

Why the government should retain the domestic worker visa

The government has suggested that, in future, better checks at the pre-entry phase (overseas), and at the port of entry to the UK, will be used to prevent exploitation of migrant domestic workers. We strongly believe, however, that there is no effective and reliable method of identifying 'bad' employers prior to entry. To protect this extremely vulnerable group of workers, and ensure there is no bonded labour in 21st century Britain, the migrant domestic visa must be retained.

Oxfam and Kalayaan are calling for:

- MDWs to remain outside of the new points-based approach to immigration into the UK, and for the current system of migrant domestic worker visas to be maintained.
- MDWs to retain the right to change employer as long as they continue to work within a private household.
- MDWs to continue to be recognised as workers in the UK, to be protected by employment law, and to be able to take legal action against abusive and exploitative employers.
- A route to settlement to remain open to MDWs, who can currently apply for Indefinite Leave to Remain after five years in the UK.

Over the longer term, we also call on the government to improve information about MDW issues for immigration and embassy officials, and healthcare workers in the UK, in order to improve the protection of workers and ensure they can access the services they are entitled to.



Devika came to the UK three years ago with a Sri Lankan family. She was not given her own room, was not allowed to leave the house freely, and her employers did not pay her what they had promised her. They also put their name on her visa, in an attempt to stop her working for anyone else. She left that family and now works for employers who treat her well but suffers from stress and diabetes from her earlier experiences.

"If I had stayed with the first family, I would have got very sick. Please don't change the law – domestic workers must be able to change employers."

Devika, from Sri Lanka, domestic worker, London

To find out how you can help stop the changes affecting domestic migrant workers:

Call Antonia Bance, at Oxfam on 01865 472378 or email abance@oxfam.org.uk

Call Kalayaan on 020 7243 2942 or email info@kalayaan.org.uk

For copies of the report, *The New Bonded Labour? The impact of proposed changes to the immigration system on migrant domestic workers*, Kalayaan and Oxfam 2008, contact Sarah Griffiths at Oxfam on 01865 473105 or email ukpoverty@oxfam.org.uk.

The domestic workers quoted in this briefing were interviewed by Oxfam at the Kalayaan offices in London on 2 March 2008.

www.oxfam.org.uk/uk
www.kalayaan.org.uk

Bonded labour in the UK?

The Home Office's proposed changes to the domestic worker visa will result in the return of bonded labour in the UK and will undermine attempts to end trafficking and violence against women.

The problem: a summary

Oxfam, Kalayaan, the trade unions, and other organisations working with migrant domestic workers (MDWs) in the UK are extremely concerned that abolishing the domestic worker visa will end all protection for this extremely vulnerable group of workers.

- Around 17,000 migrant domestic workers from non-EU countries accompany their employers to the UK each year. The majority of these workers are poor women from the developing world. Many are sexually, physically, and psychologically abused by their employers.
- In 1998, the new Labour government introduced the domestic worker visa in response to widespread concern at the well-documented levels of abuse and exploitation of MDWs. This gave MDWs the status of workers for the first time and the right to change employer.
- The government proposes that in future domestic workers will come to the UK as 'business visitors' on a six-month non-renewable visa. This will provide no possibility of changing employers and no protection under UK employment law.

- Tied to one employer, domestic workers will become effectively bonded labourers; many will be forced to work in conditions akin to slavery. Leaving an abusive or violent situation and finding another job will no longer be an option for them.

- Abolishing the domestic workers' visa will expose more women to the dangers of being trafficked into the UK and made to work against their will.

What we want

Oxfam, Kalayaan, the trade unions, and other organisations working with migrant domestic workers believe the government must retain the domestic worker visa as a vital protection for one of the most vulnerable groups of workers in the UK.

This proposal will have no impact on wider immigration reform as the Home Office has already agreed to keep it separate from the introduction of the so-called points-based Australian-style system.



Jenny was beaten by her employer in the UK for nearly three years. Eventually, she managed to escape from her employer's house with the help of a neighbour.

"The plan to change the visa will not work for us. If you do not have the right to change employer then they have the right to do anything they want to you. They will know you have no options. We should not be treated like slaves."

Jenny, from West Africa, domestic worker, London

Proposed changes to the domestic worker visa: in depth

Migrant domestic workers

Migrant domestic workers enter the UK accompanying a specific employer to undertake tasks such as housekeeping and care work in their household. The workers come from a variety of developing countries, including India, the Philippines, Sri Lanka and Indonesia. Their employers are mainly Middle Eastern, Indian or British.

Home Office figures show that, of the 85,000 people who entered the UK on a domestic worker visa between 2002 and 2006, only around six per cent stayed in the UK longer than a year; so there is no evidence that domestic workers are using the visa as a route to settlement in the UK.



Mary came to London three years ago. Her employer threw hot tea at her several times. She is now blind in her right eye. When her employer's husband attempted to rape her she ran away, even though she had no job to go to.

“For all those years I did not have the strength to leave and was thinking it was better to die than endure this. The first employer was so abusive that I had to leave. If I can't find another employer – how will I survive?”

Mary, from India, domestic worker London

Abuse and exploitation of MDWs

MDWs are particularly vulnerable to physical and psychological abuse, as well as to exploitation, because of the isolated and unregulated nature of work in a private household.

- At least 10 per cent of the workers registered with Kalayaan from 2006 reported that their employers have sexually abused them. Sexual abuse is normally underreported: real figures are likely to be much higher.
- Living and working conditions are extremely poor: many domestic workers are not given a bed, let alone their own room, or even allowed regular meals. Most workers are not paid what they have been promised, or what they are legally entitled to. No worker Kalayaan has spoken to receives the national minimum wage; most workers are paid around 50p an hour.
- Most MDWs work extremely long hours. Workers report working 16 to 20 hours a day, from 7am until midnight or later, and being continually 'on call' to their employers. Many report having no time off in the week and no paid holidays.
- Employers often unlawfully retain their workers' passports. This is a criminal offence and deprives MDWs of their only form of identification and proof of their right to be in the UK.
- MDWs usually send money to support their families back home. This puts pressure on them to stay in work, even if their employer is extremely abusive.

MDW conditions of work 2006	
Physical abuse	26%
Psychological abuse	72%
Sexual abuse	10%
No own room	61%
No own bed	43%
No regular meals	41%
No meal breaks	70%
No time off	70%
Not allowed out of house	61%

Statistics produced using Kalayaan's registration database for 2006 (N=312)

The protections of the domestic worker visa

Although MDWs are extremely vulnerable to abuse and exploitation, the current domestic worker visa, introduced by the Labour government in 1998 in response to a long-running campaign, entitles MDWs to certain protections against the most extreme forms of abuse:

- MDWs have the legal status of 'workers' and are therefore entitled to a range of employment rights and benefits. They are entitled to be paid the minimum wage, with only reasonable deductions made by employers for board and lodging. They have the right to statutory holiday and sick pay. MDWs can also take legal action against their employers if they are overworked or underpaid, although this is often hard to do in practice.
- The visa entitles domestic workers to change employer, so long as they continue to work within a private household. Workers must be in employment in order to reapply for a new visa.
- MDWs have the right to health care in the UK.
- MDWs are entitled to apply for settlement after five years, provided they can demonstrate knowledge of citizenship and English.

Proposed changes to the domestic worker visa

The British government proposes to eliminate the domestic worker visa as part of wide ranging reforms to the immigration system. Under these proposals, domestic workers will enter the UK as 'domestic assistants' on a modified business visitor visa. They will only be allowed to remain in the UK for six months and will be unable to change employer. Oxfam, Kalayaan, and many others feel that this change would return domestic workers to the levels of abuse and exploitation experienced before 1998:

- Being unable to change employers will result in many more cases of abuse and exploitation: employers will know that domestic workers are not able to leave their jobs without becoming 'illegal' in the UK, however badly they are treated.
- MDWs will not have the legal status of workers, so they will not have the right to the national minimum wage or limits on the number of hours worked etc. Employers will be able to keep their workers in conditions close to slavery.
- Abolishing the domestic worker visa will increase the risk of human trafficking: it will allow unscrupulous employers to recruit MDWs in poor countries overseas by promising them jobs in the UK, and then allow them to put the workers into what will be effectively forced labour. This will undermine government efforts to protect victims of trafficking under the Council of Europe Convention on Action against Trafficking in Human Beings.

Rina came to the UK two years ago to work for an Irish/Indian couple, both of whom were doctors. She was forced to sleep in a sleeping bag in the living room, was allowed very little food, and not paid what she was promised. On one occasion the wife threw boiling water at her and threatened to burn her skin with a hot knife. The husband repeatedly tried to force her to have sex with him and she often had to lock herself in the bathroom for protection.

Rina asked for her passport from her employers and to be allowed to go back to India, but her employers would not let her leave. After four months of abuse, and another rape attempt, she simply ran away.

Rina says: “If we do not have the right to change employer, then we are like their toys. They can do what they like with us. I was lucky to get out of my situation and to find help, but not everyone will have such luck – they need protection. If they change the law there will be a lot more abuse of domestic workers. I used to think I would not come out of that house alive. If they change the law people will die.”

Rina, from India, domestic worker, London



“In 1998 the Labour government acted to protect migrant domestic workers. We are calling on it now to continue to protect one of the most vulnerable and exploited groups of workers in the UK.”

Rita Gava, Kalayaan

“Oxfam believes it is completely unacceptable that people should work in conditions akin to bonded labour in 21st century Britain.”

Kate Wareing, Director, UK Poverty, Oxfam