



# KALAYAAN

justice for migrant domestic workers

29 June 2018

## **Tendering process for ODW information meetings undermines government's stated aim to empower workers and penalize exploitative employers**

Last week the Home Office opened the tendering process inviting bids from organisations wishing to run the service delivering information sessions to migrant domestic workers newly arrived in the UK. These meetings were originally conceived to assist abused and exploited workers to make informed decisions about their situation in the UK, including taking practical self-help steps to leave abusive employers and support to do so.

In response to the independent review into the terms of the Overseas Domestic Worker visa, the then minister for the Home Office confirmed the government was 'in full agreement that more should be done to ensure that both workers and their employers are provided with information on their rights and obligations and provide workers with access to a neutral space in the UK in which they can be given advice and an opportunity to alert someone to their situation if they need to'. The government stated they believe that 'empowering victims of hidden crimes like modern slavery is fundamental to bringing them into the light and ending the cycle of exploitation' and committed to implementing the review's proposals for the introduction of information, advice and support meetings for workers in the UK, hosted by an organisation independent of the Home Office. The government also stated they would consider a proactive approach to ensuring information and messages concerning entitlements and obligations are understood before a visa is issued and to rigorously enforce employers' obligations by requiring them to register with UK Visas and Immigration and ensure they allowed their domestic worker to attend a meeting in the UK. Whilst disappointed the government did not accept all of the review's key recommendations, we welcomed the government's commitment to implement information meetings as an important safeguard in the fight against unscrupulous employers.

In January 2018 the Home Office announced their proposed timeline for the implementation of a 6 month pilot to start in July 2018 and committed to consulting with interested parties on the procurement process, including the terms of the tender for the service. They also confirmed they could not make attendance at the meetings compulsory as they state there is no provision in law to make it a condition of the visa but would 'strongly signpost workers to their existence during the visa application process'. This response is at complete odds with the recommendation made in the independent review which discusses why a voluntary system would be wholly inadequate and why all evidence points to a mandatory condition to ensure works fundamental rights are protected. There has been no further detail or announcement on the government's commitment to have employers register with UKVI and have their mandated permission that their worker attend a meeting, nor of any penalties employers should face. Kalayaan remains concerned that workers who have no or severe restrictions placed on their freedom, those who need this information the most, will not be in a position to attend which undermines the purpose behind these meetings.

Following the announcement at the beginning of the year, Kalayaan produced some minimum standards to assist the Home Office in the design and delivery of the meetings. These were drafted in consultation with migrant domestic workers and advocates providing them with direct support, together with an advisory group made up of individuals with relevant expertise, including James Ewins QC, author of the independent review. The standards were published in March 2018 and made clear that the information meetings must be viewed within the wider framework of the visa regime and not in isolation from other essential changes and improvements made to the entire process, from applying for a domestic worker visa through to arriving in the UK and being requested to attend a meeting. The standards repeated some of the recommendations made in the review. If implemented fully this would increase the likelihood of workers being aware of the meetings and their rights in the UK, and crucial to the prevention and identification of victims of abuse, including modern slavery.

Kalayaan and members of the advisory group raised concerns over the draft requirements for the tender and the impact on vulnerable and exploited workers coming to the UK. We are disappointed that we have not been able to review the revised tender before it was finalized and that some of our suggestions are considered outside the scope of the pilot.

Our main concerns can be summarised as:

1. The evaluation criteria gives an unfair advantage to organisations with larger infrastructures and resources who can run the service cheaply. There is a strong emphasis on the commercial viability over demonstrable experience in supporting and advising vulnerable individuals.
2. There is no requirement to have direct experience in providing support to vulnerable migrant domestic workers or to demonstrate any prior knowledge or understanding of the National Referral Mechanism framework or the most appropriate referral pathway. Without this, there is a risk that workers will be led by an organisation who does not possess the required competencies, skills or experience in identifying and supporting victims.
3. The Home Office previously stated they would consider a proactive approach to ensuring information and messages concerning entitlements and obligations are understood before a visa is issued and more recently said workers would be strongly signposted to the existence of meetings during the application process. The draft Request for Proposals that was shared with Kalayaan stated that the notifications are limited to the online process and an email once the application is completed. The Home Office admission that the email and contact details provided may not be for the individual worker means more control is handed to employers and increases the dependency of workers for information from their employers. This would have been addressed if the recommendations made in our minimum standards had been implemented. This issue is exacerbated by a marked absence on any improvements to the online process and delivery of information at Visa Application Centres abroad.
4. It is unclear when a worker will be invited and when they will be expected to attend a meeting in the UK. The Home Office will provide a list of eligible workers to the supplier but it is unclear whether the information provided will include when workers' visas expire. The Home Office has confirmed they will not provide a copy of the employment contract submitted with the online application. Workers will not be able to make informed decisions

about changing employers without knowing how much time is left remaining on their visa, nor will they know if their pay, work hours, job responsibilities and other terms are being complied with by their employer. The Home Office have also not confirmed they will provide photographs of workers to verify identities which they will need in the event a worker attends without possession of their passport.

5. Funding for travel fares will not be provided which will stand as a barrier to those who are paid below the National Minimum Wage or receive no remuneration for their work in the UK.
6. Welfare checks will not be carried out on those who are invited but fail to attend and there is no suggestion an employer will face any penalty. Kalayaan would contend that the Home Office is failing to discharge its duty of care to workers accepted as vulnerable to being abused in the UK. A failure to attend or respond to an invitation is an indication that a worker is not aware of or is being denied or prevented from attending which suggests they could be in an abusive or exploitative situation. This must warrant further investigation to ensure the safety and wellbeing of the worker.
7. There is no consideration of pre NRM pathways or that adults victims must provide their informed consent which they cannot do if the provider is not a first responder or adequately trained in being able to identify and support potential victims. No detail has been provided on what safeguards will be put in place should a worker disclose abuse or exploitation, including provision of emergency accommodation for those unable to return to their employer, how long they will be able to stay there for or whether it is contingent on entering into the NRM.
8. The Home Office has confirmed they will conduct an internal review of the pilot. Kalayaan calls for an independent evaluation of the pilot to review how effective the meetings are and assess whether the model presented any barriers to inviting or ensuring attendance.

Kalayaan does not consider the proposals meet the government's stated aim of empowering workers and penalizing exploitative employers. The service will not deliver the vision and function the government committed to implementing in 2016 and will leave workers in the dark at continued risk of abuse and exploitation.

For further information, please contact [avril@kalayaan.org.uk](mailto:avril@kalayaan.org.uk).