

## **'Migrant Care Workers in Ageing Societies' Report on Research Findings in the UK**

**By Kate Roberts, Kalayaan for launch 25.6.09**

Kalayaan is excited by the publication of COMPAS' research findings. The report has a lot of relevance to much of Kalayaan's work around the immigration and employment issues affecting migrants directly employed by older people to care for them in their own homes and whose employment often slips between the formal and being kept informal, to the detriment of the worker.

Kalayaan works with migrant domestic workers (MDW) in the UK. This is a very limited immigration route aimed at migrants who enter the UK accompanying an employer on a specific work visa which restricts them to one full time job as a domestic worker in a private household. Domestic workers are able to change employer without breaching the immigration rules so long as they remain in full time employment as a domestic worker. Domestic work increasingly includes eldercare, which the workers have often switched to once in the country.

MDWs are a particularly vulnerable group of workers due to their immigration and employment conditions. 84% of the MDWs we see at Kalayaan are women and all are visa nationals, with restrictions on their employment options, no recourse to public funds and the need to renew their visa on an annual basis. We see MDWs from all over the world but the majority are from India, the Philippines, Sri Lanka and Nepal. MDWs are dependant on their employer for their immigration status, renewing their visa annually, for employment, housing (no recourse to public funds) and, often for the most basic information on their situation in the UK. Kalayaan deals with shocking situations of abuse including workers having their passports withheld and having no knowledge of their own immigration status, being unclear about their salary, having no formal day off or rest time and even being locked in the house, often they know no one in the UK other than the family they work for so do not know where to go for support. Even if they do find support, the 'no recourse' restriction on their visa means that on leaving an employer they are very likely to become destitute. We find that MDWs doing eldercare work can be particularly isolated as their work is less likely to take them outside the household than work such as childcare. The death of a care user can also leave them emotionally bereft as well as unemployed, destitute and with immigration problems.

MDWs, unlike many European workers, are prepared to do live-in care work- in part due to the restrictions in their employment options; also they often have no family in the UK so can live-in and are prepared to work long hours in order to accrue as many remittances as possible to send home. When taking into account the actual hours which MDWs work they are frequently paid well below the National Minimum Wage. It is often only migrants who are prepared to do this type of live in care work involving long hours and nights. As the report demonstrates this can raise issues including where the care users are reluctant to be cared for by migrants and can be racist about their carers as well as there being issues around language and understanding. Individual accounts from MDWs at Kalayaan support the report's findings, telling us that they can be treated very differently to European carers with who they work in terms of pay and tasks they are expected to do.

One particularly interesting issue raised in the report is where the care user is also the employer. This entails legal responsibilities yet in the case of elder care the reason the care user needs to employ someone is because they are vulnerable. Employment law concerning live in carers is

complex with often blurred boundaries between work and leisure time and raises issues which include the National Minimum Wage, payment for nights and for being 'on call'. It is not unusual for live in carers who we see at Kalayaan to be on call all night and cooking, cleaning and caring during the day. As one of the conditions of the MDW visa is full time employment as a domestic worker in a private household they cannot be self employed making the employer responsible for contracts, payslips and tax and NI deductions. There are also immigration requirements to be met as the MDW visa must be renewed annually. Kalayaan is in the process of conducting research which focuses directly on MDWs doing elder care in private households. This will include recommendations and guidance on employment law aimed at both employers and live in carers but it is clear that there is a need for clear official guidance and support in this area for both employers and workers.

The report's projected increase in the demand for eldercare is also particularly interesting for Kalayaan: Currently MDWs enter the UK outside of the Points Based System (PBS) for immigration. They are considered by the government to be 'unskilled' workers and as such do not 'fit' within the PBS. The government have committed to maintaining the visa and associated protections, including recognition as a worker with access to UK employment law and the right to change employer and so escape abuse without breaching the immigration rules, for at least the first two years of the PBS. This means that the route may be reviewed as soon as 2011. Compas' report provides important evidence for any such future review regarding the need for routes for carers to enter the UK as well as challenging the notion that such work is 'unskilled' and inherent devaluation of eldercare work.