

## Impact case study (REF3b)

<b>Institution:</b> University of Oxford
<b>Unit of Assessment:</b> UOA 24A Anthropology
<b>Title of case study:</b> Developing International Responses to Trafficking and the Demand for Low-waged (Migrant) Labour
<p><b>1. Summary of the impact</b></p> <p>Research in COMPAS (Centre on Migration, Policy and Society, in the School of Anthropology and Museum Ethnography, Oxford) on low-waged migrant labour, particularly in the care sector, has contributed significantly to public debate and policy development on migrant labour, labour demand, and trafficking and forced labour.</p> <p>Led by Anderson, COMPAS's work in these fields has directly impacted upon (1) international debate, by informing the position of the UN and the Organization for Security and Co-operation in Europe (OSCE) on trafficking; (2) UK immigration policy and practice by making a key contribution to how skills and labour shortages are conceptualized for the purposes of policy; and (3) the work of trade unions and NGOs in the UK by demonstrating links between forced labour and labour market flexibility, a connection that has been taken up in campaigning.</p>
<p><b>2. Underpinning research</b></p> <p>In the late 1990s and throughout the 2000s states attempted to balance public anxiety about migration and the demand for migrant labour in specific sectors of an expanding economy. There was a shift to evidence-based policymaking coupled with considerable lobbying by a wide range of interested actors. This gave rise to a growing concern about migration and forced labour. In general, legal migration channels prioritized particular labour market sectors and highly skilled workers. The UK was unusual in not adopting transitional measures to limit the migration of nationals of new EU member states with EU Enlargement in 2004. The human rights consequences of greater mobility were mainly managed through anti-trafficking policies.</p> <p>In this context, COMPAS's research addressed the tension between labour market flexibilities and rights. The team examined the structures of key sectors with strong demand for migrant labour (particularly care work and domestic labour) and addressed the dynamics of 'irregular' or 'illegal' flows of people into the UK. COMPAS research pioneered an understanding of key labour markets, clarified comprehension of migrant 'irregularity', and developed a synthesis of quantitative economic analysis with ethnographic and qualitatively informed research, thereby initiating new interdisciplinary perspectives in a key area of policy formation both within the UK and across the globe.</p> <p>Labour immigration is often regarded simplistically as a single issue. COMPAS's research on demand for low-waged migrant labour, particularly the demand for domestic and care work, has led to a close examination of how broader public policies relate to (1) demand for (migrant) labour and (2) trafficking and forced labour.</p> <p><u>Key researchers within the team at Oxford include:</u></p> <ol style="list-style-type: none"> <li>1. Professor Bridget Anderson (project lead): 2003-present, Deputy Director, COMPAS</li> <li>2. Dr Martin Ruhs: 2003-2012, Chief Economist, COMPAS</li> <li>3. Dr Sarah Spencer: 2003-present, Senior Fellow, COMPAS</li> <li>4. Dr Isabel Shutes: 2008-2011, Researcher, COMPAS</li> <li>5. Dr Alessio Cangiano: 2008-2011, Researcher, COMPAS</li> </ol> <p><b>1) Demand for (migrant) labour:</b> COMPAS researchers were the first to investigate demand for migrant labour, immigration status, and the impact of what was, in effect, an immigration amnesty during European Enlargement in 2004. Anderson, Ruhs, Spencer (whose research focused on the demand in construction, private households, hospitality, and agriculture), and Rogaly (University of Sussex, whose research focused on demand in the agricultural sector) conducted research on the consequences of the change of status when migrants from EU new-member states became EU citizens. They interviewed migrants, employers, and employment agencies in four sectors. One of the key findings from the 'Changing Status, Changing Lives?' project, conducted in the UK 2004-2006, was the crucial role that immigration status plays in creating a labour force that is attractive to employers. Investigating demand requires an approach that analyses this in conjunction with a broad range of public policies and social contexts including demographic change, feminization of labour markets, housing policy, and labour market deregulation. Anderson and Ruhs developed</p>

this for research they undertook for the Migration Advisory Committee on demand for migrant labour across different migrant high-use sectors. [See Section 3: R1] Cangiano, Shutes, and Spencer examined the demand for care work in the context of an ageing population. They found that reform in the social care and immigration systems must proceed in parallel and that, in practice, migrants will continue to be crucial in care provision into the future. [R2] It was the first UK research to highlight the conflict of rights between migrant workers and vulnerable older service users.

**2) Trafficking and forced labour:** Anderson looked at how migration shapes the nature of the demand for migrant domestic workers and its relation to trafficking. [R3] She has also worked more generally on the relation between trafficking, forced labour, and immigration in the UK. In 2003 Anderson undertook research with O'Connell Davidson (Nottingham), with Anderson focusing particularly on demand for domestic labour and O'Connell Davidson on the demand for sexual labour. The research was conducted in India, Sweden, Thailand, the UK, and Italy. It found, first, that ideas of 'consent' and 'exploitation' are extremely difficult to operationalize, and that these need to be seen as working on a continuum rather than a simple binary; and second, that there was not a demand *per se* for 'trafficked' people, but rather for workers who were cheaper and more dependent. [R4] This was extended into a project on demand for sex and domestic labour more generally in the UK and Spain. It also developed into research conducted for the TUC on migration and forced labour in a number of sectors in the UK. Anderson and Rogaly found that migrants with legal status as well as those working illegally were vulnerable to highly exploitative living and working conditions. [R5] De-regulation and chains of sub-contracting were particularly important in producing susceptibility to poor conditions. [R6]

### 3. References to the research (\*submitted in REF2)

- [R1] Anderson, B. & M. Ruhs 2010. *A Need for Migrant Labour? An Introduction to the Analysis of Staff Shortages, Immigration and Public Policy*. Oxford: OUP.  
 [This book was based on a report *A Need for Migrant Labour? The micro-level determinants of staff shortages and implications for a skills based immigration policy* (2008) prepared for the Migration Advisory Committee (MAC).]
- [R2] Cangiano, A., I. Shutes, S. Spencer, & G. Leeson 2009. *Migrant Care Workers in Ageing Societies: Research Findings in the United Kingdom*. Oxford: COMPAS. This report was the basis for a special issue of *Journal of Population Ageing* 3 (1-2) 2010 *Migrant Careworkers in Ageing Societies* edited by Spencer. This included Cangiano, A. & I. Shutes 2010. 'Ageing, Demand for Care and the Role of Migrant Care Workers in the UK', pp. 39-57.
- [R3]\* Anderson, B. 2013. *Us and Them? The Dangerous Politics of Immigration Controls*. Oxford: OUP.
- [R4] Anderson, B. & J. O'Connell Davidson 2003. *Is Trafficking in Human Beings Demand Driven? A Multi-country Study* Geneva: IOM Migration Research Series, 15. See also Chapter 7 of *Us and Them? The Dangerous Politics of Immigration Controls*. Oxford: OUP.
- [R5] Anderson, B. & B. Rogaly 2005. *Forced Labour and Migration to the UK*. London: TUC.  
<http://www.tuc.org.uk/international/tuc-9317-f0.cfm>
- [R6] Anderson, B. 2010. 'Migration, Immigration Controls and the Fashioning of Precarious Workers' *Work, Employment and Society* 24(2): 300-17. (This piece was nominated for the Sage Prize for innovation and excellence 2011.)

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### 4. Details of the impact

COMPAS's research has had significant impact on UK policy development, and shaped and informed international debates on both labour demand and trafficking and forced labour. It has also influenced the training of and the advice provided to NGOs and practitioners who are key players in policy formation, thereby furthering the influence of the research on immigration policy. Below are some instances of the impact of this research within these three areas.

#### UK government policy

Anderson and Ruhs' expertise on migration and low-waged labour markets has led to close engagement with government at all stages of the policy cycle. Their research on demand for labour in six high-usage sectors was commissioned by the Migration Advisory Committee (MAC) in March

2008.[Section 5: C1] The MAC is a group of economists established to advise the government on labour and immigration policy. Its first report, analysing the UK's skilled labour market, addressed the question 'Is it "sensible" to fill a shortage with migrants?' and in this chapter acknowledged: "We draw heavily on Anderson and Ruhs (2008) [R1]." [C1] The report was later published by OUP as the edited volume *Who Needs Migrant Workers?* and described by Professor David Metcalf, the Chair of the Migration Advisory Committee, as "the definitive research on the demand for migrant workers... [it] will inform the debate for years to come." [C2]

In the same year the controversy surrounding government policy resulted in the House of Lords Select Committee on Economic Affairs Inquiry into the Economic Impact of Immigration. Ruhs served as its specialist adviser and was responsible for the first draft of its report. Anderson provided oral and written evidence during the Inquiry. Her evidence and her research on demand for migrant domestic labour [R3] was cited in the final report of the Inquiry. [C3]

Anderson's particular interest in demand for migrant domestic workers and its relation to trafficking and forced labour [R4] led to an invitation to give evidence to the Equality and Human Rights Commission's (EHRC) Inquiry into Trafficking in Scotland by the investigating commissioner, Baroness Helena Kennedy QC.

The research findings on the conflict between older care users and migrant workers were taken up by the Equality and Human Rights Commission. Spencer had been a Commissioner at the precursor body of the EHRC, the Commission for Racial Equality (2002-2006). An EHRC Commissioner was the key speaker at the launch of the research report [R2] and this led to a seminar organized by the Equality and Human Rights Commission involving the Care Quality Commission to discuss how to respond to the discrimination and harassment faced by care workers. Evidence from the report was cited in recent responses to a Home Office consultation on workplace 'third-party harassment' by those arguing that a legal provision protecting staff from harassment should not be repealed, [C4] and the report was cited in the Government's summary of consultation responses. [C5] Spencer then met with the Department of Health Director of Workforce Development to discuss the broader findings. He acknowledged that "the points raised are extremely helpful" and agreed to ensure "that these are fed directly to the White Paper team." [C6]

### International debate

In 2005 the Annual Report of the UN Special Rapporteur on trafficking cited Anderson and O'Connell Davidson [R4] extensively. As a direct result of this influence on the international debate, Anderson's later work on trafficking and forced labour, [R5] and her writing on precarious labour and migration [R6] have been used to frame policies and debate at an international level by the Organization for Security and Co-operation in Europe (OSCE). For example, her contribution to the OSCE high-level dialogue in 2010 was clearly reflected in recommendations 1, 5, 7, 8, 15 and 20. [C7] She has addressed their annual alliance meeting for the prevention of trafficking on two occasions (2010 and 2012). These meetings are attended by c. 60 ambassadors and their advisers as well as by organizations such as the United Nations Development Programme (UNDP), International Labour Organization (ILO), and others. Access to these ambassadors is critical in conveying analysis to a broad international audience. At a more specific level, following the 2010 meeting, OSCE initiated training courses for diplomatic staff on best practice in the employment of domestic workers in embassies.

Research by Anderson and Ruhs [R1] has also informed training and development courses, including one held in conjunction with the ILO, for the Association of South East Asian Nation (ASEAN) officials on labour demand and trafficking (2013). The four-nation comparative report of the Migrant Care Worker study [C8] was published by an intergovernmental body, the International Organization on Migration (IOM), and was the subject of an IOM seminar in Geneva to discuss its implications.

### NGOs and civil society

In 1987 Anderson was instrumental in establishing the domestic workers' charity, Kalayaan. She has continued to work closely with this organization and her research is used regularly in their lobbying work. Their current campaign is situated in her analysis of demand and employment relations. [C9] Her substantial contacts within the sector meant that in 2012 she was asked to draft the background paper for the campaign of the group Justice for Domestic Workers. Her analysis

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(Anderson 2007), based on concepts of exclusion and indenture was critical in developing the group's campaign strategy to restore the domestic worker visa. [C10]

Anderson and O'Connell Davidson's research [R4] has been widely cited in policy-oriented publications, including the Centre for Social Justice 2013 report on equipping the UK to fight modern slavery. [C11] Anderson and Rogaly's research on forced labour in the UK identified indicators of forced labour [R5] that were taken up by the Joseph Rowntree Foundation (JRF) as key issues in the development of policy and practice to reduce forced labour. It has continued to inform the research and policy recommendations of the JRF on forced labour. [C12]

### 5. Sources to corroborate the impact

- [C1] *Skilled, Shortage, Sensible: The recommended shortage occupation lists for the UK and Scotland* (2008), Migration Advisory Committee (MAC):  
<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/workingwithus/mac/skilled-shortage-sensible/skilled-report.pdf?view=Binary> [Page 135 and following chapter]
- [C2] David Metcalf, Chair of the Migration Advisory Committee, book review (2010):  
<http://ukcatalogue.oup.com/product/9780199580590.do#.UaeC9LZbwzw>
- [C3] *The Economic Impact of Immigration* (2008) Report of the House of Lords Select Committee on Economic Affairs, London:  
<http://www.publications.parliament.uk/pa/ld200708/ldselect/ldeconaf/82/82.pdf> [Paragraphs 12, 21, 24, 37, 105, 107, 114]. This report references Anderson 16 times, and quotes directly from her evidence, e.g. p.35 paragraph 107.
- [C4] Equality Act 2010 Employer liability for harassment of employees by third parties, TUC Response to the Consultation [see page 3]:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/137823/EQ\\_TUC.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/137823/EQ_TUC.pdf)
- [C5] *Equality Act 2010 Employer liability for harassment of employees by third parties, Government Response to the Consultation*. October 2012  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/137749/equality\\_consultation-response\\_1\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/137749/equality_consultation-response_1_.pdf) [See page 8, paragraph 32]
- [C6] Dept of Health Director of Workforce Development (email held on file - personal communication, Rentoul to Spencer, 17.1.2012 – attests to the fact the points raised by the research were extremely helpful and would be fed into the work of the White Paper team.
- [C7] *Unprotected Work, Invisible Exploitation: Trafficking for the purpose of domestic servitude*, Organization for Security and Co-operation in Europe (OSCE), 2010.  
<http://www.osce.org/cthb/75804> [See pp.14,15,19,38,54-55,67; recommendations pp. 64-66]
- [C8] Comparative Report of the Migrant Care Worker study published by the IOM  
<http://publications.iom.int/bookstore/free/MRS41.pdf>
- [C9] Wittenberg, V. (2008) *The New Bonded Labour? The impact of proposed changes to the UK immigration system on migrant domestic workers*, London: Oxfam and Kalayaan.  
<http://www.kalayaan.org.uk/documents/Kalayaan%20Oxfam%20report.pdf> [See acknowledgments, and pages 10, 27, and 33]
- [C10] Board Member and Trustee, Justice for Domestic Workers (Email, held on file – attests to the role of the research, particularly on the concepts of exclusion and indenture to develop the group's campaign strategy to restore the domestic worker visa.
- [C11] *It Happens Here: Equipping the United Kingdom to Fight Modern Slavery* (2013). London: Centre for Social Justice:  
[http://www.centreforsocialjustice.org.uk/UserStorage/pdf/Pdf%20reports/CSJ\\_Slavery\\_Full\\_Report\\_WEB%285%29.pdf](http://www.centreforsocialjustice.org.uk/UserStorage/pdf/Pdf%20reports/CSJ_Slavery_Full_Report_WEB%285%29.pdf) [See page 58]
- [C12] JRF Programme Paper *Forced Labour in the UK: The Business Angle* (2012):  
[http://niesr.ac.uk/sites/default/files/publications/250412\\_143954.pdf](http://niesr.ac.uk/sites/default/files/publications/250412_143954.pdf) and a JRF Programme Paper, *Forced labour and UK immigration policy: status matters?* (2011):  
<http://www.jrf.org.uk/sites/files/jrf/forced-labour-immigration-status-full.pdf>