



KALAYAAN

justice for migrant domestic workers

Kalayaan's submissions to the Labour Market Enforcement Strategy 2025 to 2026

December 2024

Introduction

1. Kalayaan was established in 1987 and is the UK's leading charity offering advice, advocacy and support services to migrant domestic workers. This workforce, predominantly female workers from the Philippines, Indonesia and India, are permitted to enter the UK on the **Overseas Domestic Worker (ODW) visa** to undertake domestic labour for either private individuals or serving diplomats. This work includes, but is not limited to, childcare responsibilities, elderly care, cooking, cleaning and chauffeuring.
2. Kalayaan is a workers' rights organisation. Using our experience providing direct services, our policy and campaign objectives are informed and shaped by what workers tell us they need in order to feel safe and protected at work. Kalayaan is the only organisation which systematically records and monitors the experiences of migrant domestic workers. We endeavour to use this rich data source to amplify the voices of this hidden workforce and their needs when pushing for system change.
3. Kalayaan is also a designated **First Responder Organisation (FRO)** to the **National Referral Mechanism (NRM)**, the UK's one and only system for formally identifying and providing support to suspected survivors of trafficking and modern slavery. We have held this status since the NRM was established in 2009. Kalayaan is currently one of 10 non-statutory organisations to hold the role of First Responder in the UK. We provide long term, holistic support, tailored to individual need according to the survivor. We do this outside of any constraints of Government contracts or funding.
4. Kalayaan works on the assumption that no amount of abuse should be tolerated, permitted to persist or go unchallenged. Key to this is addressing the systemic drivers of exploitation, including the legal structures that make people vulnerable to abuse. Whilst acknowledging that exploitation is multifaceted and abusive employers must be held accountable, we seek to highlight in our evidence the role and legal duty the state has to ensure that our legal systems are compatible with our positive obligations to protect and

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safeguard all workers, not just those whose treatment falls under trafficking and modern slavery offences.

5. We are grateful to the Office of the Director of Labour Market Exploitation for holding an additional roundtable with Kalayaan and other stakeholders on 25 November, to allow us the space to speak to the systemic issues faced by this workforce and the changes that are needed to ensure they are protected at work and able to report and challenge labour exploitation.

Essential reading

6. [An independent review into the Overseas Domestic Worker visa was published in December 2015](#). This review was commissioned following parliamentary debates during the Modern Slavery Act 2015 and Immigration Act 2016 to determine whether the visa terms were facilitating abuse. The review was evidence based and crucially, looked at the full spectrum of abuse experienced by migrant domestic workers. The Government accepted only some of the recommendations, without due regard for how they were designed to fit together to uphold and protect the fundamental rights of workers in the UK.
7. In October 2017, Kalayaan made a submission to the 2018-2019 Strategy for Labour Market Enforcement which can be accessed [here](#). This provides an overview of the vulnerabilities specific to migrant domestic workers and the impact of visa changes on workers' vulnerability to abuse. **This current submission provides an update on legislative and policy developments since 2017.**
8. Earlier this year, on International Domestic Workers Day, Kalayaan produced a report called [12 Years of Modern Slavery: the smokescreen used to deflect state accountability for migrant domestic workers](#). This has an overview of the history of the domestic worker visa regime and sets out the reasons why previous Government administrations have rejected calls made by workers to have rights at work that would keep them safe. **It also contains evidence of more than 2,000 workers and their reported experiences over a 16-year period, the largest data picture that exists in the UK.**
9. In summary, since 2012 and against the backdrop of the UK's hostile environment for migrants, Government policy has seen domestic workers stripped of their labour law rights, immigration enforcement prioritised, and the protections of this workforce placed within a trafficking framework. This has meant workers have had to demonstrate their treatment has deteriorated to the point of slavery before they are able to seek redress. This reactive approach does nothing to prevent abuse escalating, places an evidential burden on workers and obfuscates the role the state plays in handing more control to employers.
10. Evidence from workers, from Kalayaan and other front-line organisations has continuously demonstrated that restrictions on the ability of workers to challenge abusive

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employers only results in levels of abuse increasing. This evidence has been consistently disregarded for the last 12 years. This must be considered alongside the fact previous Governments have at the same time refused or rejected measures which would have provided the state with evidence and knowledge of the working conditions faced by this workforce.

11. The Government's continued reliance on the NRM as the appropriate vehicle to support abused workers and catch perpetrators is misleading, inaccurate and unhelpful. Not all abuse experienced by migrant domestic workers amounts to trafficking or modern slavery. Those who experience other forms of abuse and labour law breaches, such as wage theft, unpaid overtime and lack of sick days, are not protected at all and fall into a [gap in protection acknowledged but left unresolved by Government](#).

12. The below table sets out the rights and restrictions in place across the relevant visa regimes:

1998 – 2012 The original Overseas Domestic Worker visa	2012 – 2016 The 'tied' visa	2016 – present Still tied in practice
<p>Right to change employer.</p> <p>Reason for change to be notified to the Home Office for commencing any necessary action, including failure to pay the National Minimum Wage.</p>	<p>Workers were tied to their employer. They had no right to change employer, even in cases of abuse.</p> <p>If a worker fled, they lost their status in the UK and became undocumented.</p>	<p>Right to change employer reinstated but only during validity of visa.</p> <p>No requirement to provide reasons for change to the Home Office, thereby missing crucial opportunity for monitoring.</p>
<p>Right to renew visa annually.</p> <p>Work would remain in the same sector, working in a private household for one employer. Decision makers in the Home Office have to be satisfied pay is compliant with NMW.</p>	<p>Visa non-renewable and capped at six months.</p>	<p>Visa non-renewable and capped at six months.</p>
<p>Right to be joined by spouses, partners and dependent children.</p> <p>The length of leave granted to family members would be in line with the domestic worker, including restrictions on having no recourse to public funds.</p>	<p>No right to be joined by family members.</p>	<p>No right to be joined by family members.</p>
<p>Right to settlement after 5 years</p> <p>After 5 years of continuous work as a domestic worker, and passing the Life in the UK test and English exam, workers would become eligible to apply for settlement, together with any family members who had joined them.</p>	<p>No pathway to settlement.</p>	<p>No pathway to settlement.</p>

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13. Ultimately, the availability of the NRM and the role the state plays in rescuing workers once their treatment has sufficiently deteriorated deliberately ignores the need to safeguard workers by providing them with rights to challenge exploitation early on, and prevent labour law breaches escalating to more severe forms of abuse. Whilst our legal framework leaves in place a regime that allows labour law breaches to go undetected (in the absence of any monitoring) and unchallenged (given a lack of enforceable rights), the state is failing in its positive obligations to protect all workers from abuse.
14. The prioritisation of protections, rights and resources for the most severe violations of worker rights to the exclusion of lower-level workplace rights has resulted in the state creating a hierarchy of needs and a population of undocumented workers, hidden entirely from view. This group of workers are at heightened risk of further harm including being trafficked or enslaved, by those looking to exploit their insecure status. Such approach is entirely at odds with Government strategy to maintain the integrity of the immigration system as well as preventing and combatting trafficking and other forms of violence against women.

Priorities for employment rights enforcement during transition to the Fair Work Agency

15. The ability for migrant domestic workers to enforce their rights at work and report non-compliance to any of the labour inspectorates is currently marred in difficulty and looks set to continue whilst immigration considerations are prioritized over worker safety and welfare. Once workers flee an abusive employer and take care of their immediate needs like finding safe accommodation and an income, many have weeks or days left before their visa expires. Many workers reporting to Kalayaan do so without possession of their passport as this was confiscated by their employer, meaning the worker has no way of knowing when their visa expires and cannot prove their lawful status or right to work to any prospective employer. The impending transition to eVisas and digital proof of status does not look set to deal with this issue either. In the absence of the right to renew their domestic worker visa, workers will not feel safe or supported enough to report abusive employers. This situation is exacerbated given the lack of secure reporting pathways between enforcement bodies and the Home Office. As was noted in our roundtable held on 25 November, charities and front-line organisations cannot confidently tell clients that they will be safe from immigration repercussions should they come forward and report their experiences.
16. As noted in the **2015 Independent Review** and our report **12 Years of Modern Slavery**, migrant domestic workers are not systematically provided with any information on their rights in the UK prior to or after their arrival in the UK. Even if they were informed of their (limited) rights and where to seek help, their ability to enforce these rights is hindered given the lack of a renewable visa, the resulting insecure status and fear of immigration repercussions.

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17. For the FWA is to be effective:

- a. All migrant workers must be able to report labour law violations safe in the knowledge they will not face immigration repercussions. The FWA must establish safe reporting pathways to guarantee there is no data sharing for immigration enforcement purposes. Other countries have taken steps to implement secure reporting measures of this kind including Brazil, the USA and Australia.
- b. The FWA should capture data on immigration status and visa category holders in order the UK has a robust and reliable body of evidence in which to inform policy making, ensuring that our visa regimes do not facilitate exploitation.
- c. The FWA should also capture data on the scope and type of abuse, including violations of labour rights, breaches of health and safety, and violence and harassment at work.
- d. Data compiled by the FWA should be shared quarterly and annually.
- e. The FWA should also support calls for the repeal of Section 34 of the Immigration Act and repeal the illegal working offence.
- f. The FWA should establish the right to inspect private homes which are workplaces for both domestic and social care workers. Ireland's labour law inspectorates have powers to inspect private homes which are places of work.
- g. Ensure migrant worker representation is included on the Advisory Board.

Recommendations on communication and engagement

- h. The FWA should consider establishing working groups that comprise of workers, trade union representatives and front-line organisations and charities such as Kalayaan and The Voice of Domestic Workers. Such working groups, if utilised and managed effectively, can result in the FWA quickly establishing confidence and accountability, as well as helping with risk management. Terms of Reference should be agreed and regularly reviewed.
- i. A dedicated and funded, confidential helpline for the FWA with access to translation services, akin to the Modern Slavery Helpline run by specialist charity Unseen, should be considered.
- j. As noted above, migrant domestic workers are not systematically provided with information on their rights in the UK, prior to or after their arrival. It is typically once they have sought the assistance of a regulated charity or legal provider that they

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learn of their rights and restrictions in the UK. The **2015 Independent Review into the Overseas Domestic Worker visa** recommended that, given the issues providing workers with information prior to their arrival, they should be mandated to attend a group information meeting with other migrant domestic workers should they remain in the UK for more than 42 days. Kalayaan and a number of other experts produced some [minimum standards](#) for this service when it was put to tender back in 2018.

- k. Key partners for the FWA must include organisations and charities that will enable them to speak to hard-to-reach workers. This includes migrant domestic workers who work behind closed doors away from regulatory oversight.

Resourcing and prioritisation

- l. The FWA can only achieve sustained and lasting improvements in employer compliance if it looks at and directly addresses the systemic and structural factors that exacerbate or contribute to the exploitation of vulnerable groups of workers. This includes migrant workers and the issues set out in this submission.
- m. There has already been much commentary on the systemic underfunding of labour market inspectorates and the low number of proactive inspections of workplaces taking place in the UK. This must be urgently rectified if the new FWA is to meaningfully address non-compliance with labour law.

Moving towards a FWA

- n. The new FWA must guarantee safe reporting mechanisms, resource labour inspections of private homes and other means to ensure information is received and understood by hard-to-reach workers including migrant domestic workers.
- o. Consideration should also be given to ratifying the [ILO Convention 189](#) on Decent Work for Domestic Workers. This Convention has already been ratified by 35 countries, and guarantees crucial labour law rights for domestic workers, including migrant domestic workers.
- p. Kalayaan understands the FWA will take over the GLAA's modern slavery responsibilities including their role as a First Responder Organisation. Careful consideration must be given to ensure this role is fulfilled to a high standard to ensure survivors are adequately and properly safeguarded.

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