

# Immigration Bill 2015/16

## Factsheet – Labour Market Enforcement (clauses 1-7)

### What are we going to do?

- To provide a coherent enforcement strategy to crack down on serious exploitation of workers by appointing a new Director who will oversee the relevant enforcement agencies.

### How are we going to do it?

- Establish a new Director who will oversee the relevant enforcement agencies to provide a coherent enforcement strategy for non-compliance in the labour market, including serious exploitation of workers.

### Background

- The UK has a strong legal framework in place to ensure that minimum standards are met for workers. There are three main public bodies responsible for enforcing these requirements: a team in HMRC which enforces the National Minimum Wage; the Gangmasters Licensing Authority; and the Employment Agency Standards Inspectorate (“the enforcement bodies”).
- However, because of an increase in organised criminal activity engaging in labour market exploitation, we believe that there is exploitation in the labour market that none of the enforcement bodies is designed to deal with. This kind of worker exploitation often appears to involve migrant workers.
- Part of the Government’s response to this problem is to establish greater co-ordination and leadership of the enforcement bodies to drive effective activity.
- Therefore, this Bill will create a new Director of Labour Market Enforcement, appointed by and reporting to, both the Home Secretary and the Secretary of State for Business.

### Immigration Minister James Brokenshire said:

“Exploiting or coercing people into work is not acceptable. It is not right that unscrupulous employers can force people to work or live in very poor conditions, withhold wages or mislead them into coming to the UK for work.

“Some employers seem to think that by employing workers who are less likely to complain, including vulnerable migrants, they can undercut the local labour market and mistreat them with impunity.

“The unscrupulous need to know that breaking the law is a high-risk activity and the full force of the state will be applied to them.”

- Their primary functions will include:
  - setting the strategic direction and budgets of the enforcement bodies;
  - publishing an annual report assessing the success of action in meeting the objectives and priorities in the previous year's plan; and
  - leading an intelligence hub, with information drawn from the enforcement bodies and beyond, to provide a single view of risk and priorities across the spectrum of non-compliance – from accidental payroll errors to serious criminality.

The Government is consulting on broader reform to tackle worker exploitation to support the role of the Director. The consultation can be found at : <https://www.gov.uk/government/consultations/labour-market-exploitation-improving-enforcement>. The consultation closes on Monday 7<sup>th</sup> December.

## Key Questions and Answers

### ➤ **Will the Director cover immigration enforcement?**

The Director's remit will cover labour market breaches, not immigration offences. The Director and the enforcement bodies will work closely with immigration enforcement wherever labour market breaches are linked to illegal immigrants or people working in breach of their visa conditions.

### ➤ **When will the Director be appointed?**

An appointment to the statutory role could be made only after the Bill is passed, obviously subject to Parliamentary approval of these provisions.

Home Office  
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