

November 2019

**MODERN SLAVERY STRATEGY AND IMPLEMENTATION GROUP SUBGROUP: PREVENT**

**STATEMENT FROM CIVIL SOCIETY MEMBERS REGARDING CONFLICT BETWEEN OVERSEAS DOMESTIC WORKER VISA AND GOVERNMENT ANTI-SLAVERY AIMS**

*The signatories of this statement are members of the Home Office convened 'Modern Slavery Strategy and Implementation Group – Subgroup on Prevention'. This Group has been established as part of the Government's modern slavery strategy in order to ensure expertise from civil society, academia and public agencies is used to advise on effective prevention strategies and interventions. This statement is signed by seven civil society members of this group.*

**The signatory members to this statement believe the Government's current Overseas Domestic Worker Visa is directly in conflict with its stated aim to prevent modern slavery from taking place within the UK.**

The vulnerability of migrant domestic workers to workplace abuse and exploitation, including the most severe forms, is well recognised. The International Labour Organisation has described domestic workers as "among the most vulnerable groups of workers"<sup>1</sup> and in its 'Global Estimates of Modern Slavery', it states that among cases in which the type of work was known, the largest share of adults in forced labour globally were domestic workers.<sup>2</sup>

In recognition of the particular vulnerabilities of this group of workers, the Government commissioned James Ewins QC in 2015 to review "whether the arrangements for the overseas domestic workers visa are appropriate, given the Government's commitment to tackling modern slavery."<sup>3</sup> His report, published in December 2015, made 19 recommendations to Government in order to ensure the visa was not contributing to vulnerability to modern slavery. At the time of his review, the visa in place 'tied' workers to their employer, such that they could not switch employers, and limited the term of their visa to six months. Tying workers to an employer is internationally recognised bad practice and creates a high risk of exploitation due to the worker's inability to leave their employer, or risk facing destitution,

insecure immigration status and removal from the UK. In keeping with this understanding, Ewins' Recommendation 6 states that the Government should amend the Immigration Rules to enable workers on this visa to change employer. The same recommendation also stated that Government should enable "the right to apply for extensions of up to 12 months each, up to a maximum of 2 ½ years". These recommendations were seen as the minimum required to ensure the fundamental rights of all migrant domestic workers in the UK were protected.

The expert signatories to this statement consider that these two components are not mutually exclusive: **in order for the ability to change employer to be meaningful in practice, workers need to be able to renew their visa.** Seeking new employment with only weeks left in which they can legally remain within the UK is very difficult: few employers wish to hire a worker for care-focused tasks when there is such a short window of availability. Despite this tension, the Government implemented the right to change employer yet chose not to implement visa extensions. As such, it is the view of these signatory members that the Government's current Overseas Domestic Worker Visa is at odds with its stated modern slavery aims. If, as noted in its 2018 Annual Report on Modern Slavery<sup>4</sup>, the Government indeed recognises that "overseas domestic workers are potentially vulnerable to exploitation," it should immediately implement recommendation 6.5 of the Ewins Review, enabling these extensions.

Members of the group who provide support to, and campaign directly alongside, migrant domestic workers in the UK strongly believe the original Overseas Domestic Worker Visa, introduced in 1998, represents the best form of protection for this recognised group of vulnerable workers. This regime ensured that workers remained visible, able to access support and take cases to the Employment Tribunal, pay taxes and, importantly, provided them with **an effective escape route out of abusive and exploitative employment.** This has also been recognised internationally as best practice for preventing forced labour and domestic servitude of migrant domestic workers, and was also recommended by two parliamentary committees during the passage of the Modern Slavery Act 2015.<sup>5</sup>

The signatory members recognise that there is a major programme of work being undertaken by Government currently due to Brexit. However, we also note the recent changes to the

Immigration Rules for international students announced on 11<sup>th</sup> September 2019 that will allow them to remain in the UK for two years after graduation to find a job. This change demonstrates that such amendments to the Immigration Rules are feasible at this political moment.

**The signatory members to this statement urge the Government to amend the Immigration Rules to enable Overseas Domestic Workers to renew their visas.**

Without doing so, the members believe that the Home Office's policy on these workers is in direct conflict with its modern slavery responsibilities and the Government's overall modern slavery aims.

## **SIGNATORIES**

**Justine Currell, Unseen**

**Avril Sharpe, Kalaya'an**

**Marissa Begonia, The Voice of Domestic Workers**

**Dr Ella Cockbain, UCL**

**Dr Ruth Van Dyke, St Mary's University**

**Phillipa Roberts, Hope for Justice**

**Emily Kenway, Focus on Labour Exploitation (FLEX)**

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<sup>1</sup> International Labour Organisation. Domestic Workers. Undated.

<https://www.ilo.org/global/topics/domestic-workers/who/lang--en/index.htm>

<sup>2</sup> International Labour Organisation. Global Estimates of Modern Slavery. 2017. p11.

[https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_575479.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf)

<sup>3</sup> Ewins, J. Independent Review of the Overseas Domestic Worker Visa. 2015.

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<sup>4</sup> UK Government. Annual Report on Modern Slavery. 2018.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/749346/2018\\_UK\\_Annual\\_Report\\_on\\_Modern\\_Slavery.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/749346/2018_UK_Annual_Report_on_Modern_Slavery.pdf)

<sup>5</sup> UK Parliament. Draft Modern Slavery Bill Joint Committee. 2014.

<https://www.publications.parliament.uk/pa/jt201314/jtselect/jt slavery/166/16602.htm> and Human Rights Joint Committee. Modern Slavery Bill. 2014.  
<https://www.publications.parliament.uk/pa/jt201415/jtselect/jt rights/62/6203.htm#a22>