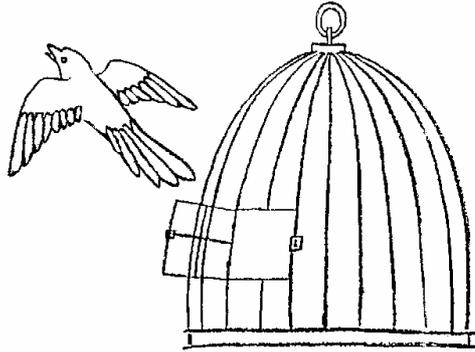


# KALAYAAN

justice for migrant domestic workers



## ANNUAL REPORT AND FINANCIAL STATEMENTS APRIL 2007-MARCH 2008

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## **Annual Report 1<sup>st</sup> April 2007- 31<sup>st</sup> March 2008**

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## **Chair's Report**

One again, the most important aspect of Kalayaan's work was our campaign to draw attention to the potentially disastrous impact that proposed government migration legislation would have had on the employment conditions of migrant domestic workers (MDWs) in the UK. The eventual success of the campaign, as announced by the government in July 2008, was a great achievement for the organisation. I would particularly like to thank all those who gave essential support to this work, particularly: current and former MDWs, Diana Holland and Unite (formerly the Transport and General Workers Union), the TUC, Oxfam, Anti-Slavery International and all the MPs who signed the two Early Day Motions on the issue.

Kalayaan has continued to provide a range of advice and services to migrant domestic workers at the Centre and over the telephone. The English classes and free legal advice sessions during the year remained very popular and it is impossible to fully meet the demand. The reintroduction of regular monthly meetings for those MDWs who are members of the T&G union was also a welcome development. You will find detailed reports on all the activities elsewhere in the report. The high number of people who continue to access these services is testament to the work of the staff and volunteers, but also makes clear that the treatment of many domestic workers in this country remains unacceptable. This is particularly relevant at a time when the authorities have given much higher priority to the problems of people who have been trafficked to the UK. Kalayaan has worked closely with government initiatives on trafficking but is concerned that many of the real problems of exploitation of migrant domestic workers are ignored if they do not fit simply into the definition of trafficking.

Finally I would like to thank the staff and all the members of the Management Committee who have given up their time to support the work of Kalayaan during the year. In particular I would like to thank those members who left during the year: Camilla Brown who resigned as Community Support Worker, and Viviane Abayomi, Rickey Denton, Beth Herzfeld and Mara Stankovitch who resigned after many years of support on the Management Committee. I must also offer thanks to St Francis Church for continuing to rent us the St Francis Centre, which provides such an ideal space for the office and most of our activities.

## **Kalayaan and migrant domestic workers**

Since 1987 Kalayaan has continued to work with and to support migrant domestic workers in the UK, adapting the emphasis of our activities in response to the needs of this group of workers and the wider political and policy context.

Migrant domestic workers (MDWs) are people who have come to the UK accompanying an employer to work in that employer's private household. There is a domestic worker visa on which these workers enter the UK. This visa recognises them as workers, allows them to change employers (but not work sector) and so escape and challenge abuse, and may be renewed annually providing the worker continues to be employed full time as a domestic worker in a private household. As the statistics in this report will show, despite these protections MDWs in the UK do continue to experience unacceptably high levels of abuse and exploitation. There is no doubt however that if MDWs were not formally recognised as workers with recourse to UK law their treatment would be far worse.

The introduction of the Points Based System for immigration to the UK has had a significant impact on Kalayaan's focus over the past year. In March 2006, shortly after announcing its 'Managed Migration' policy<sup>1</sup> the government met with Kalayaan and told us that they had plans to abolish the current domestic worker visa, and with it the existing protections for MDWs. The officials suggested they would instead create a limited, temporary route for MDWs to enter the UK completely tied to their employers and with no effective access to UK employment law.

Since this announcement Kalayaan, together with MDWs and other allies, have been campaigning to maintain the current visa and its existing protections for MDWs. In addition we have continued to offer direct support to MDWs. In the year between April 2007 and March 2008, 319 new MDWs registered at Kalayaan and we gave over 1,000 formal advice sessions to new and existing service users. Far more advice is given out informally to workers who visit the centre for information, read our website or over the phone. Not only does our provision of services to MDWs allow individuals to access rights and challenge abuses, it gives us a real and direct understanding of the day to day issues which affect MDWs. It is this understanding which informs our campaigns and policy work.

Most MDWs who come to Kalayaan find us through word of mouth. Workers who have escaped abuse and appealed to strangers or are found hopeless in a station or park are directed to our centre. Others are referred to us through CABs, solicitors or other advice organisations. Some hear of us through the internet.

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<sup>1</sup> 'A Points – Based System: Making Migration Work for Britain' Presented to Parliament March 2006

The nationality of the **319** MDWs who came to Kalayaan for the first time during 2007-08 can be broken down as follows:

<b>Nationality</b>	<b>Number of MDWs who registered 07-08</b> <b>N=319</b>
Indian	42%
Filipino	21%
Indonesian	10%
Nepalese	7%
Sri Lankan	6%
Columbian	1%
Bangladeshi	0.9%
Egyptian	0.9%
Kenyan	0.9%
Nigerian	0.9%
Pakistani	0.9%
Peruvian	0.9%

The remainder of the MDWs who registered at Kalayaan during 2007-08 include workers from Morocco, Iran, Uzbekistan, Palestine, Tibet, Togo and Uganda.

The MDWs who register at Kalayaan may not be proportionality representative of workers coming to the UK as many MDWs find us through networks made up of people of their nationality.

**16%** of the MDWs who registered at Kalayaan during 2007-08 were male (an decrease from 23% in 2006-07).

The majority of MDWs who come to Kalayaan come to us from within London, although we do receive calls for help or advice from all over the UK, both from workers and from those supporting them. The breakdown by borough of workers who come to Kalayaan is as follows:

<b>Borough</b>	<b>Number of MDWs who registered 07-08</b> <b>N=319</b>
Kensington & Chelsea	14%
Brent	8%
Westminster	8%
Camden	5%
Barnet	5%
Newham	4%
Lambeth	2.5%
Harrow	2%
Hammersmith & Fulham	1.5%
Hounslow	1.5%
Islington	1.5%
Ealing	1.25%
Hackney	1%
Wandsworth	1%
Waltham Forest	0.6%
Tower Hamlets	0.6%
Greenwich	0.6%
Hillingdon	0.6%

The remainder of the MDWs are spread across London. A few come to Kalayaan from outside the capital. There are also a large proportion (101) for whom we do not have a borough recorded.

## Issues experienced by MDWs

The abuse that MDWs report to Kalayaan continues to shock as the table below will show. Even more alarmingly, it is likely that these figures do not reveal the full extent of the problem. These figures show MDWs responses to questions which they are asked the first time they come to Kalayaan, at a time when they will not have build up enough trust to disclose the full extent of their treatment, and are particularly unlikely to report sexual abuse. It is clear that despite the protections which exist in law for MDWs, there remains plenty of work to be done, not only to ensure that these minimum standards remain, but to ensure that protections are enforced and that rights can be accessed.

<b>Abuse</b>	<b>Number of MDWs who registered during 07-08 and reported this abuse N= 319</b>
Physical assault by employer	19%
Psychological abuse (threats, insults, intimidation etc)	62%
Not allowed out of the house without employer/ supervision	62%
Sexual harassment	5%
Did not get regular food	31%
Did not have own room or any personal space in the house (sleep in hall, lounge, kitchen or children's room)	48%
Did not have a bed (slept on floor) or had to share a bed with the children	34%
No time off	66%
No breaks to eat	55%
Worked 'on call', could be called to work at any time	40%
Worked 16 or more hours a day	61%
Had their passport taken from them by their employer	30%

There has been a marked decrease in abuse reported by MDWs who registered at Kalayaan during 07-08. While this is a welcome trend which we would like to think is the result of an increased awareness of and respect for workers rights, we suspect the difference is a reflection of the increasing numbers of MDWs who are registering in order to access English provision at Kalayaan, and are otherwise in good employment. The requirement for MDWs to pass a 'Life in the UK test', in order to apply for Indefinite Leave to Remain in the UK (ILR) has meant that workers who are well established in the UK are registering in order to access support for this test.

Kalayaan, together with allies such as the unions, Law Centres and individual lawyers, works to support and to campaign for and enforce, the rights of all MDWs, whatever the extent of their abuse. As the figures above show, the treatment of many MDWs at the hands of their employers constitutes a criminal offence, and many MDWs can be defined as being a victim of trafficking. Kalayaan is working to ensure that individuals who are trafficked for domestic servitude get due recognition and, where appropriate, compensation. We also continue to highlight that MDWs, and other workers, are made vulnerable to trafficking due to a lack of rights and basic protections.

### ***What is 'trafficking'?***

*trafficking in human beings consists in [of] a combination of three basic components, each to be found in a list given in the definition:*

- the action of: "recruitment, transportation, transfer, harbouring or receipt of persons";*
- by means of: "the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person";*
- for the purpose of exploitation, which includes "at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal or organs".*

Ref: Council of Europe Convention on Action against Trafficking in Human Beings, Article 4, Paragraph 74

Kalayaan is working to create precedent and awareness that such abuse is not acceptable and that the law will be enforced against perpetrators of abuse. The discrepancies in power between MDWs and their employers and the very limited options available to MDWs mean that MDWs who come to Kalayaan often do not want to take action against their employers and instead only want to get their passports back and find another job so they can continue to work and send money home to their families. There are also practical considerations; workers who are owed several months (or even years) salary are unable to take employment tribunal claims because their lack of recourse to public funds, their need to be in full term employment to comply with the terms of their visa and their need to send money home all mean they must go straight into another job involving very long hours. They often

therefore have no time to meet with a lawyer. There is also anxiety on the part of MDWs not to be seen as a 'troublemaker' by new employers.

Of equal concern is the fact that in cases where MDWs do take action against former employers we frequently find that they are not taken seriously. Domestic work in private households is still often not considered to be real work and Kalayaan finds that time and time again we have to push for MDWs even be considered to be eligible for the National Minimum Wage (NMW). Where cases do go to tribunal there is little, if any written evidence of the employment relationship and the case depends on one person's word against another. When we support MDWs to report crimes to the police, such as the theft of their passports, or even physical abuse, we experience a lack of follow up. Kalayaan is working with Law Centres and individual solicitors to take raise awareness among police forces and other authorities and to create legal precedent to support MDWs to access their rights.



Photo © Aubrey Wade

## **Campaign**

The proposed changes to the immigration rules for MDWs, the implementation of which would have removed the most basic of rights from MDWs, facilitated abuse by employers and effectively legalised trafficking of MDWs to the UK for labour exploitation meant that Kalayaan increasingly focused on our campaigning and policy work during 2007- 08. This

was a successful strategy; in June 2008 the Minister of State for the Home Office Liam Byrne announced that he was 'proud' of existing protections for MDWs, and that 'The current ODW visa will be preserved and then reviewed as appropriate after the first two years' operation of the reformed immigration system, when we have properly road tested our anti-trafficking strategy'<sup>2</sup>. At Kalayaan we are very pleased with this success which could not have been achieved without the hard work and commitment of MDWs themselves and allies including Unite, the TUC, Anti Slavery International, Oxfam and other NGOs as well as many committed individuals who gave their legal expertise and their time.

We believe that the campaign was won because the issue for which we were fighting- the maintenance of the most basic rights of this most vulnerable group of workers- was clearly an issue of basic justice. We also believe that we won because we campaigned on several levels including policy, public events, working with the union and using the media to influence public opinion and because of the bravery of the migrant domestic workers who spoke out about the abuse they had suffered.

During 2007-08 progress on the campaign included:

- In May 2007: A joint Unite/ Kalayaan meeting with the minister for immigration Liam Byrne MP during which we raised our concerns about the impact of the proposed changes to the immigration rules for MDWs in the UK
- In June 2007: The TUC Commission on vulnerable employment visited Kalayaan to meet with MDWs. Brendon Barber, the General Secretary of the TUC, was one of the Commissioners who met with MDWs and committed to support the campaign.
- In July 2007: The T&G section of Unite held a lunchtime fringe meeting on the issue at their Biennial Delegate Conference where a domestic worker and Kalayaan staff member spoke.

Kalayaan also spoke at and participated in a panel discussion at Tolpuddle Martyrs Festival and Ruby Lopes, a migrant domestic worker spoke about issues facing MDWs in the UK on the main stage.

- In September 2007 Kalayaan representatives spoke at a TUC Congress fringe meeting
- In October 2007 Home Office officials working on anti trafficking policy came and met with MDWs at Kalayaan to hear first hand about their experience
- In January 2008, Anthony Steen MP, Chair of All Party Parliamentary Group on Trafficking met with MDWs at Kalayaan

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<sup>2</sup> Written Ministerial Statements, Wednesday, 25 June 2008

- In February 2008 Kalayaan gave a written submission to the Home Affairs Committee Inquiry into Human Trafficking (we were later invited to submit oral evidence to the Committee)

In February 2008 a Kalayaan staff member and MDW spoke at the T&G section of Unite's Women's Conference in Eastbourne

- In March 2008 A staff member spoke at the Million Women Rise March and a staff member and MDW presented to the UK Race & Europe Network

### **Media Coverage on the campaign and issues effecting MDWs in the UK during 2007- 08 included:**

Liz Hurley pays 'slave-wage' to Indian maid, Graham Brough and Martin Fricker, 20 February 2008, The Mirror

New York millionaires guilty in 'modern day slavery' case, Frank Eltman, 18th December 2007, The Independent

The Cost of Loving, Melissa Benn, 23rd June 2007, The Guardian

No place like home, Hsiao-Hung Pai, 5th May 2007, The Guardian

Domestic Abuse. Hsiao-Hung Pai, May 2007, Socialist Review

On the 21.02.2008 Christine McCafferty MP tabled an EDM against the proposed changes to the migrant domestic worker visa which has been signed by 89 MPs.

### **Data collection and reports**

During 2007-08 Kalayaan's capacity for data collection has dramatically improved with the move to using a database for casework. We use this database to hold all our casework information and have inputted old information dating back to January 2006. This has allowed us access to data we have never been able to use in the past. This is vital for us to be able to assess and improve the work we do, and will be a great resource in terms of providing information about MDWs in the UK and their experiences. Data from January 2006 until mid 2007 informed a report we produced with Oxfam which reported on the current situation of MDWs in the UK and examined what the impact of the proposed changes to the immigration rules would be for this particularly vulnerable group of workers. This report 'The New Bonded Labour?' was submitted to Liam Byrne, the minister for immigration early in 2008 in as part of Kalayaan's contribution to the Home Office's research on MDWs in the UK. The minister was made aware that there was a parliamentary launch of the report planned for July 2008. Liam Byrne announced that current protections for MDWs in the UK would remain in place on the 25<sup>th</sup> June 2008, a week prior to the launch.

## **Activities at Kalayaan**

### Immigration and Employment Advice

Immigration and employment matters are closely linked for migrant domestic workers in the UK. Their visa is dependant on them being employed full time in one private household and this is often used by employers in order to prevent workers from challenging their conditions of employment. It is vital when advising MDWs to be able to take a holistic view of their case and for this reason Kalayaan has built up significant expertise in both employment and immigration matters which effect MDWs in the UK. We also offer advice or signpost MDWs for support with issues including health, financial inclusion, tax, domestic violence and leisure activities.

All advisers at Kalayaan have OISC exemption to give immigration advice to Level 1. We run 9 regular advice sessions a week. In addition we are open two Sundays and two evenings a month for advice. This is important for MDWs who cannot get time off during the week to be able to access our advice services.

Kalayaan benefits hugely from the professionals who offer their time on a pro bono basis to MDWs who time to our centre. Four immigration firms volunteer to run regular monthly pro bono advice sessions at Kalayaan. We continue to work closely with other immigration solicitors to whom we make referrals or call for advice. While some MDWs are able to benefit from legal aid to support their cases, cuts to legal aid have meant that it is becoming harder and harder to find a solicitor able to take cases on under legal aid and cases which are taken on have less and less time spent on them.

North Kensington Law Centre continues to take on a significant number of employment cases and has developed significant expertise in the complexities of supporting MDWs to access employment law. This area of work remains of vital importance as we continue to have to fight to remind authorities and enforcement bodies that MDWs are workers in the UK and have entitlements such as to the National Minimum Wage and holiday pay.

We continue to produce information and raise awareness in the centre about employment law and support MDWs to negotiate with employers to access their rights. Unite the union runs monthly sessions in Transport House in Holborn one Sunday a month aimed at organising and supporting MDW members.



### Whose passport is it anyway?

The link between employment and immigration status and the way this is used by employers to control and maintain power over the migrant domestic worker they employ is clearly demonstrated in the common and illegal practise of confiscating the worker's passport. Of the 319 workers who registered at Kalayaan between April 07 and March 08, 30% did not have their passports as these had been taken by their employers. An even greater number had their passports taken from them but managed to get them back and used this as an opportunity to 'run away'.

Most of the workers who come to Kalayaan without their passports do not know what their immigration status is. Many have been lied to by their employers and told that they are in breach of the immigration rules and should avoid the police and authorities at all costs. Fortunately in most instances Kalayaan is able to secure proof of the workers immigration status, inform them of their rights and support them to move on in their lives, and, if they are willing, to take action against their employers. Unfortunately we still have significant difficulty in persuading the police to take action against employers who have taken worker's passports. This is demonstrated by the fact that we support most of the 30 % of workers who come to Kalayaan without their passports to report this to the police yet not one employer has been arrested for the theft of this vital document.

The reasons employers do not face arrest include that; employers will claim that they had the passport for 'safekeeping', or that when asked how the employer got the passport the answer is often that the worker 'gave' it to them but the fact that this was under duress is not taken into account. If the police do contact the employer instructing them to return the passport, the employer will often return it (against official advice) to the Home Office, asking that the visa is cancelled, forgetting that the passport is not the property of the Home Office nor the employer and there is no reason to cancel the visa as MDWs are permitted to leave an employer. Similarly employers send workers' passports to their (employers') embassies, or even to embassies overseas, leaving the worker stranded without any documentation. Without their passports MDWs have severe difficulties finding another job, accessing services, and of course cannot travel home. There is also a real risk

that their visa could expire without their knowledge during the time it takes to recover their passport or to establish their immigration status.

Kalayaan continues to raise awareness about the illegality of taking someone else's passport, to educate the police to request that employers return the passport to the worker (rather than the Home Office or the employer's embassy) and to encourage and offer practical support to workers to challenge any employer who attempts to keep their passport. Trained Advocacy Support Volunteers accompany MDWs to the police to report the theft of their passport. This is a big step for most MDWs who have been told by their employers to fear the police. We hope that the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) will allow us to continue to make progress to ensure that keeping a worker's passport from them is treated as a serious offense.

On the 10th May 07 we carried out an Awareness Raising Day with the Metropolitan Police in order to train the police in the issues experienced by MDWs and inform police work on theft of passports by employers.

### Accommodation

One of the conditions of the migrant domestic worker visa is that its bearer has no recourse to public funds. Health care and legal aid are excluded from this category, so can, in theory, be accessed by MDWs. Accommodation, including domestic violence refuges, are not excluded. This means that when an MDW escapes an employer, no matter what the reason for leaving, they become homeless. Workers often arrive at Kalayaan with none of their belongings, or any ID documents, no money and no where to stay. Accommodation providers rely on public funds to pay their costs and so to get somewhere to stay it is normal to have to be eligible for housing benefit, to which MDWs are not entitled. A few organisations which run refuges for women escaping domestic violence run at a deficit in order to fund a few places for women with 'no recourse to public funds' but these spaces are few and usually full. The woman will also need to prove that she is escaping violence (rather than leaving having not been paid for many months).

This leaves MDWs who escape their employer in a very vulnerable position. Many know no one in the UK. Commonly workers will come to us having met someone at a bus stop or in the street who gave them our address or paid for a taxi to take them to us. One risk is that domestic workers in this position will be offered a place to stay by someone who will take further advantage of them. Another is that they will become so desperate for accommodation that they will be forced to take any live in job, even at very poor pay for long hours.

Kalayaan is not a housing provider and we offer no accommodation ourselves. When homeless workers arrive at our Centre we do our best to find them somewhere but there are no guarantees. One option is to refer the person on to one of the few religious organisations who house people with no recourse to public funds. These spaces are however almost always full and any accommodation will be very short term. A more common solution is for us to find another domestic worker who can house the worker for a few days. Few workers

are able to do this as so many live in their employer's house but some will be able to house someone for a few days. There are of course problems with this. We are aware that we are putting a vulnerable person in need of support with another person who is also vulnerable and that this is by no means ideal. The strain on the worker offering the housing can be considerable as they often end up supporting the worker in many ways and dependencies can develop. Kalayaan continues to have a limited fund for emergency accommodation which means we can make a financial contribution towards the costs of housing someone and give them some money for food and travel.

There are also advantages of housing a domestic worker with another worker; they learn to survive outside of their employer's house (they may have never been allowed out at all), they are immediately networked with other workers, through whom they will have support and may find a job and will make friends.

Kalayaan continues to highlight the need for emergency accommodation for MDWs while they find a new job, establish their immigration status and recover. We continue to support the Southall Black Sisters (SBS) campaign together with Amnesty International UK and Women's Resource Centre to abolish the no recourse to public funds rule.

#### Trafficking for forced labour

The UK Border Agency have approached Kalayaan to act as a referral body in a pilot on trafficking for forced labour which will run for three months from the start of May 2008. The pilot is being run in order to develop understanding of this area of trafficking about which the government have acknowledged, little is still known. Once the government ratifies the European Convention on Action Against Trafficking in Human Beings at the start of 2009 they will be legally obliged to provide certain protections to victims of trafficking, including accommodation. One of the aims of the pilot is to identify gaps in support provision for victims in advance of ratification of ECAT. Kalayaan has agreed to participate as a referral body in the pilot as we believe that it is important that the needs of MDWs are identified at this stage and addressed. We also believe that in instances where MDWs have been trafficked it is in their interest to be identified as such and so be able to access the protections available. Our participation in the pilot does not affect our independence or our confidentiality agreement with clients and we have made it clear that we will only refer individuals who have given us permission to do so. We have also made it clear that many MDWs may not be identified as trafficked but have been exploited and subjected to forced labour and that trafficking protections can not be treated as distinct from labour law and rights of workers. Without basic rights, workers become more vulnerable to traffickers and Kalayaan maintain that on no account should protections for victims under trafficking law be seen as a replacement to workers rights.

#### Health

Migrant Domestic Workers are in theory eligible for free healthcare in the UK. Unfortunately in practise however many of them have difficulty accessing Primary Healthcare. Mediciens du Monde (MdM) are a healthcare charity that work with vulnerable migrants, homeless people

and women involved in prostitution in the UK, helping them to access healthcare through their 'Project: London'. Since February 2008 MdM's 'Project: London' team have been delivering monthly free health clinics at Kalayaan to migrant domestic workers, helping Kalayaan clients to register with GPs, giving them nurse consultations and helping to meet other immediate and longer term healthcare needs. The clinic has been popular with between 4 and 10 migrant domestic workers attending each month.

Where domestic workers do not have a GP and need more immediate healthcare and where A&E is not appropriate Kalayaan refers them to the frequent 'Project: London' clinic in East London. Kalayaan also continues to provide clients with a letter to take to the GP they wish to register, with stating their eligibility to free healthcare.



### Yoga and Aerobics

In 2007 Kalayaan secured continued funding to run a weekly aerobics class for MDWs, for which there had been a substantial expression of interest. We found however, that after the first few weeks, attendance dropped off with workers telling us that they wanted to prioritise

learning English in their limited free time off work and that they were too physically tired from their jobs to do such energetic exercise.

In response we are now piloting yoga classes. Discussions with MDWs who come to Kalayaan have told us that many are familiar with yoga and that they believe that regular yoga sessions would help them to relax and would help prevent back problems and other physical injuries. The challenge remains to find the best time at which to run the session as it needs to be at a time when MDWs are not working but the demand for English classes mean that these run nearly all of Sunday. In March 2008 we ran a pilot of 5 sessions on a Saturday morning but attendance was low. As MDWs continue to tell us that they do want to attend these classes we have now planned two more pilots at different times and will monitor attendance.

### English

English classes at Kalayaan continue to be hugely popular. Kalayaan now runs five volunteer led classes a week and, together with the Workers Education Association (WEA) four accredited college led English classes per week. All but one of these classes is run on a Sunday to enable domestic workers to attend on what is normally their only free day in the week.

The volunteer led classes are an important part of Kalayaan's work helping newly arrived migrant domestic workers meet friends and increase their confidence in spoken English. Attending classes gets MDWs used to travelling around London and will facilitate them accessing other services such as healthcare. Improved levels of spoken English also contribute to reducing MDWs vulnerability to exploitation by helping them to access information about their rights and to negotiate with employers. Learning English also dramatically increases MDWs employment options.

The college led classes are predominantly useful to those domestic workers who have been in the UK for between 3 and 5 years and are hoping to soon be eligible for indefinite leave to remain. Current legislation requires all migrants to pass the "Life in the UK" test before they can apply for indefinite leave to remain. Many migrant domestic workers find it impossible to pass this test on their own as they cannot read and write in English at the required level. The test must be taken on a computer which many MDWs are not familiar with using. The college led classes are a chance for them to learn about citizenship and English at the same time and to take a spoken English qualification and Life in the UK test. It is particularly significant that migrant domestic workers are able to move from the domestic work visa to indefinite leave to remain. This new immigration status greatly reduces the dependence of migrant domestic workers on their employer, and they have a much more secure position from which to bargain for their rights.

For those migrant domestic workers who are able to read English to a high level but are uncertain of how to study for the life in the UK test, Kalayaan now also runs a Sunday "Life in the UK study group" and, thanks to the commitment and relaxed teaching style of the volunteer tutor, this class has become very popular with attendance currently at 25 people.

Over the course of the year, more than 400 students have benefited from English classes run by Kalayaan.



#### Support into work: Finding a job, employment skills and employment rights

One of the challenges for a MDW upon leaving an employer is finding another full time job as a domestic worker in a private household. MDWs need to find alternative work quickly. This is because many will have dependant family members who need remittances, many need a 'live in' job as they have no alternative accommodation and also their visa is dependant upon being in full time employment as a domestic worker in a private household.

Often when a domestic worker leaves an employer they do so under less than ideal circumstances and many are escaping severe abuse. They escape leaving everything and so clearly contacting such an employer for a reference is out of the question. This lack of references can make it very hard to find another job, particularly since employing someone to work in your house requires a high level of trust and responsibility.

Many MDWs come to Kalayaan for support in finding a job. We have a facility whereby potential employers can advertise jobs which comply with UK employment law in our centre. Unfortunately we do not have the capacity to vet employers but all employers do have to download a form from the 'employment' section of our website where they will have read about their responsibilities as employers. The form confirms the salary, hours of work, time

off, holiday etc. New jobs go up on Mondays when we have a volunteer at the centre to support workers with reading job descriptions and negotiating with employers.

We continue to run workshops and give out information at Kalayaan to inform workers about their rights as workers under UK employment law and to give support and advice to workers about speaking to employers on the phone, performing at interview and securing a job

### Community Research Project

Kalayaan research on migrant domestic workers providing paid care to private households, funded by the Big Lottery Fund, is completing its second year. Begun in January 2007, it is a collaborative project with the Centre on Migration, Policy, and Society (COMPAS) at the University of Oxford.

The project investigates the living and working conditions of migrant carers, who are an invisible but growing work force in the United Kingdom. How do migrant carers, who are in the UK on domestic worker visas, find their way into private care? How do they negotiate working relationships between their elderly, often incapacitated, employers and their employer's families? How are their hours and needs different from those of other domestic workers? Fifty (50) one-on-one interviews with select migrant carers, where these questions were threshed out further, have been completed. Information is now in the process of being coded and analyzed. Further interviews with elderly employers and care sector stakeholders are currently being conducted.

Initial analysis has found:

Migrant carers generally 'fall' into care work, having chanced upon their elderly employers either through friend's recommendations or other informal networks.

Migrant carers generally consider themselves 'migrant domestic workers,' and do not feel a sector affinity with British carers or migrants working in the formalized care sector, such as those nursing homes.

These findings will be tested further once full analysis and interview coding is complete.

In addition to its research aspect, the BLF project also instigated several outreach activities with migrant carers, which have generally been well received by Kalayaan clients. In the last year alone, the project has organized various workshops, including 'interview skills' and 'basic photography'. A photography contest is planned for later in 2008. Open to all MDWs, the contest theme will be 'Migrant Domestic Workers: Why the UK Needs Me.' Winners of the contest will be announced at the AGM on October 5<sup>th</sup> 2008.

## **Staff and Volunteers**

### Staff

Rita Gava –Co-ordinator.

Kate Roberts - Community Support Worker.

Camilla Brown - Community Support Worker. In September 2007 Camilla left Kalayaan after just under 4 years.

Jenny Moss – Community Support Worker from the end of November 2007.

Lourdes Gordolan – Community Researcher

### Volunteers

As ever Kalayaan would not be able to continue much of our work without the commitment and support of our volunteers:

Sr Hilda Kenny, Continues to host informal support sessions on Tuesdays. Workers come for a chat and cup of tea, help filling forms or preparing CVs.

Aodh O’Halpin continues to be passionately involved in campaign activities and keeping the centre open and welcoming on Sundays.

Jennifer Makin continues to accompany workers to embassies and police stations and now runs the regular Monday morning job search.

Nikita Aggarwal helped with the parliamentary work on the campaign.

Elaine Garcia volunteers in the office to answer the phone, respond to enquires from workers and gives individual advocacy support to MDWs.

Advocacy Support Volunteers: Justyna Muller, Uri Sadeh, Fran Smith, Elaine Garcia, Emma Hunt, Michael English, Sarah Watson, Daniel Wate, Charlotte Craze, Ana Melo, Harit Pokharel

Vanina Wittenburg researched and wrote the New Bonded Labour? report, together with Nivedita Niyoga.

Aubrey Wade photographed campaign events

Aziz Abou El Mjamar helped with translation and gave administration support.

Our popular English classes could not continue without the following teachers who volunteer to ensure that workers who would otherwise not be eligible for classes can learn English:

Gillian Doherty, Simon Ryan, Catherine Revelo, Frances Green, Ruth John, Michelle Collins, Tara Orlanes- Angelopoulou, Tara Agarwal, Norelle Wooley and Maria O’Sullivan, Len Hulley, Francesca Cooney and Michael English all volunteered to teach English classes at Kalayaan during 07-08.

Immigration solicitors who gave their time pro bono to run legal advice sessions at Kalayaan, during the evenings and weekends:

- Chris Randall, Peter Moss, Ben Maitland and Philip Trott from Bates Wells & Braithwaite Solicitors
- Sunny Leong from Sunny Leong & Co Solicitors & Notary Public
- Lawrence Lupin and colleagues from Lawrence Lupin Solicitors
- Adrian Seelhoff from White Ryland Solicitors

### **Treasurer's Report and Financial Review**

Income for the year of **£172,795** was 7% below the previous year previous year, mainly due to the receipt of two large one off grants during that year. Total expenditure of **£177,158** for the year was **£53,432** above the previous year. The large increase was due to the start of the new research project, work on the campaign and the general rise in costs. In consequence Kalayaan's accounts for the financial year 2007/8 showed a deficit of **£4,363**, made up of a deficit of **£6,073** on restricted funds and a surplus of **£1,710** on unrestricted funds. As a result the organisation's free reserves have increased to **£28,427** just less than the two months of core costs that is the aim of the Management Committee.

The Management Committee would like to extend its thanks to all the donors and funders who have enabled Kalayaan to continue to provide support and services to migrant domestic workers throughout the year. Such support comes not only as financial contributions, but also in the voluntary support so freely given by members, volunteers, solicitors, trade unions and religious organisations. In the financial year 2007/8 we would particularly like to thank the following:

Oak Foundation: grant for the costs of advice and support work.

City Parochial Foundation: grant towards the costs of advice and support work.

Henry Smith Charity: grant towards the costs of advice and support work and English classes

Tudor Trust: grant towards the costs of advice and community support work and activities

Big Lottery Fund: research work on MDWs and care work.

Royal Borough of Kensington and Chelsea: grant towards the costs of advice and support work.

Oxfam UK: grant towards the costs of a publication on the impact of proposed changes in the law on MDWs and campaign work.

We are also grateful for the many other generous donations that we have received.

A full picture of Kalayaan's accounts for the year may be found in the figures provided in the financial statements at the end of this annual report.

***Kalayaan wishes to thank all those without who much of its work would not  
have been possible***

***April 2007- March 2008***

*Thanks to our fantastic Management Committee members (past and present) for their  
constant support:*

David Ould – Chair and Treasurer

Margaret Healy – Vice Chair

Natasha David – Secretary

Bridget Anderson

Beth Herzfeld

Emma Newcombe

Mahani Rajak

Mara Stankovich

Melanie Vilano

Myriam Cherti

Poonam Joshi

Padma Devla

Rickey Denton

Viviane Abayomi Noutai

Virgie Canada

Rachel Witkin

Franchesca Cooney

Ruby Lopes

Genevieve Bassene

*Thanks to our staff team:*

Camilla Brown – Community Support Worker (outgoing)

Jenny Moss- Community Support Worker (incoming)

Kate Roberts, Community Support Worker

Lourdes Gordolan – Community Researcher

Rita Gava - Projects Co-ordinator

*Thanks to our committed and inspirational volunteers.*

*Thanks to Margaret Joojo Richards, Maria Zur and Tahra Actar from our partner organisation Workers Education Association (WEA) which runs accredited English classes at times accessible to MDWs:*

*Thanks to the solicitors who run free legal surgeries at Kalayaan:*

Adrian Seelhoff at White Ryland Solicitors

Chris Randall, Peter Moss and Ben Maitland at Bates, Wells and Braithwaite Solicitors

Lawrence Lupin, and colleagues at Lawrence Lupin Solicitors

Sunny Leong at Sunny Leong & Co. Solicitors & Notary Public

And to the lawyers who take on so many of our referrals, in particular North Kensington Law Centre and Bindman and Partners.

*Thanks to our generous Funders and Donors, who make our work possible*