

From severe to routine labour exploitation: the case of migrant workers in the UK food industry

Abstract

The issue of exploitative labour practices against migrant workers has been well established in previous work. Yet most research and policy focuses on severe forms of exploitation, including types of 'modern slavery' such as human trafficking and forced labour. Research has paid less attention to 'routine' labour abuses that are less extreme than severe exploitation, but which are still exploitative or harmful. This paper argues that a stronger emphasis is needed on routine labour exploitation, which risks being overlooked when contrasted with severe exploitation. Drawing on a qualitative study of migrant labour in the UK food industry, the paper demonstrates that workers experience a range of mistreatment in the workplace, which is unlikely to fall within the scope of severe exploitation and remit of 'criminal justice' interventions. In order to achieve full 'labour justice', more consistent attention is needed on these routine and banal practices, not just the most brutal.

Keywords

Labour exploitation, harm, migrant workers, modern slavery, food supply chains.

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Introduction

A significant body of literature discusses forms of severe exploitation that are typically defined by criminal codes/legislation, including 'modern slavery', human trafficking and forced labour (Allain et al., 2013; Andrees, 2008; Malloch and Rigby, 2016; Waite et al., 2015). There is a relative lack of attention given to 'routine', everyday, banal exploitation that does not meet these strict 'criminal' thresholds (France, 2016; Scott, 2017a). The aim of this paper is to argue the importance of focusing on routine, banal, everyday labour exploitation that tends to become embedded and normalised as part of legitimate business and supply chain practices. Routine exploitation may be understood as breaches that, if reported, would typically be addressed through civil, regulatory, or labour law (FRA 2015); or as unreported exploitation that occurs beyond criminal-legal frameworks entirely (Scott 2017a: 48). These 'lawful but awful' (Passas 2005) or 'dirty, difficult, and dangerous' (3D) practices (Schenker, 2008) are especially prominent in low-wage occupations within the UK food industry, which is associated with poor health and safety, as well as a dependence on migrant labour. Many business and supply chain practices may be legal and form legitimate aspects of food production, but can have exploitative dynamics as well as harmful consequences.

If labour exploitation is viewed as a continuum (Andrees, 2008; Skrivankova, 2010), with the International Labour Organization's (ILO) notion of 'decent work' on one extreme and severe exploitation on the other, there are numerous practices 'in between' these extremes that risk being dismissed as trivial or irrelevant (France, 2016). Other continuums of coercive to voluntary employment, and illegal to legal employment seem to interact with this continuum of exploitation. Workers subject to routine exploitation are more likely to be employed in the absence of coercion or deception, and are less likely to be employed illegally via irregular immigration status, for example (France, 2016; Ollus, 2016). Such continuums hint at more subtle experiences of exploitation, especially beyond the extremes of 'modern slavery' that are frequently associated with coercion or deception, as well as illegal employment practices.

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These subtle, everyday, routine practices may still result in exploitation and harm to workers – and as others have noted, not all exploitation is necessarily illegal (EHRC, 2010; TUC, 2008).

A criminological focus can contribute to discussions on labour exploitation through the notion of harm, which has increasingly received attention from within and beyond criminology during recent years (Greenfield and Paoli 2013; Hillyard et al. 2004; Paoli and Greenfield 2015; Pemberton 2015). A focus on harm provides the means to consider the full spectrum of exploitation, without neglecting ‘low-hanging fruit’ (Paoli and Greenfield, 2015: 94), unreported incidents, or cases that fall short of arguably narrow criminal-legal thresholds of ‘modern slavery’. Researchers have traditionally struggled to develop a comprehensive definition of harm, but Greenfield and Paoli (2013) have recently conceptualised this as breaches of stakeholders’ legitimate interests, consisting of functional (physical and psychological), material, reputational, and privacy harms. This is distinct from social harm/zemiology, which emphasises structural causes of harm ‘from cradle to grave’ (Hillyard and Tombs, 2007: 16), and in many cases do not fall within the remit of criminal justice. A focus on harm in relation to the spectrum of labour exploitation requires a consideration of processes and interventions that move beyond notions of criminal law and criminal justice in order to achieve full ‘labour justice’ (Skrivankova 2010: 9). However, a necessary starting point involves placing a greater emphasis on routine exploitation within the scope of legitimate supply chain processes.

This paper is structured as follows: first, it discusses existing literature on exploitation, harm, and migrant labour in the food industry, before outlining methods adopted for the current research. Second, the empirical contributions of the paper are established, which primarily includes moving attention from severe to routine forms of labour exploitation. These contributions are framed through discussions of how migrant workers experience exploitation, including unfair labour practices and poor health and safety conditions. A stronger focus on routine exploitation is not intended to downplay the importance of existing research on severe exploitation; nor is it intended to generate a binary between routine and severe practices.

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Nevertheless, focusing only on the most severe exploitation risks overlooking a significant amount of exploitation and harm that workers experience on a regular basis.

A continuum of labour exploitation

A range of existing research focuses on severe labour exploitation across numerous economic sectors, in the UK and internationally (Allain et al., 2013; Alvesalo et al., 2014; FRA, 2015; Malloch and Rigby, 2016; Waite et al., 2015). Allain et al. (2013) discuss the business models and supply chain practices associated with forced labour, including 'labour supply chains' and subcontracted employment. Despite this emphasis, severe exploitation can still be difficult to detect and enforce against, as demonstrated with *Galdikas vs DJ Houghton* (2016). In this case, a number of Lithuanian migrant workers in the UK were subject to physical and verbal abuse, underpayment, unsanitary, overcrowded accommodation, and long, intense working hours with inadequate rest/toilet breaks. Initial police intervention did not materialise into a criminal prosecution, whereby the workers subsequently initiated claims related to human trafficking through the civil courts. In severe cases of exploitation more widely, the treatment of victims by authorities may be inadequate, including a lack of support and recovery (Home Office, 2014). The DJ Houghton case reinforces a well-grounded point that even severe exploitation, and more widely, harm facilitated by companies, is unlikely to be criminally prosecuted (Tombs and Whyte, 2015). Nevertheless, severe exploitation continues to dominate the policy and research agenda.

There are a number of explanations for this dominant focus on severe exploitation. Perhaps most obviously, the malicious practices associated with severe exploitation tend to generate media, public and political interest – especially in cases where there are clear distinctions between perpetrators and victims (Haynes, 2009). Indeed, Gadd and Broad (2018) argue that contemporary portrayals of modern slavery encourage a simplistic binary of 'evil' offenders as the nemesis of 'innocent' victims. More specifically for this paper, severe exploitation has

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traditionally been associated with a focus on individual 'rogue' employers, 'human traffickers', or organised crime groups (Scott, 2017a). The 2017 UK Conservative Party (2017: 40) manifesto highlights the need to fight 'the evil trade in human beings' and 'co-ordinate our response to criminal gangs'. For Scott (2017a: 188), this emphasis on severe exploitation allows the state to 'win moral capital' and send a clear signal that modern slavery will not be tolerated, by targeting a relatively small number of individuals and heinous crimes. Therefore, the state tends to be portrayed as a neutral or benign actor that 'rescues' victims from exploitation (LeBaron, 2015: 2), which neglects its role in facilitating exploitation through restrictive immigration policies and minimal regulation of labour markets.

Emphasising severe exploitation as a problem of transnational organised crime allows states to focus on associated priorities such as increased border security and restrictive immigration controls (Scott, 2017a), which risks conflating labour market regulation with immigration control. Importantly, the state can simultaneously portray itself as pro-business by not addressing structural labour market conditions, including regulatory oversight, low trade unionisation rates, and precarious employment, which may facilitate a wider range of exploitation. As Strauss (2015: 66) asserts, focusing on criminal law responses to severe exploitation, while simultaneously undermining labour standards, results in the criminalisation of severe exploitation and the normalisation of routine exploitation.

In order to recognise these routine, banal practices, labour exploitation has been conceptualised elsewhere as a continuum, ranging from the International Labour Organization's (ILO) notion of 'decent work' on one extreme, to severe practices on the other (Andrees, 2008; Scott, 2017a; Skrivankova, 2010). It is the routine, everyday, embedded exploitation occurring 'in between' these extremes that risk being overlooked or dismissed as irrelevant and trivial (France, 2016; Skrivankova, 2010: 4). Such a continuum means that different types of exploitation require different forms of intervention – more proactive approaches such as labour inspections or trade unionisation are arguably part of the solution

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to exploitation, rather than just the criminal justice system, which is typically reactive (Skrivankova, 2010). Discussing a continuum provides opportunities to consider how various practices may be exploitative, even if many cases are not reported or addressed through criminal-legal frameworks.

There are various consequences and harms associated with the outcomes of routine labour exploitation. Paoli and Greenfield (2015: 94) assert the importance of not disregarding 'low-hanging fruit' when assessing the severity and frequency of harms. Part of their harm assessment framework provides the means to categorise possible types of harm, including physical and psychological (functional); material; reputational; and harms related to privacy (Greenfield and Paoli 2013). In a broader context, Feinberg (1984: 190) argues that 'the greater the probability of harm, the less grave the harm needs to be ... the greater the severity of harm, the less likely it needs to be' in order to justify intervention. Individual cases of routine exploitation may appear somewhat 'trivial' and 'mundane' in contrast to severe practices, yet they appear to occur more frequently, since they are more subtle and become embedded and normalised within otherwise legitimate business practices (France, 2016; Shamir, 2012). However, these routine practices can, collectively at least, result in harm to (migrant) workers and the reputation of industries associated with hazardous work. The food industry and its supply networks are some arenas where exploitation and harm emerge as important issues.

Migrant labour in food supply networks

Key aspects of food supply networks involve a feed-forward flow of products from producers to buyers and consumers, as well as a feed-back flow of information, including demand for products and labour. Global food supply chains are dominated by a small number of multinational buyers, who demand high quality, low-cost, 'just-in-time' products from their suppliers, which facilitates a downwards pressure on costs (Tombs and Whyte, 2015: 31). Suppliers can informalise and intensify work (e.g. Rogaly, 2008; Scott, 2017b) in order to reduce their cost

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pressures, typically by subcontracting work to labour market intermediaries (LMIs) such as gangmasters or employment agencies, who provide flexible labour at short notice. These LMIs therefore become a key component of 'labour supply chains' where suppliers do not directly employ many of their workers (Allain et al., 2013). This subcontracting can be problematic, since it complicates employment relationships and supply chain oversight, especially if there are numerous intermediaries involved.

Global food networks have long presented challenges to workers, businesses, regulators, and governments. Farm labourers in developing countries have been described as among the most vulnerable workers, whereby workers' rights are commonly ignored, their housing is inadequate, and they face intense working hours (Visser and Ferrer 2015). Some countries still depend on child labour in many of their economic sectors, including agriculture and food (US Department of Labor 2017). While food supply networks principally involve the timely flow of products 'from field to fork', complex networks that extend across borders and involve multiple stakeholders are more vulnerable to exploitative labour practices (Allain et al., 2013). Longer supply networks mean that more actors are involved in handling products, which increases the possibility of poor labour practices occurring, especially given the political-legal differences with how exploitation is addressed across countries. As a result, complex networks risk fragmenting or masking supply chain responsibility. These factors seem to form part of a growing trend across developed countries where workplace conditions in the formal economy are deteriorating, or at least becoming increasingly 'non-standard'. At least 4.5 million people in England and Wales do not have regular work hours or planned shifts, which, for those who want them, makes budgeting and managing future plans difficult (Citizens Advice, 2016).

Terms such as precarious employment, '3D' (dirty, difficult, dangerous/demanding) work, and the 'gig economy' are all associated with dubious labour conditions within and beyond food supply networks. The UK food industry has among the poorest health and safety records relative to other industries (Lloyd and James 2008), which is largely due to '3D' work being a

common feature across its work sites. It employs nearly 4 million people in the UK, which represents approximately 14% of national employment (DEFRA, 2017: 6). The food industry contains numerous subsectors, including agriculture, food processing, and consumer food outlets. There is a small core of permanent, full-time jobs alongside a larger number of flexible jobs, typically consisting of part-time and casual contracts (France, 2016: 5). Piore (1979) frames the latter as a 'secondary' labour market, whereby poor work conditions dissuade local workers to apply, meaning that migrant workers are a likely alternative. Migrants comprise approximately 40% of the food workforce (Rienzo, 2016: 5), and are disproportionately employed in low-paid, flexible work. Migrants are less likely to be members of trade unions than non-migrant workers, which can be an important bulwark against exploitative conditions (Turner et al., 2014).

Precarious work conditions do not usually appeal to British workers, many of whom are reluctant to accept flexible, low-paid, low status work (Potter and Hamilton, 2014). There is a well-grounded assumption that migrants are needed to fill these positions that British workers are unwilling to accept; however, some employers may prefer to hire migrant labour over local labour, especially if migrants are new and appear to display a 'good' or 'superior' work ethic (Anderson, 2015; Dawson et al., 2017; Rogaly, 2008; TUC, 2008). Many new migrants have limited labour market information about the host country and are not necessarily proficient in English, which hinders their prospects in sectors that value communication in relation to job-related skills (Dawson et al., 2017). Therefore, migrants' immediate priority may be to obtain any job and demonstrate their skills from that point onwards.

However, employers' perceptions may develop into stereotyping and forms of racism, whereby they act based on attributes linked to groups of workers (EHRC, 2010: 9). In the hotel industry, McDowell et al. (2007: 16) found that some managers stereotyped Polish workers as 'more aggressive' compared to 'compliant' Vietnamese workers, and allocated them different roles accordingly. There can be apparent hierarchies within migrant groups, whereby some

employers favour white, European workers for 'front-house' work compared to migrants from Middle Eastern, Asian and African countries (McCollum and Findlay 2015). Therefore, employers may discriminate against migrant workers based on socio-demographic factors such as nationality, gender and ethnicity.

Existing research has documented numerous exploitative practices against migrant workers in the food industry (Allain et al., 2013; Lever and Milbourne, 2015; Potter and Hamilton, 2014; Scott et al., 2012). LMIs, such as gangmasters and work agencies, recruit many migrants; previous research has demonstrated that this is often associated with precarious work conditions, including dependence on employers, unpredictable work patterns, and longer-term health problems (Rogaly, 2008; TUC, 2008). A review into the meat and poultry processing sector suggests that agency (migrant) workers are more likely to be mistreated in the workplace, including being paid unequally and allocated hazardous jobs (Equality and Human Rights Commission (EHRC) 2010). Scott et al. (2012) found that migrant workers in various food industry sub-sectors, including agriculture and catering, were routinely underpaid, denied breaks, and were overworked due to productivity targets. In more recent work, Scott (2017a) conceptualises exploitation as an outcome of excessive work-based controls, which are frequently associated with flexible work conditions due to the dependence of workers on employers for any work they can get.

Despite these significant challenges and precarious conditions, many migrants tolerate exploitative practices over fears of losing work, and believe that their conditions will eventually improve (Scott et al., 2012). Aside from language barriers that can make communication in the workplace difficult, many migrants initially lack social networks and understanding of employment rights, which is less likely to be the case for local workers. A number of migrants may have irregular immigration status, which further exposes them to exploitative labour practices due to associated concerns of arrest and deportation (Skrivankova, 2010). A notable distinction is that labour exploitation is not exclusive to immigration status. Migrants tend to

face additional challenges in the workplace compared to local workers, which, for many, results in exploitation and harm. Given the frequently subtle problems that migrants face in the workplace, it is important to examine these through first-hand accounts where possible in order to understand and respond to these experiences more appropriately.

Research methods

The research was a qualitative study, and draws on semi-structured interviews conducted with 14 migrant workers who were living in the UK at the time of interview. Participants were accessed through migrant support organisations in the West Midlands region of the UK, whereby three caseworkers were also interviewed. Migrant participants had the right to reside and work in the UK, and were selected based on two criteria: (i) they had current or previous experience working in low-wage occupations in the UK food industry; (ii) they were proficient in English. As part of the recruitment process, participants were not asked whether they had experienced exploitation, since perceptions of exploitation and harm can be subjective, meaning that not everyone regards themselves as victims (Skrivankova, 2010: 9). The migrant participants collectively had experience working in a variety of UK food industry sub-sectors, including farming, food processing, and other food outlets, as established in Table 1 along with other socio-demographic data.

Table 1: Socio-demographic data of migrant participants.

Pseudonym	Sex	Age	Country of birth	Arrival date in UK	Site(s) of work	Education level
Hakim	M	37	Iraq	2000	Farm; food factory	Secondary
Marwan	M	33	Syria	2005	Fast food takeaway	Further
Adriana	F	41	Romania	2014	Food retail warehouse	Postgraduate
Navdar	M	40	Syria	2013	Food factory	Further
Klaudia	F	34	Poland	2010	Food factory	Higher

Xiao	F	32	China	2006	Fast food takeaway; restaurant	Postgraduate
Ashkir	M	26	Somalia	2009	Farm; food factory	Secondary
Raluca	F	28	Romania	2015	Farm; food retail warehouse	Further
Marcelina	F	33	Poland	2015	Farm; food factory	Postgraduate
Behrouz	M	26	Iran	2006	Food factory	Higher
Monika (I)	F	46	Lithuania	2010	Farm; food factory	Secondary
Zaki	M	40	Nigeria	2013	Food factory; food retail warehouse	Further
Abroon (I)	M	36	Somalia	2009	Food factory	Secondary
Dalmar (I)	M	33	Somalia	2016	Food factory	Secondary

(I) = interpreter present at interview

Due to the relatively small sample size, this study does not claim to be statistically representative of migrant workers' experiences, nor of the UK food industry. However, findings from small samples and case studies can still be applied to theoretical propositions (Slapper and Tombs, 1999: 50-51), which in this case concerns the important issue of routine labour exploitation. Case studies are frequently used in qualitative research on migrant labour exploitation due to difficulties in accessing workers and businesses (Potter and Hamilton, 2014). Therefore, the study is intended to illustrate a range of exploitative practices that migrants experience in the context of UK food supply chains. Although migrants may face extra challenges that make them vulnerable to exploitation due to their position in the labour market, it is possible that local workers are also affected. Stuart et al. (2016) discuss how UK workers in the Scottish labour market interpret the issue of 'decent work', whereby workers ranked factors such as 'decent pay' and 'job security' as highly important. Since these factors may be absent in many low-wage jobs across industries, routine exploitation potentially affects all workers, not just migrants.

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Since most migrant participants demonstrated proficiency in English at the time of interview, interpreters were used only in three cases where participants were less confident with their language skills. Using interpreters for 'three-way' interviews (Temple and Young, 2004: 163) allows researchers to access 'hidden voices' (Murray and Wynne, 2001: 160), which, in the UK context at least, is especially important for those who speak little or no English. It is possible that participants discussing sensitive topics in a non-native language could diminish the quality of the account (Murray and Wynne, 2001: 158-159) due to the extra effort that is required for thinking and speaking. However, aside from the financial burdens of using interpreters for interviews, their presence alone does not guarantee more accurate data. There is no single 'correct' way for interpreters to translate sentences, since they face a range of possible translations, which could affect the data. Therefore, with or without interpreters, some data would have been 'lost in translation'.

The key discussion topics during interviews included: the decision to migrate to the UK and subsequent journey; how participants found work in the UK; their daily experiences in the workplace; and how they responded to perceived problems in the workplace. Involving migrant participants who were proficient in English and had legal immigration status has implications for this research. For instance, undocumented migrants who speak little or no English may experience more severe forms of exploitation. Yet this research suggests that labour exploitation can affect even those who have full residency and working rights; albeit their experiences are less likely to be 'newsworthy' in the same way as severe exploitation is portrayed.

Emergence of routine labour exploitation

There are a number of exploitative practices that migrants experience in the workplace. As signposted, Scott (2017a) argues that a significant amount of low-wage work has high levels of employer control associated with it. This control is necessary to an extent due to the inherent

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features of some industry work. Yet, once this control becomes excessive, then exploitation and harm can develop (Scott, 2017a), even if exploitation is not reported and treated as criminal. Based on the continuum of exploitation, it is important to understand workers' routine experiences in order to consider the full spectrum of exploitative practices. Routine, mundane, everyday forms of exploitation are embedded in standard business practices from the recruitment phase onwards, even though they may not be particularly 'newsworthy'. The extracts in this section relate to six key issues that participants experienced: fees, accommodation, flexibility, workplace pressure, health and safety, and payment. These factors may be conceptualised through Scott's (2017a) argument that excessive workplace controls can lead to exploitation and harm, since they are frequently associated with work targets and a dependence on employers. It is not claimed that these issues are the only problems that migrant workers experience, but they represent some key challenges that were important to participants.

Recruitment and fees

Labour market intermediaries (LMIs) had a significant role in recruiting, employing, and providing accommodation to migrant participants. Since few participants arrived in the UK with job offers, they relied on LMIs to secure their first job. However, some reported a number of problems with the recruitment process:

I pay some money to one agency, they said to me, you will go there and you will work in chicken factory. When I come here they say to me, I don't have job for you ... I don't have money, I don't have money to come back, it was difficult. I don't have money for food, I don't have friends where to borrow some money ... I think it's normal to explain to them what they're gonna do, the next step, what they have to do. Not just leave you in this way, don't tell you nothing, and you stay and wait, but you don't know what you wait for. It's not normal. And when you start to call them, they tell you, go and search by yourself.

Raluca-Female-Romania-28

Here, Raluca paid the agency a fee in order to secure transport, accommodation, and work in the UK. Yet, there seems to be an element of deception here, since the initial job opportunity

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did not materialise, and the agency did not support Raluca to find other work, which meant that she was unable to pay her other expenses. The agency's failure may have been due to a bureaucratic oversight rather than intentional deception, but this still placed Raluca in a position where she felt exploited due to the fee she had paid. Raluca struggled to pay her rent and buy food for several weeks, which caused further anxiety until she secured alternative employment. Her experience contains dubious business practices with potentially exploitative and harmful consequences, but such practices are unlikely to be reported.

In some cases, workers appear to secure employment free from deception (Ollus, 2016), but may still experience exploitation:

A friend of mine mentioned, because we were just talking, we were just talking in the town centre. I told him I was looking for work, and he said he knew of jobs that were going, in this meat factory place. He said I should register with the agency and see what happens ... there weren't any nasty surprises, because when you signed the contract with the agency, they tell you what to expect and everything.

Zaki-Male-Nigeria-40

In Zaki's case, 'what to expect' was a zero-hours contract that offered little in terms of job security and regular work hours. However, many participants who lacked experience working in the UK food industry struggled to get their first job. In other words, participants were sometimes grateful to get any work rather than no work, regardless of the job security and conditions. This issue suggests that migrants may tolerate exploitative work in the context of longer-term goals, fear of job loss, or limited alternative options – with or without deception.

Substandard accommodation

During and after recruitment, some migrant workers rely on LMIs for accommodation and transport to work, especially those who work on farms, which tend to be in isolated rural locations. In severe instances of exploitation, substandard accommodation may be associated with overcrowded rooms, unsanitary conditions, and unlawful deductions from salary:

There were some clients with tied accommodation for these kind of jobs, with, you know, the gangmasters ... they were complaining very much about overcrowding. Overcrowded houses that they were staying in, there were maybe 20 people in a room, sleeping anywhere, dirty rooms, beds, sheets ...

Caseworker-1

This extract perhaps epitomises poor accommodation standards in cases of severe exploitation. However, perceptions from migrant participants suggest more subtle exploitation:

The guy said he would send someone to take a look and fix the, the generator, the machine for the caravan, but never did ... maybe two or three times a week the machine wouldn't be working properly, but we just had to get on with it and use what we could.

Ashkir-Male-Somalia-28

For clarity, 'the generator' connected electricity to the caravan, which Ashkir shared with six other migrant workers. The workers sometimes had no electricity in order to cook, wash and clean, despite complaining frequently to the employer. These issues suggest indifference rather than malice on the employer's part for not maintaining accommodation standards, especially since the employer was deducting accommodation expenses from workers' salaries. As with the recruitment agencies, the transaction here is exploitative, because the employer appears to be taking unfair advantage of workers by not delivering a service that has been paid for through salary deductions. Ashkir's extract indicates the mundane, everyday problems that seem relatively easy to resolve, but risk being overlooked due to employer neglect, especially when contrasted with severe practices.

Flexibility

Associated with LMIs is the notion of 'non-standard' work, whereby workers may be employed on a flexible basis, including zero-hours contracts. This 'non-standard' work seems to be increasingly standard within and beyond the food industry, and is commonly associated with employer mistreatment, job insecurity and long-term health problems (TUC, 2008). Based on

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such supply chain dynamics, Anderson (2010: 313) highlights the need to look beyond abusive employers, and consider migrant workers' experiences within systemic labour market processes. As Lord et al. (2017) argue in the context of food fraud, food production systems can be dysfunctional, yet still form part of legal processes. This emphasis on legal processes suggests that labour practices may function in a similar manner. Most migrant participants had experience of zero-hours contracts, which they associated with increased levels of insecurity:

You're on a zero-hours contract, every day you don't know what shift you'll be doing or how long your shift will be. You might turn up at the factory, wait around, then be told to go home because there's no work for you that day. You don't get paid for your time or the travel, even if you've spent money and more than an hour getting there. But if you don't get up and do the same thing again tomorrow then they'll take you off the list, and you definitely won't get any work.

Abroon-Male-Somalia-36

Abroon and other participants felt that they were constantly 'on call' and had to be ready to work at short notice, which made it difficult for them to plan ahead or find additional jobs. Subcontracting and zero-hours contracts are legal business mechanisms; nevertheless, there can be negative consequences associated with them. While zero-hours contracts may benefit some workers who seek flexible employment, the nature of these contracts means that employers are in a far stronger position to dictate terms than workers, which could result in exploitation and harm. Employers are not required to offer workers on zero-hours contracts any employment during a given week, just as workers are not required to accept any employment that is offered. However, some workers may be willing to accept any work they can get, whereby labour conditions may be poor but employers assert a strong level of control, which potentially results in mistreatment.

Workplace pressure

Participants frequently experienced workplace pressure in the form of fast, repetitive, intense work, which was associated with high levels of management oversight. To some extent,

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intense work is an essential feature of food production, given the need to meet orders on time and so ensure good food quality. However, exploitation and harm can result when this oversight becomes excessive:

... you feel like you are trapped there, and you are in deep water, under pressure, and you just want to explode ... stopwatch behind your back. And the supervisor, she wouldn't even talk normal to you, she would always shout ... I'm telling you, this line was a work camp.

Marcelina-Female-Poland-33

... is difficult work, is not so easy. 10 hours, you stay on your legs, it's difficult because it's very cold.

Raluca-Female-Romania-28

While such individual actions that Marcelina highlights are abusive, they may occur due to the pressure on management to fulfil contractual obligations, i.e. meet orders, with the risk of losing business if they miss these targets. This pressure does not excuse abusive conduct, but begins to explain how supply chain pressures may influence workplace practices, where such conduct becomes embedded and normalised. Raluca refers more broadly to the issue of 'difficult work', where she seems to imply that routine aspects of production can become physically tiring, with potentially hazardous consequences - in this case, exposure to cold weather over sustained time periods. Although employers theoretically have a duty of care to provide appropriate rest breaks and rotation of work in hazardous conditions, this type of work may be classed as 'lawful but awful', whereby some forms of exploitation or harm are embedded within everyday business practices.

Health and safety

Perhaps unsurprisingly, the combination of hazardous conditions, intense work, and a lack of due diligence towards workers can result in workplace injuries as a form of harm:

They give you jackets and boots, that's it. They give you a knife straight away, they tell you to start cutting chickens straight away. They put you on the line, they don't give you any health

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and safety training ... I saw one guy who cut his hand last week. He cut his hand really badly, very deep, his finger's not working ... there is no health and safety, and there's evidence here.

Behrouz-Male-Iran-26

I'm sure this kind of thing happened, miscarriages and everything, especially at the very beginning. And at the very beginning, there is no maternity certificate, so they won't believe you. And this is the most sensitive time when you can actually lose your baby, so I'm sure many cases was like that.

Klaudia-Female-Poland-34

Workers complained of injuries linked to repetitive, fast work with little safety oversight, physical exhaustion, and feelings of anxiety and depression – these factors seemed especially prominent where managers or employers appeared indifferent to excessive workplace pressure. Miscarriages can be particularly risky during the earlier stages of a pregnancy, which highlights the high stress and intense work pressure common in the food industry that may enhance these risks (EHRC, 2010). While the issue of miscarriages was not a common theme among participants, it illustrates that harmful consequences can develop from routine and seemingly legitimate aspects of production, which here relates to intense workplace pressure to meet contractual obligations. More widely, workers who are new to labour intensive roles are more likely to have an accident within the first four months of employment (Lloyd and James, 2008: 716) – especially if they are new to the country and do not, for example, understand safety signs displayed at work.

Payment problems

Aside from potential physical and psychological harms discussed so far, workers frequently reported problems with payment, where wages were withheld, late, or below the expected amount:

... a few times when it was quieter, I didn't get paid straight away, because the boss was struggling a bit, the boss said I'll pay you next week, but during this time I didn't feel comfortable, because I had bills to pay, it wasn't my fault he couldn't pay me ...

Marwan-Male-Syria-33

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... we weren't getting paid for the first two weeks, it took them ages to sort this out. By the end of the week you should get your money, but this wasn't always happening. And when you do get the pay, it's lower than you expect, not just because of the tax, but the agency take some of the money as a benefit to them, for helping you find the work.

Ashkir-Male-Somalia-26

In this case, Marwan accepted what his employer told him and continued to work, even though he was not happy with such conditions. Regardless of the employer's reason for delaying salary payments, this suggests a neglect of workers. Workers who do not understand their employment rights or fear losing their jobs may not challenge these practices, which could even lead to conditions deteriorating (France, 2016). Unlike severe exploitation where salary may be withheld indefinitely, Marwan's example suggests a more subtle and embedded aspect to salary underpayments that risk becoming normalised, rather than as having potentially harmful impacts on workers. Even if the explanation for underpayments lies more with 'oversights' and neglect rather than malice, the consequences for workers can still be exploitative and harmful.

Relating the issues discussed here back to the exploitation continuum allows for a flexible approach in defining exploitation, since it does not necessarily rely on the strict criteria associated with criminal-legal frameworks. On the other extreme, a continuum of exploitation is critical of the Marxist 'omnipresence' of exploitation, which regards labour transactions as inherently exploitative due to the argument focused on capitalist accumulation of wealth (Scott, 2017a: 7). Viewing exploitation beyond this omnipresence recognises that workers are not necessarily passive 'victims' of exploitation, but that they make decisions within limited options, which may involve tolerating some degree of mistreatment. There is a lack of space here to examine why some workers appear to tolerate mistreatment. However, those exposed to routine, everyday forms of exploitation may be more likely to voluntarily enter employment relationships, whereas in severe cases, some form of coercion or, more commonly, deception, is likely to be present.

Concluding thoughts

Six key issues have been discussed and evidenced in the latter part of this paper. While these issues do not cover all relevant points regarding exploitation, they underline the need to examine 'routine' as well as severe labour exploitation. Many processes discussed here form legal aspects of food production, including zero-hours contracts, and even in more 'dubious' cases such as underpayment, participants did not report their concerns to any support groups or regulatory authorities. This absence of legal intervention brings into question whether these experiences can be classed as exploitation. Aside from legal definitions that capture only a small proportion of all exploitation, some workplace practices could be exploitative or harmful if they breach commonly accepted labour ethics principles. For example, many companies have adopted the Ethical Trading Initiative's (ETI) 'base code' of labour ethics, which establishes principles of 'decent work' such as collective bargaining, the provision of regular employment, and workplaces free from harassment. In the case of harassment, even if an employee was reported and subsequently disciplined or dismissed over this, they would likely not be criminally prosecuted unless this harassment was accompanied by more severe activity. The lack of legal intervention here would not detract from the experience of harassment as potentially harmful, or forming part of a wider exploitative employment relationship.

Conceptualising labour exploitation through a criminological lens of harm has received little attention within and beyond the discipline, yet such a lens is important and contributes to existing discussions on harm. Despite the differences between perspectives on 'criminal' harm (Greenfield and Paoli 2013) and 'non-criminal' or social harm (Pemberton 2015), focusing on harmful consequences of business practices, as well as efforts to explain how these consequences may be structural to industries and societies, both provide valuable insights into understanding the features, organisation, and governance of labour exploitation. 'Starting

from the end' (Paoli and Greenfield 2015) by focusing on the harms of illegal, dubious, and legitimate business activities provides a richer discussion on labour exploitation beyond the somewhat narrow confines of criminal law, which is likely to apply only in severe instances. Adopting a harm perspective means that processes and consequences, rather than criminal intent, become important focal points, which places 'low-hanging fruit' or seemingly 'less severe harms' at the centre of discussion. Such a criminological analysis provides the means to uncover normalised actions that are harmful and should at least be subject to clear regulation in order to protect (migrant) workers.

Therefore, viewing exploitation as a continuum becomes central to a harm perspective on labour abuses. Many exploitative and harmful practices similar to the ones identified in this paper are unlikely to be reported or detected, and if they were, would likely not meet the threshold to be classed as 'modern slavery', along with the official state support for victims via the National Referral Mechanism (NRM) that accompanies this. The routine exploitation discussed in this paper, including substandard accommodation, underpayment, and safety problems, would almost certainly be treated as regulatory problems rather than criminal ones if discussed in the context of an exploitation continuum. This issue highlights important distinctions that dubious or illegal activity is not necessarily labelled as criminal, but can still be harmful when considering the consequences. A continuum helps to ensure that routine exploitation, or at best, poor working conditions, are not overlooked or dismissed as 'trivial', since focusing only on the most severe exploitation is inconsistent with broader goals of achieving 'decent work' for all workers. Modern slavery represents just the 'tip of the iceberg', and it is important not to overlook the iceberg.

Given the relatively small sample size that informs this paper, further research on the notions of 'decent work' and routine labour exploitation would be helpful beyond the UK and beyond the food industry. In the UK, the Taylor Review (Taylor, 2017) begins to highlight potentially exploitative practices associated with casual work and the 'gig economy', which at least

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suggests a growing recognition of routine practices. The routine exploitation and harm discussed in this paper arguably needs to be subject to a more rigorous regulatory regime that reaches beyond criminal law, that would bring such embedded and repetitive exploitation within the regulatory remit. Based on the exploitation continuum, criminology arguably needs to encompass broader issues including routine exploitation, and by implication, social harm approaches, by recognising the need to move beyond extreme practices and 'criminal justice' interventions. This approach demands solutions from within and beyond criminology. In order to move towards achieving full 'labour justice' (Skrivankova 2010: 9) and so achieve 'decent work' for all workers, it is essential to develop understanding of the everyday, routine, banal practices, not just the most brutal.

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