decent terms and conditions and with training and development opportunities for all staff. This approach is common in most other EU countries, where they are known as “fair wages” agreements based on UN International Labour Organisation convention 94, which the UK denounced and left in 1983. This system would use the NJC agreement in Local Government or the Agenda for Change Agreement in the NHS, for example, as the basis

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for procurement and a level and fair playing field.

- Encourage collective bargaining as it appears that the prevalence of the sectoral collective bargaining model across most of Western Europe has benefited both workers and employers and improved social cohesion. This can be clearly seen in the public services labour market in other EU countries, compared to the UK, where there has been higher wage growth.

- Increase funding for enforcement bodies HMRC, the GLAA and EASI where they are found to need more resources;

- Take a ‘joint and several liability’ approach to enforcement, so that employers are held responsible for compliance throughout their supply chain. Lessons could be drawn from the approach adopted in the Modern Slavery Act, which seeks to improve transparency throughout supply chains with a view to preventing slavery and the trafficking of workers in these supply chains;49

- Promote awareness of employment rights and the importance of joining a trade union – UNISON has produced guidance in several different languages and has support groups for workers of different nationalities.

**Public services**

The government should:

- Increase investment in public services including health, education and community services,

- Amend the UK public procurement regulations to allow all UK public bodies to use ‘fair wages’ agreements, e.g. national collective agreements and pension scheme access are mandatory;

- Invest in substantial local authority social and affordable housing programmes and crack down on rogue landlords;

- Scrap the public sector pay cap and ensure new pay awards provide an element of catch up, recognising the loss of earnings over the last seven years.

- Eradicate poverty pay by ensuring that no public service worker earns less than the real Living Wage.

- Employers and unions should be allowed to freely determine pay awards through collective bargaining or independent pay review bodies. It is important that the government properly funds pay awards so that public sector employers can afford to pay decent wages.

**Skills**

The government should:

- Increase investment in both workforce and out of work training to the EU average within the next five years and English for Speakers of Other Language (ESOL) courses run by further education colleges should be expanded and fees removed;

- Introduce a right to a mid-life career review, and face to face guidance on training;

49 https://www.tuc.org.uk/sites/default/files/the-gig-is-up.pdf
• Re-instate a right to face to face career guidance in schools and colleges;
• Introduce a new life-long learning account, providing the opportunity for people to learn throughout their working lives;
• Introduce a new targeted retraining programme aimed at certain groups (e.g. those facing redundancy due to industrial change);
• Give trade unions a proper voice in the reformed apprenticeship system;
• Establish revitalised sectoral skills councils with representation from unions and business that would look at how to drive up pay, conditions, skills and productivity across an industry;
• Restore training bursaries for nurses, midwives and allied health professionals.
Unite

The response is drawn from a consultation with Unite officials across sectors and regions. It includes their direct experiences and comments which we believe are particularly relevant at this time of great uncertainty.

1) EEA Migration Trends

1.1 Please provide evidence on the characteristics (e.g. types of jobs migrants perform; skill levels, etc) of EEA migrants in your particular sector/local area/region. How do these differ from UK workers? And from non-EEA workers?

Unite represents the full diversity of workers including many migrant workers including in hotels, cleaning and catering, food and agriculture, road transport and logistics, manufacturing, construction, health and also migrant domestic workers.

Unite believes that the government must use every tool at its disposal for an industrial strategy. This includes plugging the skills gap by supporting apprenticeships, use of public sector procurement to support industry, removing barriers to reshoring jobs and direct support for our strategic industries.

Unite calls for safeguards that defend all workers against wage cutting and that must include ending the exploitation of migrant workers.

These safeguards must include stronger collective bargaining rights, so any employer wishing to recruit labour abroad should only be able to do so if they are either covered by a proper trade union agreement or by sectoral collective bargaining.

This would allow us to hold the line and guarantee a union-backed ‘rate for the job’, no matter a workers’ country of origin.

Such safeguards would end the race-to-the-bottom attacks on wages, terms and conditions.

Unite supports all our members and will continue to support the right of EU workers to remain in the UK after Brexit.

CONSTRUCTION

Generally, abuses in the construction sector are widespread and not helped by the make-up of the sector that is beset with lengthy supply chains, fragmented sub-contracting, and labour-only providers acting in a similar vein to gangmasters in other sectors like agriculture. Moreover, the prevalence of agencies and incidence of umbrella companies fosters a widespread culture of fear for jobs, precarious work and sizable levels of labour abuse.

These can be around the following, but not exhaustive, areas:
• Non-payment of Holiday Pay
• Illegal deductions from wages (eg CITB Levy payments)
• Withholding pay slips
• Charging of money for receipt of pay slips
• No provision of personal protective equipment (PPE)
• Non-payment of national minimum/living wage
• Workers being housed in unsuitable, inhumane accommodation
• Undercutting of national wage agreements
• Exploitation of posted workers
• Confiscation of passports
• Administration fees

Unite has evidence of the systematic undercutting of collectively bargained wage rates being a feature of both major and smaller construction projects, and extending to those funded by the public sector. That this exploitation is often of posted and migrant workers is an unwelcome feature of labour abuse in the sector with workers often recruited abroad, brought to work in the UK with poor levels of pay, housed in unsuitable accommodation and, in some situations.

In response to a Unite Freedom of Information request in July 2017, figures released by the UK Government Department of Business, Energy and Industrial Strategy identified that some 1,076,000 workers received payments through the HMRC Construction Industry Scheme. This equates to 47% of those employed in the construction sector being categorised as ‘self-employed’.

With significant experience of the sector and the endemic misclassification of workers’ employment status, Employment rights should be extended to all those in work. There is already the legal assumption that if a person is under direction and control in relation to their work then that person is regarded as an employee of the person who is doing the direction and control, regardless of what the contractual arrangements are – the problem being that enforcement and monitoring is non-existent. Additionally, speaking out to enforce this in the construction industry can lead to long periods without work. For these reasons Unite calls for existing rights to be extended to all those in work, not only those who qualify for ‘employee’ status. This should include creating a legal presumption that everyone qualifies for the full set of employee rights, placing the onus on the employer to prove that this is not the case.

Unite is working on progressing a strategy to help eradicate the types of precarious employment that we often find migrant workers exposed to in this sector.

HEALTH\textsuperscript{50}

*We raised the following in our evidence to the Health Select Committee:*

Many health and social care professionals currently working in the UK have come from other EU countries.

\textsuperscript{50} Some specific responses from Unite in health are additionally attached as an Appendix
NHS England provides figures that show a total number of all staff (part and full time) coming from the EU countries were just over 53,000 or 4.6 per cent of the total NHS workforce\textsuperscript{51}. The number of EU nurses and health visitors accounted for 6 per cent of the total. There were also 2,500 allied health professionals from other EU countries, such as physiotherapists and radiographers. The NHS in Scotland, Wales and Northern Ireland currently do not publish the breakdown of their staff by nationality. Skills for Care figures also show that 80,000 of the 1.3 million workers in the adult social care sector come from other EU countries\textsuperscript{52}.

The sector has welcomed a wide diverse workforce providing a broad range of highly skilled & dedicated workers ranging from consultant surgeons to catering and cleaning staff.

A survey of Unite health sector members confirmed our concerns that problems would occur in the NHS if EEA migration was halted. This trend has started with some workers returning home and the number of EEA workers arriving the UK starting to fall.

Food and Drink & Agriculture

Examples:
In fish processing, food processing and ready meals sector there is high proportions of migrant labour.

In a poultry processing factory in the West Midlands we have 150 EU members. They make up nearly one third of the workforce and work in general operative and semi-skilled jobs.

BUSES

This information has come from our Brexit Check process on passenger transport:

In 2016 the number of individuals working in the bus industry in the UK was 123,000. The bus industry relies on a high percentage of migrant workers among its drivers with 1 in 4 of bus drivers being migrant workers. Around 16,000 are non-UK nationals (13 per cent) and 15,000 are EU nationals (12.2 per cent).

TRANSPORT


This information has come from our Brexit Check process on road transport:

The transport sector like many others is subject to a rise in precarious employment through practices such as zero hours contracts and outsourcing. Migrant workers and agency workers are subject to unfair treatment.

For example, some employers in areas such as road haulage are, in conjunction with agency business, avoiding giving equal treatment on pay to agency workers through the use of so-called ‘Swedish Derogation’ contracts.

LOGISTICS

Domestic road hauliers will be impacted by withdrawal from the EU because of the 290,000 EU nationals that work in UK domestic logistics.

MANUFACTURING

EXAMPLES:

In manufacturing EEA migrants are employed in most sectors ranging from low skilled to skilled to very highly skilled workers.

In an Anglo European car manufacturing company where all employees have to go through strict national security clearance means that the opportunity for employment for migrants is limited. The small numbers of EU workers have tended to be employed in skilled or technical roles, except for one who worked as the secretary to senior management and is now working in HR.

1.2 To what extent are EEA migrants seasonal; part-time; agency-workers; temporary; short-term assignments; intra-company transfers; self-employed? What information do you have on their skill levels? To what extent do these differ from UK workers and non-EEA workers?

1.3 Are there any relevant sources of evidence, beyond the usual range of official statistics that would allow the MAC to get a more detailed view of the current patterns of EEA migration, especially over the last year?

1.4 Have the patterns of EEA migration changed over time? What evidence do you have showing your employment of EEA migrants since 2000? And after the Brexit referendum? Are these trends different for UK workers and non-EEA workers?

MANUFACTURING

We are told that skilled workers from the EEA are looking to return to their home country following Brexit. There are a number of reasons for this including a greater degree of stability and improved pay and conditions in their home country and the uncertainty of staying in the UK means that a number of our members are looking to return to their home country on the basis of leaving now while there are vacancies at home.
FOOD DRINK & AGRICULTURE

We have noticed a greater proportion of EU workers leaving to go back to home countries in the last 12 months in the West Midlands, for example. In here labour pool has a higher proportion of Indians and Pakistanis that are replacing and offsetting vacancies left by EU workers.

1.5 Have you conducted any analysis on the future trends of EEA migration, in particular in the absence of immigration controls?

1.6 Have you made any assessment of the impact of a possible reduction in the availability of EEA migrants (whether occurring naturally or through policy) as part of your workforce? What impact would a reduction in EEA migration have on your sector/local area/region? How will your business/sector/area/region cope? Would the impacts be different if reductions in migration took place amongst non-EEA migrants? Have you made any contingency plans?

The referendum result on 23rd June sent shock waves throughout the UK, making the politicians and the media sit up and take notice.

Unite recognises that millions of workers, including many of our members voted to exit the EU. However, we will make sure that it is on our terms. For this reason we launched a ‘Brexit Check’ website to monitor the impact of Brexit and provide the resources our members need.

ROAD HAULAGE

*This information has come from our Brexit Check process on road transport:*

Any EU operator with an international operator’s licence can transport goods between any EU countries. The road haulage industry relies on an open EU market.

So the challenges faced by Brexit are considerable. There is a significant risk to supply chains dealing with exports and imports if we fail to ensure that international road haulage moves quickly and reliably after the UK exits the EU. Even our domestic road hauliers will be impacted by withdrawal from the EU because of the 290,000 EU nationals that work in UK domestic logistics.

HEALTH

Employers are telling us that leaving the EU creates significant potential staffing concerns for the NHS and social care providers.

Unite is concerned that the instability caused by the Brexit vote, particularly on free movement rights, will only add to the current recruitment shortages faced in those sectors.
Post Brexit the sector will face major challenges in recruiting and retaining the dedicated skilled workforce required to deliver high quality services.

Unite believes that leaving the EU will almost certainly exacerbate staffing crises in the NHS and social care with detrimental impacts on service delivery.

**MANUFACTURING**

We are told that companies advertise for skilled workers on various platforms in Europe to fill vacancies, however since Brexit applications through these platforms from EU nationals have begun to peter out.

2) Recruitment Practices, Training & Skills

2.1 Please provide evidence on the methods of recruitment used to employ EEA migrants. Do these methods differ from those used to employ UK and non-EEA workers? What impact does this have on UK workers? Have these methods changed following the Brexit referendum?

2.2 Do recruitment practices differ by skill-type and occupation?

**HEALTH**

Health and care recruitment problems are not the fault of the EU but sit squarely with the Government and employers. Unite believes that a sustainable approach to workforce planning should not use migration as a substitute for training more UK-based health workers.

There is unlikely to be a significant turnaround any time soon however, given the debacles around junior doctor contracts, the ending of training bursaries for NHS students, the policy of long term pay caps on NHS staff the continued squeeze on NHS and local authority funding and a decade of pay restraint and attacks on other terms and conditions is making public sector employment increasingly less attractive to work in, particularly at a time of moderate but real pay increases in the private sector.

**CONSTRUCTION**

EXAMPLE: new Queensferry Crossing in Scotland

Unite has recently produced evidence which suggests that workers have been engaged on the above project on poverty wages by contractor SOSIA UK (a company set up in 2014 in the UK with Portuguese directorship). Union officers found numerous Spanish and Portuguese workers employed by SOSIA to be in receipt of wages some £7.32 per hour,
£4 per hour below the CIJC collective agreement rate for joiners, and also that labourers were being paid well below the rate.

EXAMPLE: Undercutting in engineering construction sector

Unite has exposed and campaigned against undercutting and exploitation of construction workers including, most recently, several Danish firms who are involved in the funding and building of major ‘energy from waste’ projects in the UK. Workers were being paid up to 61% below agreed industry rates, with some workers being paid just the minimum wage and financing their own accommodation and travel.

Babcock & Wilcox Vølund, which is building an energy from waste project in Rotherham worth £165 million, sub-contracts large chunks of their work to Croatian company Duro Dakovic which pays workers as little as the minimum wage of £7.50 an hour. The industry agreement (NAECI) has a basic rate of £16.97 an hour with an hourly bonus of £2.37 an hour.

EXAMPLE: Labour abuse on a London site

_A Unite health and safety rep and carpenter in the London area identified a horrific example from a site in London, where:_

- Eastern European construction workers were threatened with the sack every day by a bullying, intimidating foreman;
- The foreman was receiving a cut from workers’ wages so that they could stay in their job;
- Anyone questioning safety on site or refusing to pay the cut to the foreman would be sacked.

MANUFACTURING

Information that we have is that companies use internet platforms and agencies to employ skilled staff.

EXAMPLES:

In an Anglo-European car manufacturing company all employees have to go through strict national security clearance. Some of the workers have been employees from the side of our business in another EU country and we presume their access was covered by the checks carried out in that country.

FOOD DRINK & AGRICULTURE

EXAMPLES:

In the West Midlands, the majority of EU workers come via agency. Some come directly for employment and a small proportion come via agencies in their home countries.

In food processing in the North East, many companies use specific agencies to recruit EU workers who often travel distances, sharing cars, to get to their factories.
2.3 What are the advantages and disadvantages of employing EEA workers? Have these changed following the Brexit referendum result?

BUSES

This information has come from our Brexit Check process on passenger transport:

The bus sector faces a labour shortage which is likely to worsen in the coming years, as the average age of bus employees rises.

Industries with quantifiable labour shortages in the British market – such as the bus industry – will need to be able to continue recruiting staff from outside the UK and to keep the EU staff they already employ.

HEALTH

The NHS is already struggling to recruit and retain permanent staff and social care providers report similar problems as well as high turnover rates.

The EU’s policy of freedom of movement and mutual recognition of professional qualifications and standards means that many current NHS and social care professionals have come from other EU countries. For example, NHS England figures that show that just over 53,000 of the total NHS workforce came from other EU countries.

The debate about free movement therefore has a major impact both on current and potential skilled workers from across the continent that work in the NHS and student numbers in UK universities.

2.4 To what extent has EEA and non-EEA migration affected the skills and training of the UK workers?

MANUFACTURING

In our experience one of the difficulties has been skills shortage through the lack of a skills and training strategy. This has resulted in companies seeking to employ skilled workers from the EU to fill vacancies.

HEALTH

For the reasons stated above, Unite is demanding an end to the public sector pay cap, protection for EU workers in the NHS and an urgent long-term workforce strategy that trains the workforce that the NHS needs.

2.5 How involved are universities and training providers in ensuring that the UK workforce has the skills needed to fill key roles/roles in high demand in your sector? Do you have plans to increase this involvement in the future?
MANUFACTURING

We have regular contact with training providers and universities and we are looking forward to receiving further information on skills needs from these organisations.

Unite is involved in some of the sector skills councils and apprentice committees. Skills needs are processed through sectors such as in Chemicals, Automotive.

2.6 How well aware are you of current UK migration policies for non-EEA migrants? If new immigration policies restrict the numbers of low-skilled migrants who can come to work in the UK, which forms of migration into low-skilled work should be prioritised? For example, the current shortage be expanded to cover lower skill levels?

We are aware of serious concerns in relation to potential shortages in what are classified as lower skilled/unskilled areas. We need a twin-track approach:

- Appropriate training for workers in the UK, recognising the important role of Sector bodies covering training and skills such as the Food & Drink Skills Academy; and
- Protection of migrant workers and the sectors currently employing them through ensuring the relevant sector standards apply to all and that trade unions are fully involved. Unite is calling for sectoral collective bargaining and safeguarding to ensure this.

3) Economic, Social and Fiscal Impacts

3.1 What are the economic, social and fiscal costs and benefits of EEA migration to the UK economy? What are the impacts of EEA migrants on the labour market, prices, public services, net fiscal impacts (e.g. taxes paid by migrants; benefits they receive), productivity, investment, innovation and general competitiveness of UK industry?

3.2 Do these differ from the impact of non-EEA migrants?

3.3 Do these impacts differ at national, regional or local level?

3.4 Do these impacts vary by sector and occupation?

3.5 Do these impacts vary by skill level (high-skilled, medium-skilled, and low-skilled workers)?

Safeguards against Exploitation: Labour rights and migrant workers

Unite works for all our members. Migrant workers have been contributing to the UK economy for many years. Many of those EU migrant workers are members of Unite. They have come here to make a future for themselves and contribute very substantially to the local economy. We also know that over the years employers have used any difference between one group of workers and another—men and women, agency and permanent, young and old, race and different ethnicities, migrant workers—as a chance to pay less and try to drive a wedge between them. Whether it’s between women and men, agency and permanent, young and old, workers of different ethnicity, or workers who’ve migrated to the UK, these employers use ‘divide and rule’ to run a race to the bottom on pay and conditions. Therefore, with Brexit and the future for migrant workers, Unite’s response is very clear. No to divide and rule, no to a race to the bottom, yes to a rate for the job. We will fight for strong
collective bargaining rights so that unions are free to negotiate pay and conditions for all workers. We believe employers should only be able to recruit from outside the UK only a trade union agreement or if they are covered by collective bargaining for their industrial sector.

However, we do have experiences where divisions can cause great difficulties. For example, this is a response from one of our representatives:

“Unfortunately, we do hear from some misinformed British workers who consider they are being undermined in terms of the pay that they (migrant workers) are prepared to work for or their poor density of union membership. However, we have shown that collective action and bargaining is the only answer to provide decent pay and conditions for all workers.”

UNIONISED WORKPLACES

In unionised companies workers get the proper rate for the job and indeed for very highly skilled workers, because of their expertise, companies will need to pay premium rates to attract migrant workers to the UK.

Manufacturing
EEA migrants will form the part of a workforce in manufacturing in all capacities including starting work at a company as an agency worker, through to being given permanent employment – in line with agreements reached with the companies. We have various arrangements with companies that are agreed at local level. For example, in some parts of the car industry workers can start as an agency workers and after an agreed period of time they get the ‘rate for the job’. Agency workers can apply for permanent jobs subject to interview and fill in permanent vacancies.
In unionised plants agency workers get fair treatment, and they are also Unite members.

Food
West Midlands - In our unionised workplaces for example in the West Midlands, the majority of EU workers come via agency and are subsequently made permanent. In this company we have just signed a learning agreement to up-skill migrant agency workers with core literacy and numeracy.

North East - We have seen that the signs at the gates and noticeboards are displayed for example, in Polish as well as English although there is increasingly an expectation and in some instances a pressure that workers speak English not just on the shop floor but even in the canteen.

EXAMPLES:

MIGRANT DOE MSTIC WORKERS

We have been campaigning for the employment and human rights of migrant domestic workers. Under the terms of the government’s ‘tied visa’ scheme, which was introduced in April 2012, overseas domestic workers can only leave their employer and find new work within a period of six months. Unite and others have demanded that migrant domestic workers should be recognised as workers in their own right, and have an enforceable right to change employer and to have full and effective access to their legal rights, which are incompatible with the current restrictive six-month limit.
HOSPITALITY

70% of London hospitality workers are migrant workers and among many issues of labour abuses and harassment we found that contracts change hand frequently and in the run up to a transfer the collective consultation process linked to TUPE is frequently ignored or bypassed. It is not uncommon for service providers and agencies to deduct pay for ‘training’ of up to two weeks if a room attendant leaves before a period of twelve weeks. This can see us lose hundreds of pounds, and if we question this practice we are told ‘you signed the contract’ despite this being illegal. Migrant women workers are hardest hit by this scam, which takes advantage of their lack of English language and awareness of UK employment law.

Unite has been calling on all hotels operating in London to adopt the city wide principles, based upon the key provisions of the OECD guidelines, the Ethical Trading Initiative Base Code and the United Nations Global Compact
As a trade union we have been actively meeting with employers, trade industry bodies, government organisations to raise the issues around lack of and the abuse of workers rights for migrant workers as well as the impact of UK’s exit from the EU.

LOGISTICS

We have seen examples of severe exploitation in relation to the global supply chain in logistics where workers employed on the minimum wage from the country of origin are working for considerable periods of time in the UK or other EU countries, where the minimum wage is much higher.

FOOD DRINK & AGRICULTURE

In West Midlands we have seen that EEA workers are generally, less informed of their rights or are unable to articulate their concerns. Also, in the first couple of years of working in the UK, they feel less comfortable to organise into a trade union leaving them more vulnerable to exploitation.

HEALTH

In social care in particular Unite and other trade unions continue to stress that the prevailing employment conditions are simply unacceptable, with illegal underpayment of the National Minimum Wage, and the endemic use of zero hours contracts highlighting how unscrupulous employers have used the UK’s relatively weak employment protections to get away with exploiting workers in the sector.
APPENDIX

EEA Migration and Brexit - October 2017
Health sector survey - Summary of Responses

1. Please provide evidence on the characteristics (e.g. types of jobs migrants perform; skill levels, etc) of EEA migrants in your particular sector/local area/region. How do these differ from UK workers? And from non-EEA workers?

Generally skilled worked and highly skilled work from Doctors, Biomedical Scientists and Pharmacists to support staff like Cleaners, Porters and Catering Staff.

2. To what extent are EEA migrants seasonal; part-time; agency-workers; temporary; short-term assignments; intra-company transfers; self-employed? What information do you have on their skill levels? To what extent do these differ from UK workers and non-EEA workers?

Mostly in Full time permanent work, though a few are engaged in bank, agency and seasonal work.

3. Are there any relevant sources of evidence, beyond the usual range of official statistics that would allow the MAC to get a more detailed view of the current patterns of EEA migration, especially over the last year?

Most members couldn’t answer this question. But would say professional health bodies and regulation bodies (like the NMC and GMC) might have this organisation.

4. Have the patterns of EEA migration changed over time? What evidence do you have showing your employment of EEA migrants since 2000? And after the Brexit referendum? Are these trends different for UK workers and non-EEA workers?

Most respondents say that the EEA Migration has been negatively affected since the result of the EU referendum last year. Some say EEA migrants are leaving their roles.

5. Have you conducted any analysis on the future trends of EEA migration, in particular in the absence of immigration controls?

No responses.

6. Have you made any assessment of the impact of a possible reduction in the availability of EEA migrants (whether occurring naturally or through policy) as part of your workforce? What impact would a reduction in EEA migration have on your sector/local area/region? How will your business/sector/area/region cope? Would the impacts be different if reductions in migration took place amongst non-EEA migrants? Have you made any contingency plans?

The reduction in the availability of EEA migrants will have a significant impact on health and social care services which are already struggling. Some respondents express a desire for the referendum decision to be reversed.
7. Please provide evidence on the methods of recruitment used to employ EEA migrants. Do these methods differ from those used to employ UK and non-EEA workers? What impact does this have on UK workers? Have these methods changed following the Brexit referendum?

Generally the methods of recruitment have not changed. Employers are still using job fairs and contacting agencies in their home countries. This has not changed since June 2016.

8. Do recruitment practices differ by skill-type and occupation?

No conclusive answers or definitive explanations of what is happening here.

9. What are the advantages and disadvantages of employing EEA workers? Have these changed following the Brexit referendum result?

Employing EEA workers has the advantage that there is not the red tape or bureaucracy involved in employing them as non-EEA workers. This has not changed since the Brexit referendum result.

10. To what extent has EEA and non-EEA migration affected the skills and training of the UK workers?

Here are two responses that were clear and concise:

“Employers and the government do not want to invest in training when they can purchase workers overseas whose training has been paid for by another government. This desire for a cheap workforce won’t change with the Brexit referendum. The government has not made any indication it is changing its damaging reforms to nurse education which have caused a significant drop in the number of UK applicants for positions, which will mean less nurse graduates and fewer staff to fill vacancies in the future.”

“If we could train in this country the skill set we need and have employers buying into it as well, then we may have a chance if Brexit happens but this I would doubt with the length of apprenticeships.”

11. How involved are universities and training providers in ensuring that the UK workforce has the skills needed to fill key roles/roles in high demand in your sector? Do you have plans to increase this involvement in the future?

There are developments for degree level apprenticeships for Health Care scientists. There are not enough training places for Doctors and Nurses and the removal of Health Bursaries and £9k plus fees do not help.

12. How well aware are you of current UK migration policies for non-EEA migrants? If new immigration policies restrict the numbers of low-skilled migrants who can come to work in the UK, which forms of migration into low-skilled work should be prioritised? For example, the current shortage be expanded to cover lower skill levels?

One response:
“UK migration policies for non-EEA migrants are extremely damaging to the migrants and their families. They should be relaxed wholesale to make workers lives easier. This would
encourage more to come and live and work in the UK, and would make low-skill shortages easier to resolve.”

13. What are the economic, social and fiscal costs and benefits of EEA migration to the UK economy? What are the impacts of EEA migrants on the labour market, prices, public services, net fiscal impacts (e.g. taxes paid by migrants; benefits they receive), productivity, investment, innovation and general competitiveness of UK industry?

Two responses:

“To us the recruitment of staff will be more difficult and will affect our services the outcome will be a less efficient service. The economic outcome will be a loss of tax to the exchequer.”

“I really don't see them as any different to UK workers in my profession.”

14. Do these differ from the impact of non-EEA migrants?

Two responses:

“No, all migrants benefit the economy and society.”

“Yes, they seem more in it for the longer term”

15. Do these impacts differ at national, regional or local level?

Most respondents were not sure, but assumed there would be some regional variation.

16. Do these impacts vary by sector and occupation?

Two responses:

“Yes the lower skilled jobs will be more impacted due to the government’s immigration policies.”

“I would think so, driver in Pharmacy terms is to get UK registration as that is a passport to work in other countries”

17. Do these impacts vary by skill level (high-skilled, medium-skilled, and low-skilled workers)?

No meaningful responses.
Usdaw membership has grown by more than 17% in the last five years and by nearly a third in the last decade. We have been successful in recruiting EEA workers into membership and many of them are taking an active role in the organisation.

In our response, we will provide answers to the questions we are best equipped to answer.

Summary of Key Points

Usdaw believes that a significant number of workers are at risk of exploitation. We believe that this is as a result of gaps in the law on employment rights combined with weak enforcement of employment rules as well as low collective bargaining coverage. Migrant workers, who are far more likely to be engaged on an insecure contract, are especially vulnerable to exploitation as are UK workers on insecure contracts.

Usdaw's main concerns are as follows:

Fear of Ability of Employers to Undercut

Usdaw agreed with the TUC’s position that it is the trade union movement's priority to secure fair and decent treatment for everyone, wherever they came from, in all parts of the UK. The Government must tackle the exploitation of vulnerable migrant workers and the undercutting of local labour markets. This must be done through measures to strengthen and enforce labour regulation and extending collective agreements between trade unions and employers to workplaces with significant employment of migrants in the established workforce. Loopholes in the law such as the ‘Swedish Derogation’ has enabled employers to undercut. A significant number of agency workers who are directly employed by their agency may be paid less than other workers and put on inferior terms and conditions.

Need for Skills Agenda Post Brexit as Part of Industrial Strategy

In order to prevent undercutting the Government needs to act and provide significantly more funding for training, so skills needed for the future can be developed.

We are concerned that employers and governments have cut funding for skills and are using migration too often as a substitute for long-term investment in training. These factors have to be addressed in the Government’s strategy to improve the UK’s productivity as well as providing workers with more opportunities to get skilled, decently paid jobs.

The Need to Protect the Current Rights of EU Nationals Living in the UK

Usdaw is concerned that the rights which currently underpin freedom of movement, settlement and employment across the EU such as recognition of qualifications, the right to start a business or the right to access healthcare are likely to be lost following Brexit. Usdaw believes that EU citizens living in the UK (and British citizens in Europe) should continue to enjoy exactly the same rights and provisions as were available when they decided to emigrate. Recent cases, e.g. the letter to Dr Holmberg sent by the UK Home Office, have highlighted the serious risk involved in the UK’s proposal to replace existing rights of permanent residence with a new immigration status in UK law, even if some EU concepts are imported as part of the new scheme. Furthermore, the UK only recently made considerable reductions to the appeal rights of those affected by adverse immigration
decisions. At the moment EU citizens’ appeal rights are protected by European law, but this could change. This would mean that they would no longer have the unqualified right of appeal and would only be allowed to appeal if they can establish a breach of European Convention on Human Rights.

**Employment Rights**

Usdaw is concerned that the Government may, during or after the Brexit process, take the opportunity to curtail employment and equality rights that are currently derived from UK law. Following Brexit, even EU-derived rights that are enshrined in UK legislation will no longer have the protection of EU law or oversight from the Court of Justice of the European Union (CJEU), and could easily be removed through a domestic parliamentary repeal process. They could also be removed with little parliamentary scrutiny as part of the process of transposing EU laws onto the Statute book using ‘Henry VIII’ powers.

**Future Immigration Policy**

Usdaw wants to see a fair migration policy which stops exploitation. The Government must tackle the exploitation of vulnerable migrant workers and the undercutting of local labour markets. This must be done through measures to strengthen and enforce labour regulation and extending collective agreements between trade unions and employers to workplaces with significant employment of migrants. The Government also needs to address the genuine concerns of working people about the impacts of migration on stretched public services, transport and housing. We would like to see a managed migration system where migrants are treated on equal terms and conditions to the resident workforce and there is adequate investment in services and skills to support all workers and communities. In order to prevent undercutting the Government needs to act and provide significantly more funding for training, so skills needed for the future can be developed.

**EEA Migration Trends**

Please provide evidence on the characteristics (eg types of jobs migrants perform; skill levels, etc) of EEA migrants in particular sector/local area/region. How do these differ from UK workers and from non-EEA workers?

Usdaw does not collect data on the migration status of our membership. In order to answer the questions, we have contacted the national employers that we deal with for their data. As a result of our discussions, it has become clear that the majority of EEA-workers employed by employers we have agreements with work in basic level jobs.

In retail they are mainly employed in distribution, working as warehouse operatives and drivers or they work as sales assistants in retail outlets.

In the dairy industry EEA migrants have roles in manufacturing as operatives but also hold supervisory and managerial positions.

Our pharmaceutical employers have EEA nationals across the companies and at almost all levels, ranging from warehouse workers to company directors.

We are aware of businesses that rely on EEA workers in IT and technical support roles.
To what extent are EEA migrants seasonal; part-time; agency workers; temporary; short-term assignments; intra-company transfers; self-employed? To what extent do these differ from UK workers and non-EEA workers?

The employers we have agreements with have informed us that there is no distinction within their businesses. In fact, some employers do not even track this information as EEA nationals are offered the same opportunities as any other applicant. Where employers operate without significant seasonal peaks, for example in the pharmaceutical wholesale industry or some areas of home delivery, the majority of EEA workers are on permanent contracts.

Nevertheless, Usdaw is concerned that EEA and other migrants employed in other sectors are likely to be on seasonal and temporary contracts where they can be exploited. Gaps in the law have allowed employers to take on workers on zero-hours contracts and other insecure temporary contracts to undercut workers on more secure contracts. However, it is not just migrant workers but all those on temporary contracts that are at risk of being exploited in this way. Analysis conducted by the TUC has shown that 810,000 are now employed on zero-hours contracts and 730,000 are in low paid temporary work such as agency/casual and seasonal work. 1.7 million people are in low paid self-employment.

**Posted Workers** – Due to the Government's limited application of the EU Directive on posted workers, EEA workers brought in on short-term 'posted' contracts are only required to be paid the minimum wage rather than wages secured by collective agreements. Obviously, this has more of an impact where wages are generally well above the statutory minimum wage.

**Zero Hours Contracts** – There are also a significant number of EEA migrants employed in sectors that make the most use of zero-hours contracts, such as accommodation and food as well as health and social care. Those on zero-hours contracts often miss out on key employment rights, including family friendly rights, redundancy pay and sick pay as they are classified in law as 'workers' rather than 'employees'. Those on zero-hours contracts are also likely to be lower paid. Currently, the median hourly rate for zero-hours workers is £7.15 and £11.23 for permanent workers. According to latest figures from the ONS, the proportion of the British workforce on zero-hours contracts (ZHCs) remained broadly flat at 2.8%.

**Short-Hours** – Significant numbers of EEA migrants are on short-hours contracts with only a few guaranteed hours a week. This can be a problem for several reasons, including no guaranteed level of regular earnings which can create uncertainty in terms of bills and planning for the future.

Usdaw has recently carried out a zero-hours and short-hours survey of Usdaw members. The survey was completed by 2,223 Usdaw members.

The survey found that only a small proportion of Usdaw members (less than 5% of those surveyed) are employed on zero-hours contracts. The vast majority of members (over 95% of those surveyed) have contracts with guaranteed hours. Of the respondents to the survey who are on zero-hours contracts, the overwhelming majority would prefer contracts with regular hours. The evidence is that workers do not like zero-hours contracts. Whilst only a very small minority of Usdaw members are on zero-hours contracts, nearly a quarter of respondents know family or friends who are zero-hours workers.
In the survey we also took the opportunity to ask members about their experiences and views on short-hours working.

The survey found that a very small number (less than 2%) of respondents were employed on contracts of five hours and less. Just under 9% of respondents are contracted for between 6 and 10 hours per week. Short-hours contracts are being used in many parts of retail but despite this the majority of Usdaw members are employed on contracts for more than 17 hours per week, with nearly a third of respondents contracted for 30 hours or more. The survey results show that the majority of Usdaw members are still employed on traditional part-time or full-time contracts. This suggests that workplaces where Usdaw has recognition are only using short-hours contracts in a very limited number of situations. It is clear that businesses can operate whilst guaranteeing adequate working hours for their workforce and Usdaw is clear that legislation should be put in place to enforce this.

**Self-Employed Contracts** – Significant numbers of EEA migrants are employed in the sectors that make the most use of low paid self-employed contracts, namely construction, transport and storage and wholesale. Sometimes those contracts are bogus self-employed contracts. Self-employed workers have no right to a minimum wage, sick pay or holiday pay. Many self-employed workers are also low paid. The Social Market Foundation has estimated that 45% of self-employed workers are paid below £7.20 an hour.

**Swedish Derogation** – Undercutting and insecurity have also been facilitated by other loopholes in the law such as the 'Swedish Derogation'. Agency workers directly employed by their agency may be paid less than other workers and put on worse terms and conditions. The Taylor Review proposed closing the loophole, but the Government have yet to make proposals to that effect.

Usdaw is concerned that government agencies tasked with ensuring employment rules are followed – such as HMRC, the Employment Agency Standards Inspectorate (EASI) and the Gangmaster and Labour Abuse Authority (GLAA) – have not had the resources to enforce employment rules adequately.

Although we welcome new resources for minimum wage enforcement and for the GLAA, more is needed as the number of workers covered by the minimum wage is growing. The EASI is under-resourced, having seen its budget cut in half to £500,000 over the last five years, with just eleven inspectors to cover the entire country.

**Have the patterns of EEA migration changed over time? What evidence do you have showing your employment of EEA migrants since 2000? And after the Brexit Referendum? Are these trends different for UK workers and non-EEA workers?**

The UK’s decision to leave the European Union has created huge uncertainty for EEA workers who have come to live in the UK and work in the sectors Usdaw represents.

According to the British Retail Consortium, 56% of retailers reported EU nationals are concerned about their right to remain in the UK. 39% of retailers reported some EU nationals are considering leaving the UK and 22% of retailers reported EU nationals have left the UK.

Usdaw has had anecdotal evidence that employers have found it more difficult to employ EEA workers after the referendum. A retail distribution company, for example, used to have recruitment campaigns abroad as they could not get a local workforce due to their sites
being located away from highly populated areas. These events resulted in recruiting good workers with a lower turnover. Whilst previously this was considered a good form of recruitment, this has become less successful since Brexit because of uncertainty over continued migration status, a feeling of no longer being welcome and the sharp drop in the value of the pound.

Have you made any assessment of the impact of a possible reduction in the availability of EEA migrants (whether occurring naturally or through policy) as part of your workforce? What impact would a reduction in EEA migration have on your sector/local area/region? How will your business/sector.area/region cope? Would the impacts be different if reductions in migration took place amongst non-EEA migrants? Have you made any contingency plans?

We have discussed this with a number of employers we have agreements with. A major concern of business is the uncertainty of what Brexit means in respect of current and future EEA nationals.

For example, a major retailer has identified the biggest impact to be within distribution where they rely on agency workers for about 40% of head count. Of this population approximately 95% are EEA nationals. Generally businesses appreciate that there will be a smaller pool of people to employ from and recognises the challenges that might face their supply chain. The impact would be felt to differing extents across different areas of the country as businesses employ a larger proportion of EEA workers in London. The continued uncertainty means that businesses are not putting any contingency plans in place yet, but taking the decision to wait to understand the Government’s policy and what restrictions will be placed on the EEA population. Estimates based on data provided by BRC members shows that the biggest share of EU nationals in the retail workforce is in London, the South East and the East Midlands.

Usdaw is frequently hearing that employers have not yet undertaken a detailed impact analysis, yet there is concern over filling jobs in certain areas of the country. There is also concern that there will be greater impetus to find automated solutions and increased efficiency with regard to store and warehouse roles where the labour pool becomes restricted. This will ultimately reduce the number of roles available.

Employers are now starting to explore contingency plans if migration is more restrictive, considering what additional measures might have to be taken to secure their existing EEA workers within their business. However, the lack of clarity regarding the future ‘Settled Status’ arrangements is making it difficult to make firm plans. Usdaw has continually called for the Government to immediately confirm the status of EEA migrants already in the UK. The fact that there are three million people continuing to live, work and contribute to UK society, without being sure of their continued place within it, needs to be resolved unilaterally.

Usdaw is clear that the uncertainty around the availability of EEA workers is affecting businesses beyond the retail sector. One of our pharmaceutical sector employers have reported that without knowing what will happen, it is extremely difficult to work out their contingency plans. However, with around 15% of their workforce potentially ineligible to work for the company this would create enormous difficulties; especially in some areas of the business where the levels are higher (approximately 30%). As with all the employers we have spoken to, they have pointed out that clarity is needed sooner rather than later,
because if restrictions are introduced they will need to rethink their attraction and recruitment plans to reflect the new reality.

Usdaw also represents a significant number of workers across the warehousing, distribution and transport industries. These industries are generally more reliant on EEA workers and constantly review changes in the external market that may impact the make-up of their workforce. Distribution centres are generally located near motorway hubs. This does not always reflect where the population is and in many cases companies have already exhausted the local population for recruitment. This means that there is no labour pool if there is an increase in demand. It is clear that any changes to immigration policy will require broad solutions from Government to ensure that businesses are not negatively impacted. Usdaw expects the Government to start delivering on their rhetoric around industrial strategy, including the development of new homes in key areas.

Usdaw believes that EU workers must have their status confirmed as soon as possible to remove uncertainty. The Union also believes that the Government's proposal to introduce the new term of 'Settled Status' is confusing as it is unclear whether this is the same as permanent residence. If it is, the term seems unnecessary as well as confusing. Furthermore, it is likely to cause unexpected reductions in rights due to the complexity of UK immigration law. It is our view that a future immigration system needs to recognise the workforce needs of the industries that our members work in, at all skills levels, while at the same time working in partnership with industry to equip the domestic labour market with the skills of the future.

RECRUITMENT PRACTICES, TRAINING AND SKILLS

Please provide evidence on the methods of recruitment used to employ EEA migrants. Do these methods differ from those used to employ UK and non-EEA workers? What impact does this have on UK workers? Have these methods changed following the Brexit Referendum?

Most employers Usdaw has agreements with use the same methods of recruitment for EEA and non-EEA workers as those they employ for UK workers, being mindful of any additional legal requirements that apply to non-EEA workers. Many of those methods have not changed since the Referendum however, as noted above, some methods have become more difficult.

Some employers use agency workers or direct hire when recruiting EEA migrants, basically taking advantage of what Usdaw considers to be a loophole in the Agency Workers' Regulations – the so-called 'Swedish Derogation'. This has not changed since the referendum. As such those EEA migrants are not covered by the regulations' provisions for equal pay. This also means that Swedish Derogation agency workers are entitled to lesser rates of overtime and holiday pay. The Agency Workers' Directive contained a safeguard that Swedish Derogation agency workers would be paid for at least four weeks when in between assignments. Unfortunately, in the UK, these Swedish Derogation agency workers are only entitled to half as much as they received during their last assignment in minimum wage rates. As agency workers are typically employed on a zero-hours contract, agencies can also avoid having to pay a worker between assignments by offering a minimum of one hour's paid work per week. The number of agency workers on Swedish Derogation contracts has grown rapidly since the regulations came into force in 2011. The Recruitment and Employment Confederation estimates that one in six agency workers are now employed on a Swedish Derogation contract. The Swedish Derogation has been used in the UK to
avoid giving agency workers equal pay, which is clearly against the spirit of the Directive which states that countries must prevent the misuse of the Swedish Derogation.

**To what extent has EEA and non-EEA migration affected the skills and training of the UK workers?**

Usdaw is concerned that employers and government have cut funding for skills and are using migration too often as a substitute for long-term investment in training.

Between 2010/11 and 2015/16 the Government's adult skills budget was cut by 41%. The retail/wholesale sector where the majority of Usdaw membership is employed experienced a skill shortage vacancy density from 2015 to 2016 of 20%. The employer spend on workforce training had not increased since 2011. Usdaw has always been keen to engage with employers around apprenticeships. In 2016 the Union was instrumental in assisting over 700 apprenticeships starts across the sectors we organise in. However, there are problems with the Government's apprenticeship levy. Recent Government figures revealed a 61% drop in new starters in the retail sector since its introduction. According to the BRC, a lack of flexibility in what the funds can be spent on is preventing retailers from making the most of apprenticeships and has recommended that the Government flexes the system to enable retailers to draw down levy funds to cover the cost of backfilling roles while apprentices are off the job.

IPPR research has revealed that UK employers invest half as much per employee as the EU average in vocational training. Countries such as Belgium, Germany and Sweden spend well above the average, despite the fact that these countries also have a significant number of migrants in their labour force who clearly are not being used as a substitute for investing in training.

Part of the reason why training policies in the above countries are more effective at supporting industrial strategies is that they take a social partnership approach, something that is lacking in the UK. Like the TUC, Usdaw is concerned that since 2010 UK governments have withdrawn support from sector skills bodies that involved trade unions, for example sector skills councils. At the same time, union representation on many of the remaining bodies has been weakened. Appointments to the board of the Institute for Apprenticeships earlier this year did not include anyone with a union background.

In terms of skills, Usdaw is of the view that the Government should increase investment in both workforce and out of work training to the EU average within the next five years as well as language skills for migrants.

The Government should introduce a new lifelong learning account, providing the opportunity for people to learn throughout their working lives. Usdaw launched its Lifelong Learning Campaign in 1998. It aims to provide our members, many of whom feel they missed out at school, with the chance to get back to learning to help them both for their own personal development and to improve their career opportunities. We know that learning boosts employees' confidence, improves morale and gives employers a more motivated and skilled workforce. Since 2003 more than 74,000 Usdaw members have returned to some sort of learning and more than 1,800 Union Learning Reps have been trained during the last 11 years. We have agreed partnerships to access learning with many major companies including Tesco, Sainsbury's, Morrisons, Wincanton, Next, DHL, Co-op Retail Logistics, McVities and Unilever.
Usdaw is concerned that ULF grants provided by the Government have been drastically cut over recent years:

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<td>12,207,000</td>
<td>977,000</td>
<td>7%</td>
</tr>
<tr>
<td>2015/16</td>
<td>11,163,000</td>
<td>1,044,000</td>
<td>9%</td>
</tr>
<tr>
<td>2016/17</td>
<td>9,873,594</td>
<td>1,289,406</td>
<td>12%</td>
</tr>
</tbody>
</table>

Usdaw is also concerned that the Government may, during or after the Brexit process, take the opportunity to curtail employment and equality rights that are currently derived from EU law.
There are many benefits of employers and trade unions working together on this matter as the following case studies illustrate:

**Case Study: Usdaw Collective Agreement with DHL at their Castleford Site**

The DHL site at Castleford employs workers from many different countries. Usdaw's membership at the site is made up of workers from different countries and those on agency contracts as well as directly employed. Usdaw and DHL have agreed to run a Lifelong Learning centre at the site focused on delivering training and enhanced skills for all Usdaw members. The centre provides workers with skills training which helps migrants with English skills and local workers with literacy and numeracy skills so they can progress in their jobs. The learning centre also deals with issues around health and wellbeing which can affect the entire workforce. In collaboration with local partners, the reps on site are developing bespoke courses around depression and anxiety. This activity is helping to bring the workforce closer together by demonstrating that all workers can be impacted by such issues.

**Case Study: Usdaw's Collective Agreement with Karro Foods**

Karro and Usdaw jointly prioritised a programme in partnership to ensure the equality of agency and permanent colleagues alike. This led to a collective agreement between the two parties that enables agency workers access to the same terms and conditions as those who are directly employed. The agreement also provides workers with skills training which helps migrants with English skills and local workers with literacy and numeracy skills so they can progress in their jobs. Beyond the agreement to ensure fair representation the company has agreed to the inclusion of agency workers within the broader bargaining groups at each of the sites at which Usdaw is recognised, ensuring that agency workers have an equal voice to those on Karro employment.

**ECONOMIC, SOCIAL AND FISCAL IMPACTS**

What are the economic, social and fiscal costs and benefits of EEA migration to the UK economy? What are the impacts of EEA migrants on the labour market, prices, public services, net fiscal impacts (eg taxes paid by migrants; benefits they receive), productivity, investment, innovation and general competitiveness of UK industry?

EEA migrants play an important role in our economy, communities and public services and also make a net contribution to the Exchequer.

Usdaw is concerned that gaps in the law on employment rights combined with weak enforcement of employment rules and low collective bargaining coverage has meant significant numbers of workers are at risk of exploitation. While migrant workers are particularly vulnerable to exploitation, UK workers employed on insecure contracts are also at risk of exploitation.

Usdaw believes that the Government must tackle the exploitation of vulnerable migrant workers and the undercutting of local labour markets. This must be done through measures to strengthen and enforce labour regulation and extending collective agreements between trade unions and employers to workplaces with significant employment of migrants. The Government also needs to address the genuine concerns of working people about the impacts of migration on stretched public services, transport and housing. We would like to see a managed migration system where migrants are treated on equal terms and conditions to the resident workforce and there is adequate investment in services and skills to support
all workers and communities. In order to prevent undercutting, the Government needs to act and provide significantly more funding for training, so skills needed for the future can be developed.

There are many different ways EU countries have interpreted free movement. The UK approach has allowed bad employers to profit whilst letting public services decline. This model has clearly been rejected as part of the referendum on our continued membership of the European Union. Usdaw understands the calls from business organisations who are looking to adopt a simple, effective immigration system post-Brexit that is free from red-tape. However, it is clear that the UK population will no longer accept such a system which comes at the cost of decent jobs or effective public services.

The UK should look at other EU countries’ models of free movement, and should use all the domestic powers at its disposal to manage the impact of migration. This should include the use of public procurement to promote job and apprenticeship opportunities for local people.

Trade Unions have a clear role to play in achieving an effective balance between the needs of business in future migration policy and the demands of the UK population. In his, 'Informing the UK Labour Market Enforcement Strategy 2018 to 2019: Summary of Issues' document, David Metcalf, the Director of Labour Market Enforcement cited the decline in trade union membership of the last 30 years as one of the key challenges of enforcing relevant regulations.

Furthermore, one of the key recommendations of Matthew Taylor's Review into Modern Employment Practices was that, "Government should work with Investors in People, Acas, Trade Unions and others with extensive expertise in this area to promote further the development of better employee engagement and workforce relations, especially in sectors with significant levels of casual employment."

Government should immediately adopt a policy of promoting recognition of trade unions across industries to ensure that the views of working people are represented. The effect that trade union collective bargaining recognition can have on members' take home pay can be seen in the following table:

**Table 1 percentage of non-UK nationals employed, average weekly earnings and percentage of employees covered by collective agreements, by sector:**

<table>
<thead>
<tr>
<th>Industry</th>
<th>Total % Non-UK Employed</th>
<th>%EU Workers</th>
<th>Average Weekly Earnings (£)</th>
<th>% Employees Covered by Collective Agreements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing</td>
<td>13.4</td>
<td>10.9</td>
<td>589</td>
<td>21.9</td>
</tr>
<tr>
<td>Agriculture, forestry and fishing</td>
<td>10.1</td>
<td>10.1</td>
<td>399</td>
<td>*</td>
</tr>
<tr>
<td>Accommodation and food service activities</td>
<td>13.7</td>
<td>9.5</td>
<td>251</td>
<td>3.9</td>
</tr>
<tr>
<td>Transportation and storage</td>
<td>14.5</td>
<td>8.9</td>
<td>576</td>
<td>41.7</td>
</tr>
<tr>
<td>Construction</td>
<td>11.1</td>
<td>8.8</td>
<td>586</td>
<td>13.5</td>
</tr>
</tbody>
</table>
We are also concerned that the Government and too many employers are using EEA and other migrant workers as a substitute for long-term investment in training.

It is Usdaw's view that in order to protect workers and support an industrial strategy that boosts productivity and good jobs, the Government must act to prevent undercutting and provide significantly more funding for training, industry and public services.

<table>
<thead>
<tr>
<th>Industry</th>
<th>Rate</th>
<th>UK 2015</th>
<th>EU 2015</th>
<th>Non-EU 2015</th>
<th>EU 2015 Non-EU 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial and insurance activities</td>
<td>12.2</td>
<td>7.5</td>
<td>1165</td>
<td>20.6</td>
<td></td>
</tr>
<tr>
<td>Other service activities</td>
<td>9.3</td>
<td>5.6</td>
<td>384</td>
<td>11.1</td>
<td></td>
</tr>
<tr>
<td>Utilities</td>
<td>7.0</td>
<td>4.8</td>
<td>733</td>
<td>39.3</td>
<td></td>
</tr>
<tr>
<td>Public administration, education and health</td>
<td>7.7</td>
<td>4.0</td>
<td>445</td>
<td>44.8</td>
<td></td>
</tr>
</tbody>
</table>

* = sample size too small for reliable estimate

Source: Office for National Statistics\(^{53}\); BEIS\(^{54}\)


Prospect

Introduction

1. Prospect is a politically independent trade union representing 141,000 skilled members across all major sectors of the economy. Of particular relevance to this consultation we represent 50,000 science, technology and engineering (STEM) professionals; 42,000 in the broadcasting, entertainment, communications and digital sectors; and 3,000 in heritage, including the UK’s national museums and galleries. Many of these members operate in an international labour and/or product market and make a crucial contribution to the success of the organisations they work for and in turn to the UK as a whole.

2. This submission addresses the questions posed by the Migration Advisory Committee (MAC) that are of direct relevance to the workers that Prospect represents. We conclude that neither an approach to EEA migration based on shortage occupations nor one based on extension of qualifying salary thresholds will provide a satisfactory way forward. The UK’s future migration regime must not just be about erecting barriers to free movement but about ensuring continued access to the skills needed for economic success and the public good. In sectors like those our members work in, these judgements are most appropriately made by employers through their established HR practices. To enable the UK to continue to attract high calibre job seekers migration processes will need to be as smooth and streamlined as possible. This will become even more important post-Brexit and should provide for reciprocal arrangements for UK nationals seeking employment elsewhere in the EEA.

Please provide evidence on the characteristics of EEA migrants in your particular sector/local area/region. How do these differ from UK workers and from non-EEA workers?

3. In April 2016, Prospect conducted a survey of our STEM membership areas. We received responses from 45 organisations; 60% from public bodies and 40% from the private sector. More than seven in ten (71%) reported that their organisation employs migrant workers from within the EU in STEM roles – more than 80% of public sector respondents and 48% from the private sector.
EU migrant workforce in UK STEM

4. Three-quarters (76%) of public sector respondents reported that migrant workers are important across their organisation and undertake a wide range of roles including:

- developing, testing and maintaining software and systems
- engineering, including design, aeronautical, diagnostic, systems and specialist engineering
- science roles including research, forecasting, radiological protection, biology, agriculture, ecology and plasma physics.

5. Subsequent feedback from Prospect membership areas confirms that EEA workers have analogous qualifications and skills to the UK colleagues they work with and that they are generally appointed following open competition. In STEM, EEA nationals also bring with them direct knowledge of scientific focus and practice in other countries, thus enabling the collaboration required to deliver high quality international science effectively.

6. The cultural sector, another important membership area for Prospect, has to some extent developed an international workforce, with individuals often crossing borders on the basis of their creative or technical expertise. The transfer of skills between workers from different nations is ubiquitous. Media and entertainment is heavily dependent on non-UK workers, both from the EEA and non-EEA areas. EEA workers in the sector both mirror and complement the skills of UK counterparts, with many of them working in roles that are qualified below NQF level 6, the minimum threshold for non-EEA migrant workers under the points-based system.

To what extent are EEA migrants seasonal; part-time; agency workers; temporary; short-term assignments; intra-company transfers; self-employed? What information do you have on their skill levels? To what extent do these differ from UK workers and non-EEA workers?

7. In reality, the UK’s very successful STEM infrastructure depends both on high-level and niche skills and experience that are not academically awarded or accredited. Like UK nationals in STEM, EEA workers tend to be employed on open-ended or fixed-term contracts usually of 2-3 years duration. Fixed-term contracts may be used to deliver specific projects where funding is only guaranteed for a specific period. In research areas
for example, people may be called upon to participate in a six month academic sabbatical or a conference lasting for one or two weeks. Such initiatives can happen at short notice and on tight public sector budgets so that a lengthy, complex or expensive visa process could put up significant barriers to this kind of collaboration in future.

8. EEA workers in media and entertainment in the UK have working relationships in all of the categories specified. The pattern of employment does not differ significantly from UK workers, insofar as the industry has a mix of permanent, temporary, part-time, agency, and self-employed engagements. However, inter-company transfers are almost non-existent, whether EEA or non-EEA, except in areas where specialised IT companies operate. In broadcasting and entertainment, work cycles could range from one day to nine months, for example with a touring show or filming on location. Unless the UK has a system that is sufficiently flexible to accommodate a range of needs and working patterns, there can be little doubt that valuable economic activity will relocate outside the UK.

Have you made any assessment of the impact of a possible reduction in the availability of EEA migrants as part of your workforce? What impact would a reduction in EEA migration have on your sector/local area/region? How will your business/sector/areas/region cope? How would the impacts be different if reductions in migration took place among non-EEA migrants? Have you made any contingency plans?

9. A high proportion of respondents to Prospect’s survey talked about relying on migrant workers for business-critical functions as well as the risks that their non-availability poses to sustainable high quality science. When they were asked about the consequences if their organisation was no longer able to employ migrant workers, respondents said:

- Key projects would be unsupported and the ability to sustain excellence would be rapidly reduced;
- Reputation and ranking of skills in comparison with international competitors and collaborators would lose ground; and
- The UK’s status as a world player in environmental research would very quickly be lost because in the words of one respondent: “Nobody can do serious science without an international workforce”.

10. More recent enquiries confirm concerns about the likely impact. For example at least one government research council has identified the impact of any changes to migration patterns as a significant risk to business plans. Further it is recognised that even if there is no change in migration policy, non-UK nationals may decide that the UK is no longer an attractive place to live and apply for jobs elsewhere, taking their specialist skills with them.

11. There are also concerns about UK-based scientists, regardless of nationality, no longer being included in international collaborations. Although the Government has agreed to fund current EU-funded projects post-Brexit, many of these are projects that have a long development phase and UK-based organisations that were previously seen as providing ‘a safe pair of hands’ are already experiencing limitations to their potential future role. International collaboration in these spheres is crucial if the UK is to maintain its reputation and influence and depends on the continued free movement of people.

12. Anecdotal assessment of any reduction in EEA labour for the media and entertainment sector is that some activities would be severely undermined. Activities, such as high-end computer graphics for film and TV, comprise a significant proportion of workers from the EEA. A reduction in non-EEA migrant labour would have the same effect, and it is likely
that other countries with more open migration policies would begin to build capacity in competition with the UK in cutting-edge areas.

13. The archaeology sector employs a significant number of archaeologists from elsewhere in the EU, and this number is expected to grow in the light of increasing demand driven by infrastructure and housing projects nationally. A survey by the Federation of Archaeological Managers and employers found that 67% of respondents currently employ non-UK EU staff and 85% reported that continuing access to this group is important to their organisation. Planning law requires archeologically investigations to be carried out before relevant development can begin. This means that development-led archaeology is part of the supply chain for delivering housing and other infrastructure projects and is subject to many of the skills gap and shortage issues faced by the housebuilding sector.

**Please provide evidence on the methods of recruitment used to employ EEA migrants. Do these methods differ from those used to employ UK and non-EEA workers? What impact does this have on UK workers? Have these methods changed following the Brexit referendum?**

14. Among Prospect’s membership areas EEA migrants are appointed by open competition in the same way as UK nationals. Appointments are based on the skills and qualifications of the candidates. The only difference in approach relates to academic research areas. UK doctoral researchers are eligible for their fees and a stipend to be paid by their research council whereas EEA migrants would only have their fees paid. Media and entertainment and appointments are often short-term, and are more likely to be via informal means rather than traditional advertising and structured selection.

15. The Chartered Institute for Archaeologists (CiFA) regards all those who have achieved accredited grades of membership of the Institute to be skilled professionals. The majority of accredited members are educated to at least degree level and many roles require years of training or experience. In 2012-13 20% of all archaeologists held a PhD or post-doctoral qualification, 47% had a Masters degree or higher and 95% were qualified to first degree level or higher. However not all entry routes into the profession require degree qualification as there are also vocational training routes that provide highly skilled candidates.

**To what extent has EEA and non-EEA migration affected the skills and training of UK workers?**

16. Research for the National Institute for Economic and Social Research (NIESR) and the Centre for Vocational Education Research shows that the UK has benefited greatly from the access to the EU’s common labour market and has been able to attract a sizeable workforce with intermediate and higher level technical skills from other EU Member States. It also highlights the fact that UK investment in training for technical and associate professional roles is falling, so “growing our own” to fill skills gaps will be a significant challenge.

17. Prospect’s skilled and specialist members generally have a long training and development pipeline. A report by Historic England in May 2016 warned that there will not be enough trained archaeologists to do the excavations required to meet expected demand. The opportunity for UK nationals to work with scientists and other professionals from across the world underpins UK pre-eminence in the highest quality and cutting edge science. The UK veterinary sector is now heavily dependent on EEA workers, particular in
the public sector so an abrupt imposition of restrictions on migration would have a significant negative effect, at least in the short and medium term.

18. The availability of EEA labour has had some effect on the skills and training of workers in media and entertainment, particularly at the top end. In some cases engagers use migrant labour to circumvent the skills gap in the UK workforce. The gap has arisen because the predominantly freelance workforce in film and TV production has to pay for its own training rather than receiving it from employers. This is evidenced by the Shortage Occupation List, where some roles in the sector have featured for up to 8 years. In our view this should have been long enough for the industry to team up with training providers and other stakeholders to improve the skills of UK-born workers. In reality major employers have cut back their training of entertainment workers, driven in part by a desire for savings but also by the casualisation of the workforce.

19. Offshoring of work to non-EEA nationals in IT and telecoms has had some impact both at entry level and in reducing opportunities for progression. The use of intra company transfers has resulted in some undercutting and consequent exploitation of non-UK workers. This is coupled with an indentured approach which means that in practice these workers are reluctant to exercise their employment rights since complaining is likely to result in job loss and subsequent removal of the right to remain in the UK.

**How involved are universities and training providers in ensuring that the UK workforce has the skills needed to fill key roles/roles in high demand in your sector? Do you have plans to increase this involvement in the future?**

20. Research councils provide doctoral training opportunities in collaboration with universities. In addition specialist training opportunities exist for research council staff to ensure that they have the required skills that meet the needs of funders. Joint doctoral training centres have been established in selected fields. Although Historic England, CiFA and its member organisations are developing vocational training routes into the profession, their view is that employing archaeologists from other countries will need to be one strand of response during the upcoming period.

**How well aware are you of current UK migration policies for non-EEA migrants? If new immigration policies restrict the numbers of low-skilled migrants who can come to work in the UK, which forms of migration into low skilled work should be prioritised? For example the current shortage occupation list applies to high skill occupations; do you think this should be expanded to cover lower skill levels?**

21. As indicated, we do not believe that the current shortage occupations list works well for many of our membership areas. Very careful consideration needs to be given to an appropriate migration regime for the highly skilled workers that Prospect represents and, as a starting point, as to how skill levels are defined for this purpose. For example, it is evident that there is a lack of understanding of the diversity of roles that contribute to the UK’s scientific success, and in particular the importance of technical and support staff who often undertake highly specialised but not highly paid roles.

22. Language about enabling the ‘brightest and best’ to come to the UK exposes a basic lack of understanding of STEM. It is essential for the UK not only to welcome Nobel Prize winners but also their families and members of their research teams. This requires a framework that makes it rewarding for them to work in the UK including active, interesting, outward-looking, and well-supported research groups, with all the technicians, students, and ease of short-term mobility that requires.
23. There is a further problem in that the current Tier 2 list is based on high skilled workers for specified industries. Although this works satisfactorily in some industries, it is important to understand the context in which the work is undertaken. The labour market and associated reward for geophysicists and hydrologists in commercial business, for instance, is very different to that requiring the application of these skills to academic research projects.

24. The shortage occupation list does not and cannot provide the long-term security that is often desired. This is particularly relevant, for example, for people working in research functions and on major projects with time horizons of 10 years or more. This approach has evidently failed to incentivise employers and the wider education system to train up indigenous talent for these roles, despite this having been stated as an aim. Instead, many occupations remain on the list year after year whilst others, in niche areas, are unlikely to be included at all. There are also real questions over whether a shortage list can ever be flexible enough to keep pace with constantly and rapidly evolving technology roles. Furthermore the current Tier 2 system is capped at 20,700 entrants per year. Currently fewer than 10,000 visas are awarded annually to non-EEA migrant workers compared with around 150,000 EEA migrants who come to work in the UK. This strongly indicates that the current approach to shortage occupations will not be an adequate model for the future.

25. The media and entertainment sector of Prospect deals regularly with the points-based migration system for non-EEA workers, and we would have concerns about application of the NQF level 6 qualification threshold because although many EEA workers bring high-end skills to the sector, there are also others who are engaged in lower-skilled work, particularly in areas of the UK where the labour market is tight. A formal skills barrier to EEA migrant labour could inhibit activity in the sector if lower-skilled jobs cannot be filled by UK workers because they can't be found.

26. Prospect understands that consideration is also been given to extending the current Tier 2 salary threshold requirements of at least £30,000 per year for workers from outside the EEA to non-UK EEA nationals. This will pose significant challenges for the many thousands of our members who have devoted their careers in the public interest and consequently found themselves caught by the elongated period of public sector pay restraint where, due to Government policy impeding normal market movements, salaries are a poor proxy for value to the UK. Neither will this approach work in sectors characterised by a multiplicity of SMEs. According to the Labour Force Survey there are around 141,000 EU nationals working in UK science and technology and approaching 146,000 in creative industries. Similarly many skilled archaeologists fall below these salary thresholds.

27. Prospect is currently conducting a survey to determine the significance that a salary threshold of £30,000 or £35,000 would have on our members' eligibility to remain in the UK, but we already have cause for concern. Set out at the end of this submission is a list of professional and “associate professional” occupations ordered by the proportion of employees currently earning under £30,000. This is derived from Office of National Statistics (ONS) earnings statistics. Overall, the ONS data suggests that 30-39% of professionals, and 50-59% of associate professionals, earn less than £30,000. This equates to around 33,000 science, research, engineering and technology professionals and associate professionals who are EU nationals earning less than £30,000.

28. In some key groups like lab technicians, a very high proportion (80%-89%) earn under the threshold. The proportion of chemical or biological scientists is also not insignificant at 30-39%. We also have evidence that the majority of appointments to post-graduate salary
bands in a major research council are in a range from just over £22,000 to just under £30,000, with an average salary of just over £24,000. Scientists recruited into these roles are often at an early career stage, and therefore use the opportunity to develop science leadership skills that are required for future organisational and societal needs. It clearly makes no sense to put at risk critical public sector capacity in this way at a time when the UK is seeking to effect new trading relationships and to absorb the significant additional responsibilities that Brexit will bring.

29. CiFA members are rigorously vetted for technical and ethical competence and registered archaeological practices are regularly inspected to assess compliance with CiFA codes of conduct. Despite this, there is an endemic problem of low pay with CiFA accredited members earning as little as £18,000 and even the most experienced members having a minimum recommended salary of £27,100. CiFA reports that it is already very difficult under the current Tier 2 arrangements to employ archaeologists from outside the EEA due to the salary requirements. Similar challenges will undoubtedly apply if the Tier 2 regime is extended to EEA nationals.

30. We are aware that under Appendix 7 of the guidance there are lower salary thresholds for those qualified to PhD level. Evidently this will cover only a minority of those potentially affected. Further it is not clear how ‘PhD level’ should or would be interpreted. For example academic awards in engineering, technical and veterinary fields are unquestionably high-level, but not PhD equivalent. In practice, this would lead to uncertainty about which qualifications would be considered acceptable and it is already clear from experience since the EU referendum that uncertainty impacts negatively on the willingness of talented individuals either to consider coming to the UK or to stay here.

Conclusion

31. In our view neither the application of academic qualifications nor salary thresholds would achieve the intended objectives for the types of workers that Prospect represents. We consider that skilled professional job seekers should retain their eligibility to work in the UK. In reality the UK needs to do more than simply making this possible. We need to actively attract such workers and make it as easy as possible for them and their families to settle here. Individuals already working in the UK should receive immediate, unconditional and positive confirmation of their right to remain along with their family members.
Proportion of professional and associate occupations earning under £30,000 (excluding overtime) :

<table>
<thead>
<tr>
<th>10% to 19%</th>
<th>20% to 29%</th>
<th>30% to 39%</th>
<th>40%-49%</th>
<th>50%-59%</th>
<th>60%-69%</th>
<th>70%-79%</th>
<th>80%-89%</th>
<th>90%+</th>
</tr>
</thead>
<tbody>
<tr>
<td>IT specialist managers</td>
<td>Science, research, engineering and technology professionals</td>
<td>Natural and social science professionals</td>
<td>Social and humanities scientists</td>
<td>Web design and development professionals</td>
<td>Occupational therapists</td>
<td>Librarians and related professionals</td>
<td>Teaching and other educational professionals</td>
<td>Welfare and housing associate professionals</td>
</tr>
<tr>
<td>IT project and programme managers</td>
<td>Physical scientists</td>
<td>Chemical scientists</td>
<td>Conservation and environment professionals</td>
<td>Speech and language therapists</td>
<td>Librarians</td>
<td>Archivists and curators</td>
<td>Clergy</td>
<td>Laboratory technicians</td>
</tr>
<tr>
<td>IT business analyst, architects and system designers</td>
<td>Mechanical engineers</td>
<td>Biological scientists and biochemists</td>
<td>Conservation professionals</td>
<td>Nursing</td>
<td>Science, engineering and technology associates</td>
<td>Quality assurance technicians</td>
<td>Health and social care associate professionals</td>
<td>Pharmacetical technicians</td>
</tr>
<tr>
<td>IT business analyst, architects and system designers</td>
<td>Electrical engineers</td>
<td>Natural and social science professionals n.e.c.</td>
<td>Environmental professionals</td>
<td>Physiotherapists</td>
<td>Science, engineering and production technicians</td>
<td>Health and social care associate professionals</td>
<td>Welfare and housing associate professionals</td>
<td>Pharmacy technicians</td>
</tr>
<tr>
<td>Medics</td>
<td>Design and development engineers</td>
<td>Civil engineers</td>
<td>Environment professionals</td>
<td>Physiotherapists</td>
<td>Science, engineering and production technicians</td>
<td>Health and social care associate professionals</td>
<td>Welfare and housing associate professionals</td>
<td>Pharmacy technicians</td>
</tr>
<tr>
<td>Medical practitioners</td>
<td>Product and process engineers</td>
<td>Information technology and telecommunication professionals</td>
<td>Pharmacists</td>
<td>Dental practitioners</td>
<td>Therapy professionals n.e.c.</td>
<td>Health and social care associate professionals</td>
<td>Welfare and housing associate professionals</td>
<td>Pharmacy technicians</td>
</tr>
<tr>
<td>Senior professionals of educational establishments</td>
<td>Engineering professio</td>
<td>Psychologists Secondary</td>
<td>Medical radiographers</td>
<td>Nursing and midwives</td>
<td>Therapy professionals n.e.c.</td>
<td>Therapy professionals n.e.c.</td>
<td>Health and social care associate professionals</td>
<td>Welfare and housing associate professionals</td>
</tr>
<tr>
<td>Actuaries, economists and statisticians</td>
<td>Police officers (sergeant and below)</td>
<td>Education teaching professionals</td>
<td>raphers</td>
<td>Chartered architectural technologists</td>
<td>Architectural and town planning technicians</td>
<td>Health associate professionals n.e.c.</td>
<td></td>
<td></td>
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<tr>
<td>----------------------------------------</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Programmers and software development professionals</td>
<td>Town planning officers</td>
<td>Architect, town planners and surveyors</td>
<td>Architect, town planners and surveyors</td>
<td>Chartered surveyors</td>
<td>Construction project managers and related professionals</td>
<td>Chartered and certified accountants</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research and development managers</td>
<td>Town planning officers</td>
<td>Architect, town planners and surveyors</td>
<td>Construction project managers and related professionals</td>
<td>Chartered surveyors</td>
<td>Construction project managers and related professionals</td>
<td>Qualification being completed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health professionals</td>
<td>Primary and nursery education teaching professionals</td>
<td>Electric and electronic technicians</td>
<td>Building and civil engineering</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Higher education teaching professionals</td>
<td>Special needs educators</td>
<td>Product, clothing and related</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal professionals</td>
<td>Assistive professionals</td>
<td>Artists, writers and translators</td>
<td></td>
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Source: https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoccareer14