

The Modern Slavery Act – Site Requirements

What is Modern Slavery?

'Modern Slavery' is a term used to encapsulate the following two offences in the Modern Slavery Act:

- Slavery, servitude and forced or compulsory labour;
- Human trafficking.

The key element of **slavery** is the offender acting as if he/she 'owned' the victim, which deprives them of their freedom.

Servitude is the obligation to provide services by the use of coercion and includes

The obligation for a 'serf' to live on another person's property and the impossibility of changing his or her condition.

Forced or compulsory labour involves coercion, either direct threats of violence or more subtle forms of compulsion. The key elements are that:

Work or service is exacted from a person under the menace of a penalty of some kind. The person has not offered him/her self voluntarily for this work or service

An offence of **human trafficking** requires that a person arranges or facilitates the travel of another person with a view to that person being exploited, even where the victim consents to the travel. A victim may be deceived by the promise of a better life or job or may be a child who is influenced to travel by an adult.

Work given by Morris & Spottiswood Group is done so on the understanding that all organisations meet the requirements placed on them by The Modern Slavery Act 2015. In particular:-

- An obligation to comply with the Modern Slavery Act;
- A specific prohibition on engaging in slavery or human trafficking and to respect human rights, including children's rights;
- The ability to provide a complete set of records evidencing due diligence, audit processes and programmes implemented, including the findings of such processes and programmes in order to demonstrate compliance with the Modern Slavery Act, and that such records be made available to Morris & Spottiswood Group upon request
- An obligation to comply with any audit procedure implemented by Morris & Spottiswood Group in order to enable the business to implement / prove adequate due diligence;
- An obligation to notify Morris & Spottiswood Group as soon as it becomes aware of any actual or suspected slavery or human trafficking either by that supplier or in its supply chain whether before or after the agreement comes into effect;
- A warranty that the supplier has not been convicted of any offence involving slavery or human trafficking;
- A warranty that, to the best of its knowledge, the supplier has not been or is not the subject of any investigation by any regulatory body in connection with slavery and/or human trafficking; and
- A right of early termination for failure to comply with applicable laws and this policy.

What is the extent of the problem?

The number of workers that are trafficked, exploited and forced to work in UK construction is rising.

The number of potential victims of human trafficking in the UK hit 16,938 in 2022, the highest number since 2009. Of these, 2,141 were classed as adult labour exploitation, a category which includes the **construction industry**. In the same year, the UK Modern Slavery and Exploitation Helpline, run by Unseen, received 7,315 calls with labour exploitation the most reported – this was an increase of 134% on the previous year. Globally, it is believed that 2.6 million people are in forced labour and men in forced labour are more likely to be in the construction sector.

In 2020, the Gangmasters and Labour Abuse Authority (GLAA) produced an Industry Profile for Construction20 which highlighted:

- **Victim profile** – Victims tend to be male and of Romanian or Albanian nationality. Age is mostly unknown but likely to be under 45 years where reported. Vulnerabilities are targeted, most frequently people without legal eligibility to work and individuals who have difficulty communicating in English.
- **Location** – The most frequently reported location for cases of labour exploitation is London. This is followed by the South-East, Eastern and North-West regions. There is limited reporting in the remaining regions.
- **Recruitment** – Methods used to recruit workers into the construction sector are largely unknown. Limited reports suggest recruitment can occur via friends or family, internet adverts and social media.
- **Transport to the UK** – Limited reporting of transport by aeroplane or bus and often organised by the exploiter.
- **Accommodation** – The provision of substandard and/or overcrowded accommodation is common. This includes residential properties and building sites. Limited reports suggest workers are housed in caravans and outbuildings.
- **Payment** – Some workers are unsure about when or how much they will be paid. Payment below National Minimum Wage is common with some reports suggesting a daily rate of £10-£50 for in excess of eight hours work. Some workers report having wages withheld or not being paid at all. Sometimes payment comes in the form of food or accommodation. There are reports of workers being indebted to the exploiter for travel and/or accommodation costs.
- **Health and Safety** – Reports have identified individuals working without genuine Construction Skills Certification Scheme (CSCS) certificates, relevant training and/or previous experience. Language barriers lead to miscommunication. Lack of PPE has led to some injuries

What are the main risk areas?

The main areas of risk for the construction industry are: -

- demolition
- scaffolding
- concrete
- multi-service gangs

Morris & Spottiswood Group shall overcome the first three risk areas by employing demolition and scaffolding contractors that are members of a certified industry organisation. However monitoring the use of multi-service gangs is perhaps more difficult.

How do I recognise if anyone on site is at risk?

Signs of physical or psychological abuse, including the appearance of:

- Malnourishment.
- Physically tiredness or exhaustion.
- Untidiness.
- Being unable to take care of personal hygiene.
- Uncleanliness or inappropriate clothes for working conditions.
- Being under the influence of drugs or alcohol.
- Injuries that may be the result of an assault.

Signs of being under threat or control of others, including appearing:

- Frightened and withdrawn.
- Anxious or stressed.
- Angry or agitated.
- Traumatized or confused.
- Unable to express themselves.
- As if they want to work all hours and days available.
- Reluctant to seek help or rejecting help when offered.

Signs of isolation, including:

- Under the control and influence of others e.g., others speaking on their behalf.
- Constantly looking over their shoulder.
- Seeking consent from someone else in the workplace.
- Limited or have no social interaction with work colleagues.

Few, or not in control of own, possessions, for instance:

- No identification documents e.g., passport.
- Not in possession of their own phone.
- No personal items e.g., money, purse, wallet, jewellery.
- Little or no food.

Being transported to/from the worksite, for instance:

- Not being allowed to travel on their own - a driver drops them off and collects them.
- Use of transport that isn't of the 'usual' type or standard.

So what can I do on site... what is expected of ME?

All employees who visit site should be aware of the warning signs (listed above) and act upon them by advising your line manager or any member of either the HR or H&S teams.

Migrant workers form an essential resource to the construction sector these days and most are legally allowed to work here, employed in decent conditions, well paid and managed appropriately. However, some may not be.

We need to be sure we don't mix up thinking about immigration and slavery. A person may be legally allowed to work here but that does not mean they have not been trafficked and held in slavery conditions. As the UK construction skills crisis gets worse and firms look overseas for workers as a short-term solution, the risks will only increase unless we act NOW.

The poster 'how to recognise those at risk' should be posted on all site notice boards to assist with the communication of this important message, whilst further information on how Morris & Spottiswood Group are addressing the Modern Slavery Act can be found on both the external website as well as the internal documentation management system 'Deltek'.