

Labour Market Enforcement Strategy 2023 to 2024: call for evidence



Home Office and Department for
Business, Energy & Industrial Strategy

Response by the Latin American Women's Rights Service (LAWRS)

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About Latin American Women's Rights Service (LAWRS)

LAWRS is a by-and-for, feminist and human rights organisation addressing the practical and strategic needs of Latin American migrant women displaced by poverty and violence. LAWRS' mission is to provide Latin American migrant women with tools to assert our rights and pursue personal empowerment and social change. We directly support more than 5,000 women annually through culturally and linguistically specialist advice, information, counselling and psychotherapy, advocacy, development programmes, and workshops. LAWRS is based in London but supports Latin American women throughout the UK.

For further information, please visit our website: www.lawrs.org.uk

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Introduction

LAWRS directly supports Latin American migrant women living in the UK, and employed mainly in three key feminised and low paid areas of the UK's labour sectors: cleaning, hospitality and domestic work. These are key feminised sectors characterised by low wages and high levels of exploitation and abuse.¹

Since the COVID-19 pandemic began, our team on the frontline saw the demand for employment rights advice increase by over 100%. However, with the exception of new violations with issues related to the Furlough and Self-employed schemes, the enquiries did not generally reflect new trends, but rather a general worsening of the situation that women in the community were already experiencing long before, in some cases leading to cases of severe exploitation.

With the current increase to the cost of living, and increasing numbers at risk of destitution and the subsequent increase to the risk of labour abuse and exploitation, it is imperative that labour market enforcement not only acts to prevent irregularities, but that it also actively addresses historical vulnerabilities experienced by migrant workers.

1. Recent changes in how UK labour market is operating

Increase in cases of domestic servitude

a. The COVID-19 pandemic has had a devastating effect on vulnerable communities and their employment conditions. During this period and since then, LAWRS saw an increase in cases of domestic servitude, with women often working over 10 hours a day, at least 6 days a week, paid well below the National Minimum Wage.

Although foreign domestic workers can be employed through the Overseas Domestic Worker's visa, this does not tend to be the case for Latin American women. Many in the community have been living in Europe or the UK with dual nationality, and therefore had the right to work.² Alternatively, others have been brought to the UK from Latin America with the false promise that their visas would be taken care of by the employer, or that work was allowed with a visitor's visa. Many found that they became overstayers as their visitor's visa ran out.

¹ For more information, please see our report [The Unheard Workforce: Experiences of Latin American migrant women in cleaning, hospitality and domestic work](#)

² All women with dual nationality that LAWRS has supported during this period arrived in the UK before the deadline of 31 December 2020 and had completed or were in the process of completing their EU Settlement Scheme Application.

Due to the nature of domestic work, women in this sector tend to live very isolated lives, often having limited contact with anyone outside of the family they are employed by.³ This isolation grew worse during the pandemic, as places where domestic workers could sometimes socialise (parks, children's activities, markets, etc.) were no longer available to them.

In most cases, they were working with no contract and receiving no payslips. As they generally do not speak English, they tend to be unaware of their rights and access to information or advice is difficult due to the language barrier, their isolation and their long working hours.

Upon leaving the position, they were invariably left with very little resources or none at all, and in the case of those that are undocumented, unable to receive support from Universal Credit.

b. Several of these cases have been referred to the National Referral Mechanism and received positive decisions. In most cases, victims have also collaborated with the police in the hope that this would put an end to the exploitation of others. However, in no case did the police or any agency decide to carry on with an investigation.

Employers continue to face no consequences for exploitation in the domestic sphere, and we often support women who followed a long line of domestic workers that also left the same household due to the poor working conditions. Without enforcement and prosecutions there is no reason to expect that these conditions will change.

c. There is little understanding among migrant communities on how enforcement agencies may be able to support them, and LAWRS have seen no real efforts to reach them. With agencies relying on reports from victims or third parties rather than active inspections and enforcement, it is particularly concerning that no safe reporting mechanisms are in place to ensure that all victims can report regardless of their immigration status. A firewall between labour inspectorates and Immigration Enforcement would encourage those more vulnerable to trust and seek agencies for support.

Case study

Elsa came to the UK in 2018 because a friend told her of a job as a domestic worker. At the interview she was told she would be working as a housekeeper, earning £1350 a month, living with the employer and her two teenage daughters. Her tasks in the house included cleaning, cooking, looking after the children, washing and ironing, shopping, driving the children to school and the employer wherever she needed to go, mowing the lawn, and looking after their pet, among others. On the weekends, the employer often organised parties for which Elsa would have to cook and clean. Her working day started

³ A more detailed description of the conditions that Latin American domestic workers are subject to can be found here: <https://lawrs.org.uk/wp-content/uploads/2021/06/Low-Pay-Commission-consultation.pdf>

at 7 AM, finishing sometimes at 7 PM, often later. She had 2 hours off a day, which in practice she could never take as she would be requested to perform different tasks. On her 2 days off a week, the employer would still make Elsa work if she was in the house, or call her to come back when she was out. Elsa had no contacts here and did not speak English. The employer refused to help her enrol in an English class, claiming she did not need to learn.

When her own underaged daughter was going to come and live with her, Elsa wanted to rent a room, but found it was impossible because she did not have a contract, despite repeatedly asking her employer for one. The employer offered Elsa to bring her daughter to live with them, and she would deduct £350 from her pay. As a result, she earned £1000 during the last year of employment. Without a contract and few savings, Elsa found it impossible to leave her employment as she could not rent a room for herself and her daughter. Finally, she decided to seek help and contacted LAWRS, and was able to leave. She was referred to the National Referral Mechanism and received a positive reasonable grounds decision. She collaborated with the police, but following her interview they decided not to investigate further.

2. Workforce

Digital exclusion

During the implementation of the EU Settlement Scheme, for which LAWRS provided support to our service users with dual nationality, it became evident that the online systems would lead to many problems for those who would now not have access to a physical document with which to prove their right to work and right to rent.

LAWRS received complaints and requests for advice from women who were unable to work either because employers were not aware of the rules and were not hiring European citizens to avoid the trouble, or because there were issues with the digital checks, in particular due to lack of understanding of how the system works, lack of access to technology or issues with the portal itself.

From April this year, online right to work and right to rent checks became mandatory for all people with an immigration status in the UK, and people who have for many years relied on biometric cards and permits will no longer be able to do so. This change has come about with no significant engagement with communities or community organisations, and will have an impact in our services when issues begin to arise.

For migrant communities such as ours, an online status is problematic from the start because of lack of access to technology or insufficient digital literacy, in particular for older women and those with disabilities.

Sectors such as cleaning and hospitality, where migrant workers make up the majority of the workforce and which are already plagued with irregularities, abuse of worker's rights and exploitation, will be more affected by these changes, and migrant workers will be further excluded from the system.

Further issues and concerns we share have been highlighted by organisations like The 3 Million.⁴

3. Workforce Engagement

Ongoing prevention campaigns informing workers of their rights in community languages are needed. Online campaigns with paid ads have given LAWRS particularly good results for reaching isolated workers. Unfortunately, additional funding is required for these campaigns and community organisations do not always have the resources.

Campaigns from enforcement agencies to ensure there is better understanding of their work and how they can support workers are also crucial. However, these should be done in conjunction with community organisations who are aware of the most pressing issues affecting the community, the reasons for not reporting or seeking and accessing support, and how to reach them.

Efforts to engage migrant communities should take into account that without safe reporting mechanisms that include a firewall between enforcement agencies and Immigration Enforcement, the most vulnerable workers will remain underground for fear of detention and deportation. Safe reporting mechanisms would encourage not only undocumented migrants to report abuse and exploitation, but also those who do not want to put their colleagues at risk, those who are unsure about their rights, those who after Brexit have been told have no rights in this country.

LAWRS have recently completed a project with the Gangmasters and labour abuse authority (GLAA), [Focus on Labour Exploitation](#) and [East European Resource Centre](#), to improve understanding of the complexity of labour exploitation in the cleaning sector and foster collaboration between supporting organisations and labour market enforcement. As part of this project, we produced an informative campaign via digital platforms tailored to our community. Although much work remains to be done, we encourage this collaborative approach to improve prevention of exploitation.

⁴ See for example: [Briefing on Statutory Instrument which makes right-to-work and right-to-rent digital-only for all.](#)

5. Recruitment

Bogus self-employment

a. With the reopening of the economy, LAWRS have had an increase in cases of women working in cleaning who have no contract of employment, and are forced to register as self-employed, regardless of the amount of hours worked under a single employer or the regularity of those hours. Without access to information in their own language, many have been incurring debts with HMRC because they are unaware of the tax they need to pay or how to do it.

b. Much has been written about issues of compliance with cleaning companies.⁵ In LAWRS' experience, abusive practices in this sector have been and continue to be endemic. When companies face legal or reputational issues, they tend to close their doors and reopen with a new name.

LAWRS continues to support migrant women experiencing the same issues over the years, namely unlawful deduction of wages; lack of written contract and payslips; verbal and physical abuse; sexual harassment; lack of annual leave entitlement; lack of sick pay or inability to take sick days and maternity rights violations among others.

Workers whose rights are violated, often prefer to continue working in precarious conditions until they find another cleaning job rather than report an issue or abuse. This is due to a myriad of factors, such as not having access to information, not knowing who they can contact for support, fear that they will be labelled as trouble-makers or they will lose their jobs, fear for their immigration status, thinking it is not worth reporting because nothing good will come of it, or simply having no time and resources to do it.

7. Enforcement resourcing

In LAWRS' experience, migrant women workers are unaware of the existence or role of each enforcement body. They do not generally know who or how to contact them for support or to report abuse and exploitation. When advice is sought, it is generally with unions or specialist voluntary organisations which will provide holistic support and respect confidentiality, and which can provide linguistic and cultural competent assistance to workers.

The lack of inspections puts the burden on employees to report violations to their employment rights, while providing little, unclear and often inaccessible information on the type of support that workers could expect from each agency. Although victims of trafficking and exploitation can be referred to the

⁵ See for instance: [The Invisible Workforce: Employment Practices in the Cleaning Sector](#); [The Unheard Workforce: Experiences of Latin American migrant women in cleaning, hospitality and domestic work](#); ["If I Could Change Anything About My Work..." Participatory Research With Cleaners In The UK](#)

National Referral Mechanism to receive support, there is in general very little or lack of understanding of what other support workers can get from each agency for violations that do not meet the threshold of exploitation.

Furthermore, and as stated above, without safe reporting mechanisms in place, for undocumented workers fear of immigration consequences will continue to act as a major barrier to reporting exploitation and seeking help. Collaboration with Immigration Enforcement thus affects the agencies' ability to support workers and identify non-compliant employers⁶.

Recommendations:

1. **End data sharing between enforcement agencies and Immigration Enforcement.** This will encourage workers to report abuse and exploitation without fear of consequences due to immigration status.
2. **Increase resources for labour inspectorates** so that more proactive enforcement can be implemented.
3. **Training for officers/agents on** identification of indicators of exploitation carried out by specialist by and for organisations who are embedded in the communities and have a deep understanding of labour conditions experienced by them.
4. **Work with organisations to build trust** with communities and ensure there is sufficient understanding about the way in which each agency can support workers.
5. Produce **easily accessible information in different languages** on employment rights and enforcement agencies.
6. Run **prevention campaigns** targeting specific sectors and communities, both online and on site.
7. Provide **physical documents** to prove the right to work for those who are unable to use online systems.
8. **Improve support** for workers experiencing offences below the threshold of exploitation.

⁶ For more information on how safe reporting mechanisms can work in practice, please see our guide: [Preventing and Addressing Abuse and Exploitation: A Guide for Police and Labour Inspectors Working with Migrants](#).