

Policy Briefing – Ending Data-Sharing by Local Authority Labour Inspection Teams

What's the ask?

All local authorities in the UK should ensure that their labour inspection, environmental health and other inspection teams cease data-sharing with the Home Office. Local authorities should also ensure that no joint inspections are carried out with the Home Office.

Why is an end to data-sharing essential?

Data-sharing between local authorities and the Home Office decreases trust in local authorities, and means that people cannot report things like workplace abuses.

In order for every worker to be able to report things like exploitation at work, failure to pay minimum wage and workplace health and safety issues, residents must be reassured that their personal data will not be shared with the Home Office. It is extremely unlikely that a worker with insecure immigration status – or who has status but is not aware of their rights, or does not trust that their rights will be respected by authorities – will come forward to report issues in the workplace, if doing so could mean being reported to the Home Office and potentially becoming subject to enforcement action. This makes workplace abuses more likely – particularly in lower-paid industries that are considered higher risk for health and safety risks – and makes workplaces less safe for all workers.

The lack of safe ways for migrant workers to report issues undermines efforts to identify and safeguard victims of work exploitation. Without the cooperation of workers, inspectors are less able to identify rogue employers or potential victims of modern slavery, interfering with their goals of preventing exploitation and protecting workers. Indeed, the Low Pay Commission in 2022 [found](#) that joint inspections prevent people from reporting underpayment of the minimum wage.

***“They pay us less than minimum wage. We work at least 12 hours per shift, for £6 an hour. It’s a very big supermarket and we have to clean it after more than 12 hours shift, and they do not pay us for that. I’ve started to have problems at my back and knees.*”**

“We are afraid to speak up because we are so worried to lose our rights here. Even when some inspectors are coming we are afraid to talk to them”

Nejati, supermarket worker based in London

Do local authorities have a statutory duty to share data?

No, there is no positive legal duty for labour or health and safety inspectors working on behalf of local authorities to share data about the immigration status of workers with the Home Office. A legal opinion prepared in October 2023 found that “in my view, LA departments whose remit includes inspecting labour standards and/or health and safety in the workplace, or labour inspectors working on behalf of LAs, do not have any general and/or positive statutory obligations to share data with the Home Office regarding people’s immigration status and/or for the purposes of immigration enforcement.”

Local authorities do have some statutory duties related to data-sharing – for instance, there is a general statutory duty on LAs under Section 52 of the Modern Slavery Act 2015 to share information with the Home Office regarding potential victims of modern slavery. However, there is no duty to share this information with immigration enforcement or to share details of their immigration status.

Further, LAs have reactive duties or powers to share data about the immigration status of people they encounter, under various different pieces of legislation. However, LAs do not have a positive statutory duty under any of these pieces of legislation to share data. Additionally, the legal opinion finds, joint working between local authority labour inspection teams and Home Office immigration enforcement “could actually contravene the basic principles of labour inspection activity and the necessary separation between workers’ rights and immigration enforcement.” [The full legal opinion can be accessed here.](#)

“We live in a vicious circle. I can take annual leave, but I am not paid. I told them that my child had been born, and I couldn't even take a day off from work to go to him”

Majed, service industry worker

Do all local authorities share data?

No. There are many local authorities within the UK whose inspection teams – whether that be labour inspection or environmental health teams – do not share data with the Home Office, and do not carry out joint inspections with the Home Office.

A councillor at one local authority that has taken the decision not to share data with the Home Office said:

“Our decision was taken in order to protect vulnerable people. The impact has been that migrants feel safe to ask for help. People’s dignity has been restored as they are able to ask for support without the threat of deportation. It means vulnerable people not becoming victims of abuse and exploitation, and instead being able to live with more dignity”

Beyond the UK, there are plentiful examples of the advantages of ending data-sharing with immigration authorities. In Sao Paulo, Brazil, labour inspectors found that separating their work from Immigration Enforcement improved conditions and was essential to preventing severe abuses. A similar approach was successfully introduced by the police force in the

Netherlands in 2015. In the United States, there is a Memorandum of Understanding in place which aims to ensure that all migrant workers – including those who are undocumented - are protected by labour standards. The legislation explicitly states that immigration enforcement officials will not interfere in labour rights enforcement, thus prioritising the safety of all workers over immigration enforcement.

Local authorities in the UK can learn from these examples and stop data-sharing and joint inspections with the Home Office. The work of local authorities – protecting residents and ensuring that workplaces and other places in their jurisdiction are safe – is best done when all residents feel safe and able to call on the local authority for support when they need it.

Support for ending data-sharing in other areas

There is widespread and growing support for an end to data-sharing for immigration purposes, both nationally and internationally. The EU Fundamental Rights Agency (FRA), the International Labour Organisation (ILO), PICUM (international organisation advocating for undocumented migrants' rights), the UK's expert labour exploitation organisation FLEX and human rights organisation Liberty, have all recommended this approach in recent years. The TUC, national federation of UK trade unions, has called for an end to data-sharing, including no joint investigations, as a safeguard for migrant workers.

Beyond the workplace, it is widely understood that data sharing or the lack of a firewall between Immigration Enforcement and public services put people in danger. Experts at the UN have called on Governments to guarantee access to essential services for all migrants, through implementing firewalls. In 2019, the UK's data watchdog ICO criticised the Department for Education (DfE) for secretly passing on children's personal data to Immigration Enforcement, following legal action by Liberty and ABC. This succeeded in a Government U-turn with the DfE suspending the requirement to collect nationality information. GP surgeries in Southwark, London have agreed they would stop demanding people provide ID when registering, after officials found that slavery victims were too scared to visit for fear of being deported.

For more information, please contact:

Mary Atkinson, Co-ordinator of the Migrant Champions Network:
mary@migrantchampionsnetwork.org

Aras Almaree, Refugee Workers' Cultural Association: gikderuk@gmail.com