

## **Britain's cocklers:** **How low-cost labourers paid the ultimate price**

The subcontracted worker is as much a stakeholder of a corporation as its consumer or its shareholder. The integrity and background of a company's workers need as much scrutiny as the goods they make.

Companies in the food area use many low-paid workers and they are under particular pressure to conduct due diligence on their staff and work practices. That will not only ensure best employment practice, but also protect the company from risk of public exposure and reputational damage.

The case of the 23 cocklers of Morecambe Bay, who lost their lives out at sea, supplying produce for the sea food industry demonstrates some of the worse employment practices. This case proved the catalyst for the creation of the UK's Gangmasters Licensing Authority, a key development, whose key purpose is to outlaw this form of employment. This Authority also looks for the support of employers in unearthing information about poor employment practices in their sectors in a bid to maintain state-of-the-art employment standards.

### **The Story**

On the night of 5th February 2004, twenty three Chinese cocklers, twenty men and three women, drowned when they were trapped by the tide in Morecambe Bay, on the North West coast of England. The youngest was 19, and the oldest was 45, but most were in their thirties. The dead included farmers, factory workers, a cobbler, a fisherman and a driver. All but one were from Fujian Province in South Eastern China. Two of the bodies were never found. It was Yuan Xiao Day of the Year of the Monkey, the festival that marks the end of the traditional fortnight of the Chinese New Year celebrations.

Yu Hui was among those who lost their lives that night. Born on the 5th of September 1969 in the small village of Yangbian, in the North of Fujian, Yu was the eldest son of a peasant family that had cultivated vegetables and rice in the rich soil of Fujian for generations. But times were changing rapidly as Yu grew up, and the new China had no place for small farmers like Yu, or his modest smallholding. Most of Yu's farm was gradually requisitioned by the government for industrial development, leaving him with hardly enough land for his family to subsist on. He and his wife and two children lived with his parents and grandparents in the old, cramped two-storey home he had grown up in. While Yu continued to try and scratch a living from the land, his brother and father established a bus company. Its rapid growth brought Yu's brother's opulent mansion. Yu's brother also paid Yu's children's school fees, which Yu could no longer afford.

Yu appreciated his brother's magnanimity but felt deeply shamed to have to accept it, and shamed by his poverty in the dog-eat-dog world of Chinese capitalism. He was letting his family down. As he saw the mansions rising around him, the new clothes, motorbikes and showy cars of the newly-moned classes, the glitzy cocktail bars and hotels serving the gangsters, he decided, like millions of others, that he had to act to avoid being left behind by his society's dramatic transformations. For the sake of his children, and his self-respect, he would risk the hazardous trip to the West, a voyage

into the unknown. Yu got in touch with the snakeheads, the Chinese people smugglers. He broached the subject with his wife and started to make arrangements, but she didn't believe he was serious; most of those who went had some capital behind them, Yu was far too poor, she thought, to afford the journey. Then one morning in June 2003 he told his wife that he was going to work. She never saw him again.

The snakeheads are so-called because wherever they go a snake of illegal migrants winds surreptitiously behind them. Using a fake Korean passport provided by the snakeheads, and dyeing his hair to look more like the person in the photograph, he flew to Hong Kong and on to Paris, with \$1,000 in his pocket. When he got there he telephoned his surprised wife and instructed her to pay the snakeheads 190,000 RMB (£15,000), by taking out a loan at 2.5% monthly interest from private moneylenders, with family and friends as guarantors. Shortly afterwards he borrowed another £7,000 to pay the snakeheads to arrange his passage to Britain, smuggled in the back of a truck crossing the channel.

In London, Yu got in touch with contacts from Fujian. He was offered kitchenwork by the chef of a Chinese takeaway, himself from Yangbian, who then demanded £200 to give him the post. Yu was furious but there was nothing he could do about it, he was alone in a strange city, didn't speak the language and there were few other avenues open to him to obtain work and shelter. When Yu took on the job he was billeted in a grimy flat above the takeaway with four others where he slept on a mattress he found on the street and paid £20 per week in rent. He worked 6 days a week for 11 hours a day, for which he was paid £170, or £2.51 per hour.

Yu became increasingly miserable in England, the hardship and squalor of his existence in stark contrast to his former hopes of life abroad. In mid January 2004 he told his family by phone that he had found work cockling and was going up North. Once he got to Morecambe Bay, his calls home became less frequent and he sounded to his family more depressed than ever before. He told his wife "The work is very hard. It is cold and hurts my back. I don't even know when and how much I'll get paid. I'm depressed. I want to quit but I have no freedom, no choice, because I'm illegal."

On the 3rd of February 2004, Yu telephoned his wife for the last time. He said his life was terrible, that cockling was exhausting him, and she urged him to quit. "I can't quit", replied Yu "There is no other work. Without this job, I can't eat." Two nights later Yu Hui drowned in the icy waters of Morecambe Bay. He was thirty seven years old and had been a cockler for two weeks.

For many of the Chinese immigrants who go abroad to work, it is the second time they find themselves in a strange and foreign country. The first time they didn't even have to leave their hometowns. China is changing at a bewildering rate, with social and cultural upheaval to match the dramatic changes being wrought to the landscape by the rapid unchecked growth of towns and cities, and the modernisation and expansion of infrastructure throughout the country. As the headlong rush towards capitalism is completed, China has dropped all pretensions to a Communist economy, withdrawing free education, healthcare and any other social welfare measures just when tens of millions, especially those in rural areas, are finding that they can no longer sustain themselves by continuing in the way they are used to living. Several of the cockle-pickers killed at Morecambe Bay made the decision to come to England after losing their livelihoods in China.

However, migrating Chinese workers don't usually come from the absolutely lowest rungs of society and the direst poverty, as their families would not be able to provide the snakeheads and moneylenders with sufficient guarantees to cover the cost of their journeys. Widespread poverty

and uncertainty there may be, but it accompanies an unmistakable increase in wealth nationally. China is becoming far richer than she has been for a long time, and it is not only the super-rich and the mobsters who are doing well. A significant well-to-do middle class is emerging, whose earnings are as often based on family members working abroad illegally as on success in China's business world. But China's new-found fortune is distributed most unequally among her people. The chasm between the haves and the have-nots gapes ever wider, and as it grows so does the social pressure to end up on the right side of it.

Those who make the decision to try and find work abroad make contact with representatives of the snakeheads, well known figures in communities where many families have made use of their services. The migrant's family (often extended family) and its assets are the security for the snakehead's and moneylender's money, and the migrant knows only too well that they would face severe harassment if he weren't able to keep up payments.

The details of the journeys taken by the cockle-pickers who drowned at Morecambe to get to England remain largely unknown. Sometimes, supplied with false documents, passports and disguises, illegal Chinese immigrants travel in relative luxury alongside legal international travellers, at other times and places they may find themselves hidden in the backs of lorries or cupboards in ferries, or hurrying across borders where officials have been bribed to go off duty for half an hour, passed from gang to gang of local smugglers with whom they are unable to communicate save in rudimentary sign language, with little idea of where they are and where they will be going next. As the smugglers adapt to the latest enforcement measures, the routes used may change completely.

On arriving on these shores, most Chinese do not find the worker's paradise they had been led to expect. There are estimated to be over 70,000 Chinese among the more than a million undocumented workers in the country. Many Chinese looking for work when they get to the UK start by getting in touch with a 'recruiter'. These characters operate as a sort of agency for illegal Chinese immigrants, providing them with basic forged paperwork where necessary and arranging their work and accommodation, in exchange, of course, for an exorbitant fee. Sometimes they act as gangmasters in the fullest sense of the word, paying the wages of those on their books, at other times they are fixers, shepherding their clients through the process of getting on the books of more reputable agencies or companies, who don't -- at least formally -- have any dealings with the recruiter, and pay the Chinese illegal immigrants directly. Either way the recruiters exercise great control over the lives of their clients, watching their movements closely and implying work won't be available if they don't do exactly as they are told.

But it would be a mistake to see them as part of large criminal empires. Contrary to popular belief, many of the recruiters and gangmasters seem to be small-time gangsters, unconnected to the snakeheads' large organisations, with no legal right to be in the UK themselves. They live in only slightly better conditions than the compatriots they are exploiting and sometimes work alongside them in poorly-paid agency jobs.

Hsiao-Hung Pai, a Guardian journalist who went undercover following the Morecambe Bay tragedy to document the lives of Chinese illegal immigrants, found agency meat-packers living five-to-a-room in rented houses in Norfolk, subsisting on cooked pigs' tails and ears from the butchers and cheap, near-due-date packaged meat from the shop of the factory at which they worked. Their recruiter-cum-gangmaster Mr Lin talked big, but worked long, minimal-wage shifts at the factory and slept crammed in a small room with several of his recruits, his high status reflected by his taking the bed, while the others had to be content with mattresses on the floor. But Mr Lin said his agency

employment was only a temporary measure. He told Hsiao-Hung that he wanted to get back to the far more lucrative work he had been doing until a few weeks earlier: he claimed that he had organised the team of cocklers who drowned at Morecambe Bay.

The broad sands of Morecambe Bay stretch for 126 miles along the Lancashire coast. When the tide is out, the desolate landscape has almost a lunar quality, grey-yellow sands, and mudflats that seem to go on forever in all directions, criss-crossed by sinuous channels of all sizes, etched into the unstable ground by the changing tides. The bay is notoriously dangerous, those unfamiliar with its geography and natural workings can easily get disorientated or stuck in quicksands, and royal guides, known as the Queen's sandpilots, have been appointed for centuries to lead visitors across this treacherous ground. The greatest danger is always the tide. Shaped like a funnel, Morecambe bay has a tidal range of up to 10 metres. When the tide turns, seawater surges up the gulleys and channels, rushing towards the land and filling up the bay faster than a man can run. The bay has claimed many lives over the years.

This inhospitable tidal environment is ideal for cockles. These small shellfish are a traditional food of the region, and the industry, today worth an estimated four to eight million, remains labour intensive. The cocklers lay wooden planks on the ground and agitate the planks with sticks or by stamping their feet, which brings the cockles to the surface. They then have to rake them up, wash and bag them.

Cockling is an attractive industry for gangmasters. It is barely regulated, the low-tech methods employed make it relatively cheap and simple to set up shop (the recruiter Mr Lin told Hsiao-Hung that it took about £6,000 to get a cockling business running), and it allows the gangmasters to keep a tight control over all aspects of the business, including the workforce.

At the time of the Morecambe Bay disaster, cockle-picking was a relatively new field of enterprise for the Chinese to get involved in. Chinese gangs first got into cockling during the preceding year, joining gangs of other nationalities on the sands wherever cockling beds were declared open by the Sea Fisheries Committees, public bodies whose job it is to ensure that the stocks of cockles are not overharvested.

The established cocklers were fishermen who had grown up along the coast and knew the sands well. In contrast, many of the arriving Chinese were seeing the sea for the first time. It was a recipe for disaster. Those who knew the sands best worried the most. In the four months leading up to the tragedy, Alan Sledmore, one of the Queen's sandpilots, repeatedly warned the North West and North Wales Sea Fisheries Committee, the body in charge of the cockling beds at Morecambe Bay, of "imminent dangers" on Warton Sands, where the cocklers drowned. He urged the committee to implement a clocking-in and clocking-out system for those on the sands, prepare a risk assessment and draw up evacuation procedures, but his advice fell on deaf ears.

In June 2003, Geraldine Smith, the local MP, wrote to the Home Office about the dangers facing the Chinese cocklers and urged a crackdown on the industry. A sweep by immigration officers followed in August 2003, and 37 cocklers were detained, but no further action was taken. In the two months preceding the tragedy at Morecambe Bay, groups of Chinese cocklers twice had to be rescued by the coastguard when they got into difficulties.

In December 2003, the cockling beds at Morecambe Bay were reopened by the North West and North Wales Sea Fisheries Committee and cocklers rushed to the sands. For the first time ever, the

Sea Fisheries Committee had introduced a permit system in an faint attempt to keep tabs on cocklers. This doesn't seem to have posed any problem for the Chinese, who supplied fake numbers and documents which went unchecked.

There were five or six separate gangs of Chinese cocklers. The gangmaster of the drowned cocklers was Lin Liang Ren, a 27 year old who had come to the UK as a student in 2000, and overstayed on his visa. He controlled a gang of about 60 cocklers, mainly men, who lived 30 to a house, 6 to a room, in dilapidated terraces on Priory Road, in a down-at-heel suburb of Liverpool. They slept on grimy mattresses on the floor, or pairs shared a bed, and subsisted on the cheapest food, eating a monotonous diet of mainly rice porridge. These were the worst living conditions they had yet experienced, and they were matched by the rigour of their work.

The cocklers worked irregular hours around the clock, according to the times of the tides. Every fourteen days of work was followed by two days off, when the tides prevented them from collecting any cockles. Each working day they drove to Morecambe Bay in minibuses, donned their waterproof clothing and, in convoy with a pick-up truck carrying equipment, drove out onto the sands, where they worked in teams of 9 or 10, dotted along wide stretches of the bay. After a few hours of picking cockles, their backs and limbs ached, and the cold ate into their bones. The work was overseen by Lin Li Shui, Lin Liang Ren's lieutenant. He was also apparently in charge of checking the tide times.

It is not clear exactly how much Lin Liang Ren paid the cocklers, but in general Chinese cocklers are paid between £5 and £8 per 25kg bag by their bosses, a maximum of about £30 a day -- when and if they are paid. Lin Guo Guang, the only one among the drowned cocklers who had previously worked as a fisherman, complained to his family that he couldn't quit because his wages had been delayed for five to six weeks, and he would lose everything if he left. From Morecambe Bay he wrote to them: "This is a hell on earth... We are treated like animals here... You must study well at school and do well, and never end up working in England like me!"

Lin Liang Ren said he couldn't pay him because he himself hadn't been paid by his English buyers. As a result, Lin Guo Guang had been unable to keep up payments to the snakeheads, and on the day he died they came round to his wife to threaten her. He spoke to her on the telephone phone, reassuring her that he was owed £1000, and expected to be paid the following day, the 6th of February.

Out of their meagre wages, the cocklers' bosses deduct from £15 to £30 a week in rent, and, of course, they would have had to pay the registration fee of at least £150 to get the job in the first place. Lin Liang Ren sold the cockles, with the help of his girlfriend, who spoke more English, to David Anthony Eden Sr and Jnr, owners of a cockle processing plant. They paid between £12 and £15 a bag. In a statement they later claimed that they bought from the Chinese because they did a better job than other teams, washing the cockles more carefully and sieving out the inadequate ones. The statement neglects to mention another selling point of the Chinese – their low cost. A local industry insider described the Chinese as "a half-price... more punctual and productive workforce".

Other, probably local, groups of cocklers resented the appearance of the Chinese on the scene, and they often found themselves under attack. On a few occasions the bags of cockles that they had so painstakingly collected were doused in diesel and set alight by rival gangs at the end of the day. The Chinese tried to keep their distance from English cocklers on the sands to avoid threats and harassment.

As dusk fell on Thursday the 5th of February 2004, the cocklers set out on their fatal last journey onto the sands. At about 5pm they passed an English team travelling in the opposite direction, who tapped their watches at the Chinese to warn them that it was too late to start cockling. A local cockler who was packing up at about the time the Chinese arrived, tried to talk to them and tell them they should leave the sands, but could not make himself understood. As the last light died down, the winds picked up and were soon very strong -- someone who spoke to one of the cocklers that night by mobile phone could hardly hear him over the winds howling in the background. In the dark, there was little chance of judging the height of the tide. By the time they saw the water, it was too late, they were trapped between two raging channels, with the water rising at a terrifying rate. Many of the cocklers did not know how to swim.

As soon as they realised their predicament, the mobile phone calls started, to the emergency services, family and friends. Just after 9pm, Lin Liang Ren, waiting on shore, received several panicked calls from the sands. He says he tried to phone the police, but his English wasn't good enough to explain himself. He called his girlfriend Zhao Xiao Qing, who was on her way to Morecambe Bay with Lin's cousin Lin Mu Yong, and his cousin's girlfriend, Janie Bannister. Bannister dialed 999 immediately. "I've got a load of Chinese boys in Morecambe Bay and they're stuck. They've got to get out. There is going to be at least 30 men out there." Ten minutes later she phoned back, shouting that the water was up to the men's waists. While he waited for the police, Lin Liang Ren tried to drive out to the trapped cocklers in a minibus, but had to turn back, beaten back by the waters.

[Guo Jinfu had stayed on shore that day because there were not enough waterproofs. He received a desperate call from Guo Binlong, imploring him to call the police, but Guo Jinfu had only just arrived in the UK and didn't know what number to dial. Others knew the number, but couldn't explain themselves when they got through. An unknown victim dialed 999, screaming "sinking water" down the line. At 10.45pm, Eden Jnr called the coastguard, having just heard about what was going on. "All these people, they all sort of work for me", he said.

Guo Binlong managed to get through on his mobile phone to his wife in China. "I am in great danger. I am up to my chest in water", he told her. "Maybe I am going to die. It's a tiny mistake by my boss. He mistook the time. He should have called us back an hour ago... Tell the family to pray for me. It's too close. I am dying."]

Li Hua, a twenty-six year old, had been in the UK picking cockles for just a fortnight. He had returned to shore earlier because it was cold and dark, when he got a call on his mobile from Xie Xiao Wen, 41, his only friend in the UK, who he affectionately knew as Brother Wen, to say that he was stuck in the sea. Li Hua ran to try to rescue him, swam across a first channel, and was trying to swim across a second channel when he was overcome by the waves, whipped up by 20-knot winds. "The water was up to my nose and mouth", he said. "I tried to swim, but the wave was quite big and I couldn't. I was thrown backwards and forwards in the waves for quite a while... I thought at the time I was going to die."

He managed to haul himself onto a sandbank, and gripped onto it as two metre high waves lashed him and the patch of sandbank above the water line shrank. A rescue helicopter spotted him in its searchlight waving frantically, and he was pulled into a lifeboat just as the sandbank became completely submerged.

Li Hua was the only person rescued by the emergency services that night. There were another 15 survivors; they had either managed to swim to safety or, for various reasons, had already been on shore. 16 more cocklers working for Lin Liang Ren were supposed to be on the sands that night, but they escaped because the van they were travelling in broke down on the way from Liverpool, and they turned back. Four hours after they returned to the house on Priory Road, they listened to the tragedy unfolding via desperate mobile phone calls from their friends trapped in Morecambe Bay.

By 11.20pm the waters in Morecambe Bay had risen by 9 metres. Twenty three people died that night, including Lin Li Shui, who had mistaken the times of the tides. As the survivors waited huddled on the shore for news of their friends, and in the following days as they were all detained at police stations as murder suspects, Lin Liang Ren desperately begged them to say that he had just been a hired driver, and to name one of the drowned men as the boss.

The police enquiry following the cockling disaster, named Operation Lund, was one of the biggest the country has ever seen. In the subsequent trial, Lin Liang Ren was charged with manslaughter, conspiracy to commit facilitation of breaches of immigration law, and conspiracy to pervert the course of justice. The surviving cocklers testified against him and he was jailed for fourteen years. He told a newspaper: "If I could have the twenty three people back alive, I would exchange my life for that. But I was not responsible for their death.... All I wanted was quick cash. I didn't have long-term plans to make profits from it... I had no previous experience with the sea."

Zhao Qing Xiao who had acted as a translator between Lin and the cockle buyers, and had helped apply for the cocklers' permits, and Lin Mu Yong were both found guilty of conspiracy to commit facilitation of breaches of immigration law, and received jail sentences. The buyers David Anthony Eden Snr and Jnr, who were also tried for their role in the affair, were acquitted, successfully arguing that they had reason to believe the cocklers to be legal and safe on the sands because they had official permits to go cockling.

Some things have changed since the death of the cocklers at Morecambe Bay. Just days after the disaster, the MP Jim Sheridan's private member's bill to regulate gangmasters was due to go through parliament. Without the Morecambe Bay disaster, it would have stood little chance of entering the statute books. In the shocked atmosphere immediately following the tragedy, it got through with an overwhelming majority of votes, and has become law. Originally focused on agriculture and catering, the gangmasters law requires labour suppliers to be licensed and regulates them. After the disaster, enforcement by the immigration authorities increased, with regular crackdowns in places where illegal Chinese immigrants were suspected of working, mainly restaurants in Chinese quarters of cities. But Chinese community and human rights groups have criticised the enforcement, saying it just forces illegals further underground, and while professing an intention to protect workers from exploitation, actually narrows their options, forcing them into the hands of unscrupulous gangmasters.

Immediately after the tragedy, several gangmasters fled to lie low for a while, leaving their workers sitting in dilapidated terraced houses in Liverpool, wondering what to do. A few found work in Chinese restaurants in the city, others moved on. But the gangmasters had no intention of permanently abandoning their lucrative set-ups, if they could help it, and within two months, an estimated 180 Chinese were back on the sands at Morecambe Bay. Since then, occasional reports of turf-wars between rival gangs and coastguard rescues have trickled into the news which show it is business as usual for the Chinese gangmasters at Morecambe Bay.

By 2008, most of the cocklers at Morecambe Bay were legal Poles paid double what the Chinese had been earning, but a Chinese contingent remains, continually replenished by new arrivals spirited into the UK by the snakeheads and willing to try any sort of work. In China, after the initial shock, few wanted to dwell on the Morecambe Bay disaster. A Fujian villager expressed the predominant opinion when he told a British journalist:

“It’s a shame about what happened at Morecambe. But it’s just one small accident, compared to all the good things we get from having people work overseas and send money home. I don’t think it will change anything.”

Here too, the story of the Chinese who we hadn’t known about until their deaths, like all news stories, was quickly edged out of public discussion by other events and slipped from our thoughts. By the time the twenty one bodies that were found of the victims were eventually repatriated in November 2004, there was little residual interest in the lives of Chinese illegal immigrants.

A few people living around Morecambe Bay were moved by the disaster to launch a fund to support the families of the victims, with a target of raising £500,000. Three years on, they have collected a paltry £7580. In a country that likes to think of itself as generous, the fund is a measure of the public indifference to the fate of the countless people living amongst us with no official status.

While the rest of the world moves on, the families of the Morecambe Bay victims have been allowed no rest by the snakeheads and moneylenders. Continually harrassed, and with no means to pay back the victims’ debts, most face a dark, destitute future. Lin Qin Ying and her husband Xu Yu Hua both died at Morecambe Bay, along with two of their cousins. She had followed him to the UK against his will, joining him after he had been in the country for a year and died on her first day of cockling. Since the death of their parents, the couple’s teenaged son and a daughter have been subjected to continuous threats and demands for sums they cannot possibly pay from the moneylenders, who have no intention of writing off the debt. The daughter will probably be forced into prostitution to raise the money. Similar stories abound. Everywhere lives and hopes have been shattered. Children have had to give up their studies, old and frail men and women have had to go out looking for work. For these victims, there is no prospect of an end to their suffering.

The official word on the Morecambe Bay tragedy was that it couldn’t possibly have been foreseen. But with the exception of the government, everybody described it as a tragedy waiting to happen. It was, in fact, the latest in a line of tragedies involving illegal immigrants.

A man has been jailed for the deaths he put down to “bad luck”, but many think that the responsibility does not end there. At the inquest, Martin Boyce, Deputy Director of the North West and North Wales Sea Fisheries committee testified that the immigration services had “turned a blind eye” to the illegal Chinese cocklers. Min Qin, a Chinese human rights organisation, argues that that government’s immigration enforcement is concerned with keeping illegal immigrants out of sight and out of mind, ignores economic realities and wholly disregards the welfare of the illegals. As the children of earlier generations of Chinese immigrants enter the professions, there is a huge labour gap in UK Chinese restaurants, and most would have closed down without the steady stream of illegal Chinese. Why not legalise them, says Min Qin, and allow them to pay taxes and help support Britain’s ageing population?

It is a persuasive argument, but has little chance of a sympathetic hearing from either of the main parties, who have been escalating a nasty little game of political football with asylum and

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immigration issues for years. For the present, Britain's depressing pattern of ever-harsher crackdowns is likely to continue, pushing illegal immigrants into the most dangerous, unregulated jobs and strengthening the grip of the gangmasters.