



**KALAYAAN**  
justice for migrant domestic workers

**ANNUAL REPORT  
AND FINANCIAL STATEMENTS**

**APRIL 2009-MARCH 2010**

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## **KALAYAAN Annual Report 1st April 2009- 31st March 2010**

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## **Chair's Report**

The past year has been one of consolidation for Kalayaan during which the organisation has continued to build its reputation for successfully combining the provision of advice and support to migrant domestic workers with carefully researched advocacy on behalf of the rights of these workers in the UK. As a result Kalayaan is widely respected by everyone involved in the field from government departments through the police and border agencies to trades unions, NGOs and domestic workers themselves. I was also pleased to see that the new MDW self help group Justice 4 Domestic Workers has really established itself during the year and we will continue to cooperate closely with this group.

I would like especially to acknowledge the success of the wide range of English classes now provided by the organisation for MDWs. These are always oversubscribed and in particular the classes for beginners led by Kalayaan volunteers continue to meet a real need that is not met anywhere else. We are particularly grateful to all the volunteer teachers and assistants who give up so much of their own time to the preparation and running of these classes.

During the year the office published its report on the work done by MDWs as carers in private households. In addition Kalayaan was one of the NGOs involved in analysing the results of the measurers taken in the UK to protect trafficked persons and this report was launched in June 2010. The House of Commons Home Affairs Select Committee produced a report on Human Trafficking in the UK and this drew heavily on information provided by Kalayaan.

Kalayaan was also successful in gaining some media and parliamentary attention for the problems faced by MDWs exploited by diplomats in the UK and we will continue to press for real action on this issue. The new resources provided to support MDWs to take cases to employment tribunals began to have results and some substantial compensation payments have been awarded in a few cases.

You will find detailed reports on all the office activities in this report and the high number of people who continue to access these services is testament to the work of the staff and volunteers. Finally, I would like to thank the staff, volunteers and all the members of the Management Committee, who have worked so hard and given up their time to support Kalayaan during the year. In particular I must 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 worked with and supported migrant domestic workers in the UK, adapting the emphasis of our activities in response to the needs of this group of workers and the changing wider political and policy context. Kalayaan continues to provide advice, support and advocacy services to all migrant domestic workers regardless of nationality, gender, physical ability, age, religion or sexual orientation.

Migrant domestic workers are migrants who have come to the UK accompanying an employer to work in that employer's private household, on an overseas domestic worker visa. The domestic worker visa may be renewed annually providing the worker continues to be employed full-time as a domestic worker in a private household. MDWs who have been in the UK for 5 years can apply for settlement. The domestic worker visa provides formal recognition as a worker and allows MDWs to change employers (but not work sector) and so escape and challenge abuse.

In the year between 1<sup>st</sup> April 2009 and 31<sup>st</sup> March 2010, Kalayaan registered **343 new MDWs** from **26 different nations**. We gave **25 formal advice sessions each week** to new and existing service users. Additional advice is given out informally to workers who visit the centre for information, read our website or who phone.

As in previous years, the highest numbers of new clients came from the Philippines, India, and Indonesia. The table below shows the percentage of new clients by nationality:

Nationality	Total number of client registered	Percentage of total new clients
Filipino	99	29%
Indian	98	29%
Indonesian	45	13%
Nepalese	28	8%
Sri Lankan	22	6%
Nigerian	9	3%
Pakistani	9	3%
Sudanese	5	1%
Moroccan	4	1%

The remaining **7%** consists of clients from the following countries:

**Africa:** Angola, Cote D'Ivoire, Eritrea, Ethiopia, Kenya, Uganda, Seychelles, South Africa, Tanzania, Tunisia, Zambia, Zimbabwe

**Asia:** Bangladesh, Thailand

**The Americas:** Jamaica, El Salvador, Peru

Kalayaan is always keen to welcome clients from new countries, both as a means to enrich its multicultural environment and as a way to reach out to new communities. Word of mouth among people of the same nationality remains a strong means of advertising our services to domestic workers living in very isolated conditions.

The percentages of female and male service users remain similar to previous years: **84%** were **women** and **16% men**.

The majority of MDWs who come to Kalayaan live within London, although Kalayaan is keen to extend the benefits of its expertise to all MDWs in the UK, and we answer calls for help or advice from all over the UK, both from workers and from those supporting them. Some MDWs travel from other cities to use our services, particularly the advice sessions on Sundays. In this year, 10% of new service users came from outside London. The majority of London residents came from the following boroughs:

<b>Borough</b>	<b>Percentage</b>
Kensington & Chelsea	13%
Brent	10%
Westminster	9%
Barnet	7%
Camden	6%
Hammersmith & Fulham	5%
Ealing	5%

## **Issues experienced by MDWs**

The isolated and unregulated nature of their work within a private household means that MDWs are vulnerable to exploitative and abusive practices. MDWs face multiple disadvantages: they often have very little or no knowledge of the English language and are not familiar with UK systems, they depend on their employers not just for their job, but also for their housing and immigration status, and they are restricted from accessing public funds.

Statistics collected upon registration of new clients confirm that MDWs continue to face shocking levels of abuse as well as exploitative working conditions, as the table below will show. Alarming, it is likely that these figures do not reveal the full extent of the problem. These data are collected as part of the registration process, at a time when MDWs will not have built up enough trust to disclose the full extent of their treatment. Taboos mean that

sexual abuse is especially likely to be under reported. Often, MDWs are also scared of the repercussions of reporting abuse, particularly if the employer has relatives or powerful contacts in the country where the worker's family lives.

**Abuse by former employer reported by migrant domestic workers who registered at Kalayaan between 1/4/09 and 31/3/10.**

(343 new MDWs registered at Kalayaan during this time)

Type of abuse	Number of MDWs who reported this abuse	Percentage
Physical assault	53	15%
Psychological abuse (threats, insults, intimidation etc)	191	56%
Not allowed out of the house without employer/ supervision from family	211	62%
Sexual abuse	10 women	3% of women
Did not get regular food	86	25%
Did not have own room or any personal space in the house(slept in hall, lounge, kitchen or children's room)	138	40%
Did not have a bed (slept on the floor or had to share a bed with the children)	91	27%
No time off	211	62%
Worked 'on call' – could be called to work at any time	182	53%
Paid less than £50 a week	130	38%
Paid less than £100 a week	41	12%
Worked 15 or more hours a day	172	50%
Had their passport kept from them by their employer	218	64%

New clients reported situations of physical abuse such as employers hitting them, grabbing and shaking them, throwing things at them, spitting in their face, slapping them and pulling their hair. Domestic workers caring for children often report of being kicked and hit by them, even under the eyes of their parents, who don't reprimand them.

Forms of psychological abuse described by our clients included shouting and insults such as 'idiot' 'dirty' 'donkey' or 'dog', and threats to be thrown out or deported. Salary and food are also withdrawn as a means of punishment. Workers often describe these humiliations as 'being treated like an animal'.

The isolated nature of their work within their employers' private houses makes domestic workers particularly vulnerable to the risk of sexual abuse. We fear that the percentage of

victims might be higher than our statistics indicate, as evidence collected during more in-depths interviews shows that this crime is highly underreported at the point of registration.

Lack of privacy is another recurrent problem for MDWs, and often linked to sexual abuse. The majority live in the employer's household and have no private space to which they can retire. Over half of the MDWs that we have registered don't have their own room and sleep in public areas such as the kitchen, the living-room or the children's bedroom. In some extreme cases MDWs are expected to sleep outside the employer's room, in order to be readily at service. Sleeping in a public area means that they have no protection against the men in the house's attempts to approach them. In addition, it means that sleep is interrupted by people entering the room for other purposes, or by children waking up. Many of the workers told us that they are expected to wake up in the middle of the night to attend to any needs of the members of the household, like making hot drinks, bringing water, etc. Many MDWs don't even have a proper bed and have to sleep on cold floors, with serious consequences for their health.

In some cases the isolation of living and working within the private household becomes extreme and MDWs are not allowed to go out except when accompanying the employer. A significant number of newly registered clients reported being locked in when the employer leaves the house, putting them at risk in case of an emergency.

Many of the exploitative situations suffered by MDWs, such as unreasonably long working hours and salaries well below the National Minimum Wage, are linked to the fact that domestic work is often not perceived as 'real work'. On average, the MDWs we registered in this financial year, worked 15 hours per day. The average monthly salary is £88 per month. Over 60% of workers have no day off.

## **Activities at Kalayaan**

### **Immigration and Employment Advice**

Kalayaan has continued to provide advice in one-to-one sessions with migrant domestic workers on immigration and employment matters including making referrals to relevant law centres and solicitors where appropriate. In order to ensure maximum accessibility, advice sessions are also available every Sunday, the only day off for the majority of MDWs, and in the evening. During the period April 09 - March 10, Kalayaan gave 25 advice sessions each week. Advice sessions are normally one hour long and they are strictly confidential. All staff members at Kalayaan have received immigration training and have OISC exemption to give immigration advice at level 1. All comply with the OISC requirements for Continuing Professional Development and maintain their immigration knowledge up to date.

Although MDWs will be seen without appointment in an emergency situation, we normally encourage our service users to make an appointment, so that we can ensure we can dedicate the appropriate amount of time to their questions and problems.

All new clients go through a standard registration process, during which they receive information regarding the terms of their domestic worker visa and the procedure for its renewal. The session also includes an introduction to their employment rights in the UK. Upon registration MDWs also receive written material available in 19 community languages, which includes information on how to renew their visa and on employment rights. Most people that approach Kalayaan for the first time are not aware of their rights in the UK, and this initial session often represents a breakthrough towards regaining control of their lives. For many MDWs this is a sensitive and emotional time, since this is often the first time they have been able to talk about the abuse they have experienced. During advice sessions the advisor discusses the situation with the workers, and informs them of their rights and responsibilities. Once the situation has been assessed and discussed, Kalayaan's policy is to encourage MDWs to decide themselves which option they wish to pursue, rather than offering them solutions.

Kalayaan has recruited and managed a number of volunteers to support our advice and advocacy work. During this year Kalayaan held two advocacy support training days attended by over 50 volunteers in total. The training specifically looked at advocacy skills related to reporting the theft of passports to the police.

These ad hoc volunteers were available when a service user needed support: they have acted as interpreters, accompanied workers to appointments with lawyers, the Home Office, police stations and embassies, and provided support in registering for bank accounts.

The recruitment and management of the volunteers has significantly increased our overall capacity and dramatically improved our ability to communicate directly with workers. We benefited from the volunteers' skills in a wide range of languages, including Arabic, French, Gujarati, Hindi, Indonesian, Malay, Malayalam, Nepalese, Punjabi, Singhalese, Tagalog, Tamil and Urdu.



Kalayaan would like to thank all the advocacy volunteers who have offered their support and their friendship to our service users at the time when they were most vulnerable. Often MDWs are not familiar with London and its transport system, particularly if they were not allowed out of the employer's house and it would not have been possible for Kalayaan to ensure that MDWs could access support services without the help of these volunteers.

In addition to the individual advice work, Kalayaan is now running monthly immigration updates on current issues affecting MDWs one Sunday a month. During these sessions staff go over the procedure on how to renew the domestic worker visa, how to apply for Indefinite Leave to Remain, and give any news on relevant immigration matters.

### **Immigration legal surgeries**

Thanks to the generous support of several immigration solicitors, Kalayaan was able to continue to offer free legal surgeries for MDWs. The surgeries are held at the most convenient times for MDWs: on Sundays and in the evening. Throughout the year, we ran surgeries on two Sundays each month. Until January 2010 we also ran two evening surgeries per month, but we found that there weren't always enough service users turning up at their appointments (difficulties getting off work, unfavourable weather in winter) and we saw that one evening per month seemed enough to satisfy demand.

On average, 18 clients per month benefited from this service.

Kalayaan wishes to thank the following solicitors for giving us their time and expertise:

Adrian Seelhoff at A. Seelhoff Solicitors

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

Lawrence Lupin, Yasmine Lupin and colleagues at Lawrence Lupin Solicitors

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

### **Employment Law Project**

This project, funded by the Barrow Cadbury Trust and Oxfam, is run in partnership with North Kensington Law Centre and aims to offer more support to workers who have been victims of labour exploitation. The project aims to identify potential employment cases, expand Kalayaan's network of employment law firms, find free representation for exploited MDWs and collect evidence that can be used to influence policy.

#### Launch

On 9th July, Freshfields Bruckhaus Deringer LLP hosted the launch of the employment law project. The panel of speakers was chaired by Diana Holland, the Assistant General Secretary of UNITE and composed of Camilla Brown of Kalayaan, Sandhya Drew of Toops

Chambers, Juliette Nash from North Kensington Law Centre, and P, a migrant domestic worker. The success of the launch was evident both by an attendance of more than 90 from the legal community, NGO's and domestic workers and also by the continued level of legal support from the legal profession.

#### Advice and representation

In the first year of the project we have 58 cases for legal advice and 11 domestic workers who had been referred previously have continued to access legal advice and support. Of these 91% were female, 68% were from Asia and 30% from Africa. The majority of cases, 85% have been referred to North Kensington Law Centre. Clients have also been represented by Brent Law Centre, Lovells, Russell Jones & Walker and Hammersmith & Fulham.

<b>Action</b>	<b>No of cases</b>
Client no show	4
Advice only	9
Pre-action only	5
ET Claim	48
County Court	1
CICA	1

Of the claims brought, 5 have been successful at tribunal with the total sum of awards totalling £413,457. 14 have been settled totalling approximately £170,000; 3 are awaiting judgment; 10 have been listed for hearing; 13 are in the pre-action phase only; 12 have been closed; and 3 have been unsuccessful. Below is a breakdown of the types of claim brought:

<b>Claim</b>	<b>Number brought</b>	<b>Successful</b>	<b>Unsuccessful</b>
Unfair dismissal	34	2	1
NMW	41	4	2
Sex discrimination	3		
Race discrimination	36	4	2
Working time regs	38	2	2
Failure to provide empl particulars	35	3	0

## Campaign- the Family Worker Exemption

At present the National Minimum Wage Act 98/ Regulations 99 contains a potential loophole with regards to domestic workers entitlement to receive the national minimum wage arising from the Family Worker Exemption. This has manifested in domestic workers and their employers having received incorrect information from the Pay and Work Rights helpline, through to unsuccessful claims in tribunal where it has been concluded that the domestic worker in question was treated as a family member and therefore the employer was not obliged to pay her any salary at all. This is clearly contradictory to the information provided by the Home Office which states that domestic workers are workers and should be entitled to the National Minimum Wage.

In September, Kalayaan brought these matters to attention of the Department for Business, Innovation and Skills to ensure that correct information was provided on their helpline. We were successful in having the questions asked by advice workers amend to hopefully differentiate domestic workers from other 'family workers', but we are still concerned that the advice line will only provide the correct advice to the most abused and exploited workers.

We believe the only sustainable solution is to amend the family worker exemption in the Regulations to remove any confusion ensure consistency of advice and information.

We have brought this matter to the attention of the Low Pay Commission and were invited to meet the commissioners with a group of domestic workers. They were very receptive to the issue and have asked for further information to be able to pursue the matter. There is also the possibility of legal challenges on an individual's cases in the European Court.

## Employment Leaflets

We have produced a concise, 4 page leaflet on employment rights which is given to domestic workers when they register at Kalayaan. This leaflet is available in 13 different languages and also available on our website under the section 'workers rights- employment rights'.

## Training and recruitment of volunteers

Together with North Kensington Law Centre we have provided targeted training to employment solicitors hosted at Freshfields, followed by a more general overview of the project to the Discrimination Lawyers association and Kensington and Chelsea Social Forum, and recruitment of volunteers at BPP law school, the LSE recruitment fair and UCL.

## Chambers

Barristers from the following chambers have either provided pro bono representation or expressed their interest supporting the project: Littleton Chambers; 11KBW; Matrix; Old Square; Chambers of Grahame Aldous QC; Tooks Chambers; Cloisters; Garden Court; Outer Temple ; 1 Crown Office Row

## **Passport retention**

During the period April 09-March 10, Kalayaan assisted 93 new clients whose passports had been withheld by their employers. Passport retention is a means of control and causes serious problems to migrant domestic workers, including:

- Lack of official identification and/or knowledge of immigration status. At worst, this can lead to arrest, detention and incorrect deportation. It can also lead to the worker becoming an overstayer due to the visa expiring unknowingly.

- Abuse and exploitation, since MDWs feel unable to leave employers without their passports. Retaining a worker's passport confers power and enables the employer to intimidate workers and subject them to unacceptable working conditions.

- Difficulties finding another job

- Difficulties accessing essential services including healthcare, education, financial services, legal services, emergency housing or refuges

Action taken to assist workers whose passport had been kept by the employer included:

- contacting British missions abroad to obtain proof of the worker's entry clearance

- sending the employer a letter devised in collaboration with the Metropolitan Police, asking that the passport is returned to the worker's embassy or to Kalayaan within 7 days

- accompanying workers to report the retention to the Police as theft. Once workers receive a crime reference number, they can apply for a new passport at their embassy and apply for visa renewal with the new passport

## **Helping MDWs back to work**

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. Finding a new job represents not just a source of income, but also a way out of homelessness. Being in employment as domestic workers is also the condition for them to maintain a legal status in the UK.

Kalayaan has continued to support MDWs find their way back to work by displaying job adverts that employers send us via our website. Employers that advertise through us are aware that workers have often escaped abusive situations and are therefore unable to provide references. Employers are also provided with information about UK employment law and only jobs that comply are advertised. We are contacted by employers of many nationalities, which means that even MDWs who can't speak English might be able to find employment. The adverts are displayed on a board on the social area. New adverts are posted on the board on Mondays.

Kalayaan would like to thank Jennifer Makin and Sr Shalini, the volunteers who have made this service possible by checking that the jobs offered comply with UK law, contacting

employers, and helping workers who can't read English to read the adverts and contacting employers.

We have also renewed our subscription to a magazine, *The Lady*, which displays adverts for domestic helpers.

Unfortunately, the demand for jobs continue to remain higher than the offer. Although we have established contacts with several employment agencies, their requirement for references restrict the number of clients that can benefit from their services.

Kalayaan has further supported MDWs looking for work by assisting with CV writing: administration volunteers were in the office three days a week and available to offer this service. In this financial year, 35 workers had their CV written and printed at Kalayaan.

In order to increase MDWs' chances to find employment, Kalayaan has offered them the opportunity to gain further qualifications through the following workshops:

- Emergency First Aid course by Edify Training attended by 15 MDWs (July 09)
- First Aid and People handling by Edify Training attended by 15 MDWs (July 09)
- two British Red Cross Basic First Aid for care of the Elderly courses, each attended by 12 MDWs (September 09 and November 09)

These workshops were funded by the Big Lottery Fund as part of the project 'Who Cares? Researching and Meeting the Needs of Migrant Carers', described later in this report.

### **Emergency accommodation**

Securing emergency accommodation for MDWs continued to be a challenge in 09-10. Domestic worker visa holders have no recourse to public funds. This restriction closes off access to the majority of housing providers and hostels. This means that when a 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 nowhere to stay. Kalayaan is not a housing provider and we offer no accommodation ourselves. Every time a homeless worker arrives at our Centre it is a challenge to find them somewhere safe to stay.

In this financial year we have assisted 20 MDWs who had become homeless after escaping from an abusive employer.

Depending on the individual circumstances, emergency accommodation was secured through:

- Kalayaan's network of trusted individuals (mostly current or former clients) who offered emergency accommodation occasionally, for free or for a small charge. Kalayaan has a limited fund for emergency assistance, which enables us to pay for one or two weeks'

accommodation for homeless workers. This gives them at least some time to make new contacts and look for another job.

-referrals to Poppy Project in Eaves, Medaille Trust and Migrant Helpline for MDWs that we identified as victims of trafficking for domestic servitude. This gave those individuals time to recover from the abuse they had experienced, instead of having to look for alternative employment immediately in order to secure accommodation and maintain their immigration status.

### **Support to victims of trafficking for domestic servitude**

Kalayaan is a workers' rights organisation and supports all domestic workers not just those who fit the narrow administrative criteria of trafficked person. Nonetheless, we do support MDWs whom we identify as having been trafficked access the protection and assistance they are entitled to under the Council of Europe Convention on Action Against Trafficking in Human Beings.

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

Trafficking in human beings consists in a combination of three basic components:

- 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 of organs".

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

#### **ILO indicators of forced labour**

At least one of the following:

- Threats or actual physical** harm to the worker
- Restriction of movement** and confinement, to the workplace or to a limited area
- Debt bondage** (where worker is not paid for services as they are working to pay off a loan)
- Withholding of wages** or excessive wage reductions
- Retention of passports** and identify documents so that the worker cannot leave or prove his/her identify and status
- Threat of denunciation** to the authorities where the worker is in an irregular immigration status

(Ref: "Trafficking for forced labour: UK country report" – Klara Srivankova, Anti-Slavery International 2006)

Following the implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings in April 2009, Kalayaan has been acting as a First Responder for the National Referral Mechanism in the identification of victims of trafficking for domestic servitude. During the period April 09 to March 10, Kalayaan made 28 referrals to the Competent Authorities. 13 of these MDWs received safe accommodation and support from specialised housing providers such as Poppy Project in Eaves, Medaille Trust and Migrant Helpline.

Kalayaan has also been involved in campaign work to improve the protections for victims of trafficking. Kalayaan joined ASI, Amnesty International, ECPAT UK, Helen Bamber Foundation, ILPA, the POPPY Project, TARA and UNICEF in the "Anti-trafficking monitoring project" which aimed to monitor the Government against its obligations under the Council of Europe Convention on Action against trafficking. We contributed primary data for this project as well as sat on the steering group. The findings of the group were published in the report: 'Wrong kind of victim? One year on: an analysis of UK measures to protect trafficked persons' June 2010.

## **Health**

Migrant Domestic Workers are in theory eligible for free healthcare in the UK. Unfortunately in practice 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'. During this year MdM's 'Project: London' team has continued to deliver 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.

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 with which they wish to register, stating their eligibility to free healthcare.

## **English classes**

The English classes continue to thrive at Kalayaan. In total, around 250 students attended Kalayaan led English classes during 09-10. During this period, Kalayaan continued to work with the Workers' Education Association (WEA) to provide 4 ESOL classes alongside 5 classes taught by Kalayaan volunteer teachers. Due to Government's restrictions funding for ESOL means that migrants can only access these classes after they have been in the UK for more than three years. Current legislation requires all migrants to pass the "Life in the UK" test before they can apply for indefinite leave to remain. The high level of literacy required for this test means that many migrant domestic workers find it impossible to pass this test

on their own. 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 also started to run a Sunday "Life in the UK study group" with a volunteer tutor who guides students through the material.

For newly arrived migrant domestic workers who still can't access college classes, Kalayaan offered 4 alternative classes run by qualified volunteers. These classes also provide an opportunity to meet friends and increase their confidence in spoken English.



This quote from one of the basic level English teachers provides a valuable insight into the classes:

*"The class is for students who are illiterate, both in their own language as well as English. They need a lot of 1-2-1 support while they're learning to read and write for the first time, so we have a fantastic group of assistants who help out with this. It's challenging and tiring but incredibly rewarding!"*

*Each week we do an hour of reading, an hour of handwriting and an hour of*



*speaking & listening with the students, in a mixture of individual, small group and plenary sessions. We're all crammed into the one classroom (5 teachers & 15-20 students) so it's cosy to say the least! But it's a lot of fun."*

Due to the success of the classes and their importance to migrant domestic workers, we recently agreed to increase the WEA classes from three per week to four. This additional class will provide a course to support learners with no literacy skills in order to bridge the gap between the lower and higher level courses. Furthermore, due to the high demand for classes and the increasing number and quality of volunteer teachers and teaching assistants, we are currently discussing the possibility of adding one or two additional volunteer taught classes.

### **The Kalayaan Community**

Kalayaan aims to be a safe space where MDWs can relax and make new friends. We have been significantly helped in our efforts to make the social area a welcoming space by three invaluable volunteers. Thanks to the regular presence of Sr Shalini, Sr Hilda and Sr Leela on Mondays, Tuesdays and Sundays, clients who come to the centre on its busiest days are received at the centre by a warm welcome, and are invited to the table to have a hot drink and share some food. The community volunteers lend a friendly ear to those who want to have chat, help those who can't read English go through the job adverts, read letters, fill in forms etc.

We also had an 'End of Year' party with multiethnic food prepared by members of the Kalayaan community, multi-ethnic music and dance, and games. Over 100 service users attended the party.

### **Care and Immigration**

This research, funded by the Big Lottery Fund, was conducted between January 2007 and October 2009 by Kalayaan in collaboration with the Centre on Migration, Policy and Society (COMPAS), University of Oxford.

The research investigated the role of migrant domestic workers employed to care for the elderly in private households in the United Kingdom. It explored the living and working conditions of these migrant care workers; the ways in which they negotiate their employment and social relationship with their care user; and the impact of race and racism on their experiences of employment. It also highlighted ways in which to promote the inclusion and greater support of migrant care workers.

The final report, executive and stakeholder summary were launched at an event at SOAS attended by 60 people including carers' organisations, academics, employment agencies. It was chaired by Polly Toynbee, Guardian columnist and President of the Social Policy Association.

The findings of this report underline the need for greater formal recognition of migrant care workers performing domiciliary care work in private households. This needs to be coupled with the provision of funding for training as well as the implementation of external support from local councils and social care organisations. Rather than obfuscating migrant care workers' employment rights, agencies need to increase the transparency of their employment practices in order to reduce the vulnerability of MCWs. As with agencies, employers need to be made more aware of their responsibilities, should be encouraged to provide contracts with written terms and conditions, and should draw up care plans which should be agreed by all parties. This will be particularly important in years to come as personalisation of care continues to be implemented throughout the country and is vital to ensuring the provision of an optimal level of home care as well as in terms of safeguarding the employment rights of the care worker.

The report 'Care and Immigration: migrant care workers in private households' Kalayaan/COMPAS 2009 is available on Kalayaan website.



## Campaign

In the year from April 2009 to March 2010, Kalayaan continued to campaign to improve the legislative and policy environment for migrant domestic workers and therefore improve their wellbeing. Specifically Kalayaan campaigned on the following issues:

- For domestic workers who accompany diplomats to be afforded the right to change employer within the immigration rules. This right has proven to be effective in providing a viable escape route from abuse and exploitation for other migrant domestic workers and it is an anomaly that MDWs who accompany diplomats do not have this right since they are, if anything, more vulnerable to abuse given their employer's immunity to prosecution.
- For the UK to support a convention on "decent work for domestic worker's" due to be discussed in the International Labour Conference of the International Labour Organisation in June 2010.
- To ensure that all domestic workers can access the National Minimum Wage, in part by having the legislation clarified on this issue (this is discussed in more detail under the "Employment Law Project" pages).

During the year Kalayaan also worked on other policy and campaign issues such as:

- Ensuring that migrant domestic workers who are trafficked persons are able to access the support and services they are entitled to under the Council of Europe Convention on Action Against Trafficking (ECAT).
- Membership of the NGO coalition the Anti-Trafficking Monitoring Group and the assessment of the Government's actions on trafficking against their commitments under ECAT.
- Addressing the barriers to migrant domestic workers accessing justice through the police

Kalayaan has worked with civil servants through the overseas domestic worker steering group chaired by the UK Borders Agency, and the international department of the Department of Work and Pensions (who deal with the International Labour Organisation). We have worked with MPs and other 'influencers' such as the Unions to assist us in communicating directly with the Ministers concerned (specifically with Anthony Steen and the All Party Parliamentary Group on Trafficking, Martin Salter and Unite the Union). We have also used the media to raise awareness of the issue amongst the public and policy makers and to apply additional pressure.

Throughout the year we have encouraged MPs and civil servants to meet directly with migrant domestic workers and have supported MDWs to speak in public forums both in parliament, with the unions and at Kalayaan events.

## Our successes

- A meeting between Kalayaan and the Immigration Minister Phil Woolas facilitated by the All Party Parliamentary Group of which seven members were in attendance. During the meeting the Minister gave an in principle agreement to Kalayaan's request for a change in the law to allow diplomatic domestic workers to change employers.
- A meeting between Clare Short and Anthony Steen of the All Party Parliamentary Group on trafficking, and 6 migrant domestic workers who are also trafficked persons.
- An exhibition in parliament organised by the APPG on trafficking, Kalayaan and three other NGOs where David Cameron (then leader of the opposition) and Alan Johnson (then Home Secretary) met directly with migrant domestic workers who told them their stories.
- An adjournment debate in the Houses of Parliament on the issue of the migrant domestic worker visa and specifically the need for the protections associated with the visa to be extended to those domestic workers who accompany diplomats.
- A joint submission and two meetings between Kalayaan, migrant domestic workers, other NGOs and the Department of Work and Pensions international team who are working on the International Labour Organisation conventions, specifically discussions around a potential new instrument on "Decent Work for Domestic Workers"
- 11 Media articles, 9 of which were through National media outlets (press and TV news)
- Inclusion of domestic workers and the issue of trafficking by diplomats in the USA Trafficking in Persons report section on the UK.
- The creation of a video by migrant domestic workers themselves about their experiences.
- The following statement in the Home Affairs Select Committee inquiry on trafficking (prompted by written and oral evidence given by Kalayaan in the previous year)

*"To retain the existing Migrant Domestic Worker visa and the protection it offers to workers is the single most important issue in preventing the forced labour and trafficking of such workers...We consider it likely that migrant domestic workers will need the special status afforded by the current visa regime for much longer than two years"*

- Written and oral submissions to the UN Special Rapporteur on the Human Rights of Migrants, leading to the following statement:

*"In relation to the protection of migrant domestic workers, the Special Rapporteur recommends that the Government: (a) Consider affording to migrant domestic workers who accompany diplomats, the same protection granted to migrant domestic workers who accompany other*

*employers, including the right to change employer, as a measure to protect them from abusive practices.”*

#### “Decent Work for Domestic Workers”

It is worth special mention that the International Labour Organisation are working towards a historic milestone in the protection of domestic workers from abuse and exploitation. On the agenda for the June meeting of the International Labour Conference was the issue of setting a new international instrument on ‘decent work for domestic workers’. The meeting itself falls outside the time frame of this annual report but in the run up to the meeting Kalayaan submitted a submission to the TUC on our experiences with MDWs and the protections needed, and a joint submission to the Government with Anti-Slavery international. Kalayaan was invited to meet with the Department of Work and Pensions on the issue along with the TUC and other NGOs. We ensured that migrant domestic workers themselves were represented and asked for the invitation to be extended to Justice for Domestic Workers, the new self-help group of unionised domestic workers. Kalayaan and our allies argued that the UK has a very good record of protecting migrant domestic workers and that they should lead the way in promoting decent work for domestic workers around the world. In response to concerns that the UK did not want to support a convention it could not later ratify, Kalayaan followed this meeting up by detailing for the Government the current gaps in UK protection for domestic workers and how they could close these gaps in order to ratify a convention.

## Media work

Kalayaan believes that MDWs are the best representatives of themselves and has facilitated and encouraged their involvement in media work. In the period April 09 March 10, Kalayaan and its service users have been quite successful at bringing the issues affecting migrant domestic workers to the attention of the media. Articles published during this period include:

["Cry of a migrant"](#) 50:50 Open Democracy, 17 March 2010

["Life on a knife edge"](#) 50:50 Open Democracy, 17 March 2010

["Saudi and Emerati diplomats accused of trafficking staff into UK"](#) The Guardian, Tuesday 23 February 2010

[Domestic workers brought by diplomats need the right to change employer](#) BBC London News, Monday 22 February 2010

"Diplomats in London embassies 'traffic women to use as slaves'" The Sunday Times, Sunday 21 February 2010

["Migrant domestic workers: 'I was in a prison, a cage, just like a slave'"](#) The Times, 21 January 2010

["Ministers back 'anti-slavery law'"](#) BBC News, 28 October 2009

[One woman's success is another's exploitation](#) The Observer, Sunday 20 September 2009

[Diplomat's nanny lifts lid on modern slavery](#) The Independent on Sunday, 9th August 2009

['When I hear of girls working in London who swallow acid, I know it could have been me'](#) The Observer 24th May 2009

[BBC coverage of the Bonded Labour Report](#) 2nd July 2008

## Our Story: The experience of Migrant Domestic Workers in the UK

Kalayaan received funding from Workers Education, Tackling Race and Inequalities Fund (TRIF) to make a short film to support a local BAME group to express their personal experience via the medium of digital technology. In collaboration with Justice 4 Domestic Workers, a self-help group of MDWs within Unite the Union, we produced a 5-minute DVD which shows domestic workers interviewing each other about their experiences with their first employer and the subsequent change in their experience upon discovery of their rights. The DVD is a powerful expression of the importance of the domestic worker visa and its associated rights and protections, in particular the ability to change employers and the

recognition as workers. At the end of the day of filming, the participating workers were asked what further training they would like. The domestic workers identified that they would like training on employment rights.

The DVD was launched at half-day event on Sunday 28<sup>th</sup> March at which more than 150 workers attended. The panelled discussion included Diana Holland, the assistant general secretary of UNITE, Camilla Brown of Kalayaan, Margaret Jo-Jo Richards from Workers Education Association, Patience Asuquo from J4DW, and Juliette Nash from North Kensington Law Centre.

Juliette Nash's presentation focused on the work NKLC have been doing to support migrant domestic workers and she provided an overview of the courts findings in the majority of cases brought by domestic workers. Workers commented that this made them feel more confident about their rights especially knowing that a court believed in them and could recognise their experience.

The agreement made with Justice 4 Domestic Workers was that the DVD would not be shown on the internet or TV but that it could be shown as part of awareness raising campaign particularly to MP's and as part of presentations. The DVD has since been used in support of our ongoing training to Kensington & Chelsea police and has also been used in other meetings. Feedback from these meetings has indicated that the DVD makes the problems faced by domestic workers seem more human and immediate.

Kalayaan continues to work closely with Justice 4 Domestic Workers on campaign issues and welcome their feedback on our services. We are pleased to include the following report from Marissa Begonia, Chair of Justice 4 Domestic Workers.



Justice for Domestic Workers was established on March 15, 2009. It is an organization of Migrant Domestic Workers who work in private houses in the UK. We are mainly women, though we do have men who are members. We come from the countries of Asia and Africa including Philippines, Indonesia, India, Sri Lanka, Nepal, Nigeria and others. Some of us had to escape from abusive employers, it was our only means of surviving. Finding one another and sharing our experiences is a great refuge. Together, we unite to campaign for our freedom, rights and justice.

## Organization, Campaigning and Organizing (March – September 2010)

- Focus on building its strength and capacity of the organization itself
  - Register as Company Limited by guarantee
  - With 12 Board of Directors, 6 are supporters and 6 are Migrant Domestic Workers who are active members of J4DW with each nationality representation.
- Research Project with Nick Clark
- Fundraising activities/Income
  - Monthly £1 voluntary contribution
  - Outdoor trips/Catering
  - Funding application (Trust for London)
- Organizing MDWs
  - providing the basic needs to survive and address the problems MDWs are facing. Raise awareness, provide education and trainings to let MDWs understand for them to speak out and stand up and be their own voice to campaign for rights and end the vulnerable situation of domestic workers.
- Campaigning with Kalayaan, focus on Domestic worker visa retention and ILO Convention to include diplomat domestic workers and undocumented MDWs who lost their immigration status.
  - Demonstration  
J4DW joined the All African Women in mother's Day Campaign Rally in March. Many Domestic Workers are mothers and women.
  - J4DW and Unite the Union launched major campaign for UK Government to support the ILO Convention for Domestic Workers and highlighted the major campaign of the Decent Work for Domestic Workers through placards, banners, leaflets and t-shirts provided by Unite.
  - Survey on Pay and conditions of Domestic Workers.
  - Joined Unite the Union Tolpuddle, Trade Union History Demonstration in July, 2010.



-Joined and participated as speaker Chaired by Diana Holland in the 100 Celebration of Women Chain makers who won its first Minimum Wage strike

### **Media**

– DVD, Radio, Newspapers and Television interviews and Internet and writing stories of Domestic workers and writing article for Newspapers.

Dispatches, Britain's secret slaves

DVD Film with anti- slavery International for ILO Convention Campaign

Video film with MRN, Migrants for London Campaign

### Meetings/Conferences (National and International)

- Preparation for ILC June 2010 meeting with the New Coalition Government (very difficult because of the change of the Government, we have to start all over again), The TUC, J4DW(5 domestic workers members). Anti Slavery and Christian Aid with BIS and CBI on May 2010.

- J4DW as official Workers delegate at ILO committee on domestic workers at invitation of TUC.

- J4DW to be the speaker in the Plenary for the possible adoption of the ILO Convention in ILC, Geneva, June 2011.

- panellist in Brussels Parliament with European Commission debate on Migration and Development hosted and organized by SOLIDAR

- Main Speaker in UN as part of ILO Convention Campaign, Geneva with ASI's report in September 2010.

- Respect Network General Assembly in September 2010.

- J4DW to Global Forum on Migration and Development, Mexico 2010.

### Education and Training

The Alternative Education Program (ICT and ESOL, Life in the UK Test)

Improving skills of MDWs to be able to make their own CVs through IT Classes and apply on Line independently and prepare them for Job Interviews through agencies and face employers confidently through ESOL Classes and help solve the crisis of Unemployment . Help them Connect to their families, friends and to the world. Help them communicate by posting on line commentaries and exchange views on subject matter that directly affect MDWs and that is interesting to MDWs

Women's Week Union Courses and TUC Union Courses.

## **Staff and Volunteers**

### Staff

**Rita Gava** – Coordinator

**Jenny Moss**- Community Advocate

**Camilla Brown** - Community Advocate

**Kate Roberts** – Community Advocate (on maternity leave from September 09)

**Marcus Harry** - Community Advocate (maternity cover from September 09)

**Lourdes Gordolan** – Community Researcher (Apr-October 2009)

**Mumtaz Lalani** – Community Researcher (Apr-October 2009)

### Volunteers

Kalayaan wishes to thank all the volunteers that made our work possible:

**Sr Hilda, Sr Leela** and **Sr Shalini** for their community support work

**Jennifer Makin** for her support running the job service and her advocacy work

**Edurne Mananes Goni, Anupama Ramaswamy, Payoshni Mitra, Janaki Allen** and **Devina Vanderpoorten** for their reception and administration work

**Aodh O’Halpin**, for his passionate involvement in campaign activities

**Akila Tounsi, Anupama Ramaswamy, D K Shahi, Edurne Mananes Goni, Emily Jones, Jason Chester, Jason Kingery, Payoshni Mitra, Raji Sidhu, Rathi Ambarwati, Reina Theresia, Samantha Breedneld, Sameerah Mirza, Sheharyar Hussain Malik, and Tamara Anthony** for their advocacy and interpreting work

Our popular English classes could not run without the following volunteer teachers, who give their time on Sundays and in the evenings to ensure that workers not eligible for college classes can learn English: **Polly Gant, Richard Gallen, Anslem Vaz, Marion Sharp, Michael English, Ponja, Arwa Ali, Simon Ryan, Laura Olsen, Daniel Wolfson** and **Areeba Neezam**

Kalayaan would like to give a special thank you to **Sarah Kinsella**, who not only teaches English to our MDWs, but supervises and coordinates all the volunteer English classes.

## Treasurer's Report

### Kalayaan Year 2009-10

Income for the year of **£220,729** was 10% above the previous year due to an increase in restricted funds. Unrestricted funds were lower than in 2008/9 partly as a result of the much lower levels of interest available on bank deposits. Total expenditure of **£224,052** for the year was 26% up on the previous year. This was a result of high expenditure at the end of the Carers Project and increased costs for the English classes and for staff. In consequence Kalayaan's accounts for the financial year 2009/10 showed a deficit of **£3,323**, made up of a deficit of **£11,782** on restricted funds and a surplus of **£8,459** on unrestricted funds. As a result the organisation's free reserves have increased to **£46,910** just over than two months of core costs compared to the three months that is the policy 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 2009/10 we would particularly like to thank the following:

Barrow Cadbury Trust  
Trust for London  
The Henry Smith Charity  
The Oak Foundation  
Oxfam  
The Royal Borough of Kensington and Chelsea  
The Tudor Trust

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 that made our work possible***

***April 2009- March 2010***

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

Dr Bridget Anderson

David Ould

Francesca Cooney

Gillian Doherty

Margaret Healy

Maria Gonzalez Dardagan

Maureen Byrne

Melanie Vilano

Myriam Cherti

Natasha David

Poonam Joshi

Ruby Lopes

Saaida El Yafrid

Thanks to our 08-09 staff team and committed and inspirational volunteers.

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

In addition to the solicitors who run free legal advice surgeries at Kalayaan we would like to thank the lawyers who take on so many of our referrals, in particular North Kensington Law Centre, Lovells pro bono team and Bindman and Partners.

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