

# MIGRANT WORKERS IN THE MUSHROOM INDUSTRY



## Crossing Borders, Breaking Boundaries

This project is supported the European Union's PEACE IV Programme, managed by the Special EU Programmes Body (SEUPB).

The views and opinions expressed in this policy paper do not necessarily reflect those of the European Commission or the Special EU Programmes Body (SEUPB).

Bloomer, S, Hamilton, J\* and Hughes, C

\*Contact details Dr Jennifer Hamilton, Ulster University, Jordanstown ja.hamilton@ulster.ac.uk



# Crossing Borders, Breaking Boundaries

## Migrant Workers in the Mushroom Industry

### Summary

This Research Brief presents empirical data derived from the working experiences of 28 migrant workers within the mushroom industry, located in the border areas of Northern Ireland and the Republic of Ireland. It presents evidence to suggest that in order to meet the demands of local labour markets, employment for workers in the mushroom sector is uncertain, unpredictable and unstable. The research provides contemporary evidence to confirm that for some non-local workers poor employment practices experience are the norm. In the mushroom industry labour market integration is skewed in favour of employers. Worker experiences reflect the subtlety of forms of coercion, and the irrelevance of consent in the face of coercion. There is also evidence of migrant workers being exploited and deemed exploitable. Without effective mechanisms for challenging unequal power relationships in the workplace, migrant workforces will continue to be under-valued, defined by precarity and transience.

In contrast to negative workplace experiences, migrant workers reported a relatively successful integration into local communities, reinforcing notions of a positive 'rural cosmopolitanism'.

### Introduction

- This case study is part of the Crossing Borders, Breaking Boundaries (CBBB) project, a third sector initiative established in mid-2018. The project is supported by the European Union's PEACE IV Programme, managed by the Special EU Programmes Body (SEUPB). Focusing on the border counties of Northern Ireland (NI) and the Republic of Ireland (ROI), CBBB supports migrant workers and seeks to tackle sectarianism, discrimination and racism. The programme has engaged with over 1,200 migrant workers, including workers from within the agricultural, food processing and services sectors.

- In seeking to illustrate the current workplace experiences in the mushroom industry, this paper draws primarily on research with migrant workers in counties Armagh, Cavan and Monaghan, and discussions with CBBB staff. Research participants are drawn from a broader group of migrant workers who have engaged with the CBBB programme's development workers in search of assistance with a range of workplace issues.

- The research design was flexible. Facilitated and assisted by the CBBB development workers, participants completed a questionnaire and/or participated in focus groups and interviews. The findings are based on a relatively small sample of workers and therefore should be seen as areas for future research on migrant worker experiences and work-based practices. The research contributes to a growing literature illustrating the precarious nature of migrant working lives in agriculture, horticulture and food processing. Future stages of the research aim to engage directly with employers.

### Context

- The demand for new immigrants and migrant labour is reflective of structural changes in the economies of both states. The migrant workforce is around 10% of the total NI workforce. In 2018 there were 83,000 migrant workers in NI. Since the Brexit referendum there has been a steady decline in NI's EU workforce. There were 293,830 non-Irish nationals at work in Ireland in April 2016, accounting for 14.9% of the workforce.

- The agri-food sector is an important part of the overall economy in both NI and ROI. In both regions, the agri-food sector in general and the mushroom sector specifically draws heavily on migrant labour. Mushroom workers, like all workers, are protected by employment and

health and safety legislation within the two regions.

In the UK, the Gangmasters and Labour Abuse Authority (GLAA) also focuses on preventing slavery and trafficking, forced labour and labour exploitation. In the Republic of Ireland, the Anti-Human Trafficking Unit is located within the Department of Justice and Equality. The National Action Plan to Prevent and Combat Human Trafficking in Ireland also generates initiatives to address human trafficking.

- Companies, trade unions and voluntary organisations have also adopted the Ethical Trading Initiative guidelines which provide oversight within supply chains and promote better working practices and terms and conditions.

## Research Findings

- Many mushroom farms and producers depend on migrant labour. As with other low-wage occupations within the agriculture and food processing sectors, the findings suggest that parts of the industry can have decent working conditions, whereas others may have comparatively poor conditions. Some of the worst practices were reported by workers in smaller, more rural isolated mushroom farms.

- In line with wider debates and concerns about an emerging 'gig economy,' migrant workers experience the mushroom sector as one which is characterised by uncertain, unpredictable and unstable employment, and as has been noted by other studies of the sector, at times both terms and conditions of employment and contracts, if provided at all, are vague and fall short of legislative requirements. Many workers that their limited English meant they could not understand the terms of their contracts. Those who understood the employment rights reported that they were often unable to claim their rights. This situation is exacerbated by the lack of a trade union presence. Research participants suggest that work is often offered at short notice, work patterns are irregular and

arrangements for holidays and time off are arbitrary and opaque. Many industries are increasingly characterised by irregular and uncertain work hours, and these 'flexible employment' practices have the potential "to eat away at a worker's private life". A culture of worker regulation and control was evident, in line with Easton's (2007) observation of a well-motivated, highly productive, relatively docile workforce. Uncertainty and unpredictability make it difficult for workers to budget finances and to plan family life.

- Research suggests that as flexibility and uncertainty do not appeal to indigenous workers, there is increasing sectoral dependency on migrant workers. Despite the reliance on migrant workers, participants suggest that the nature of the production process, language barriers, workplace power dynamics, self-censorship on the part of workers i.e. workers avoiding confrontation with employers, difficulties in organising collective action and limited knowledge of employment rights can make it difficult to address issues around employment practices within the sector.

- In the absence of trade union representation, workers reported being afraid of raising concerns with their employer for fear of losing their jobs. To speak up results in less or no work, so the economic impact of non-compliance is severe. Long and excessive working hours were reported by workers on both sides of the border, confirming previous research. A working week can be six or seven days, depending on the crop. On one farm, workers reported that an employer retained two weeks' wages to ensure workers did not leave his employment. Workers taking time off for holidays had been sacked – another form of 'discipline through dismissal.'

- Within the agri-food sector, time and cost pressures and intensifying inter-regional competition for markets means that there is little scope for improving worker pay without

increases in productivity. Time and cost pressures and intensifying inter-regional competition may explain why some participants suggest that parts of the sector apply opaque mechanisms for calculating payment. Payment systems reflecting both 'payment by weight' and minimum wage legislation produce only complexities when calculating pay rates. Evidence suggests mushroom workers are paid at, or around, minimum wage levels. The unreliability of pay slip information was confirmed by workers. Often the hours reported on pay slips failed to match the hours recorded by workers. Though most workers had their wages paid directly into bank accounts, cash payments were common.

- Research suggests that the food supply system has become increasingly controlled by a few large supermarkets and employers. These influential actors have the potential to positively impact on worker pay and health and safety conditions as major firms have an interest in being seen as ethical employers and an interest in being seen to use only ethical supply sources. However, the time and cost pressures that purchasers place on suppliers, alongside international and regional competition, have the potential to drive down worker pay and conditions.

- A complex mix of top-down and 'market led' self-regulation, and the fact that research participants work within a diverse cross-border network of food processors, means that experiences of health and safety in the workplace are not uniform. Issues around working at heights, heavy lifting, exposure to hazardous materials, inadequate provision of suitable personal protective equipment and health and safety training, maintenance of equipment and access to suitable equipment for the task, were identified by participants as issues in workplaces.

- High staff turnover, lack of experience within the sector and the remote location and geographic spread of the workplaces can mean that it is difficult for workers to know if poor

health and safety practices are reflective of industry-wide standards or individualised instances of inadequate compliance with regulations. Participants recognise that inspections do occur, but for some workers, a mixture of self-censorship, intra-workforce tensions, language barriers and workplace power dynamics make it difficult for workers to bring their concerns to the attention of management or regulators. Therefore, in some workplaces, longstanding and emerging issues around health and safety go unaddressed.

- It has long been recognised that the difficult and repetitive nature of much of the work in the food production sector leads to occupational health issues which may be hard to recognise and deal with, including progressive musculoskeletal and upper limb disorders. Interviewees suggest that long hours of repetitive work means that musculoskeletal problems, such as neck and back pain, as well as skin allergies, eye problems and respiratory issues, are common amongst the workers.

- Collective action, the traditional and most effective mechanism to challenge unequal power relations remains relatively absent, in part due to trade union weaknesses in the industry, and in part due to worker regulation and control by small farm employers. The current farm inspection regimes offer little hope of positive change.

- More positively, mushroom workers reported generally positive integration experiences in local communities.



## Conclusion

The research lends weight to the conclusions drawn by Potter and Hamilton (2014), particularly the need to analyse labour exploitation, as both state and employer practice, within current structural economic conditions. The research confirms the view that precarity in the mushroom industry is compounded by ineffective regulatory and inspection regimes, and by the absence of effective collective action, 'the traditional mechanism for challenging unequal power relationships in the workplace.'

In line with the demands of interviewees, the first step in preventing issues of 'routine' labour exploitation is straightforward – collective action in support of 'labour justice', support for workers exercising their full employment rights in the workplace, and for those seeking redress through industrial tribunals/courts. Allied to this is the need for effective regulatory and inspection practice, with worker health and safety at its core. The research reinforces the need in both jurisdictions for positive workplace changes, allied to support from civil society organisations, in order to provide a positive experience of community integration for non-local labour. These steps are fundamental in seeking to overcome 'the persistent relationship between migrant labour and low-quality work', the multiple issues in segmented labour markets characterised by poor pay and conditions for migrant workers and the 'race to the bottom' in terms of pay and working conditions'.

## References

- Barnard, C. (2014) 'Enforcement of employment rights by migrant workers in the UK: the case of EU-8 nationals', in Costello, C. and Freedland, M. (eds), *Migrants at Work*. Oxford. OUP.
- Barnard, C. and Ludlow, A. (2016) Enforcement of employment rights by EU-8 workers in Employment Tribunals (2016). *Industrial Law Journal*, 45 (1), pp. 193-225. Available at: <https://academic.oup.com/ilj/article-abstract/45/1/1/2357225?redirectedFrom=fulltext>
- Barnard, C., Ludlow, S., and Fraser Butlin, S. (2018) Beyond Employment Tribunals: Enforcement of Employment Rights by EU-8 Migrant Workers. *Industrial Law Journal*, 47(2), pp. 226-262. Available at: <https://academic.oup.com/ilj/article-abstract/47/2/226/4210445?redirectedFrom=fulltext>
- Clibborn, S. (2018) Multiple frames of reference: Why international student workers in Australia tolerate underpayment. *Economic and Industrial Democracy*. OnlineFirst 12/4/2018. Available at: <https://journals.sagepub.com/doi/full/10.1177/0143831X18765247>
- D'Arcy, C. (2016) Large number of employment rows involve migrant workers. *Irish Times on-line*, 19 July 2016. Available at: <https://www.irishtimes.com/business/work/large-number-of-employment-rows-involve-migrant-workers-1.2725466>
- Dupont, P. L. and Anderson, B. (2018) UK report on the economic struggles of young mother and migrant domestic workers. *ETHOS*. Available at: <https://cpb-eu-w2.wpmucdn.com/blogs.bristol.ac.uk/dist/e/505/files/2019/01/Economic-struggles-2mjnet.pdf>
- Given, S. and Fennelly, A. (2020) Ireland: Labour Court Decides That Migrant Workers Without Valid Immigration Permissions Cannot Bring Complaints To The WRC And Labour Court: Available at: <https://www.arthurcox.com/knowledge/labour-court-decides-that-migrant-workers-without-valid-immigration-permissions-cannot-bring-complaints-to-the-wrc-and-labour-court/>
- Fudge, J. (2018) *Illegal Working, Migrants and Labour Exploitation in the UK*. *Oxford Journal of Legal Studies*, 38(3), pp. 557-584.
- Gregson, N., Crang, M., Botticello, J., Calestani, M., and Krzywoszynska, A. (2016) Doing the 'dirty work' of the green economy: Resource recovery and migrant labour in the EU. *European Urban and Regional Studies*, 23(4), pp. 541-555. Available at: <https://academic.oup.com/ojls/article-abstract/38/3/557/5079395>
- Rose, E. and Busby, N. (2017) Power Relations in Employment Disputes. *Journal of Law and Society*, 44(4), pp. 674-701. Available at: <https://onlinelibrary.wiley.com/doi/abs/10.1111/jols.12062>
- Trade Union Congress (TUC) 2018 Enforcement of Employment Rights: TUC response to the consultation on enforcement of rights recommendations. Available at: <https://www.tuc.org.uk/sites/default/files/TUCresponsetoTaylorreviewenforcement.pdf>
- Workplace Relations Commission (2019) *Employment Law Explained*. Available at: [https://www.workplacerelations.ie/en/publications\\_forms/employment-law-explained.pdf](https://www.workplacerelations.ie/en/publications_forms/employment-law-explained.pdf)
- Wright, C. F., and Clibborn, S. (2019). Migrant labour and low-quality work: A persistent relationship. *Journal of Industrial Relations*, 61 (2), pp. 157-175. Available at: <https://journals.sagepub.com/doi/10.1177/0022185618824137>