Introduction

1. The STUC is Scotland’s trade union centre. Its purpose is to coordinate, develop and articulate the views and policies of the trade union movement in Scotland; reflecting the aspirations of trade unionists as workers and citizens.

2. The STUC represents over 652,000 working people and their families throughout Scotland. It speaks for trade union members in and out of work, in the community and in the workplace. Our affiliated organisations have interests in all sectors of the economy, and some have migrant worker networks devoted to supporting migrant workers in the labour market and understanding their particular needs. Our representative structures are constructed to take account of the specific views of women members, young members, Black/minority ethnic members, LGBT members, and members with a disability, as well as retired and unemployed workers.

3. The STUC welcomes the opportunity to contribute to this inquiry into migration and trafficking.

General Comments

4. Migration is an important feature of the Scottish economy and migrant workers have a lot to offer in terms of the knowledge and experience that they bring to the Scottish workforce. However, migrant workers across the UK can often face a myriad of problems and are vulnerable in the labour market. They are often excluded from good-quality jobs and can face both social stigma and racism. They are rarely employed in ways that allow their skills to be effectively utilised or developed and many become victims of unscrupulous employers who exploit them through poor working conditions and limited health and safety protection.

5. Trafficking is a growing concern for Scotland and we welcome the focus on this issue in this inquiry. The STUC believes that the protection of the victim should be at the heart of any law enforcement measures aimed at preventing, detecting and prosecuting cases of human trafficking and that focus should be placed on both victims of trafficking for sexual exploitation and forced labour.

The economic and social contribution of migration and migrant communities

6. The STUC believes that the overall effect of migration on the Scottish economy is positive. Migrant workers bring valuable skills and are valuable members of our community. It is our view that Scotland should promote
migration patterns where workers settle here permanently. While there are economic benefits associated with migrant workers entering the labour market for short periods of time, we believe that there is more to be gained from workers who remain in Scotland and bring up their families here. Migration in this form can help to rebalance the age distribution, as the average age of migrant workers is younger than that of the native population. Equally, if migrants settle here on a long term basis, there is more opportunity to effectively use their skills and qualifications which benefits the Scottish economy.

7. There are many myths about the effects of migration on the labour market and on native workers. Many believe that migrant workers take jobs from the local population and that they have a negative effect on wages. A study carried out by the TUC in 2007 looking at the economics of migration found, however, that overall levels of employment and wages are slightly higher as a result of immigration, and migrant workers pay more in taxes than the value of the public services they receive. This study also found that where problems do arise, it is often the result of unscrupulous employers taking the chance for exploitation offered by an influx of poorly informed and organised workers allowing them to undercut more principled employers. We believe, therefore, that more needs to be done to regulate these employers and to ensure that rights at work for all workers are defended.

8. The exploitation of migrant workers is most likely to occur in the areas of the economy where indigenous workers are also most at risk. This, therefore, suggests that more needs to be done to regulate certain sectors, particularly those that employ a high number of temporary workers. The STUC, therefore, welcomes the recent Temporary and Agency Workers Act, however, we remain concerned that these regulations do not apply for the first twelve weeks of employment which creates opportunities for exploitation and places all workers at risk.

**Awareness of the rights of migrants**

9. Migrant workers are often unsure of their employment rights, particularly when they first enter Britain. They can be nervous about complaining of exploitation or abuse in the workplace, due to a fear of how those in positions of authority will react and of a feeling of precariousness in their situation, even when they are working here legally.

10. The trade union movement is devoted to improving awareness of workers’ rights and has produced a number of guides for migrants looking at different aspects of their rights at work. We believe, however, that this situation could be improved through the creation of enforceable employment rights that are not dependent on the immigration status of the worker. Enforceable core statutory employment rights for all workers, regardless of their immigration status, will reduce the demand for trafficked workers and provide other migrant workers with the confidence to complain of ill-treatment at work. The knowledge that all workers are able to enforce rights to the minimum wage or working time limits, for example, would help to discourage unscrupulous
employers seeking economic advantage by exploiting undocumented migrants. It would also allow migrant workers to be sure of their situation and access employment rights.

Effective Policy Approaches to Migration

11. The STUC is very concerned that the new points-based immigration system is not responsive to the needs of Scotland in terms of the number of migrants that it admits and does not reflect the welfare-based model of migration that Scotland has tried to develop. The STUC’s general concerns about immigration policy will, of course, be directed towards Westminster. However, in the discussion and debate around the considerations of the Calman Commission, it became clear that a degree of consensus exists between the business community, trade unions and others. Whilst most would not advocate a separate immigration system for Scotland, optimising the potential for reflecting Scotland’s different approach and economic needs is important. This is partially reflected in the recommendations of the Calman Commission. Consideration should, therefore, be given to what can be done under the existing legislation and intergovernmental process to deliver this aim.

12. It is also important that all levels of government are aware of and prepared for migration and that there is a coherent approach to immigration policy. 13. Local problems in delivering public services can arise when authorities fail to anticipate the arrival of significant numbers of migrant workers and their families. This problem is caused by poor planning, not by immigration, but failure here is very likely to lead to a reaction against immigration. We encourage the Government, therefore, to work towards more accurate local-level predictions of the number of migrant workers and dependants and to build the capacity of local government to cope with rapid changes. The STUC recommends, however, that other important qualitative forms of information on migration are not overlooked. For example, unions, through our work with migrant workers, can provide information on workers’ experiences which gives a valuable insight into the challenge they face. However, there is currently no formal mechanism for this information to be shared and we believe that this limits the effective development of migration policy.

14. The STUC also believes that policy approaches and discussion on immigration often focuses too heavily on migrants from Eastern Europe and forgets the positive contribution and particular needs of migrants from outside the European Union. We hope that more will be done in future to remember the contribution of these workers many of whom are highly qualified and are providing essential skills to our workforce.

The nature of trafficking in Scotland and how we begin to tackle this problem

15. The STUC takes a rights based approach to trafficking. We believe that undocumented workers should have enforceable employment rights. It is also important that trafficked workers are seen as victims and, therefore, receive
appropriate support. We are very concerned that current immigration laws do not meet the UK’s obligation towards victims of trafficking, as they are subject to deportation after forty days. We see this as a barrier to effectively tackling trafficking, as it discourages victims from seeking help and, therefore, disguises the size and extent of the problem. We are also concerned that this policy can create a cycle of trafficking where victims are deported to their country of origin only to be trafficked back into the UK.

16. The STUC welcomes the focus on trafficking, as it is necessary to better understand this issue, so that it can be effectively tackled. We also recommend that the Committee conducts an inquiry into trafficking for the purposes of forced labour to complement the Equality and Human Rights Commission’s work around trafficking and sexual exploitation.

Scottish Trades Union Congress
29 March 2010