

Migrant workers

Who is a migrant worker?

A migrant worker is someone who has come from abroad to work in the UK. Migrant workers often work in hotels or restaurants, food packaging or processing, crop or fruit picking, shellfish gathering, planting or picking of plants or flowers.

You may be working here legally, that is, you have permission from the UK immigration authorities (**Home Office**) to work in the UK, or you may be working here illegally, that is, you don't have permission to work here. If you're from one of the European Union countries, you will almost certainly have permission to work in the UK, although you may have had to register on the Workers Registration scheme first. The rules are different if you come from Bulgaria or Romania.

It's very important to know whether you have permission to work in the UK because this seriously affects your rights whilst you are here. If you're working in the UK illegally, or aren't sure whether you have permission to work here, you **must** get advice as soon as possible from an expert adviser.

If you're a migrant worker and you try to sort out a problem at work, you're more likely to be at risk than other workers of losing your job, any accommodation which goes with it and even your right to stay in the UK.

Your rights at work

This fact sheet is written for migrant workers who have the right to work in the UK. It gives information about your rights at work (**employment rights**). The rights explained here might not be the only rights you have. To find out more about your rights while you're living and working in the UK, you should get advice (see below).

You have rights at work because there are rules about how the person you work for (your **employer**) is allowed to treat you, and there are things you can do about it if your employer breaks these rules. Everyone who works in the UK has these rights from their first day of work. This includes people who work for an agency. These rights are described below.

The right to a minimum wage

There are rules about how much an hour your employer must pay you. The very least they must pay you is an amount called the **National Minimum Wage** (NMW). This will depend on your age. If you are doing agricultural work, for example crop or fruit picking, the rules about how much you should get are slightly different from other types of job.

Your employer must give you a pay-slip, telling you how much you have been paid. They must pay you and they must pay you all the money you are owed.

You might find that your employer takes money from your wages for things like your accommodation, meals, training, the cost of travel to work, or the cost of travel to the UK. They might also be taking money from your wages to pay off the costs of arranging the job for you. There are rules about how much money your employer can take from your wages to pay for things like these, and there is a set amount of money below which your wages must not go. There is a maximum amount for accommodation which can be taken into account when calculating whether you are getting the NMW.

If your employer is taking money from your wages for accommodation or training, they can only do this if you have agreed to it in writing. But even if you have agreed to this, your employer is not allowed to pay you less than the NMW. If you think you aren't being paid all the money you are owed, you should get advice.

If you think you are being paid less than the NMW, you can also report this to the National Minimum Wage Helpline on 0845 600 0678. You don't have to give your name if you don't want to. If you find it hard to speak English, you should ask an adviser or someone else you trust to speak to the Helpline for you.

The right to work a maximum number of hours a week

There are rules about the number of hours you are allowed to work in a week. You should not have to work more than 48 hours a week, unless you have agreed this with your employer in writing. You cannot be forced to work more than 48 hours a week. You also have the right to a break during the working day and days off during the week.

There are special rules for people doing agricultural work.

If you think you're working longer hours than you should be, you should get advice (see below).

The right to paid holiday

You have the right to take four weeks' paid holiday from work. A week's holiday means you get as many days off as you work in a normal working week. For example, if you work five days a week, you have the right to 20 days paid holiday a year. However, if you only work two days a week, you have the right to eight days paid holidays a year.

If you aren't given holidays from work, or aren't paid for your holidays, you should get advice

The right to health and safety protection

Your employer must make sure that the place where you work is safe for you to work in. This means that they must make sure you can do your job in a way

which won't injure you or make you ill, and that you understand the safety rules.

If you think your workplace isn't safe to work in, you should get advice.

The right to be protected from discrimination

All workers in the UK have the right to be protected from discrimination by their employer. This includes discrimination because of your race, sex, sexuality, disability, age, religion or belief.

The right to leave your job

You must be allowed to leave your job if you no longer want to work there. No one, including your employer, can stop you from doing this.

Some migrant workers are not allowed by the Home Office to find other work if they leave their job or are sacked. You may have to wait until the Home Office has sorted out your paperwork before you can get another job.

If you've left your job or are sacked and aren't sure whether you are allowed to get another one, you should get advice (see below).

If you want to leave the UK before the date that you've agreed with the person you work for, you may find that you can't change the date of travel on your plane ticket. This may happen if your travel to the UK has been paid by someone else such as an agency. If you are in this situation, you should get advice.

Your employer holds onto your passport

Your employer or employment agency is not allowed to hold onto your passport or any of your other official documents for any longer than a day. If your employer is holding onto your passport without your agreement, they could be breaking the law. If they won't give your passport back to you when you ask for it, you should get advice.

Problems with employment agencies and gangmasters

You may have come to work in the UK because an **employment agency** found work for you. Sometimes employment agencies don't tell you the truth about the work they have found for you. You may find that you are not being paid as much as you expected, or the working conditions are not as good as you were led to believe. If you think an employment agency hasn't told you the truth about your job, you may be able to complain to the Employment Agency Standards Inspectorate (EASI) by phoning 0845 955 5105.

However, you can only do this if the agency has offices in the UK. If the agency doesn't have a UK office, there's usually nothing you can do.

You may work in the UK for a **gangmaster**. A gangmaster is someone who organises work for people such as on farms, in hotels, restaurants, building

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work and hospitals. If you are having problems with your gangmaster you can report them to the Gangmasters Licensing Authority (GLA) on 0845 602 5020. But you should get advice first.

Further help

Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

The Trades Union Congress (TUC)

Information on employment rights for migrant workers is available on the TUC's Worksmart website in Hungarian, Czech, Lithuanian, Slovak, Polish and Portuguese. Visit www.worksmart.org.uk/rights and go to the section on migrant workers.

The Department for Environment, Food and Rural Affairs (DEFRA)

DEFRA has information for agricultural workers in England and Wales on the Farming page of its website at www.defra.gov.uk/farm/working/employees/index.htm.

Department for Business, Enterprise and Regulatory Reform (BERR)

BERR produces leaflets on employment rights for migrant workers in a number of different languages, including Polish, Lithuanian and Portuguese. They are available at www.berr.gov.uk/employment/migrant-workers.

Home Office

For more information about the rights of Bulgarian and Romanian migrant workers, go to the Home Office website at www.workingintheuk.gov.uk. The information is available in Bulgarian and Romanian.

Other information on Adviceguide which might help

- Basic rights at work
- National Minimum Wage
- Employer withholds your pay
- Overseas workers in the UK – agriculture and food processing
- Notice of dismissal at work
- Working hours

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This fact sheet was last updated on 1 January 2008 and is reviewed on a monthly basis. If it is some time since you obtained this fact sheet, please contact your local Citizens Advice Bureau to check if it is still correct. Or visit our website - www.adviceguide.org.uk - where you can download an up-to-date copy.