



University of
Nottingham
Rights Lab



Labour exploitation in hand car washes

A research report from
the Office of the Independent
Anti-Slavery Commissioner and the
University of Nottingham's Rights Lab



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Foreword

Modern slavery is a brutal abuse, denying people their dignity, safety and freedom. It affects millions worldwide and thousands here in the UK. If we want to see more victims rescued and more perpetrators behind bars, we need to know everything we can about the scale, causes, and consequences of modern slavery, and about strategies to combat it. Understanding the breadth and nature of modern slavery is an enormous challenge and needs to be supported by the best possible research and evidence.



This report supports the aim expressed in my Strategic Plan during my time as Commissioner of developing partnerships with academic and research institutions and promoting external high quality quantitative and qualitative research into modern slavery issues. A position of greater understanding will empower evidence-led action to improve prevention, justice and victim care. To support the development of high quality research, the Office of the Independent Anti-Slavery Commissioner has partnered with the University of Nottingham's Rights Lab to better understand labour exploitation in hand car washes.

To date, numerous reports and investigations have identified issues across the spectrum of labour exploitation in the sector and under my tenure I was pleased to partner with the Rights Lab to investigate and analyse these findings so that we can better understand the nature of the problem and how to tackle it.

This report is an important piece in the puzzle of eradicating modern slavery from British high streets and identifying how ethical hand car washing businesses might operate.

A handwritten signature in white ink, appearing to be 'KH', written over a dark blue background.

Kevin Hyland OBE
First UK Independent Anti-Slavery
Commissioner (2015-2018)

Introduction

Hand car washing, the process of washing a vehicle by hand, is a relatively new business activity in the United Kingdom. Research suggests that prior to 2004, hand car washes (HCWs) were virtually non-existent in the UK¹. However, anecdotally, it is estimated that between 10,000 and 20,000 operations exist in the UK. Many have sprung up on the side of the road, petrol stations, disused forecourts, former public car parks and in supermarket car parks. The Petrol Retailers Association suggest that HCWs now make up 70% of the market share in the car wash industry².

Similar to other businesses, there are a number of regulations to which HCWs should adhere. However, recent investigations and reports on HCWs have unearthed a host of labour, employment, health and safety, and environmental violations. At present, the UK does not have a system to register and license HCWs, and thus such businesses have been able to flourish without almost any regulatory overview.

One area that has been subject to increasing scrutiny is the exploitation of workers in these operations, as press coverage and investigations by enforcement and regulatory bodies have identified numerous labour exploitative practices. Awareness of labour exploitation within HCW operations is slowly gaining traction, as authorities work towards developing a better understanding of this new phenomenon. However, the lack of data on this sector creates a challenge in assessing the incidence rate of labour exploitation within HCWs. It is difficult to assess the number of HCWs existing in the UK, their business models, and the conditions of the workforce employed.

As will be discussed further in this report, HCWs tend to be owned and operated by Eastern European migrants, although other nationalities are also present. Our research findings reveal that there is a high proportion of Albanian and Romanian owners/managers and workers in HCWs. The presence of Romanians working in HCWs might be attributed to the UK's rules on accessing its labour market for citizens from A2 nations – Romania and Bulgaria – that joined the European Union (EU) in 2007. Up until 2013, citizens coming to work in the UK from these countries had to apply for and be granted a worker's authorisation document before starting work, unless they were self-employed³. This may have encouraged self-employment and entrepreneurship via HCWs. Regarding Albanian workers and car wash owners/managers, the visa schemes differ as Albania is not in the EU. To work in the UK, Albanian nationals must apply for a work visa, which may be granted via different categories⁴, if the necessary requirements are met. An assessment of available work visa schemes suggest that HCW work is unlikely to satisfy the requirements of the current visa routes. This could increase the risk of exploitation and abuse for Albanian workers who may not have the right to work in the UK.

Research on the nature of HCWs in the UK indicates that while some workers are looking for short-term and long-term employment to help move them up the job ladder and improve their English and standard of living in the UK, others are entrepreneurs looking to establish businesses⁵. HCWs can be viewed as ideal business ventures because they are easy to establish, conveniently accessible, and could offer a competitively cheaper alternative to automated car washes (ACWs). Reportedly, HCWs are run by migrants for migrants, often attracting those desperate to improve their job prospects and their socio-economic circumstances. Though a labour-intensive business activity, HCWs have the commercial advantage of a cheap and abundant workforce.

This report aims to provide a better understanding of the nature and prevalence of labour exploitation in HCWs and the challenges and approaches to tackling it.

Research methodology

This research aimed to better understand labour exploitation in HCWs in the UK. We did not undertake first-hand investigations of HCWs, but instead brought together research and information already in existence, in combination with new information from police authorities and key stakeholders. We collated and analysed existent materials from a range of sources including press reports, parliamentary evidence submitted to the Environmental Audit Committee and research on exploitation and criminal activity relating to labour issues found at car washes. We consulted with a number of key industry stakeholders such as the Gangmasters and Labour Abuse Authority, the Petrol Retailers Association, Belgian Association Vehicle Cleaners (Belgische Beroepsvereniging Reiniging Voertuigen - BBRV), and Waves, Tesco's HCW supplier. We also interviewed officials from four police forces: Greater Manchester Police, Gwent Police, Police Scotland, and the Police Service of Northern Ireland.

Additionally, surveys were distributed to police forces' modern slavery single points of contact (SPOC). Surveys were completed and returned by 17 police forces. The recording and storage of police data vary significantly among forces, as a result the time period of information provided differed, however, police forces' responses and current knowledge of labour exploitation in HCWs were evaluated to develop a more comprehensive understanding of workers employed in HCWs, working conditions, and workers' accommodation style.

Interviews with police forces and survey responses were also assessed to better understand the scale of labour exploitation in HCWs across the UK and the extent to which exploitation constitute modern slavery, human trafficking or lower level forms of abuse. The challenges and possible solutions to addressing labour abuses in HCWs were drawn from interviews, surveys and other available resources.

Summary of findings

- 1. Hand car washes and labour violations committed within them are widespread across the UK.** Police forces interviewed acknowledged a rise in HCW businesses in their localities and reported that workers in HCWs were most often likely to be subject to some form of labour violation such as working excessive hours or being paid below the national minimum wage. However, the lack of data on this sector makes it difficult to assess the prevalence of labour exploitation in HCWs in different areas in the UK.
- 2. Labour exploitation in HCWs does not rigidly fit into a specific category, but rather there is a continuum of exploitation.** Research indicates that there are workers who have been positively identified as victims of modern slavery and human trafficking and workers subject to lower level forms of labour abuse. There is also a variance in terms of identification as a victim: some workers self-identify as victims of modern slavery or trafficking and some who would fit the necessary indicators do not, as they may view their situation as a better opportunity to alternative options for employment. The same finding applies to lower level forms of abuse.
- 3. HCW workers are predominately males from Eastern Europe, with Romania being the most common nationality.** Conditions of work, accommodation style and methods of control significantly vary among car washes. Research suggests that the average wage for a day's work in a HCW is £40.
- 4. Research indicates that there is limited evidence to suggest that individuals are being trafficked to the UK to specifically work in HCWs.** However, reports, particularly those by the Gangmasters and Labour Abuse Authority, acknowledge that people have been encountered at borders coming to the UK to work in this sector. There is room for further research on how recruitment networks operate, whether trafficking is present and how they can be leveraged to raise workers' awareness of their rights prior to arrival in the UK.
- 5. There appears to be confusion around the relevance of consent in identifying cases of labour abuse, modern slavery and/or human trafficking.** Law enforcement officials report not pursuing investigations, prosecutions or other mechanisms due to workers failing to self-identify as victims and stating their consent to their conditions. This is at odds with Part 1, Section 1(5) of the Modern Slavery Act.
- 6. Police force interviews and survey responses indicate that some workers return to exploitative HCWs after being in the National Referral Mechanism (NRM).** This suggests that more work is needed on post-NRM support and providing alternative livelihood opportunities.
- 7. HCWs tend to be viewed erroneously as unregulated operations, however, like other businesses operating in the UK, there are numerous regulations to which HCWs should adhere.** Thus, one area for further consideration is not simply additional regulations, but rather stricter enforcement of current regulations. Other considerations include an industry code of practice to improve engagement with workers and employers, and multi-agency collaboration to capture labour abuses across the spectrum.
- 8. The proliferation of HCWs in the UK could be indicative of inadequate enforcement of environmental policies.** The UK has a number of regulations to protect the environment and a number of regulatory bodies to ensure compliance. However, inadequate enforcement of regulations and in effect turning a 'blind-eye' to the impact of HCWs on the environment may have contributed to the growth of such operations in the UK, opening the floodgates to non-compliance in other areas such as labour and employment practices.

Nature and scale of labour exploitation in hand car washes (HCWs)

Overview of labour exploitation in HCWs

Recently, there has been an increase in awareness of labour exploitation in HCWs. Press coverage and investigations into car washes by enforcement and regulatory bodies such as police authorities, the Gangmasters and Labour Abuse Authority (GLAA), Her Majesty's Revenue and Customs (HMRC), the Health and Safety Executive (HSE), and the National Crime Agency (NCA) have shed light on exploitative labour and employment practices, unearthing a host of violations.

The GLAA's report on the nature and scale of labour exploitation across all sectors within the UK acknowledged HCW as one of the largest industries in which labour exploitation is said to exist⁶. The non-governmental organisation Unseen's 2017 annual assessment on calls made to its modern slavery helpline also described HCWs as the most prevalent industry reported, making up 27% of potential modern slavery cases concerning labour exploitation and forced labour⁷.

Further, their assessment recognised that next to the hospitality sector, car washes were the second most prevalent sector reported to the helpline involving cases of lower-level forms of labour abuses – such as below national minimum wage (NMW) payments, and lack of protective gear. However, it is important to emphasise that such reports may not lead to victimhood being definitively identified and could also be indicative of recent heightened awareness and campaigns around labour exploitation in this sector, and therefore may not represent an accurate or reliable assessment of the incidence rate of labour exploitation in HCWs.

An assessment of current studies, reports, press coverage and investigations on HCWs indicate that common exploitative labour practices include issues around working time, wages, health and safety, and living conditions. Media coverage has reported workers being paid as little as £3 per hour and working between 10-12 hours a day⁸. Some reports described workers operating in poor and hazardous conditions often without adequate safety equipment and protective clothing, exposing them to hazardous chemicals and substances used to wash cars.

One report cited a case where workers had leprosy-like damage to their skin due to exposure to chemicals⁹. Other investigations unearthed workers housed in derelict and sub-standard accommodation with lack of basic facilities. A notable case is the death of Romanian national Sandu Laurentiu-Sava who was electrocuted in August 2015 while showering in squalid accommodation adjacent to the car wash where he worked as a result of his employer, who had provided the accommodation, bypassing the electricity meter¹⁰.

To draw a fuller picture of the nature and scale of labour exploitation in HCWs in the UK, the subsequent sections outline our research findings.

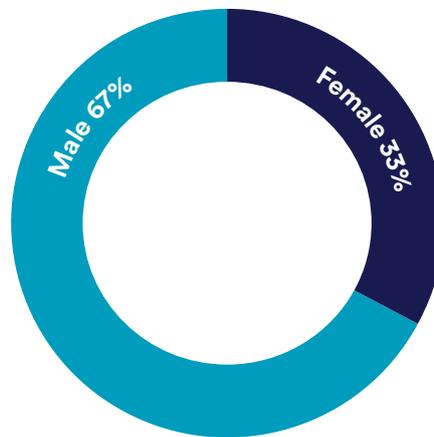
Workers employed in HCWs

Similar to migrant workers in other low-skilled sectors, individuals often take up work in HCWs to improve their socio-economic circumstances. For many workers, the wages and conditions of work, though poor, are a better opportunity in subjective comparison to those offered in their home country or alternative employment options. Research indicates that HCWs are run by migrants for migrants, allowing low-skilled workers the opportunity to earn an income. Car wash owners take advantage of workers' desperation to improve their circumstances and their limited options for employment.

Further, there are different categories of migrant labour employed in HCWs. For instance, Clark and Colling's research identified a category of workers who worked in HCWs to improve their English and, similar to migrants working in other sectors, viewed HCWs as an opportunity to develop their skills to help move them up the job ladder¹¹. Additionally, their research identified workers who relied on agents and networks to secure work, because they spoke limited English and lacked qualifications and skills.

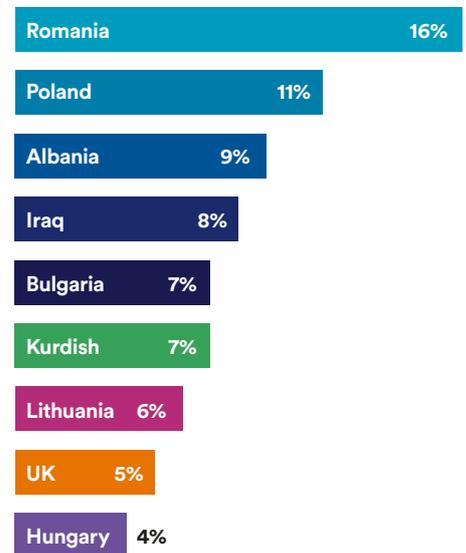
Workers employed in HCWs are predominately migrant adult males, though women and children (ie persons aged under 18) have reportedly been found working in car washes. Our surveys asked police forces for the gender breakdown of potential victims of modern slavery and/or human trafficking (MSHT) in HCWs (ie those who have been referred into the National Referral Mechanism (NRM), the UK's system for identifying and supporting victims). While some police forces identified the gender of potential victims of MSHT, others referred to the gender of workers interviewed during investigations or who they suspected were victims of labour abuse. From police responses, the diagram opposite illustrates the gender breakdown of workers who were potential victims of MSHT and/or labour exploitation:

Figure 1. The gender breakdown of potential victims of modern slavery, human trafficking and/or labour exploitation in HCWs.



The GLAA's report on the nature and scale of labour exploitation across all sectors within the UK reported 24 different nationalities of workers employed in HCWs¹². According to their report, workers typically originate from Eastern Europe, with Romania being the most common nationality. 'Similarly, our survey responses from police forces identified 26 self-ascribed nationalities and one self-ascribed ethnicity, recognising Romania as a main nationality of workers. The diagram opposite illustrates the top nationality/ethnicity of workers employed in HCWs:

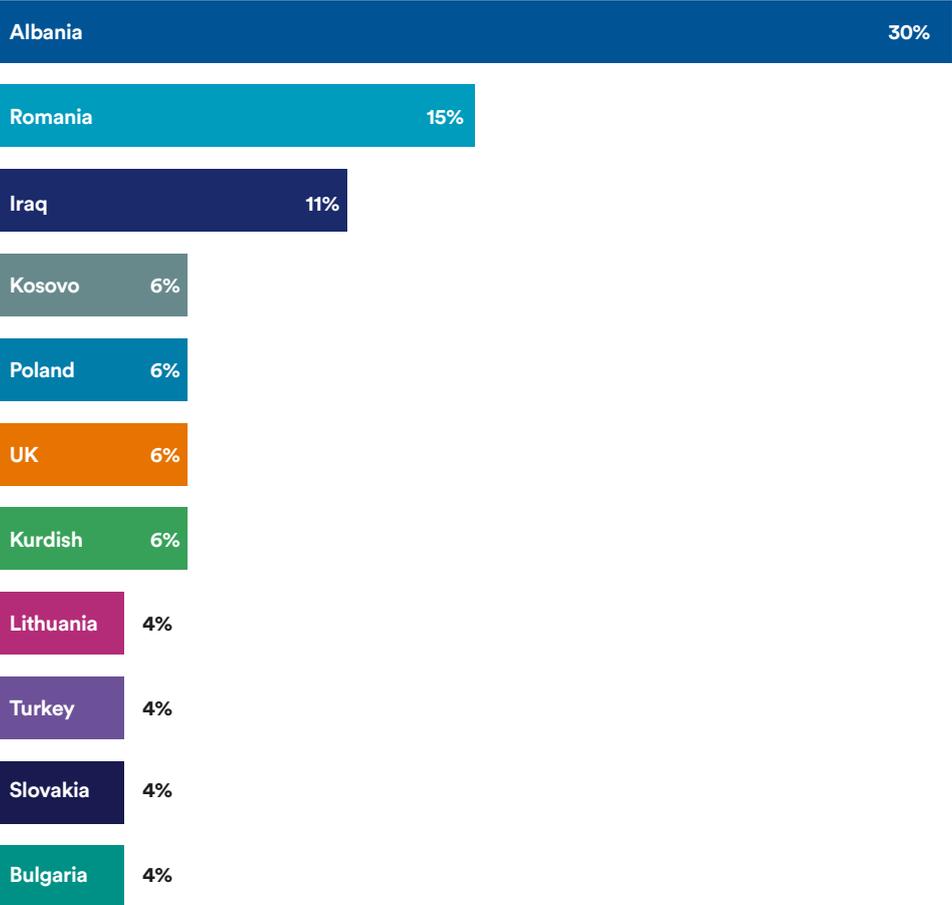
Figure 2. Top reported nationality/ethnicity of workers in HCWs



HCW owners/ managers

Responses and interviews from police forces suggest that HCW owners/managers often share the same nationality as workers. Our research identified 14 self-ascribed nationalities and one self-ascribed ethnicity from police responses. The diagram below illustrates the top reported nationality/ethnicity of HCW owners/managers:

Figure 3. Top reported nationality/ethnicity of HCW owners/managers



Wages and terms of employment

Responses to our survey and interviews reflect HCW conditions reported in the press, academic research, and reports from investigations and operations. For example, concerning the wages and terms of employment, research by Clark and Colling ‘found widespread denial of employment status, avoidance of the minimum wage, and working time regulations¹³.’ Similarly, police forces surveyed reported workers that were employed without a contract or on a zero-hour contract, paid cash in hand and not given a pay slip, paid below the NMW, or not paid at all. Survey responses indicate that some workers are aware of the NMW but content with being paid below it, while others were unaware that there was a minimum wage:

“Staff appeared to be happy with the money that they earned, but when it was explained to the workers about minimum wage they did not know that the UK had this but were surprised how high the rate was.”

Police survey response

“Generally we found workers to be very happy to engage with police and tell us how much they were earning, which tended to be around £40 - £60 per day, working between 8-10 hours. They were aware of the minimum wage and were content with their conditions.”

Police survey response

The working hours and wages paid to workers varied among HCWs. Police survey responses report employees working between 8 and 12 hours a day on flexible zero-hour contracts. Regarding the wages paid, responses suggest that the average wage for a worker in a HCW is £40 for a day's work. For instance, wages reported include, ‘£40 per day,’ ‘£50 for 10 hours,’ ‘£40-60 for working up to a 10 hour day,’ ‘around £40-£60 per day, working between 8-10 hours.’ More significantly lower wages included employees working from 7am to 7pm, for £20-£30 a day, and ‘£10/£15-£40/50 per day.’ Separately, two police forces reported that cigarettes and food were used to pay workers.



Health, safety and work conditions

An assessment of current research and reporting in this area highlighted potential concerns for the health and safety of workers employed in HCWs. Substances such as hydrochloric acid, detergents and other cleaning chemicals can be hazardous to workers, particularly if they do not have the proper gear to handle chemical substances or adequate training. Survey responses highlighted that some employees were found working without proper health and safety gear such as waterproof boots, gloves and goggles:

“Most car washes did not provide adequate protection equipment and uniforms for staff. On some visits, the Health and Safety personnel who accompanied our team have closed down the car washes due to safety concerns.”

Police survey response

Regarding rest breaks, some workers were not allowed breaks, had limited access to basic facilities and were operating in potentially hazardous environments:

“A few premises had the electric meters bypassed, 1 premise had no toilet facilities, most staff worked long hours over a short number of days...”

Police survey response

“Working conditions are usually a portacabin type setup, kettle and basic facilities and long, hard days with no formal breaks.”

Police survey response

However, one police force reported cases where there was ‘generally decent working environment in terms of organisation, access to a kitchen/ rest area,’ stating that hot meals were provided to workers.



Accommodation style

An analysis of existent materials suggests that accommodation style varies among HCWs. Generally, reports on HCWs suggest that workers were living on either the car wash site or off site in cramped, dilapidated accommodation provided by car wash owners.

Survey responses and interviews indicate further accommodation styles and conditions. For instance, there are a number of housing categories available to workers, with some sourced by the workers themselves.

The most common categories of accommodation included workers who lived on site at the car wash, workers living in a house in multiple occupation (HMO) accommodation off site, and workers living off site in makeshift accommodation such as caravans. While some responders found workers living at car wash sites, others suggested that there was no evidence that workers were living on site. Further, a number of responses suggest that it is common for workers to be housed in HMO, provided by HCW owners. In this situation, it is common that workers pay their owners for the accommodation or a portion of their salary is deducted. In the UK, when calculating the NMW or national living wage (NLW), accommodation provided to workers can be taken into account. As of April 2018, an employer cannot charge his worker more than £7 per day for providing daily accommodation, and more than £49 per week when weekly accommodation is provided. This is known as the 'offset' rate, and charges above this will need to be taken into consideration when calculating NMW. If the accommodation is provided free of charge, the offset rate will be added to the worker's wages and then calculated to determine whether the worker's wages is below the NMW¹⁴. Given the reports of workers in HCWs paying for their accommodation, consideration by HMRC of the cost of accommodation along with wages paid when assessing whether workers are being paid the NMW would be a useful addition to further develop current evidence.

"Where workers have been encountered at accommodation they generally live in Houses of Multiple Occupancy where rent is paid weekly in cash, the workers from the same car wash usually stay within the same address."

Police survey response

"Across our visits there is some commonality in regard to the reduction in pay against minimum wage, offset by accommodation provision. In the majority of cases however the view is that the workers are more than happy with that (usually declared at £5 per hour) – even when minimum wage is discussed there is a clear lack of interest and that generally there is satisfaction with the conditions."

Police survey response

However, while employers have provided shared accommodation in some cases, police forces reported that there have been cases where workers have sourced their own accommodation:

"In the main, accommodation is sourced by the individual. Only on rare occasions have people obtained accommodation through their employers."

Police survey response

In line with current reports, which reported of workers living in dilapidated and overcrowded accommodation, some police forces described workers living in cramped housing with mattresses on the floor, limited facilities, and health and safety issues. Further, one police force stated that in some cases conditions of accommodation were dependent on the nationality of workers and their contract lengths:

"Workers seemed to be allocated rooms in accordance with how long they had worked at the location. In some examples, the nationality of workers also accounted for how rooms were allocated. For example, in Kurdish run car washes, the Kurdish staff had individual rooms whereas the Eastern Europeans had to share accommodation. In some Albanian run car washes, the Albanian staff had beds and duvets whereas the Bulgarians lived on cardboard on the floors."

Police survey response

While police force responses indicate varied accommodation styles, 41% percent commented on the condition of the accommodation available to workers. 57% described accommodation as poor, 14% said it was acceptable, and 29% acknowledged that conditions varied, as some were 'generally in good condition and clean' while others were 'far from ideal.'

Methods of control

An assessment of media coverage, investigative and operative reports suggest that car wash owners use a number of methods to control their workers. This includes financial coercion, withholding of workers' identification documents to prevent them from leaving and in some instances, physical abuse. Similar to other variables, the use and methods of control vary among car washes and in some cases interviews with police officials indicate that not all HCW workers are restricted in their freedom. However, while some police forces surveyed did not report on methods used to control workers, 24% of responses described various methods of control such as withholding workers' passport or identification documents, debt bondage, physical abuse and withholding or non-payment of wages.

The following are responses from the survey where forces detailed methods used to control workers:

"In four locations staff were subject to physical assaults and threats... in one location staff had their entire routine dictated to them [such as] when they should eat and when they had to go to bed. In many cases workers had to live in accommodation that was imposed on them. The rent was taken directly from their wages."

Police survey response

"Assaults common if workers disagreed with the rules. Bondage against those that broke the rules if they wanted to continue working at location, this could be a money or passport being taken from them."

Police survey response

"All of the workers describe being threatened and intimidated by the owners of the garage. These threats ranged from the owners could bring other Albanians, had access to firearms, physical assault to verbal assaults."

Police survey response



Trafficking of workers

According to the GLAA, there is no evidence to suggest that workers are trafficked to the UK to work in HCWs, but rather, people have been encountered at the border coming to the UK to work in this sector¹⁵. Human trafficking (the process of arranging or facilitating the travel of another person with a view to them being exploited), is thus not regarded by the GLAA as a key aspect of HCW exploitation. This was also echoed by some police forces surveyed:

“No information to suggest that the workers were trafficked. Generally, they accepted that they were paid less than the minimum wage, but knew the conditions.”

Police survey response

However, some interviews with police forces, and survey responses described cases where HCW work has been advertised in workers' countries of origin, luring them to the UK under false pretence to be exploited:

“In one Albanian car wash, the Romanian workers were supplied by person(s) in Romania who arranged their jobs on their behalf. These Romanians were bussed over and it appears that the transport dropped individuals off at various car washes. The staff we encountered generally did not know the name of the town in which they were located. Some of these workers then discovered the job conditions offered in Romania were not what was described to them. In some of these cases the workers were expelled from the site with no access to the money that was owed to them.”

Police survey response

There was also some evidence that individuals are recruited in their home countries to work in other sectors, but are then exploited in HCWs:

“Victims are recruited locally in their countries of origin or by word of mouth from family/friends who are already working in the UK. Victims tend to agree to come to the UK. Often they are coming to work as agreed but on occasion, they come under false promise (or assumption) that the work involved something else, for example, in food or construction. Victims come to the UK in transport or using a ticket provided or facilitated by exploiters, for example, by coach/minibus pick-up or they make their own way for the job...”

Police survey response

While interviews with some police forces also suggest that there is limited evidence to indicate that individuals are trafficked to the UK to work specifically in HCWs, some police forces revealed that there were HCW workers who were positively identified as victims of human trafficking. For instance, one police force reported that individuals from Romania were often trafficked to their locality via bus, costing them roughly a £150 debt for the journey. During the interview, the police force stated that HCW jobs are advertised in Romania, promising workers £35 a day, which workers deemed a good wage.

However, on arrival in the UK, workers were placed in dilapidated and cramped accommodation, with a lack of basic facilities such as electricity or water. The official interviewed also reported that individuals were then forced to work in HCWs for two weeks and only paid £10 for that period of work. As a result, some survived by hoovering coins from the cars they washed. Interviews with other forces suggest that while there was no clear evidence to indicate workers were being trafficked to work in HCWs specifically in their police force area, there were workers being transported to different car washes around the country to work which may indicate the presence of trafficking within the UK. However, it is unknown whether these workers were being held under exploitative conditions or not.

Responses from surveys also implied concerns around potential trafficking, such as this response regarding workers' behaviour post-NRM support:

“Workers entered the NRM and are placed into safe accommodation; many workers left the safe house and went back to work for traffickers after they got positive conclusive grounds decision as they wanted to earn money.”

Police survey response

Evidently, there is room for further research on the recruitment of workers coming to the UK to work in HCWs and its link to human trafficking. Additionally, given the evidence above of workers returning to exploitative HCWs after being in the NRM, more work is needed on post-NRM support and providing alternative livelihood opportunities.



Link to other criminal activities

Reports and investigations into HCWs and interviews with police forces suggest that some operations are involved in other criminal activities such as benefit fraud, where the personal details of the workers are exploited to unlawfully collect state benefits, money laundering, forced prostitution, theft of car parts, and drug and human trafficking.

In some instances, police authorities identified cases where victims of sexual exploitation have provided sexual services to car wash workers. This illustrates that not only can HCWs involve other forms of criminality, but they may also overlap with other forms of exploitation.

Nevertheless, the probability of HCW operations perpetrating the aforementioned criminal activities is at present undetermined.

Labour exploitation in HCWs: a continuum of abuse

The lack of data visibility in the HCW sector makes it difficult to assess the extent to which labour abuse within these operations constitutes MSHT, or lower level forms of abuse. There is a lack of evidence on the number of workers referred to the NRM from HCWs and subsequently positively identified as victims. This is partly due to the NRM system aggregating all labour and criminal exploitation into one category, rather than breaking it down by sector. The Office of the Independent Anti-Slavery Commissioner has recommended to the Home Office that this is rectified as part of the NRM digitisation project currently underway.

While research such as that by Clark and Colling found no evidence to indicate that workers were victims of modern slavery¹⁶, an assessment of reports, interviews and surveys with police forces suggest that labour exploitation in HCWs does not rigidly fit into a specific category of labour abuse, but rather evidence points to a continuum of exploitation which includes modern slavery.

Not all workers experiencing abusive labour practices in HCWs are technically 'enslaved'. Article 1 of the United Nations Slavery Convention 1926 defines slavery as 'the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised'¹⁷. Thus, modern slavery encompasses the extreme end of the spectrum of labour exploitation and requires restriction of freedom to be present, via mechanisms such as coercion, threat, debt and intimidation. Assessment of intelligence on HCWs indicates that labour exploitation does not always satisfy this threshold for MSHT. However, even where it does satisfy it, and workers are restricted in their freedoms, potential victims may still not be identified. This is due to potential victims themselves accepting their situation due to the lack of viable economic alternatives. Their wages and working conditions, though poor, allow them the opportunity to make a better income than possible at home or in other informalised sectors in the UK; thus they are more likely to accept coercive, violent or deceptive arrangements.

Evidently, this makes it difficult to get a full picture on the scale of MSHT in HCWs because potential victims may never enter the NRM whether through their own lack of self-identification as a victim or due to police accepting their reported contentment with their working conditions.

Police authorities' perspectives varied on whether labour exploitation in HCWs in their localities met the threshold for MSHT. For instance, an official from one police force voiced that within their vicinity, though some workers were subject to labour abuse, they were content with their working conditions, and suggested it was 'more of an HMRC national minimum wage or tax evasion issue,' as opposed to the more serious offence of modern slavery. It was emphasised that workers earning less than the NMW or working in poor conditions does not constitute modern slavery. The official interviewed referred to Her Majesty's Inspectorate of Constabulary and Fire & Rescue Service (HMICFRS) report, 'Stolen Freedom: The Policing Response to Modern Slavery and Human Trafficking'¹⁸ which highlighted:

"Exploitation in which an individual chooses to work for less than the national minimum wage or to live in undesirable conditions, without being forced or deceived into doing so, would not constitute modern slavery."

This view was also echoed by other police forces who suggested that though some workers have been referred into the NRM, evidence shows that the majority of workers interviewed may not meet the threshold for modern slavery as workers voluntarily chose to work in HCWs under poor circumstances and had the choice to leave.

Based on our research, therefore, it is important that authorities are able to distinguish between individuals who are experiencing lower level forms of labour abuse with no practical restrictions on freedom present; those who are experiencing slavery but are consenting to the restrictions or menace faced due to livelihood constraints, for instance, a lack of alternative options even if escape were made possible; and those who are experiencing slavery and would not consent to these conditions given the opportunity to escape. Each category will need different tactics and support mechanisms in place. For example, those in the second category – who are enslaved but would choose to remain within these circumstances due to a lack of alternatives available even if they were free to choose – may be more likely to re-enter slavery after the NRM and therefore may need tailored support to prevent this. Additionally, authorities need to consider that, once the elements of the offence of MSHT are identified, it is irrelevant whether the workers consented to their situation under the Modern Slavery Act.

Contrarily, some officials suggested that in their locality labour exploitation in HCWs predominantly satisfies the threshold for modern slavery, as many workers are forced into debt bondage to pay for costs such as transportation or accommodation. Moreover, there were cases where workers referred to the NRM received positive conclusive grounds decisions and were repatriated back to their country of origin upon their request. One police force reported that labour exploitation in HCWs was the second most prominent form of exploitation next to sex trafficking. However, others reported that while they acknowledged that labour exploitation in HCWs exists, it is not the most prevalent form of exploitation in their locality.

The variances of police perspectives could indicate different recruitment channels to specific regions that may affect the level of abuse, inconsistencies in the identification of abuse and exploitation, engagement with workers, and how workers are viewed. For instance, while some police forces referred to workers as ‘victims’ regardless of whether they were positively identified as victims of MSHT, others referred to workers as ‘illegal workers.’ In particular, one police force appeared to emphasise the workers’ status in the UK by referring to them as ‘illegal workers’ though acknowledging that they ‘worked long hours over a short number of days,’ did not know the UK had a NMW, and were ‘surprised how high the rate was.’ It is important that police forces do not allow the immigration status of workers to prevent the remediation of labour abuses or identification of victims of modern slavery. This was also reported in HMICFRS¹⁹ report which stated:

“Overall, however, the inspection found that the identification of victims is inconsistent, sometimes ineffective, and in need of urgent and significant improvement. Victims who come into contact with the police are not always recognised as such and therefore remain in the hands of those who are exploiting them.

Others are arrested as offenders or illegal immigrants. While law enforcement has a duty to refer individuals to immigration and enforcement, the vulnerability of victims must be considered in parallel.”

Research by the Labour Exploitation Advisory Group (LEAG)²⁰ identified a continuum of abuse occurring within certain UK labour sectors ranging from minor lower-level forms of labour abuses to more extreme forms of exploitation and slavery:

“In their work research participants witness cases of labour abuse across the spectrum, from relatively minor infractions, to extreme exploitation and slavery. The most commonly cited abuses were non-payment of minimum wage, non-payment of holiday or sick leave, and withholding of wages. Also mentioned were non-payment of national insurance or tax, discrimination, harassment, unfair dismissal, bullying (verbal or physical), withholding passports, unsafe working conditions, threats, physical and sexual abuse, and people being physically confined and not allowed to leave the workplace.”

Further, the LEAG highlighted the causal link between labour abuses and extreme forms of labour exploitation. Their report noted that workers suffering minor lower level forms of abuse, such as below NMW payments or unsafe working conditions, risk being subjected to extreme forms of exploitation if their situation is overlooked. Participants in their research held:

“It’s very easy ... from starting to be paid less or to be treated in a discriminatory manner, for that to evolve into more severe forms of exploitation and the problem is that there is a very fine line there.”

“I think it’s very, very, very important not to fall into the trap of thinking that only extreme cases need to be dealt with. The larger volume of what we see ... is endemic exploitation. The issue of labour exploitation is far from being addressed.”

Disregarding exploitation in HCWs because it is of lower level form or because workers appear ‘content with conditions’ risks subjecting workers to further and escalating victimisation. Cases indicating lower level forms of abuse should not be overlooked and investigations should be carried out to safeguard workers’ rights, regardless of how they view their working conditions.

The costs of HCWs operating with exploitative labour practices

There are several costs to the public of HCWs operating with exploitative labour practices. For instance, as mentioned elsewhere in this report, a potential indicator of labour abuse is non-observance with health and safety policies. In particular, inadequate training in the correct handling and disposal of potentially hazardous chemicals and waste not only threatens the health and safety of the workers, but it could also damage and pollute the environment²¹. Some HCWs have been established on sites that do not have the appropriate drainage systems in place to dispose and recycle wastewater, thus posing a threat to our environment.

Separately, HCWs operating with exploitative labour practices have resulted in the loss of tax payments, such as business rates, corporation tax and value-added tax (VAT). Additionally, national insurance (NI) contributions are likely to have been missed. Some HCW operations have been non-compliant by accepting only cash as a form of payment for service and not declaring these payments for tax purposes and, as noted above, paying their workers significantly below the NMW. This is evident on examining the cost of HCW services, which are unfeasibly cheap if all such obligations are being met. HCW provider Waves' assessment of the industry suggests that the breakeven cost, including VAT, is £6.88 for an outside wash and £11.10 for an in and outside wash. These figures take into consideration expenses such as labour costs and the price of materials and resources used such as electricity, water, chemicals, and equipment, business rates, insurance, amongst other costs. Though this figure will vary to some extent throughout the UK, HCWs that charge significantly below this cost could indicate that they are evading tax, NI and NMW obligations, resulting in loss of revenue for the public purse.

According to the Petrol Retailers Association, with an anecdotal estimate of between 10,000-20,000 HCWs in the UK, reported industry estimates of HMRC's lost tax revenues from HCWs by the Car Wash Advisory suggest that the cost to the public purse could fall between £700 million and £1 billion annually in unpaid taxes²².

Concerning the cost of investigating labour exploitation in HCWs, the spend is relatively high. The visibility of HCWs on the high street and increased press coverage around potential illegalities has heightened investigations into this sector. However, the growth of HCWs in the UK, the lack of a system to license and register operations seems to have made it difficult for law enforcement bodies to investigate HCW operations to ensure that they comply with the relevant regulations. Investigations, where they do occur, appears to be costly. This is evident from the GLAA's investigations into labour abuse in this sector. According to their reports, 25 investigations into HCWs took a total of 1,384 days to be completed (average 55.36 days per investigation) and amounted to a cost of £286,685 (£11,467 per investigation)²³.

The cost and time of conducting investigations has resulted in enforcement and regulatory bodies allocating resources to cases where substantial evidence of labour abuses have been provided based on prioritisation methods. By adopting intelligence-led risk-rated approaches, agencies are then able to prioritise high-risk cases. However, as noted previously, evidence from the LEAG finds that lower level forms of labour abuse can escalate into modern slavery. This, coupled with the aforementioned fact that many HCW workers may not self-report as victims, means it is important to consider whether the GLAA is resourced enough to be able to prevent slavery in HCWs if its resourcing restricts it to investigating only those with the most severe risk attached or with the most intelligence provided. An alternative model to funding investigations is found at the HSE which has a Fee for Intervention (FFI) off-setting its investigation costs as those found to be in breach of health and safety legislation are held responsible for paying investigative and enforcement costs²⁴.

Proposed solutions to tackle labour exploitation in HCWs

Enforcement of regulations

HCWs tend to be viewed as unregulated operations. However, like other businesses operating in the UK, there are numerous regulations to which HCWs should adhere. For instance, employers must ensure that workers are paid the NMW, which is overseen by the HMRC wage unit. In addition, employees are entitled to adequate rest breaks under the working time regulations which sets the minimum rest period workers must be given when working time amounts to a certain number of hours²⁵. Under the working time regulations, employees are also entitled to adequate daily and weekly rest. Businesses must also comply with health and safety regulations such as taking adequate steps to safeguard their employees and prevent any harm or injury²⁶. Such steps include providing health and safety training, displaying health and safety posters, and getting employer's liability insurance. Thus, one area for further consideration is stricter enforcement of current regulations, rather than the creation of new regulations. Further, inadequate enforcement of regulations could be related to the lack of regulatory oversight, such as a system to register HCWs and/or a licensing scheme, thus overburdening law enforcement and regulatory bodies' resources as they lack access to such information.

The growth of unregulated HCWs in the UK could also be attributed to the lack of enforcement of environmental regulations. Incorrect handling and disposal of wastewater, chemicals used to wash cars, oil residues and debris washed off cars can result in the discharge of trade effluent into surface water drains and pollute the environment.

The UK has a number of regulations to protect the environment and a number of regulatory bodies to ensure compliance. Though environment policy is devolved in the UK, permits are required from relevant environmental agencies to discharge trade effluent. However, the proliferation of HCWs in the UK could indicate that environmental policies may need to be more strictly enforced. In England, the Environment Agency (EA) operates by a 'risk based and proportionate' response approach, meaning assessing the severe impact of operations on the environment²⁷. Such an approach heavily relies on sufficient evidence that an activity poses a significant risk to the environment, thus allocating resources to more severe incidents²⁸. HCWs tend not to be considered the most severe incidents and therefore are usually addressed through 'advice and guidance to correct any problems or warning letters²⁹.' Contrarily, under Scotland's General Binding Rules (GBR), a set of compulsory rules which cover certain low-risk activities, the prosecution is based on a more observable threshold, as it only needs to be proved that trade effluent was disposed into surface water drainage systems³⁰. Lack of data on HCWs makes it a challenge to compare the impact of environmental policies in England and Scotland on this sector.

To encourage good practice in the prevention of pollution to the environment, Natural Resources Wales, the Northern Ireland Environment Agency, and the Scottish Environment Protection Agency, established the Guidance for Pollution Prevention Vehicle Washing and Cleaning (GPP13)³¹.

GPP13 educates car wash businesses on the relevant environmental regulations and outlines measures they should take to prevent their operations from harming the environment. The advantage of such a document is that it sifts through environmental regulations, drawing on those that are specifically relevant to car washing. This provides such businesses with a comprehensive understanding of the measures that they should adopt to ensure that they are complying with the law³². Inadequate enforcement of regulations and in effect turning a 'blind-eye' to the impact of HCWs on the environment may have contributed to the growth of such operations in the UK, opening the floodgates to non-compliance in other areas such as labour and employment practices.

Licensing and registering HCW operations

The UK's lack of a system to register and license HCWs have allowed operations to flourish without almost any regulatory overview. Consequently, there is lack of data available on this sector making it difficult to assess the number of HCWs operating in the UK, where they operate, how they conduct their business operations, the extent to which they are unregulated, and the incidence rate of labour exploitation. Despite offering a popular service and operating in plain sight, lack of regulatory oversight has allowed some HCWs to essentially remain unregulated.

Recently, the Director of Labour Market Enforcement (DLME), Sir David Metcalf proposed that the GLAA extend its remit to pilot the licensing of HCWs³³. Licensing could provide a more comprehensive understanding of the sector and its workforce. However, it is also questionable how workable such an approach would be in preventing labour abuses and ensuring compliance given the current unregulated and vulnerable nature of the sector. The DLME also acknowledged the need for evidence on the costs or benefits of licensing to such sectors. Concerns have been raised on how best to tackle labour exploitation in HCWs and which regulatory body should be responsible for monitoring and enforcing compliance; given the proliferation and fragmentation of the sector, local authorities could be resourced to register and license HCW operations and promote multi-agency partnership. Strengthening local authorities' response to address labour exploitation in HCWs could also tackle other areas of non-compliance and encourage the sharing of best practice, resulting in a more effective impact nationally.

Separately, if a public sector licensing scheme proves unfeasible, an alternative approach to licensing HCWs is a private regulatory initiative, such as a code of practice to drive compliance. In his 2018 to 2019 strategy, the DLME highlighted that effective labour market enforcement should consist of a mix of compliance and deterrence approaches³⁴.

According to his report, 'the compliance approach is premised on the idea that violations of employment regulations are the result of employer ignorance and incompetence³⁵.' Thus, while it is important that regulations are strictly enforced to drive compliance, it is also vital to educate employers on labour and employment policies to which they must adhere. An assessment of research on HCWs suggests that some are legitimate businesses that have planning or leasing permission but breach other relevant regulations. Some HCW employers may lack a comprehensive understanding of the policies around establishing and running a business in the UK. One area for further consideration may be to educate employers on labour standards and their responsibilities to prevent exploitative practices. Such an approach will ensure that employers are not simply punished for non-compliance, but rather they are also supported to continuously improve practices.

The GLAA is currently working with key enforcement and regulatory agencies, industry stakeholders and non-governmental organisations (NGOs) to pilot an Industry Code of Practice for the HCW sector. This will form the basis of the incipient Responsible Car Wash Scheme (RCWS), which will accredit HCWs that comply with the Code. The Code aims to help, 'bring legitimacy to the sector, promoting compliance and raising standards through the dissemination of best practice' and 'be a positive force for improving the working conditions of employees³⁶.'

The Code covers core practices such as environment protection, health and safety, labour and employment rights, financial transparency and corporate governance³⁷.

Such a code not only ensures that car washes are compliant with legislation and regulation, but it could also educate entrepreneurs, particularly migrant employers, who are unaware of the necessary regulations they should abide by to establish and operate a business in the UK, and thus are inadvertently complicit in violations. Such a scheme will also enable agencies, including the GLAA and police, to target those HCWs which are not participating as these are more likely to be violating UK laws and regulations; this will benefit those agencies as they need to target their stretched resources as efficiently as possible. The RCWS could be advantageous in helping to improve labour and employment conditions for workers. The scheme also allows customers to make more conscious decisions on car wash providers as it is accredited, audited and promotes continuous improvement by providing information, training and best practice to car wash businesses.

Like other sectors, HCWs can be commercially viable while ensuring that their business operates in an ethical, legal and responsible manner. The argument that such businesses can only profit from exploiting labour is flawed, as inadequate enforcement of regulations has contributed to unregulated operations and exploitative labour practices.



Engagement with workers

In line with promoting a compliance approach, the DLME acknowledges the importance of promoting worker rights, supporting awareness and access to enforcement. To improve engagement with workers, authorities can ensure workers are also educated on labour and employment policies, such as the NMW, NLW, health and safety policies, working time regulations, and other rights. Further, there also needs to be effective channels to allow workers to enforce such rights.

Authorities might wish to consider educating workers about the risks of labour abusive practices, how to report such abuses, modern slavery and the NRM system. Reports from police forces interviewed show that though some workers were unwilling to disclose any, or accurate, information of their working conditions, all forces ensured that workers were aware of any support available to them. All police forces interviewed reported distributing leaflets translated in different languages to educate workers on issues such as NMW, holiday pay, contracts, and their labour and employment rights. Separately, to improve engagement with workers, some police forces have begun using officers and community actors from the same national or ethnic background as workers.

Evidently, a number of factors may hinder engagement with workers. Workers may not self-identify as victims of labour abuse or MSHT, or may be accepting of their working conditions, though exploitative. Thus, confusion around the relevance of consent in identifying cases of labour abuse, or MSHT, may result in law enforcement officials choosing not to engage with workers further than initial or early stage contact. Separately, officials reported the difficulty in engaging with workers, as some fear retaliation from their employers or fear denouncement to immigration officials if they were from outside of the EU. The HMICFRS report on the policing response to MSHT acknowledged the failure of some forces to adequately identify potential victims of MSHT as they were ultimately treated as illegal immigrants³⁸.

Recognising that law enforcement has a duty to report cases of illegal immigration, it is equally obligatory that officials recognise and address the vulnerability of potential victims of MSHT³⁹. An issue highlighted by police forces is that some workers do not want to be referred into the NRM, as their focus is securing employment to support themselves and their families. One police force suggested that measures should be adopted to prevent workers from being drawn towards unregulated and exploitative employment practices such as support in applying for a NI number, developing their skills and applying for other jobs.

Multi-agency collaboration

Some operations into HCWs have adopted a collaborative multi-agency approach, involving agencies such as HMRC to investigate minimum wage violations and tax evasion, HSE, Home Office and immigration enforcement, environment agencies and the GLAA. Multi-agency collaboration allows authorities to capture multiple areas of non-compliance and different forms of labour abuse across the spectrum.

Case Study

Gwent Police Modern Day Slavery and Human Trafficking Co-ordination Team – Operation Spider

Car washes have been highlighted as being a major area of concern for labour exploitation within Gwent. Foreign nationals are often employed and are paid below the national minimum wage, work more than 48 hours a week, are not provided with rest days/annual leave or with pay slips. Romanian victims have come forward disclosing labour exploitation within car washes, which are currently under investigations.

On Wednesday 9 May 2018, a Day of Action for Modern Day Slavery/Human Trafficking took place within Gwent. This was a multi-agency pre-planned event under the Operational Name of 'Spider'. Eight agencies were invited to attend on the day including Immigration, Trading Standards, Department for Work and Pensions (DWP), Health and Safety Executive (HSE), Water Resource Wales, National Minimum Wage Team, Gangmasters and Labour Abuse Authority and Her Majesty Revenue and Customs (HMRC).

HMRC, Water Resource Wales and the National Minimum Wage team did not attend on the day, however, Trading Standards, Immigration, DWP, and HSE attended pre-briefing meetings. Also involved on the day were two Romanian speakers, Financial Investigators, Crime Scene Investigators, officers with body camera video units, Wales Interpretation and Translation Services and Specialist Interviewers.

Suspects were arrested for slavery and human trafficking offences, suspicion of possession of controlled drugs and money laundering offences. Potential victims were interviewed and support and signposting conducted. DWP closed numerous claims including Working Tax Credit claims and Carer's Allowance claims. HSE reported follow up enforcement action in respect of electrical safety and safety/health of employees when using chemicals. Information was fed back to Housing regarding houses of multiple occupation. Information was also fed back to the Fire Service regarding possibly fire hazards within some premises.

Further joint work took place during May 2018 between the GLAA and Gwent's Modern Day Slavery and Human Trafficking Co-ordination Team (MDS/HT) for an individual who was exploited in a car wash. The worker was referred to the NRM and received Positive Grounds decision. The MDS/HT team and the GLAA are continuing to work with the victim to maintain his safety, welfare and provide all the necessary safeguarding measures and signposting for help and support.

Public engagement

A further challenge highlighted by officials was the lack of resources to investigate all HCWs for potential labour abuse violations. As a result, some interviewees reported the importance of adopting a prevention approach by raising awareness among the public to be vigilant of the signs of labour exploitation in HCWs. For instance, in September 2017, the Scottish Government established an awareness campaign by setting up a ‘mock’ car wash with workers spelling out the word ‘Help’ with sponges on windscreens⁴⁰.

Concerning the use of HCWs by the public, there have been a number of campaigns and considerable press coverage to raise awareness of exploitative practices, and how to ‘spot the signs’ of modern slavery in HCWs. Most notably, to encourage a more community intelligence-led approach to tackling labour abuse and modern slavery in HCWs, the Clewer Initiative and the Santa Marta Group launched the ‘Safe Car Wash’ app in 2018⁴¹. Such an app allows users to pinpoint their geographical location when at a HCW and to anonymously answer a series of questions such as whether the workers have access to suitable clothing, if there is evidence of workers living on-site, the body language of workers, and the cost of the car wash service. Data entered is then fed back to the NCA and the GLAA. Such data has the potential to draw a better picture of the size of the HCW industry, geographical locations of operations, and insights into the prevalence and nature of labour exploitation in these operations.

Belgium, which has also experienced fast proliferation of HCWs over the last 10 years, is taking a similar approach. In 2017, the Confine-project, funded by the European Commission was launched with the aim of exploring current approaches to addressing human trafficking⁴². Part of the project involves a mapping of HCWs in cities in Belgium, and exploring ties across borders, and how they spread. The findings of the project will be used to develop a toolbox on how to discourage labour exploitation, and then used to educate cities in Belgium on how to address this issue within their vicinities. Its findings may be useful for the UK context.

Unseen’s assessment of calls made to its Modern Slavery Helpline concerning car washes found that the majority of reports were made by members of the public, suggesting the latter do have an important role to play. However, the GLAA has reported that the majority (62%) of referrals it receives regarding HCWs are ‘what we would term vague information, such as the workers didn’t look happy’⁴³.

Consequently, of 178 referrals the GLAA received regarding HCWs and potential slavery therein in 2017, only 34 investigations could be opened as a result⁴⁴. Additionally, it is important to protect the public from spaces where criminality may be occurring and to avoid encouraging citizen vigilantism. Awareness raising activities of labour exploitation in HCWs must also be mindful of encouraging racial profiling. Therefore, there is certainly a role to play for awareness-raising initiatives with the public but other tactics described in this report are also needed.

Conclusion

This report has sought to provide a coherent evidence base for those wishing to understand and tackle labour exploitation in the HCW sector. Whilst data collection or lack thereof by agencies and other bodies have limited the scope of the report, it provides clear evidence on the business practices, employer and worker characteristics, and working conditions of this sector, including wages and terms of employment, and health and safety issues.

It highlights certain areas worthy of further exploration, such as improved understanding of workers' consent to exploitation and how that interacts with policing; how lack of alternative livelihoods may lead to returns to slavery post-NRM; whether immigration enforcement is hampering a small portion of anti-slavery HCW investigations; and the potential for more research regarding routes into HCWs and whether they constitute trafficking, either into the UK or within it.

Finally, it identifies a number of potential ways forward to improve compliance and protect workers in HCWs from abuse, including modern day slavery. These include increased enforcement of regulations, educating workers and employers, implementing licensing schemes, undertaking multi-agency collaborations and improving public engagement.

The HCW sector can operate ethically and responsibly. To do this, more work is needed on the above areas to support willing employers to become compliant; to prosecute those who are not willing to do so; and to provide access to remedy for those subject to abuse, including victims of modern slavery.

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