

## FACTSHEET 5: RIGHT TO WORK

Overseas domestic workers are allowed to continue working whilst their trafficking case is being considered so long as they are referred into the NRM AND receive a Positive Reasonable Grounds' Decision – within the 6 month period they were initially admitted to the UK. They can only take up employment as a full-time domestic worker in one private household, as per the terms of their Overseas Domestic Worker Visa.<sup>1</sup>

This should be confirmed in your Reasonable Grounds' decision letter. Sometimes this information is omitted in error, so you may need to ask for letter to be amended to reflect this. The government provides guidance on the type of work you can do. See link [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/602790/Domestic-workers-in-private-households-v17\\_0ext.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/602790/Domestic-workers-in-private-households-v17_0ext.pdf)

We have summarised the key things to know.

- A domestic worker can only work in an employer's private household
- Full time work is 30 hours a week
- Domestic workers may not be employed to work as a domestic worker for a business, agency or be self-employed. An agency can help you find employment.
- Job description in the UK Domestic workers may include:
  - Cleaners
  - chauffeurs
  - gardeners
  - cooks
  - nannies
  - those carrying out personal care for the employer or a member of the employer's family
  - those providing a personal service relating to the running of the employer's household, for example, those whose duties include protecting the employer and members of their family
- You must be paid the national minimum wage <https://www.gov.uk/national-minimum-wage-rates>
- If your employer is providing you with accommodation they can 'off set' (deduct) a specified amount from your pay. You can read about this if you check the following government web page <https://www.gov.uk/national-minimum-wage-accommodation/accommodation-charges>
- Almost all [workers](#) are legally entitled to 5.6 weeks' paid holiday a year (known as statutory leave entitlement or annual leave) <https://www.gov.uk/holiday-entitlement-rights>. Most workers who work a 5-day week must receive at least 28 days' paid annual leave a year.
- You do not need to seek permission to change employment
- You may want to join a trade union. A trade union is an organization formed by workers in order to represent their rights and interests to their employers. A trade union can assist you with employment issues. Unite the Union has over the years supported Kalayaan's work . See link to their website <https://unitetheunion.org/why-join/>. There are other unions available.

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<sup>1</sup> [http://www.legislation.gov.uk/ukxi/2016/948/pdfs/ukxi\\_20160948\\_en.pdf](http://www.legislation.gov.uk/ukxi/2016/948/pdfs/ukxi_20160948_en.pdf)

If an overseas domestic worker is referred into the NRM and issued a positive Reasonable Grounds Decision after the expiration of their visa (they are an overstayer), they are not permitted to work in the UK while their case is under consideration.

You may want to discuss this matter or seek advice from Kalayaan on this subject, in which case please email [info@kalayaan.org.uk](mailto:info@kalayaan.org.uk) or telephone us on 0207 243 2942