

Submission to Labour Faith and Race Manifesto Consultation
BAME and migrant workers and the broken labour market by John Lehal
<https://labour.org.uk/race-and-faith-consultation/>

BAME workers and migrant workers face appalling conditions at work: discrimination; a lack of respect; inequality in pay, terms and conditions; and racism and prejudice in the workplace. A Labour Government has to redress the balance for BAME and migrant workers to ensure they have respect, dignity, rights, and a voice at work.

Britain's BAME and migrant workers who are most at risk of exploitation and discrimination work in the hospitality sector, construction industry, social care, and undertake factory-based work. They are vulnerable to employers or employment agencies imposing poor terms and conditions. This includes being forced to work long hours despite being on zero hours contracts; charging for copies of contracts and wage slips; tracking productivity levels and facing accusations of poor performance; and making unspecified deductions from earnings. In some cases, workers are at risk of being controlled by criminal gangs.

The Tories are not interested in working people and workers' rights. The introduction of Employment Tribunal fees sought to make it more difficult and very expensive for working people to seek independent legal redress in any serious workplace disputes. Fortunately, the Supreme Court ruled that tribunal fees were unlawful, and banned them entirely. We can but imagine how many working people – and BAME / migrant workers in particular – were denied justice and put off from challenging unscrupulous bosses and unfair conduct at work in those intervening years, because they couldn't afford an upfront charge of £1,000 or more.

We in the Labour and trade union movement support working people, and seek to challenge abuses in the workplace, because we understand that this is about power, before it becomes about money. All employers are more powerful than their individual employees. When employees work collaboratively, that power imbalance is diminished. Only by reducing the size of the power imbalance can we seek to address any inherent unfairness in pay and working conditions facing BAME and migrant workers. Indeed, addressing the power imbalance – and being prepared to challenge bad practice at work – is fundamental to our values. We must therefore seek to truly empower and unionise ethnic minority workers and migrant workers, because in addition to the power imbalance of being employees, they face the added disadvantage and very real power imbalance that comes from belonging to a minority racial group.

Poor pay and conditions working conditions:

Many ethnic minority and migrant workers live on the breadline, surviving on less than the minimum wage and employed under a precarious culture of fear. My mum and dad came to Britain as immigrants from India in the 1960s. Fifty years on, and today's generation of migrant workers are treated as badly as they were. ONS data has highlighted that workers of Pakistani or Bangladeshi heritage have the lowest median hourly pay of any ethnic group, with Bangladeshi heritage workers earning 20.1% less than white British workers. In London, BAME workers earn 21.7% less on average than white British employees. The Resolution Foundation has calculated the annual pay penalty for BAME workers to be £3.2 billion.

Gender pay gap reporting has exposed how our largest employers are discriminating against women in the workplace. Labour must call for ethnicity pay gap reporting. As the saying goes "if you measure it, you manage it" and it is time for Labour to make this reporting (as well as disability pay reporting) statutory. Only then will employers take action to raise pay fairly, and improve terms and conditions for ethnic minority and migrant workers.

A Labour Government has a duty to transform the lives of BAME and migrant workers. We need collective bargaining across the economy to guarantee good conditions and pay for all workers. Indeed, we must extend collective bargaining and, where employers have negotiated collective agreements with employees, migrants should receive the same pay and conditions as other workers. And we must end the scandal of in-work poverty through a Living Wage for all workers.

Forced terms and conditions:

Many in our invisible community of ethnic minority and migrant workers are forced to work on zero hours contracts with devastating consequences - the social carer from Bangladesh with cancelled shifts who finds she can't afford her weekly rent; the Polish warehouse worker who finds they can't afford new school shoes for their kids; and the hospitality worker from Bulgaria sent home early not knowing how much he will earn from one week to the next.

The TUC have found that zero hours workers earn less than a third of average workers, and are concentrated amongst those already facing disadvantage in the labour market – part-time workers, women, the young, and BAME workers. Just over one-quarter of people on a zero hours contract want more hours and two-thirds would prefer guaranteed hours contracts.

An incoming Labour Government must urgently abolish zero hours contracts.

Rights for migrant workers:

A Labour Government must act in the interests of women like Ecuador-born Susana Benavides, a TopShop cleaner sacked after leading a protest for a Living Wage. Only after a prolonged court case did she win £75,000 in compensation. The battles fought by trade unions tell a story of a broken labour market, exploiting migrant workers.

Outsourcing companies, hospitals, universities, gig companies and multinational corporations treat their members shamefully. People are unfairly dismissed, denied the Living Wage, or employed on the worst terms and conditions their bosses can legally offer. Labour has to stand up for the cleaners, the caterers and the security guards.

All workers must be entitled to and able to enforce employment rights from day one. Labour must reaffirm that employment rights are human rights and must not be linked with immigration status. This would stop bad employers using migrant workers to undercut other workers and drive down conditions and pay for all. It is only by ending this unfair practice that we can give back workers the stability and security they demand.

Action on recruitment and progression:

BAME young people are more likely to be unemployed or under-employed. Young people from working class backgrounds struggle to secure jobs in professional industries (media, financial services, management consultancy, law), and so the odds are particularly stacked against young BAME people from working class backgrounds.

As CEO of a charity working with young people from under-represented groups, I have heard first-hand the barriers for talented young people. We must tackle recruitment bias and opportunity hoarding exercised by some employers. If we want to share opportunity, employers wanting to recruit from diverse backgrounds need to get behind systems change. Labour must be at the forefront of encouraging this, showcasing best practice, and introducing kitemarks for employers.

Many young people experience the glass ceiling at work, and feel promotion opportunities are withheld from them. Employers must make a concerted effort to recruit from under-represented (working class, BAME) backgrounds: and targeting young people and adapting recruitment processes such as format, panel make-up, providing feedback, and paying expenses. There must also be a duty on employers to ensure progression for employees from diverse backgrounds: and offering training, guidance and mentoring.

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