



HOUSES OF PARLIAMENT

Joint Committee on Draft Modern Slavery Bill

Oral evidence: [Draft Modern Slavery Bill](#), HC [1019], Tuesday
28 January 2014

Written evidence from witnesses:

Ordered by the House of Commons to be published on 28 January 2014.

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Members present: Baroness Butler-Sloss (Chairman), The Lord Bishop of Derby, Baroness Doocey, Baroness Kennedy of Cradley, Lord McColl of Dulwich, Lord Warner, Fiona Bruce, Fiona Mactaggart, Sir John Randall, Mrs Caroline Spelman and Sir Andrew Stunell

Questions [81-148]

Witnesses: **Chris Randall**, Solicitor, Bates Wells Braithwaite, and **Julia Harris**, Managing Director, The Childcare Recruitment Company

Q81 Chairman: Thank you both very much indeed for coming. I wonder whether, for the record, you could just give us your names and where you come from.

Julia Harris: I am Julia Harris. I am managing director of the Childcare Recruitment Company. One of my divisions, The Housekeeper Company and The Carer Company, specialises in domestic workers for the elderly and live-in jobs for children as well.

Chris Randall: My name is Christopher Randall and I am a solicitor. I have been providing advice domestically to overseas domestic workers since 1986.

Chairman: It is splendid to have people of your respected expertise. We are going to start with Lady Kennedy and then Fiona Mactaggart, who will ask you some questions.

Q82 Baroness Kennedy of Cradley: Hi, Julia and Chris. I just want to start by asking, in your opinion, does the draft Bill meet the needs of domestic workers, and, if not, which specific ideas do you think should be included and why? I don't know if, Chris, you want to start.

Chris Randall: Yes. I see the Bill as a safety net—and a much needed safety net. On the issue of overseas domestic workers, however, often the experiences that they have are at the exploitative end of employment or at the cusp with domestic servitude. The Bill itself will help deal with those who slip over into domestic servitude and the worst excesses. I think for most domestic workers it is not the prosecutions that are the issue but having a system of immigration control of rights that allows them to be employees in this country in the way that they want to be.

Julia Harris: I had a quick look at the Bill because obviously I did not have much notice about the meeting. As far as I am concerned, the changes that were made in April 2012 have been absolutely disastrous for domestic workers, and, as an agency, we have been unable to help or support them. We get calls probably several times a week from domestic workers who are desperate to change employers but they can't come to us. We can't legally help them under the terms of the visa because they obviously have no right to change employers. A lot of them will run away and take their chances, especially around London. There are an awful lot of them working underground illegally; they have completely slipped through the net. They have no one that they can turn to who can actually legally help them, so they can be abused. There is no one to control how much they are earning, what their accommodation is, if they have any time off, or if they are even accompanied on their time off. It has gone back to how it was pre-1998. So I personally think that the Bill, as far as domestic workers are concerned, pays lip service. It is not actually going to affect them one way or another because it does not address the real issue.

Q83 Baroness Kennedy of Cradley: In terms of figures, what is the increase or how many calls do you think you actually get, and, when they want to change employers, what reasons do they cite?

Julia Harris: Basically, low wages, because when they are brought from the middle east or far east something like £100 a month is a pretty normal wage over there; but over here, obviously, anybody that we place conforms at least to national minimum wage, and often a lot higher because, with regard to the ones who are legal and working here, it is supply and demand and they are commanding big salaries now. That is the business to go into. Basically, they are leaving because they are working all the hours God sends and they are paid peanuts. The reason they are doing it in the first place is to support their families back home. They often have horrendous accommodation. They have to share with children or have put-up beds in sitting rooms. They really have horrendous situations, but our hands are tied. We make sure that any employees we place as an agency conform to national minimum wage at

least, proper time off, proper hours, proper accommodation, pay tax and national insurance and have proper contracts of employment. None of that is in place currently with a lot of these people.

Q84 Baroness Kennedy of Cradley: Chris, what would you add to the Bill, though, for increased protection?

Chris Randall: I have to say that what I would do is seek to reinstate the provisions that were in place for domestic workers in the immigration rules, which went out in April 2012. For me, that would be by far the most efficient way of improving the situation of overseas domestic workers. It does not need an amendment to the safety net Bill; it needs the establishment or the re-establishment of a system of immigration control that allowed domestic workers to effectively leave abusing employers. Once employers knew that that was an option to their domestic workers, then it greatly reduced the likelihood of abuse in any event. I would say go back to the immigration rules, reinstate the provisions that were there already and that were broadly working: that is the right to change employer, it is the route to settlement, and there is no restriction on the immigration status of employers, as there is under the new immigration rules.

Q85 Fiona Mactaggart: Chris, you talked about the boundary between servitude and exploitation leading towards it. Do you think that the Bill sufficiently defines servitude? Do you think we are clear enough about where that boundary lies?

Chris Randall: I don't hold myself out as an expert on the law of slavery. What I can talk about is from practical experience. It is fair to say that there are many exploitative employee/employer relationships which do not amount to domestic servitude and that, if your only threshold is domestic servitude, there may be many relationships that you would not wish to encourage but that you have not given yourself the powers to intervene with. My point, really, was that the immigration rules were an effective way of doing that. That is how I would answer your question.

Q86 Fiona Mactaggart: What is the experience of both of you of the level of knowledge of overseas domestic workers about their employment rights and their rights not to be exploited?

Julia Harris: In my experience it is absolutely negligible. There is a very unscrupulous company in Hong Kong that is still basically selling domestic visas to unsuspecting people. They borrow money off their families and get into huge debt to come to the UK, thinking that they

have the right to change employer. There is a lot of ignorance over what they are allowed to do. When they come here and realise that they are bonded to their employer or they can only stay up to six months, they are shocked, and that is when they run away and just take their chances like they used to do. There is a lot of ignorance, but I do not think educating somebody in their country of origin or when they get the visa is going to make a difference because they still feel that they can work their way round it. I am sure you must get calls. I think they are so desperate to try and come to the UK, and to work and to contribute to the UK economy—and they actually do fill absolute skill shortages.

I gave evidence to the Migration Advisory Committee two weeks ago on the nightmare we are having filling in live-in jobs since domestic visas have changed, because you can't get British people or European nationals to do live-in jobs, especially in the care sector, because they have their own families and their own commitments and they don't want to live in someone's house. I wouldn't want to live in someone's house. However desperate you are to find a job, you are not going to leave your husband and your kids, and go and live in someone's house.

Q87 Baroness Kennedy of Cradley: Julia, on that point there, in the calls you get, there is not a sense that that person has lived with or had a relationship with that employer for 12 months previously.

Julia Harris: Not the Hong Kong ladies, but previously, yes. The ones who come from the middle east or the far east with genuine employers get a contract in those countries for usually a 12-month period and then it can be extended. Then, if they bring them to the UK, in the olden days they could amicably all run away if they were abused or whatever, and find a new employer, conforming to the British employment rights. Now, obviously, the only option they have is to run away and go underground.

Q88 Baroness Kennedy of Cradley: Do you have a sense of whether diplomatic immunity plays a role in this and how many issues you see from the diplomatic community?

Julia Harris: Because we only deal with employees who are legally allowed to work here we don't see that side of it. We would just refer them to organisations like Kalayaan, because we obviously can't help them.

Chris Randall: On the diplomatic point, of course, within the immigration structure, diplomatic domestic workers have historically been treated differently and are still treated differently. They are found in tier 5

of the temporary worker provisions, not in the immigration rules, but they have had the same restriction put on them in terms of the inability to change employer if ill-treated. So, at the moment, the risks to domestic workers of diplomats are similar to the risks facing domestic workers under the six-month tied visa, albeit the immigration structure is a little different.

On the issue of knowledge, historically, there have been leaflets given out to domestic workers when the old-style visas were given. There is still a leaflet that is given out now. Perhaps it is helpful to distinguish between knowledge of your immigration future and knowledge of your employment law and contract law future. On the latter, you can expect little, I am afraid. The leaflets tend just to say that you will have the same rights as people in the UK, but there is ongoing case law—I am not an employment lawyer—about whether people who are here unlawfully can make lawful contracts anyway.

In terms of immigration, there is an opportunity to provide information, before entry, about what rights you will have. If it says on your visa “able to change employer,” then most domestic workers will understand that. There is a problem in getting that information over, and, of course, some agents will want to sell their particular product, which may or may not be truthful, but I wouldn’t say that this is a project that should be abandoned because of the difficulty of getting information over. That ought to be possible.

Q89 Mr Randall: You said that the reason why these people that we are talking about can be exploited is because they are desperate to come here to earn money for their families and so forth. Presumably, though, the people who come to you looking for these domestic workers actually want people at a cheap rate.

Julia Harris: No, not at all.

Q90 Mr Randall: So they would pay more.

Julia Harris: Do you know what the average rate is for a domestic worker working legally in the UK now?

Mr Randall: No. I hope you will tell me.

Julia Harris: Between £350 to £400 net a week for five days’ work, so it is not cheap labour at all.

Q91 Mr Randall: So it is not cheap labour, but, obviously, it is being used as cheap labour—

Julia Harris: In some situations.

Q92 Mr Randall: —in some situations. Is there anything that we could do, whether it was in this Bill or not, that would be able to stamp out the unscrupulous side of it? Apart from changing jobs, is there anything else, because it seems to me that there is a good market and there is a very, very bad market?

Julia Harris: What I would say is exactly what Chris has said. If you put it back to how it was, then people like me can help people and stop them being exploited. How it is at the moment, they've got no one who can fight their corner. I phone up employers. If I am not happy with how someone is being treated, I will phone up that employer and I will give them a warning that either they have to get their act together or I will remove my applicant from their employment. The reason people want domestic workers, going back to your first point, isn't cheap labour; it is actually skilled labour. They might not have a degree in housekeeping or whatever, but when they came on the old visa they would have had to have had a minimum of 12 months' domestic worker experience, which means they came to the UK knowing how to care for the elderly, knowing how to help with children, knowing how to help run a home so people can carry on their jobs.

Q93 Mr Randall: That 12 months' experience does not have to be with the new employer.

Julia Harris: That is a minimum. Usually they have a lot more than that.

Q94 Mr Randall: So they would know the people already.

Julia Harris: Yes, but, if they come to the UK and were able to change employer, they are already skilled—but skilled from experience.

Q95 Mr Randall: I do understand that point entirely and I am not unsympathetic here. What I am trying to find out is that the people who are employing these people should, as I understand it, have had 12 months previously. You are saying they want them because they are skilled but they have already known them; but they are coming to

you as an agency. It is not as if they have already known them. I cannot quite understand—

Julia Harris: No—employers in the UK, who would have not employed someone from abroad. The only people who have employed them from abroad are people who have lived overseas and are bringing their domestic worker to the United Kingdom. Then, to qualify for the visa, they would have had to have had a minimum of 12 months' continual employment with that employer. My clients are not those people. They are the people in the UK—

Q96 Mr Randall: They are somebody who has been brought across who wants to change.

Julia Harris: Yes.

Q97 Mr Randall: That is the point. Presumably, there were plenty of cases of exploitation before but it has just got worse.

Julia Harris: Much worse, yes.

Q98 Mr Randall: But it wasn't all—

Julia Harris: It is frustrating because you see these people. There was the recent awful typhoon in the Philippines and I myself contributed to the fundraising for it. You want to try and help people. All these people want to try and do is earn a living to make their lives for their families. They are not trying to sponge off this country. They are not looking for benefits; they are actually looking to be employed properly, work hard and support their families to give their families a better future.

Q99 Chairman: Chris, did you want to add something to this?

Chris Randall: If I may. One issue that I would highlight is the implementation of the national minimum wage. It is a requirement in the contracts that the national minimum wage is paid, but, in practice, there is an exclusion under the national minimum wage for people who live as a member of a family. We have found that it is quite difficult—or the national minimum wage inquiry line tends to think that all domestic workers are living as part of a family, whereas that is very far from the truth. If you wished to take away a practical issue in which you could improve the status of domestic workers here, then looking at the implementation of the national minimum wage in practice would be one area that is definitely worth looking at.

Q100 The Lord Bishop of Derby: Could I just pursue that a little bit? You have dealings with employers and with the workers. If people have come from a culture where they don't have an employment contract, they don't have a minimum wage, they have servitude conditions almost, if they come here and we have national minimums of standards, what will that do if, in fact, they worked for two or three years here and then they went back with the family to the culture where, actually, it was very different and there weren't any of these standards? I am just wondering in terms of the dynamic of what we set up for people for good reason if they remain with the family and then want to go back.

Julia Harris: Under the current rules it is not two to three years. They can only stay six months, so they have to leave on their own or they go underground, or the family leave with them. I have just placed a lady who came in just before. She stayed with the family; she is very fond of the family but they couldn't afford to pay her the British rates. In Singapore, they were paying her £100 a week and they carried on in the UK doing that. She got friendly with other people and found out that that is not an acceptable wage here, came to us and we were able to help her because she was under the old visa rules. We have now found her another job at a much higher salary, but she has left on good terms with that employer. They have understood.

Chris Randall: It is a requirement of the model contract for a domestic worker entry clearance application that the minimum wage is paid and is often much, much higher than the wage that was being paid abroad; so that standard is imported. I suspect that one way of looking at it is that, just as this country wishes to be a world leader in terms of legislation on domestic slavery, it would like to be a world leader on good employment conditions. One would hope it might spread.

Q101 Chairman: Do you have any evidence of any of these domestic workers' former employers being prosecuted? We know, occasionally, in the press one sees it. Are there any statistics as to how many?

Chris Randall: My colleague from Kalayaan will be able to assist you more in the second session. It is rare. I have certainly been involved in cases where that happened, but they tend to be fairly high profile and it is remarkable how few employers are prosecuted, particularly when you think how many are committing the old offence of harbouring, for instance, or facilitating the evasion of immigration control. Of course, the regularisation of domestic workers in 1998 onwards required employers to

confirm that that is indeed what they had done. There were many thousands of those and very few prosecutions.

Q102 Chairman: The other question I wanted to ask was this. I forget, I am afraid, what the pre-2012 requirement was, but, when somebody got a second job, which you got them after they had had an extremely bad time with an employer and they were permitted to take another job, what was the limit of the time they could stay here? Was there any limit?

Chris Randall: No. Prior to the new provisions coming in, domestic workers were like most other workers in the sense that, if they could get extensions of employment year by year for five years, they would then qualify for settlement if they could show continuous employment throughout. So they had the same rights as most other foreign national workers here.

Q103 Chairman: The obvious reason for the immigration change in 2012 was to limit immigration. What view would you have if a domestic worker who escaped from an unreasonable employer was allowed to have a limited visa to stay in this country for, say, six months or 12 months?

Julia Harris: It would be an absolute waste of time.

Chairman: That is what I wanted to know.

Julia Harris: Yes. It is not worth the paper it is written on because who would employ them? If you imagine someone looking after your elderly relative or your child, by the time you actually get to know them and get them settled in, you are two or three months down the line and then they are off. It would be worse than the au pair scenarios now. People want continuity of care. Say they have come in with someone on a six-month visa; by the time they approach somebody it will be two or three months. You also have to remember that domestic workers, when they first come to the UK, change very quickly once they become westernised. They are very, very scared of anything authoritative. They are scared of the police; they are scared of the Home Office; they are scared of making any noises at all because they are frightened of being deported. All an employer needs to do is threaten any of those.

I have a high profile client at the moment who is in the public eye, who has treated her domestic worker appallingly, and I am actually threatening her with being—she is writing to the Home Office to renege on this lady's visa. The lady is under the old terms so she can get another

job. That isn't a problem, but the fact that she would think it is acceptable to behave like that is appalling, but there is no protection for a lot of these people.

Q104 Lord Warner: Is there any middle way here, because it seems to me that what you are asking for leads inexorably to more people having a right to settle, and trying to stop that was part of the purpose of the 2012 legislation? I can understand your argument that six months is too short for the types of jobs that you are placing people for, but it is going to be quite a hard sell, I would have thought, to say that we go back to something which can give an inexorable route to settlement.

Julia Harris: I 100% agree with you. This is where we differ. I see it commercially.

Q105 Lord Warner: Is there a middle way?

Julia Harris: Yes, I think so.

Q106 Lord Warner: Tell us what the middle way is.

Julia Harris: I did actually suggest it when there was the "Service not Servitude" pamphlet launched. Basically, you allow them to work up to five years in the UK but there is no right to settlement; they have to leave after five years. At that point you have a record of where they are working; you have had their visas every year; they haven't gone underground and they have to report. A lot of them would be happy with that. I actually do understand why people wouldn't want more people having the right to settlement because, then, you also have the right to bring your dependants over. It also then means that they are not able to do their job like they used to, because if they bring their families over they can't do these jobs. So allowing them to stay up to the five years without the right to settlement is better than nothing, and I think a lot of them would agree with that.

Chris Randall: I would differ, and I think many domestic workers here would. I am not here to bargain on behalf of domestic workers. What I would say is that we should be looking for a situation where workers are treated broadly similarly, whatever job they do, and that we don't have a guest worker system where there is a lower tier of worker who has less rights, who does not have the right to have their family here, and who basically substitutes an employer's family for their own. We should be looking at employment rights and that we don't have a system that gives

the employer the power to end a migrant's status at a whim because of a disagreement over whatever minor thing. Domestic workers should have their own rights as workers, and that includes the right to settlement that other workers have. That is an important safeguard and we lose something very important when we let that go.

Q107 Fiona Bruce: You said there were very few prosecutions of employers.

Chris Randall: Yes.

Q108 Fiona Bruce: Do you think there is a need to increase this to underline the fact that it is completely unacceptable to exploit migrant workers in this way?

Chris Randall: Yes. There is a range of behaviours that go on already that are criminal but aren't prosecuted. That can be both in terms of general criminal law and, indeed, in terms of immigration law. Historically, it is very annoying to find the same employers abusing over again, often in fact where there is perhaps a diplomatic protection. So, yes, there is scope for that. I revert to the position that, in the end, prosecution is something that will always happen and in a small minority of cases it will have a deterrent effect. What you need to have is a mainstream boring visa system that works for most people most of the time, and prosecutions pick up the worst things. That is not going on enough at the moment. More should happen, but I am advocating a return to a system that allows behaviours to continue where those things do not arise.

Q109 Fiona Bruce: What you are saying at the moment, if I am right, Julia, is that, because of the change in legislation, it is less likely that that behaviour will be picked up because more of the workers are being driven underground.

Julia Harris: Yes. What I would also say, again following what Chris said, is, if you reinstated the old visa thing, people like me would regulate employers so that you do not have these cases of abuse because they are not so vulnerable. They do not get themselves in this situation. If they are in an abusive situation they leave, and they have the right to leave at the moment. There is no point in prosecuting them. It is like putting a plaster on a wound. What you have to do is stop them cutting themselves in the first place. It is a waste of resources, I think, to start prosecuting.

Q110 Andrew Stunell: I just wanted to follow up on a point that Chris made about the fact that it might be made worse by the diplomatic status of the employer. Do you have any estimate in your mind about what proportion of the cases that occur are from the diplomatic sector and what proportion are outside that sector?

Chris Randall: Kalayaan, who you will hear from in the next session, will have the figures probably more to hand than I do. I do recall that the last time the Home Office looked at this there was, in a small sample, a surprisingly disproportionate number of diplomatic domestic workers' visas where this issue had arisen. It was not clear whether that was statistically relevant or not, but there was more abuse on diplomatic domestic workers than we had anticipated. There is an issue there and it is an issue that is harder to get at, for all the reasons that we understand. That is as high as I can put it, though.

Chairman: If no one else has any questions to ask, may I thank you both very much indeed? I fear that it will be a very uphill struggle to go back to the pre-2012 migrant visa, but we certainly were impressed by the reasons that you gave. I have to say that the idea of having it up to five years is something that is well worth looking at. It might be a lesser period, but that is perhaps a way forward. In any event, thank you both very much for your contribution. We are most grateful.

Examination of Witnesses

Witnesses: **Bridget Anderson**, Professor of Migration and Citizenship and Deputy Director at COMPAS, **Dr Virginia Mantouvalou**, Reader in Human Rights and Labour Law & Co-Director of the Institute for Human Rights, University College London, **Kate Roberts**, Community Advocate, Kalayaan, and **Marissa Begonia**, J4DW, examined.

Q111 Chairman: I gather we have three of our next speakers here, which is splendid. So we think we will start with the three of you, and there is one more to come in just a moment. May I welcome the three of you? Just for the record, would each of you in turn be kind enough to give your name and whom you represent?

Kate Roberts: My name is Kate Roberts and I work for Kalayaan, a charity which works to support migrant domestic workers in the UK.

Dr Virginia Mantouvalou: I am Virginia Mantouvalou, a Reader in Human Rights and Labour Law at University College London.

Bridget Anderson: I am Bridget Anderson from the Centre on Migration, Policy and Society, University of Oxford.

Q112 Chairman: I thank all three of you very much for coming. We are extremely grateful. There are questions, obviously, we want to ask, but I wondered whether any one or all three of you had any point you particularly would like to make as a result of having politely sat in on the first part of our session.

Bridget Anderson: Yes, if I could start. I suppose I would like to reiterate Chris Randall's point about the importance of the Bill as a safety net. Really, what is unusual about domestic labour as compared with many other forms of work where people are vulnerable to exploitation and abuse is that domestic work, generally, is, at best, an ambivalent position when it comes to employment law, so that, basically, the system which can generally be held, one would hope, to protect most workers in the United Kingdom often does not apply in the case of domestic work. For that reason, it is important to think about the specifics of domestic labour as it falls within the scope of this Bill.

Dr Virginia Mantouvalou: I am not sure if similar questions will be asked. I did want to make a broader point in relation to the obligations of the UK with respect to international law on domestic workers.

Q113 Chairman: We are actually going to ask something about the international situation. If that is what you wanted to deal with, I think you will get a specific question. Kate, was there anything you particularly wanted—

Kate Roberts: Just one thing, please. I wanted to pick up on the point about what is necessary to protect migrant domestic workers and just to be very clear that, in the view of Kalayaan, it does need to be the reinstatement of the full overseas domestic worker visa as was, prior to 2012, and that changing within six months would be—

Chairman: Could you keep your voice up a bit?

Kate Roberts: Sorry. For domestic workers to be kept on a six-month limited visa, but to be able to change employer, would be of no practical help. Beyond that, we believe it is very important, because of the particularities of the sector and how under-regulated it is, that domestic workers, after five years or whatever the rules in place are at the time, should be allowed to apply for settlement, because if you don't have this you are postponing the problem. After five years, or whatever time that they are no longer allowed to stay in the UK, you will have

employers negotiating with them to stay on informally; people, again, will be put into a weak bargaining position and again you drive the problem underground. I do think the sector has to be recognised as particularly vulnerable, as has been recognised by multiple Committees as well as internationally.

Q114 Chairman: I am going to ask Alastair to start and then Andrew and Fiona. Would those who would like to ask questions please wait and bring those in in a moment? I think we will go down the list of our questions. *[Interruption as Marissa Begonia joined the session]* Splendid, how nice to see you. When you have taken your coat off, would you just mind telling us who you are so we have it for our record? We do know who you are but it has to be recorded.

Marissa Begonia: I am Marissa Begonia. I came here last 1994. I had a domestic worker visa and I have been here for 10 years now. I am working in—part of my work is the—

Q115 Chairman: You run an organisation, don't you?

Marissa Begonia: Yes—Justice for Domestic Workers.

Chairman: Thank you very much.

Q116 The Lord Bishop of Derby: You raised the issue that the UK is a signatory to various international treaties and agreements in this area. You have seen the draft Bill. How do you think the draft Bill measures up, and are there things that we are signed up to that are lacking and we should strengthen?

Dr Virginia Mantouvalou: First of all, the most relevant treaty on domestic workers that I would like to mention and the UK has not signed up to is the ILO—the International Labour Organisation—Convention on Domestic Workers. This is a wide-ranging international instrument that contains a full list of labour rights for domestic workers. It was adopted in 2011. The UK was one of the very few countries that abstained from the vote, so the UK decided not to sign up to this convention, which was probably quite disappointing for advocates of labour rights because of the idea in this Bill that the UK is at the forefront in the protection of the rights of domestic workers. So there is this convention that the UK has not signed up to and does not comply with as well.

Q117 The Lord Bishop of Derby: What difference would that make to the Bill as it is written?

Dr Virginia Mantouvalou: Thank you for the question. The Bill now focuses on the most grave cases of labour exploitation, and this is important to have as a safeguard—slavery, servitude and forced labour—but the International Labour Organisation convention contains a much broader list of rights. It says, for example, that labour inspectors should have the right to access private households and inspect the working conditions of domestic workers, a right to a minimum wage and so on. UK law generally does not comply with the convention. There is a situation which can also be described as the legislative precariousness of domestic workers. They are excluded in UK law from many legal protections for many areas of labour-protected legislation. This Bill, although it is a positive step, of course, which captures certain grave cases of exploitation, does not capture what is required for the decent treatment, let's say, of domestic workers.

Kate Roberts: If I could just add to that, my understanding is that the UK's reason for abstaining from supporting the Bill was because the UK cited the protections that were in place for domestic workers at the time. So it seems rather ironic that they have now removed those protections.

Q118 The Lord Bishop of Derby: Just finally and for clarity, in terms of international treaties and conventions we have signed up for, it does fulfil those as far as you are aware.

Dr Virginia Mantouvalou: I want to make a point on this. There may be an issue under the European Convention on Human Rights, I think, because of the overseas domestic workers visa. I read with great interest the memorandum that accompanied the Bill and that involved the European Convention on Human Rights, but there is a case that is not mentioned in the memorandum which has to do with sex trafficking. It is not about domestic workers, but the European Court of Human Rights ruled in that case that a very restrictive visa regime which was in place in Cyprus at the time, in the case *Rantsev v Russia and Cyprus*, violates article 4 of the convention. It was not the same type of visa; it was an "artiste" visa. This is a different situation, but part of what happened in that case was that a very restrictive visa regime like the overseas domestic worker visa was ruled to be incompatible with article 4 of the European Convention on Human Rights. So there may be an issue under the convention.

The Lord Bishop of Derby: It is very helpful to know that. Thank you.

Q119 Chairman: I just wonder whether the Professor would like to add anything to it.

Bridget Anderson: It is not specifically to the question but perhaps thinking about the legal framework. It is worth saying that, when we are talking about slavery and the history of slavery, one of the challenges with anti-slavery and with the practice of anti-slavery was not simply bad employers; it was also the laws that returned slaves to their masters, which meant that slaves were afraid of leaving their masters, and so it is useful, too, to think in those kinds of terms when we are considering the broader questions.

Marissa Begonia: Can I add something because it is relevant to the ILO Convention No. 189? I was at the domestic workers' group delegation of the United Kingdom during the two years' discussion. I witnessed the UK Government opposing every article of the convention and the fact they said that they couldn't vote for it because domestic workers in the UK are already best protected. Well, they simply just swallowed what they said, because at the end of it they removed the rights of domestic workers. I think that must be put on the record. Thank you.

Q120 Andrew Stunell: We have heard some evidence already, but could you comment on whether migrant workers in this sector are aware of their rights, and, if they are not aware, what is the best and most effective way of improving that situation?

Marissa Begonia: In my own experience, as well as my fellow domestic workers because we are always together, I did not know actually what my rights in the UK were before coming here. Basically, it is our employers who face the British Embassy and we are not given any statement about what our situation will be in the UK. Coming to the UK as well, at the airport, we can only hold our passport when we face the immigration officer, but, after we pass through, our employers will take our passport. That is the most common practice of most employers. Only when we manage to come here, we manage to speak to our fellow domestic workers and we find out that we can actually change employer and we have rights in the UK.

That was the good thing about the old overseas domestic worker visa. Even me, I had sexual harassment abuse; there are different forms of abuse as domestic workers. I was able to escape that abusive employment because of the overseas domestic worker visa. We used to have the right to change employer, the right to renew a visa, and eventually to have ILR—indefinite leave to remain—or settlement and

become British. But it is also our choice. Not everyone applies for that, for British application, depending on their nationality as well. That is the best practice that the UK could be proud of in the world and always be proud of. They were right to say that in the ILO convention, but to do the opposite at the end of it is very shameful.

Kate Roberts: If I could just add to that, as Marissa says, many are not aware. What the Government needs to do is follow its own practice—its stated practice, sorry—which is that domestic workers should be interviewed separately from their employers when they are applying for the visa and they should be given an information leaflet saying that. That is now worth a lot less than previously because the current information leaflet states quite clearly that domestic workers are not allowed to change employers and it could be a tool for an exploitative employer. To show them UKBA headed paper saying you are not allowed to change employers would be quite a good way to persuade someone that they need to do what you say. The leaflet does say that they have access; for example, the pay and work rights helpline has the Kalayaan address on it as well. First, as Chris mentioned, when we have supported workers to phone the pay and work rights helpline, they have been told that the national minimum wage exemption applies because they are living and working as a member of the household.

In answer to your question, yes, they would be informed of their rights separately from their employers, because we do hear instances even of employers being used to interpret for workers in the overseas embassies. A back-up check could be a point of entry to the UK. We see workers at Kalayaan who do not even hold their own passport when passing through passport control. That should certainly be picked up by a border officer, who could take that opportunity to rebalance the power slightly and say that that passport belongs to the worker, and make sure it is returned to the worker, to show a little bit what the laws are in this country. So I think there are opportunities to inform domestic workers.

Q121 Fiona Bruce: As I understand it, you are saying that possibly better checks when a domestic worker enters the country could protect them to a degree, but, ultimately, really the root of the problem is the inability to change employer. Do you agree with some of the previous evidence that this is really the cause of a lot of oppression?

Kate Roberts: Yes, I agree. Quite frankly, if there are no rights to enforce, then informing people doesn't really help if they are rights they don't have. So, yes, ultimately, domestic workers need the rights they had under the original domestic worker visa, but, once that is in place,

there are very practical measures that can be taken to inform and protect domestic workers and help them to access those rights and practices.

Q122 Fiona Bruce: Do you think that would be sufficient to protect them from being charged with immigration offences?

Kate Roberts: When the original domestic worker visa was in place there were instances, occasionally, of domestic workers being wrongly charged with immigration offences. For example, we would come across cases where the domestic worker would escape abuse and the employer would phone UKBA, which would curtail their visa. This should not have happened because they had the right to change employer. Of course things went wrong, but, when things went wrong, the law was in place for us to work towards putting things right. At the moment that structure is not in place to protect domestic workers.

Q123 Fiona Bruce: Thank you. Possibly the Professor might know this. Do you have any statistics on the numbers of domestic workers charged with immigration offences under the present legislation?

Bridget Anderson: No, I am afraid I do not, but could I just quickly respond to one of the points that you make? First, there is a problem not only with domestic workers not knowing their rights but also with employers not knowing their duties and obligations. To some extent this is understandable because, in fact, the domestic law is incredibly complicated. You have the basic, "Can you or can't you change employer?", but the whole legal framework around the employment of somebody in the private household is very fraught, so it is very difficult to negotiate. As we heard from earlier witnesses, if the national minimum wage enforcement line sometimes is not giving correct information, that is a problem.

Secondly, there is this question of checks on entry. It is worth considering, if an immigration officer is to discover an abusive employer on entry, what then happens to that employer and the domestic worker, because, quite frankly, if you have a wealthy employer with an impoverished domestic worker and the employer is not allowed entry on the basis of that relationship and both are returned, that is not good news for the domestic worker. It is important to think through the consequences of those entry checks and what the responses would be.

Q124 Fiona Bruce: Just going back to the point, perhaps I could ask the rest of the panel if you have any idea of the numbers of domestic workers charged with immigration offences under the present regime.

Kate Roberts: We do not have any statistics on that because we do not have the reach. We are a very small organisation. We do know that domestic workers have been charged with immigration offences, having left their employer. I have also spoken with colleagues at the POPPY Project, who do outreach into detention centres and have come across domestic workers in detention.

Q125 Fiona Bruce: Compared with that small number that you are aware of then, are you saying there is a much larger number of domestic workers now who are basically working in oppressed situations which could certainly be called servitude?

Kate Roberts: The problem is that we do not really know what is happening to the people we don't see, but what we do know is that in the year since the current visa was introduced, tying domestic workers to their employer, the numbers of visas issued remained pretty constant over the last five years, but numbers coming into Kalayaan dropped by about a third. Of those, the numbers on the new tied visa were very proportionately low, so people are not coming forward. Of those who did come forward, they reported far worse treatment. So it does imply that people are either enduring abuse or they are being driven underground. Marissa might be able to talk more on this.

Marissa Begonia: My phone is on 24 hours. I often receive calls at midnight from people seeking help. I can hear on my phone the employer throwing things at them and I can hear shouting. Basically, they have not been fed; maybe they would eat a sandwich in a day. There is no salary as well. Then to be beaten is the worst thing. We have to take a taxi at midnight to go and rescue them, but, knowing they are already undocumented, what shall we do? I wouldn't even refer it to the police. I know what is going to happen. Where is the protection? It has all gone. I myself don't know what to say and don't know what to do. We can just support them to survive temporarily for food. Most of them we come across with no money at all, no shoes, beaten. This is happening today. I don't know how you all could take this—that we have this in this country.

Why can't they have what I have? Here I am. I can face everybody. I can face and represent this country around the world and make proud of this country what happened to me and what changes of how I managed my life. I don't really understand why this has to happen, and I hope you

can do something to improve and to reinstate what has been removed, and look at some other ways to improve it.

Chairman: Thank you, Marissa.

Q126 Lord Warner: Having heard that, no one could deny that there are some problems in this particular system that need to be addressed, but can I just explore a bit more this issue of reverting from the 2012 change to the immigration laws back to what went there before? I suspect what I am going to ask is not going to be universally popular with the panel and the audience, but, nevertheless, I will persist.

If you try to look at why those rules were changed, I suspect it was the right to settlement which was the biggest problem. Let's go back to why migrant workers are coming here in the first place. I can see the case for not restricting a migrant worker to a single employer. I can see the case why you need to be able to change that employer in order to protect the migrant worker, but, if most of the migrant workers are coming here in order to earn money to repatriate to their country, I cannot quite see where the right to settlement comes in because, if people are here earning money to repatriate, there is a presumption that they will want to go back to their country at some point. I think we need to try to untangle this issue a bit more, unpopular though it may be, because, if one wants to do something to safeguard the right of an abused migrant worker to change their employer, one also has to look at the other consequences if you continue to give a right to settlement with their employer. It is possible to address the mischief, which is an abusive employer that you are trapped with, without giving a right to settlement. Are we not getting tangled up with two sets of issues here?

Marissa Begonia: I am a mother of three children, and for 17 years of my life I never had them. I have been longing like any other mother to be a normal mother and I never had that, like anyone else maybe in this room, mothers or fathers. I have worked so hard to be able to feed them, to be able to provide a living for them. Whatever work I do, I am very sure that contributes to the economy; that contributes as well to my employer, allowing me to be able to be here, to be able to travel, because she recognises that she is able to do her work perfectly. She is a banker, and in that position as a woman it is never easy to leave a child in the hands of a stranger. That will give her peace of mind to be able to travel around the world. She also looks at herself as an immigrant in another country. As me as an immigrant here, she looks at me and her as the same. She leaves her child with me. I leave my child back home to be able to survive, provide for a living. It is the same. I think that one has to

recognise the connection of work sectors. There is a group of workers working round the clock in the household that allows everybody to work; that is the oil of the economy and that should not be forgotten.

Also, another thing, in terms of settling here, it is our choice. Like me, it took me 17 years to have my children here. Am I a burden to this country? Through my job as a domestic worker I could provide a living for them. I am hoping some day they could be anyone else in any other sector. Are they a burden? They study, they work and provide for their own pocket. What are we stealing in this country? We work hard for what we have. We contribute.

Q127 Lord Warner: Could I just interrupt you? I am not making an argument for a burden. I am not taking a position on what the Government's immigration rules are or should be. I am trying to address the issue of the problem of those 2012 rule changes trapping a large number of people in the dangerous position of an abusing employer. That is the issue I am trying to address. I am not arguing that migrant workers are spongers or anything else. I am just trying to address that simple issue because we are where we are, whether we want to be there or not. Is there a middle way of trying to address that issue?

Kate Roberts: When the April 2012 changes were made, to our knowledge there was no evidence that domestic workers were really contributing to net migration in the UK. Many are not necessarily applying for settlement anyway. It has been very hard to get accurate figures, but the closest we got was less than 0.5% impact on net migration to the UK from this route. So the impact appears to have been disproportionate in terms of repercussions for this sector of workers who are particularly vulnerable because of the unregulated and hidden nature of domestic work in private households. Even Andrew Wallis of the CSJ has said on this—I think he has quoted an Andrew Boff report—that it would be naive to think that the 2012 change had any impact on migration. The impact has been disproportionate and it has not been shown that it made a difference on net migration anyway. Even if it did, this sector is so unregulated it does appear that to remove the right to settlement would, as I said earlier, just postpone the problem of these particularly vulnerable workers being exploited.

Marissa Begonia: Also, in our experience, with the renewal of the visa every year, there is also the tendency that we become undocumented because there are so many strict rules. We have to have an employer and continuous work to be able to renew the visa. So the road to settlement actually is the final that we could release ourselves to

be independent, without employer support all the time, because the employer could also use that to abuse us, knowing that we need their support to be able to renew the visa so we won't be undocumented. We have to put up with that. That was actually the problem still with the old domestic worker visa. In our experience even now, we still have some domestic workers who have not been and they are still renewing every year under the old system. They are in a very difficult situation. Every time they renew their visa they have to put up with the situation. Some are even being raped just because they are so afraid to be undocumented. We have members in that situation. We need to look at the special vulnerability of domestic workers. Yes, there is the existing, but it also needs to be improved. So to remove all those rights is really a big problem and more crime.

Bridget Anderson: To be purely pragmatic about it, in my observation, quite often when it comes to visa renewal, there is always this anxiety about irritating the employer or making any perceived demands on the employer because of dependence on the visa. I do think there is an argument that, if you don't want to create a two-tier work force, and, importantly, a tier of worker whom employers find more desirable because they have this additional means of control, then a route to settlement is absolutely critical.

Perhaps to add to Marissa's point, even though I understand your question, one of the particular things about domestic workers is that not only are they contributing to the economy but they are also building families. They are ensuring that families can function as families. That is something which you might not be able to put an economic value on but is really very important.

Dr Virginia Mantouvalou: May I add just one final point since we have focused on the visa? There was a similar visa regime in Israel. The Israeli High Court found it incompatible, contrary to the Israeli constitution, because it violates human dignity, it said. So there may be some lessons for us to learn from the Israeli example.

Q128 Baroness Doocey: You make a powerful case for why we need to revert back to the previous version of the previous visa, as have our previous witnesses. What I am not clear about is, if for whatever reason that is not possible to achieve, what could be done to make the current situation better: i.e. is there a halfway house on this?

Bridget Anderson: I am not sure if it is a halfway house, but perhaps, in the spirit of disentangling matters, also there is a question

with the regulation of domestic labour completely separately from the questions of immigration. What happens with immigration is that this deregulation of the sector is then compounded because of the immigration regulations. The family worker exemption when it comes to minimum wage, the problems with the application of the working time directive and health and safety legislation, are all things which are completely separate from immigration and which need to be looked at.

Dr Virginia Mantouvalou: Another way in which the situation of domestic workers could improve is that the current Health and Safety at Work etc. Act 1974 explicitly excludes domestic work from its scope. So labour inspectors cannot visit private households. On the one hand, you have decent work for domestic workers—the working conditions—and, on the other hand, you have issues of privacy, obviously. They work in private homes. Here, for instance, the legislation excludes them completely from protection, but in other jurisdictions there are probably better solutions. In France, for instance, as far as I know, you can get a court order. A labour inspector can get a court order, and in this way the labour inspector can visit a private household or, if one of the two parties—the employer or the worker—requests a labour inspector, then they can visit. Domestic workers are excluded from labour inspections, but labour inspections could provide a guarantee, for instance.

Kate Roberts: Unfortunately, in the experience I have had working at Kalayaan since the visa was changed, I find it hard to see how another system would work. We are first responders. We do work with the NRM, but it is proving very, very difficult to support domestic workers, even those whom we identify as trafficked, who enter the NRM and who have come on this tied visa.

Q129 Mr Randall: How big a problem is the abuse within the diplomatic community?

Kate Roberts: Again, at Kalayaan, because we are so small we do not have a picture of the overall problem, but certainly, prior to the changes, prior to 2012, the figures we have are that approximately 3.8% of domestic workers coming with diplomats were found to be trafficked, compared with 0.2% of those on the original visa. So it was greater. We do not have the figures since the visa became tied, but it is true to say that diplomatic domestic workers are potentially additionally vulnerable because of their employer's immunity to prosecution.

Q130 Mr Randall: Is there any monitoring that is done of particular states, or whatever, who are worst offenders?

Kate Roberts: Not that we know of.

Q131 Mr Randall: Do you think that would help? Do you think that would shame, effectively, certain states? Do you think that is an avenue we should be looking at, because, obviously, it is incredibly difficult with diplomatic immunity?

Bridget Anderson: Could I make a suggestion, which is not so much about monitoring but about an initiative that is being developed by the OSCE, which is basically to train all ambassadors and diplomatic personnel in best treatment when it comes to the employment of their domestic staff? The OSCE organise these international training sessions and it is actually a very useful and helpful initiative.

Q132 Chairman: Do we know if any of the middle eastern ambassadors are involved in this?

Bridget Anderson: I think they are under pressure to attend.

Q133 Mr Randall: If, in the past with Kalayaan, when you have had somebody who has been involved—obviously you can't prosecute the perpetrator—do you know whether the perpetrator goes back, or are they there still left, basically, to offend again?

Kate Roberts: We know of both happening, but, I suspect, in more cases the perpetrator is left to offend again. Again, because we see such small numbers it is hard to say.

Q134 Mr Randall: I do appreciate that. So there would not be cases of them spiriting them away.

Kate Roberts: We have seen instances at Kalayaan of diplomatic domestic workers coming and then another domestic worker having been brought in by the same diplomatic employer.

Q135 Mr Randall: You would say that one of the most serious things about this—as for anybody else, but with a diplomat it is probably even more so—is that because they can't get another employer they are stuck; they are absolutely stuck.

Kate Roberts: Yes.

Q136 Chairman: One of the police, Kevin Hyland, sent some written evidence to us in which he suggested that, where the Director of Public Prosecutions considered that, but for diplomatic immunity, charges might be brought, the DPP should refer it to the Anti-Slavery Commissioner so that the Anti-Slavery Commissioner could report it to Government. Do you think anything like that would be of the slightest use?

Kate Roberts: It would depend partly on the reach and the capacity of the Anti-Slavery Commissioner and what the impact of such a report would be for the perpetrator.

Q137 Chairman: The idea would be that somebody would have been prosecuted but, because of diplomatic immunity, they couldn't be prosecuted. This would be some sort of pressure on, I suppose, the Government of that particular diplomat.

Kate Roberts: I assume that additional pressure would obviously be helpful, but, ideally, diplomatic domestic workers do need to have the same recourse to justice as others.

Q138 Chairman: We know, don't we, as a matter of reality, that you can't interfere with diplomats?

Dr Virginia Mantouvalou: I am looking at my notes somewhere. The recent domestic case law, but also abroad in the United States, finds that there may be exemptions to diplomatic immunities for cases of grave abuse of domestic workers.

Q139 Chairman: What about the United States case—the one where there was a great row with the Indian Government about an Indian woman?

Kate Roberts: There are some test cases at the moment looking at diplomatic immunity with regard to diplomatic domestic workers, because it could be argued or it is being argued that the employment of a domestic worker in the diplomat's private household is not perhaps a function of the diplomatic mission. I am not a lawyer, but there are test cases.

Dr Virginia Mantouvalou: I have a High Court case here of 2012 that involved a domestic worker who had not had her salary paid in full. The court said that the former diplomat—"a former diplomat"—

Chairman: That was the problem about that case.

Kate Roberts: The point remains that, once a domestic worker who has been employed by a diplomat escapes abuse, I don't see why they then can't be afforded at least protection within the UK, even if they can't take a prosecution against their former employer, because they are no longer part of the diplomatic mission. Surely they should then be entitled to protections.

Chairman: That is a point we shall certainly take up. Alastair, did you want to ask something else?

The Lord Bishop of Derby: That is it. If we want to focus on victims, then that is a very important point you have just made.

Q140 Fiona Mactaggart: Dr Mantouvalou, I am interested in section 71 of the Coroners and Justice Act, which is our present, if you like, slavery protection. Do you think it has worked to deal with compulsory labour?

Dr Virginia Mantouvalou: I understand that there has been only one prosecution from Kalayaan, so it does not seem to me that it has worked in this way. There is a big problem about accessing domestic workers. Many of them are migrants. Sometimes, as was said earlier, they are undocumented so they would not go to the authorities. They are excluded from labour inspections. Unfortunately, although the enactment of section 71 of the Coroners and Justice Act was an important development, it does not seem to me that it has worked because of the difficulties in reaching the domestic workers.

Kate Roberts: Under the current rules, with the tied visa, it would be very easy or it would be possible for a defence to argue that the domestic worker has an incentive to make these allegations because she is now prevented from changing employer. There is a risk that the defence would try to use that as an argument, whereas, previously, when domestic workers had the right to change employer, there would be no incentive I could see to allege that they had been trafficked or otherwise abused by their former employer, because, surely, if they wanted to have an easy life they would take another job, earn a living and remit money home.

Q141 Fiona Mactaggart: I am kind of worried about definitions in this Bill. I am just worried generally about whether we have a clear enough definition, looking at some of the bits of case law that I have been

able to see, of the offences of modern slavery, as it is termed. Slavery, servitude, false or compulsory labour are, it says, to be construed in accordance with article 4 of the Human Rights Convention. Are we confident that that definition really does give the courts enough clarity about servitude, what it is, what the difference between it and enslavement is, and what the difference between labour exploitation is, because one of the things that I have been hearing is us wandering along those margins?

Chairman: I think we are going to spend quite a lot of time on Thursday really going through that.

Fiona Mactaggart: I am just interested in trying to get this from this group.

Chairman: Oh, certainly, but I am just going to say that we are going to spend a lot of time on this. I am very unhappy about the definitions. We have already had a QC say, "Scrap the first three clauses." So it is a good start.

Q142 Fiona Mactaggart: I am quite interested in people who are looking at this academically internationally, giving us their feedback, as well as people who are doing it within case law.

Bridget Anderson: There is a very fundamental problem with what constitutes slavery, given that we are not talking about chattel slavery, given that it is not about a slave system, and, given that the more constrained one's options, the more enthusiastically one will consent to abysmal conditions. You are not going to find me working for tuppence ha'penny in a potato farm. However, somebody who is very impoverished might be working next to me actually having chosen to do that. Part of the problem with that haziness of definition is that in the end, ultimately, one always gets reduced to physical force. There is a danger that any other form becomes not as bad: so, "Oh, you didn't get paid the minimum wage. Well, you were lucky you weren't raped." There is a danger of initiating that kind of response.

There is also a danger of looking at what might be seen to be systematic problems and turning them into problems of single bad employers. The domestic worker, in fact, is a case in point, where we have to look at the system and what it is in the system that allows one person to abuse another with impunity or to feel they have impunity. This isn't just about a bad person—it is also about a bad system. So I take your point.

Dr Virginia Mantouvalou: I probably agree that the case law of the European Court of Human Rights is not always sufficiently clear because the case law on article 4 of the European Convention only started to develop after 2005. So the court is looking at what is sex trafficking, what is forced labour and domestic labour. It has been unclear whether it is about a right to own a person and so on, but it is the best that we have thus far. It looks at International Labour Organisation Conventions as well, so it gives a good starting point as a set of principles.

On the issue of coercion, and what Bridget just said, it is important that it is made clear in the Bill, explicitly perhaps, that we are not only talking about physical coercion but here there are many cases of psychological coercion of people whose alternatives are extremely poor because they are impoverished or because they will be deported for reasons like that.

Q143 Fiona Mactaggart: Kate, would you be opposed to a statutory duty to refer to the NRM?

Kate Roberts: A statutory duty for all first responders?

Fiona Mactaggart: Yes.

Kate Roberts: Yes. We would have real concerns with that. We would see that as a fairly anti-victims' rights approach. Kalayaan has historically had a lot of trust from domestic workers, from community members. Domestic workers hear of us and come to us because they have been told that they can trust us and we will give them impartial advice. I have no doubt that, if word got out that people would be referred, even anonymously, into the NRM, there would be confusion around that, and numbers coming to us would drop and people would stop trusting us.

Q144 Fiona Mactaggart: If there was a Commissioner or some independent body whose job was to collect data, what would you feel about having a responsibility to pass information to that in an appropriate form, which did not identify individuals and did not actually have any bearing on what happens to them next?

Kate Roberts: Data collection is quite different from an NRM referral. We would have fewer concerns around sharing information for data collection purposes, but I wouldn't see why that had to be statutory. That is something we are happy to do anyway. To make it statutory, how

would that even be enforced anyway? I don't see why that couldn't be voluntary.

Q145 Chairman: Could I just ask: do you actually do it?

Kate Roberts: We do. We do share data.

Q 146Chairman: Who do you let know the numbers of people you have at Kalayaan and so on?

Kate Roberts: We publish data in our annual report every year.

Chairman: Yes, you do; that is true.

Q147Fiona Mactaggart: My final question is about defined victims. If there was a definition of what constitutes a victim in the Bill, or something like that, which made something like the National Referral Mechanism a creature more of law than of process, what do you think the disadvantage for some of the people who seek your help would be for that happening? Do you think that they will not want to be defined as victims, and, if so, why?

Kate Roberts: When people come to Kalayaan they are unfamiliar with a lot of these systems anyway. The issue is if misunderstandings spread about the role of the organisation and our confidentiality. That is the risk, really—if people start to believe that for whatever reason they can't trust that Kalayaan will deliver a safe and confidential service. Terms such as "victim" and "trafficking" are unfamiliar to most domestic workers when they come to us, but I would be worried that people would start to think that we were part of the Government, and if they came to us they would be referred automatically to the Government and this would be unsafe for them.

Q148 Fiona Mactaggart: If they acquired rights through that mechanism, you would encourage them to refer themselves.

Kate Roberts: Yes, but that must be a choice they need to take when they have been properly informed. There is also a capacity issue if we start to have statutory responsibilities.

Marissa Begonia: Basically, in our experience we have tried to explain the choices, but there is not an option for them. It is important for us to let them understand that because they know there is no hope for them; they become undocumented. We find it hard as well to bring them with us. Normally they change their number and we can't find them any more. Sometimes they would call us and then we will go and rescue them in the private household where they are working. Of course the employer knows that they can abuse them and the system allows that, so what do you think will happen to them?

Chairman: Does anybody else have any questions? We are more or less running out of time. May I thank all four of you very, very much for your extraordinarily valuable contributions to us today. We are really extremely grateful to you all—perhaps I might say particularly to you, Marissa, because you give it to us from what really happens, and that is something which is particularly valuable for us. I thank all four of you very much indeed.

