

Modern Slavery Bill

Factsheet: Overseas Domestic Workers

Minister for Modern Slavery and Organised Crime, Karen Bradley:

“Modern slavery is a terrible crime. I am determined to stop it in all its forms. Holding domestic workers in slavery or servitude is completely wrong.

I am working hard to prevent abuse of domestic workers, to enhance law enforcement to catch abusers, and to improve protection and support to victims.”

Background

There are two routes of entry in the Immigration Rules enabling Overseas Domestic Workers to accompany their overseas employer to the UK. These enable workers to accompany their overseas employers on short visits to the UK, or in the case of those in Diplomatic Households, to accompany their employers on diplomatic postings.

Over the years, a number of changes were introduced into the route, including permitting a change of employer, which moved the route away from its original intention of allowing workers to come on short visits with their employers. Further changes were therefore made in April 2012 to restore it to the original purpose. Since April 2012, Overseas Domestic Workers have been granted visas for up to 6 months to accompany an existing employer into the UK. They no longer have the right to change employer, to bring dependants or to extend their stay beyond 6 months.

There is a separate route under Tier 5 (Temporary Workers) of the Points Based System for Overseas Domestic Workers in Diplomatic Households which complies with the terms of the Vienna Convention on Diplomatic Relations. Workers may remain for up to 5 years but this is no longer a route to settlement.

Protections for Overseas Domestic Workers

The Home Office is focused on improving protection for vulnerable domestic workers by ensuring that Overseas Domestic Workers are informed about their rights and immigration and borders staff are trained to recognise potential victims of abuse. There are a number of safeguards provided to Overseas Domestic Workers.

- Employers have to prove to immigration officials that they have a pre-existing employment relationship with their domestic worker, for example by providing payslips or work records.
- Those who believe they have been a victim of trafficking have access to support and protection through the National Referral Mechanism.
- Anyone who believes they are being mistreated by their employer in any way will have access to a number of organisations who can help including the police, the Pay and Work Rights Helpline and Employment Tribunals.
- Before an overseas domestic worker is given a visa, the Home Office requires:
 - That they have a contract of employment with appropriate terms and conditions including salary, hours of work and arrangements for accommodation.
 - That they have already been in employment with the employer for 12 months.
 - As part of the visa issuing process domestic workers are informed of their rights in the UK. Home Office issues a letter with the visa that provides information about working in the UK, and avenues of assistance, should it be required.

In addition we have started a pilot at Heathrow Terminal 5 that provides Overseas Domestic Workers with information about employment rights as they enter the UK.

Overseas Domestic Workers in Diplomatic Households do not need to have a pre-existing employment relationship and show that they have previously been employed for 12 months or more, but they benefit from all the other protections provided.

The Modern Slavery Bill will require the Home Secretary to issue guidance on identifying and supporting victims, which will ensure that more front-line professionals are aware of modern slavery and know what to do if they think someone they encounter is a victim. It will also ensure that appropriately severe sentences can be given to those who hold victims in the worst forms of domestic servitude, sending out a clear message to others that this will not be tolerated in the

Q&A

How many Overseas Domestic Worker visas are issued each year?

We issue between 15,000 and 16,000 Overseas Domestic Worker visas for those in private households each year. Around 200 visas are issued annually to those working in diplomatic households.

The reports from Kalayaan and Human Rights Watch show that abuse is a serious issue.

All abuse is unacceptable. However, the reports used small samples. Kalayaan is a group set up specifically to provide support to abused workers. It is not surprising, therefore, that a high proportion of those who turn to them report abusive treatment. In addition, Human Rights Watch selected only workers who had experienced abuse for their report. They are not, therefore, a representative sample.

Reinstating the right to change employer would go a long way to protecting overseas domestic workers.

The Home Office is focused on improving protection for vulnerable domestic workers by ensuring that Overseas Domestic Workers are informed about their rights and immigration and borders staff are trained to recognise potential victims of abuse. We do not accept the proposition that legal migration routes for low-skilled workers are a necessary protection against trafficking and other exploitation. Overseas Domestic Workers have the protection of UK employment law, including the right to be paid at least the National Minimum Wage, the right to a written contract, advice from ACAS and a range of other bodies including the Pay and Work Rights Helpline, and access to Employment Tribunals.

The tying of workers to their employers has resulted in the increased exploitation and abuse of domestic workers.

We disagree. The evidence indicates only a tiny proportion of those here as domestic workers are abused and exploited.

The key issue is that victims understand that they will be believed, they will receive support and that perpetrators will be brought to justice.

However, we do not accept the proposition that legal migration routes for low-skilled workers are a necessary protection against trafficking and other exploitation.

What will you do to protect domestic staff working for diplomats?

The FCO treats any allegation of mistreatment of staff in diplomatic households very seriously. Any allegations that the law has been broken are investigated by the

police and the FCO will take appropriate steps to assist the investigation which may include requesting the withdrawal of diplomatic immunity.

Home Office
November 2014