



THE UNHEARD WORKFORCE

Experiences of Latin American migrant women
in cleaning, hospitality and domestic work

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“We are not machines or numbers. We are human beings who want to work and to be treated with dignity and respect. We want nothing more and nothing less.”

Marta, Peru

The **Latin American Women’s Rights Service (LAWRS)** is a feminist and human rights organisation led by and for Latin American migrant women in the UK. We support the multiple immediate and long-term needs of Latin American migrant women exposed to intersectional discrimination on the basis of gender, race and migration status, and to violations of their fundamental human rights. We work with women and girls facing violence, exploitation and trafficking, and those enduring difficult living and working conditions in low-paid jobs and facing barriers to social protection.

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*All names have been changed to protect participants’ identities.

KEY FINDINGS

This report presents labour rights violations experienced by Latin American migrant women employed in three key feminised areas of London's labour sectors: cleaning, hospitality and domestic work. Drawing on 326 cases of women supported by the Employment Rights Advice Service of the Latin American Women's Rights Service (LAWRS), this report outlines a number of employment rights issues that illustrate the endemic exploitation facing workers in these sectors.

Among the key results arising from these cases, we found that:

- Over half of the workers faced breaches to their contracts (62%).
- Unlawful deduction of wages was the most common type of abuse (151 cases, 46%).
- 1 in 5 (20%) experienced illegal underpayment of the National Minimum Wage.
- 21% were not provided with written contracts and 20% were not provided with payslips.
- 14% felt forced to accept significant changes in their working conditions.
- 17% were unlawfully denied the annual leave they were entitled to, and 16% were not paid accrued *in lieu* annual leave once they left the company.
- Over two in five (41%) of women in the sample have experienced discrimination, harassment or unreasonable treatment.
- Health and safety issues were present in 25% of the cases – predominantly injury due to the nature of the work (33%), limited or no protective equipment (17%), and lack of training (12%).
- Almost a third were not allowed to take time off sick, regardless of whether paid or unpaid (28%), or were only allowed to take sick leave if they were able to arrange for a person to cover for them and to face the costs.
- 66% experienced bullying or unreasonable treatment as regular occurrences
- A large proportion endured verbal and/or faced physical abuse, 37% and 11% respectively.
- 16% of the women endured a total of 13 different types of sexual harassment and abuse in the workplace.
- Abuse on the grounds of maternity was experienced by 9% of women. This includes failure to pay for hours spent at prenatal appointments and denial of risk assessments during pregnancy.
- 11 cases of potential trafficking for labour exploitation were identified: 7 were cleaners or hospitality workers and 4 were domestic workers.

INTRODUCTION

This report presents the experiences of Latin American migrant women residing in London and working in low paid occupations¹. Its purpose is to help address the gap in evidence surrounding the types and levels of abuse experienced in the sectors of cleaning, hospitality and domestic work, and raise awareness of the urgent need for greater regulations and enforcement of labour legislation.

It draws on 326 cases of anonymised Latin American migrant women supported by LAWRS' Employment Rights Advice Service between 2015 and 2018, involving a total of 894 employment rights breaches. Given the incidence and level of abuse identified among domestic workers, this study also includes survey responses from 52 domestic workers.

All women engaged in this project were Latin American migrants of working age residing in London. The sample includes 15 different nationalities. The majority were Colombians (31%), followed by Ecuadorians (17%) and Bolivians (10%). Most women were between 35 and 49 years old (41%), followed by 28% between 50 and 64 years old, 4% over 65, and 2% under 20 years old. The majority of them also had EU citizenship (51%), followed by British citizens (10%). Women with unspecified or different types of visas accounted for 36%.

The cases presented in this report evidence alarming levels of exploitation and abuse, and the increased vulnerability affecting Latin American and other migrant women employed in outsourced service sectors and domestic work. It emphasises that

exploitation is endemic in these sectors. It is crucial to highlight that continual violations of rights can enable more severe forms of exploitation and contribute to the survival of forced labour (Skrivankova, 2010).

“Working for these sectors is like being in a gigantic sinister cycle of abuse – you just go in circles. You work at one place and then another, and then you are left with no explanation and less money.”

Carmen, Ecuador

¹ According to the Office for National Statistics, low pay is defined as the value that is two-thirds of median hourly earnings.

LATIN AMERICAN MIGRANT WOMEN IN LOW-PAY

Latin Americans² are the second-fastest-growing non-EU ethnic minority in the UK. According to McIlwaine and Bunge (2016), in 2016 the number had reached approximately a quarter of a million, with 52% (130,000) of them being women. Having initially settled in continental Europe to escape poverty, exploitation and violence, increasing numbers have been arriving from Spain, Portugal and Italy, fleeing the economic crisis. Paradoxically, upon arrival in the UK, many confront some of the same problems that led them to migrate and leave Latin America.

Latin American women and men in the UK face a series of barriers in their access to employment opportunities, and many of them are affected by ‘in-work’ poverty. Despite the fact that one in five hold EU citizenship and one in three have a British passport and the right to work and live in the UK, many can only find work in low-paid sectors due to a number of factors, including the language barrier, difficulties in transferring skills and qualifications, lack of recognition of degrees and qualifications, problems in understanding the welfare system, and financial difficulties. Employment in these sectors is usually characterised by unregulated outsourcing. A quarter of Latin American migrants work in elementary occupations as cleaners, kitchen assistants, carers, etc. A staggering 45% of them have experienced abuse in their workplace, and 75% are being paid less than the London Living Wage. Working in these conditions leads many to experience housing overcrowding and limited access to services and social protection: one in six are not registered with a GP and nearly seven in ten have not seen a dentist while in the UK (McIlwaine and Bunge, 2016).

Due to their lack of English skills, many Latin Americans tend to experience an important downward occupational mobility. Although only 1% worked in the cleaning sector in Latin America and one in ten of them did so in their previous European country, approximately two-thirds worked in cleaning upon arriving in London, reducing to 50% after a period of resettlement (Ibidem).

The fact that men are carrying out what have been socially categorised as ‘women’s jobs’ (e.g. cleaning, cooking, caring for the elderly, or ill) has been recognised as a key factor leading to an increase in Latin American women’s experiences of violence. According to McIlwaine and Evans (2018), most violence faced by Brazilian women in London was perpetrated in the public sphere (78%), especially in the workplace. In line with this, in 85% of the cases presented in this study where women reported abuse and harassment at work, the perpetrator was a male manager or colleague.

Traditional gender roles also play a part in women’s barriers to developing professionally in the UK. Not only are they affected by the well-evidenced disproportionate impact of welfare cuts and the gender pay gap on women³, but many women are also prevented from working full time or working at all, as they often bear family responsibilities such as childcare and care of the elderly. For Latin American women in particular, this also acts as a barrier to accessing English language courses and other vocational training to break out of these exploitative sectors and move up the economic ladder⁴ (LAWRS, 2015).

²The Latin American community includes people from the Central American, Caribbean and South American geographical regions for whom Spanish or Portuguese is their first language. Latin America includes the following countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, Paraguay, Uruguay and Venezuela.

³According to the Office for National Statistics (2018), although the gap fell to 8.6% from 2017 to 2018 for full-time employees in the UK, the gap including all workers is much higher, standing at 17.9%.

⁴Latin American men have higher employment rates than women, at 77% compared with 62% (McIlwaine and Bunge, 2016).

MAIN SECTORS OF EMPLOYMENT

Due to the language barrier, women arriving to the UK tend to find employment as cleaners, domestic workers or in hospitality. These are sectors characterised by low wages, lack of written contracts, unlawful deduction of wages and other violations.

CLEANING

Approximately 700,000 workers currently make up the cleaning sector in the UK and nearly a quarter of them are migrants, although variations across regions are notable. The proportion of migrants working in the cleaning industry in London is 68%. Cleaning, like most service work, is a feminised sector, with women accounting for 73% of its workforce (British Cleaning Council, 2017; ILO, 2014). This industry is characterised for its lack of regulation, low wages and over-exploitative practices towards workers.

This section focuses particularly on outsourced cleaning staff, including hotel chambermaids and housekeepers. This is the main occupation for women in this study, with 69% of them working in this sub-sector, which often represents an entry point into the UK labour market for migrant women.

When workers are subcontracted, neither the companies whose offices are being cleaned nor the companies that lease the properties are responsible for the wages paid or the conditions of employment. Poor conditions affecting this workforce are usually hard to spot for employees of the offices being cleaned, due to the fact that cleaning is usually done out of office hours – very early or late in the day.

Outsourcing is strongly driven by cost reduction, which is a criterion that often leads to neglect in the quality of the service, working conditions and personnel training (ILO, 2008). This has a direct impact on employment practices: wages are reduced,

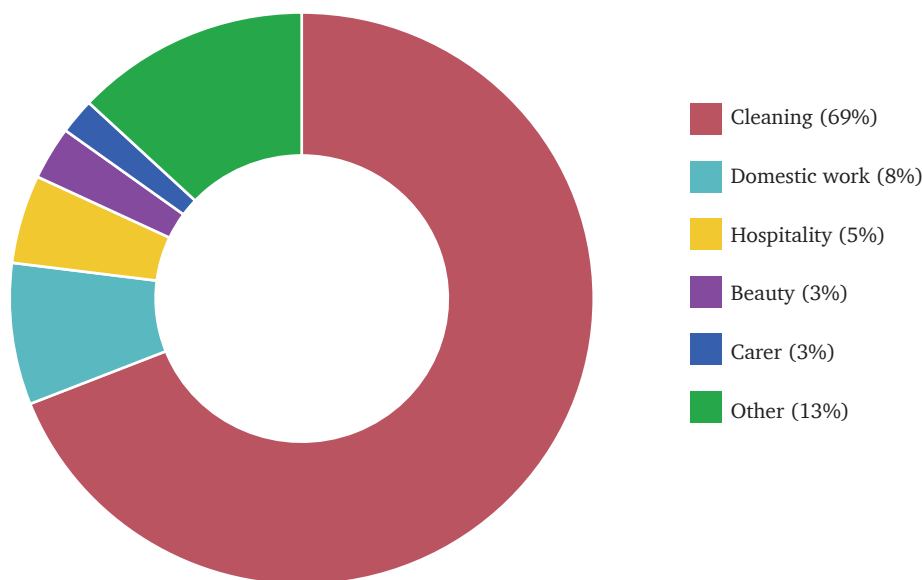
the intensity of the work is increased, contracts are short-term and renewed frequently, the working time is fragmented and timesheets in each location are normally short. In addition, the distances and waiting times between jobs are not considered working time by employers.

Most of the abuses presented in these cases took place in central London – hidden in plain sight. The main identified boroughs of work were Westminster (13%) and the City of London (11%), followed by Southwark (7%), Lambeth (6%), and Islington (4%) (see Figure 2 below). The most common issues were unlawful deduction of wages (51%), unreasonable treatment or bullying (24%), lack of contracts or copies of them (16%), lack of payslips (12%) and verbal abuse (11%). In fact, the information cleaners typically receive regarding the buildings they are sent to clean is usually vague and contains references to other shops or nearby landmarks rather than addresses.

Thus, an alarming 35% of the women involved in this study did not know which borough they were working in. Health and safety is also a major concern for this sector, as cleaning involves intense physical effort with repetitive movements, and protective equipment is often insufficient or unavailable. Finally, a worrying one in 20 women (5%) experienced sexual harassment or abuse at work, either from colleagues or managers/employers. Severe exploitation was identified in seven cases of women in this sector (including cleaners working in hotels).

Women working in cleaning of hotels presenting cases of gender-based abuse listed their employers (outsourced cleaning companies), the staff from the company that hires their services (the client company), or the clients or guests of the client company as perpetrators. Incidents took place in bedrooms, saunas, changing rooms, storage rooms and basements; and most were spaces where there are no cameras.

Figure 1: Distribution of participants by job sector – 2015 to 2018



Source: LAWRS Employment Rights Advice Database 2015–2018

HOSPITALITY

The UK hospitality industry employs 3.2 million people working across a large number of sectors. It includes accommodation services, restaurants, cafes and other related businesses, cultural and recreational activities and event management. Migrants make up 24% of the workforce in the hospitality industry, of which 52% are from outside the European Union (People 1st, 2017).

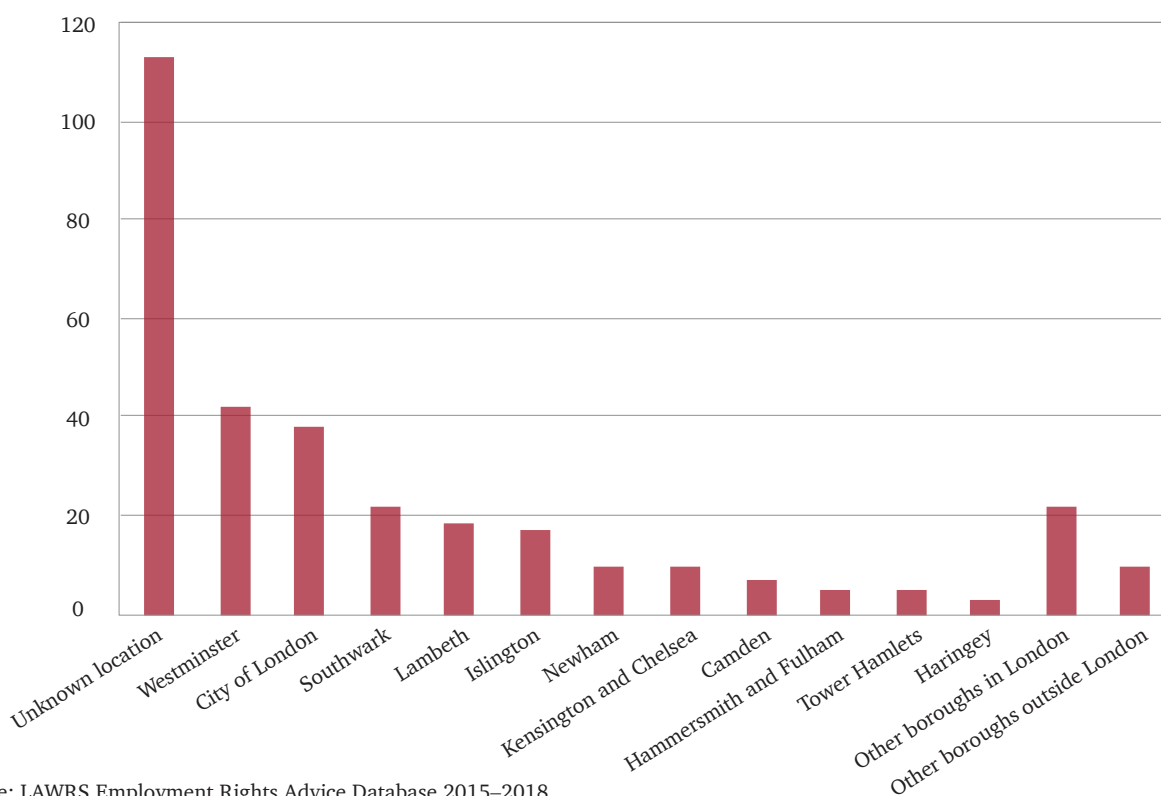
Hospitality is the second industry in the sample, with most of the women employed in restaurants, bars, catering, hotel receptions, and other related areas. Typical working conditions include issues such as zero-hour or short-term contracts and antisocial hours, and the nature of work can often lead to isolation.

Employment rights violations in this sector are similar to those in the cleaning sector. Women in hospitality experienced unreasonable treatment or bullying (33%), sexual harassment and/or abuse (22%), unlawful deduction of wages (22%), lack of a contract (17%) and lack of payslips (17%).

“Cleaning companies working with hotels sometimes take your documents when you start to work as ransom. They keep your passport for months and some don’t even know that is not ok. We are told by our bosses that that’s the law in the UK.”

Patricia, Brazil

Figure 2: Reported borough of employment by participants – 2015 to 2018



Source: LAWRS Employment Rights Advice Database 2015–2018

DOMESTIC WORK

Worldwide, domestic work engages 67 million people (ILO, 2015). One in every 25 women workers in the world is a domestic worker, which is defined as “any person engaged in work performed in or for a household within an employment relationship” (ILO, 2011). The working tasks may include cleaning, cooking, washing, ironing, taking care of children or assisting with adult care.

Women employed in domestic work made up 8% of our study. Most of them were working in two of the most expensive London boroughs, with 90% concentrated in the Royal Borough of Kensington and Chelsea and 6% in Hammersmith and Fulham⁵.

Latin American women carrying out domestic work experienced unlawful deduction of wages, including unpaid annual leave and sick leave (60%); unreasonable treatment or bullying (40%); verbal abuse (40%); lack of a contract (32%); underpayment of national minimum wage (32%); lack of payslips (28%); or injury due to the nature of the work (16%). Women in our study expressed being tired, experiencing physical pain and feeling fear of losing their jobs if they ‘ask for too much’. Cases of severe exploitation amounted to 4 out of 25.

Survey responses from 52 domestic workers reflect that 57% experienced verbal abuse and threats, 14% experienced abuse and/or sexual harassment and that ‘normal’ working hours are 12 to 16 hours per day.

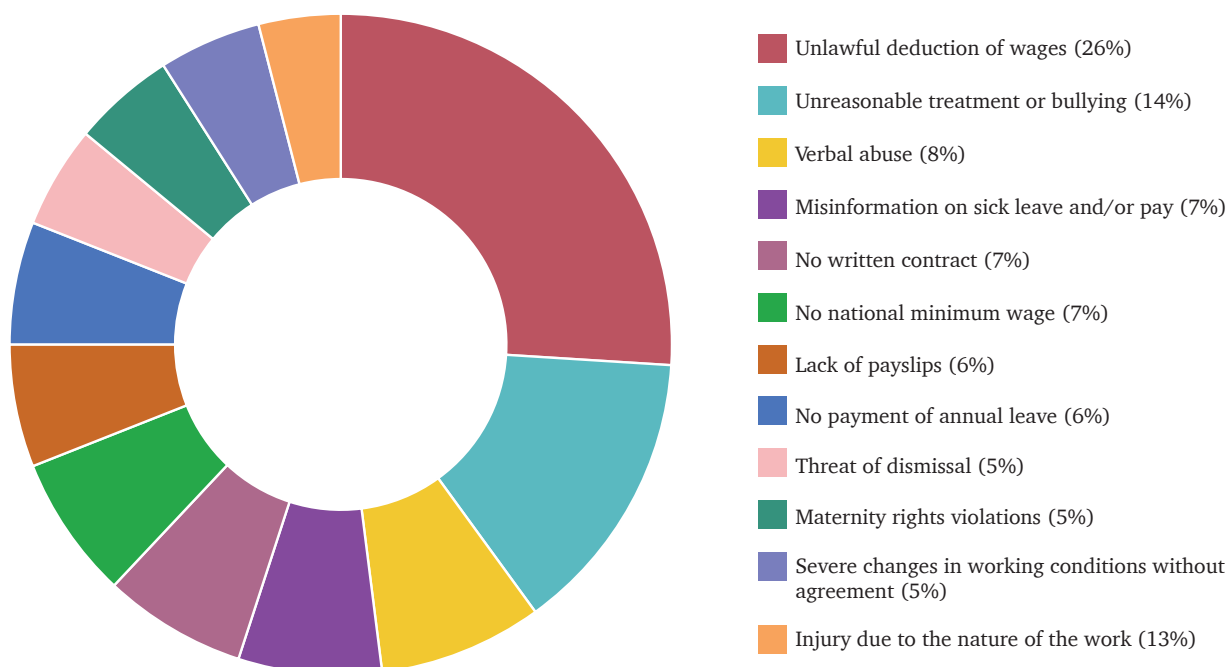
“Being a domestic worker is dangerous, your bosses almost own you. They brought you to the country so you feel like you owe them, but they treat you like a slave. You work as a cleaner, cook, nanny, receptionist... you do it all, and they pay you £30 a day. It’s crazy.”

Alicia, Mexico

⁵ This may be linked to the fact that most of the women accessing LAWRS services find out about the service through word of mouth.

**LABOUR RIGHTS
VIOLATIONS AND ABUSES**

Figure 3: Most common types of abuse (n = 894)



Source: LAWRs Employment Rights Advice Database 2015–2018

The majority of Latin American women who work in these sectors find employment through very informal channels, including word of mouth, chat groups and social media. The induction and HR process, including any discussion of terms of employment and passport checks, usually takes place at the workplace on their starting date rather than at the premises of the employer. In many cases, workers are not provided with any information about the employer, or any documentation to refer back to that explains their terms of employment. As a result, many are unaware of the name of their employer, how to get in touch with the company, and whether there are any mechanisms for redress. In the case of domestic workers, they are usually only provided with a contact’s first name and not their employer’s full name. When starting work, and as outlined above, many find themselves in precarious employment, with very poor working conditions and exposed to an array of labour rights violations.

“You can’t even get help because they threaten you and you don’t speak English, so what are you going to do? Be homeless? You stay and they keep abusing you, and there is nothing you can do.”

Leticia, Bolivia

UNLAWFUL DEDUCTION OF WAGES AND UNDERPAYMENT OF NATIONAL MINIMUM WAGE

Over half the sample (62%) of women with contract-related issues experienced unlawful deductions of their wages or complete lack of payment, including worked hours and taxes, as well as lack of payment of statutory annual leave (15%) or sick pay (11%). Others were denied payment for extra hours or time off in lieu (8%).

The LAWRS advice service has also supported women who spoke about two fraudulent practices carried out by supervisors or managers. In some cases, workers receive a supposedly accidental overpayment of their salaries to later be asked by their supervisors for the money back in cash. The second practice involves maintaining workers on the payroll after they have left the company, to charge hours for monetary gain. These fraudulent practices have an important impact on workers' finances and wellbeing, as they find themselves facing HMRC notifications of significant tax debts and/or benefits interruptions.

In addition, one in five (20%) experienced illegal underpayment of the National Minimum Wage. Various elements, such as working in precarious conditions and in low pay, unlawful deductions, underpayment of national minimum wage, and fraudulent practices, often lead women working in these sectors to acquire multiple and unsurmountable debts, sometimes meaning they have to resort to loan sharks and become vulnerable to further financial abuse.

Sandra (Colombian, 32 years old) is employed by a cleaning company to clean a primary school for three hours per day. In spite of having a part-time contract, Sandra was suddenly told that she would not be needed over half-terms and the summer holidays, and therefore would not be paid for that time. Forced to look for a temporary job to make ends meet, Sandra took a job as a 'cover' for two weeks. She was told that she would receive the payment by bank transfer, but was never paid. Sandra does not know the name of the employer and the contact person never answered her calls. She continues to work at the school and does not want to raise an issue about her contract for fear of losing the job.

*

Silvia (Bolivian, 41 years old) is an EEA family member. She is in the process of applying for permanent residency. Her EU family member visa was about to expire when she sent her application.

She works for a cleaning company that told her that, as she was working "illegally" in the UK, she must pay them a fine. The fine is that she will not receive payment for the work she is carrying out until she can prove that she has the right to work in the UK. Silvia asked the Home Office to accelerate the process of sending her a letter stating that she has the right to live and work in the UK until her application is decided on. However, the letter is taking longer than expected. She has not been paid for two months. She continues working because she is afraid of losing her job.

LACK OF WRITTEN CONTRACT

A large proportion of the women included in this study who presented contract-related issues were not provided with written contracts (21%). As a consequence, there is a lack of clarity about the remit and expectations of their work, which enables line managers to change tasks and increase workloads at will. In line with this, women noted that their workload had gradually increased since the time they started working, and at least 14% felt forced to accept significant changes in their working conditions, including the nature of the job, sometimes making it impossible for them to continue working. For instance, several domestic workers noted that, after a few weeks of working with a family, they were asked to move to the children's bedroom, sometimes sharing a bed, which effectively meant taking care of the children overnight.

Migrant women cleaners sometimes receive encouragement to leave their permanent contracts and 'become their own bosses' through self-employment, often supported by the hiring companies. Unsurprisingly, despite becoming self-employed, they end up working regular hours with no possibility of negotiating conditions, including working hours or locations, and losing their entitlement to employee rights.

Domestic workers working full time and for a single employer on a permanent basis are usually treated as self-employed in spite being entitled to employment rights. This seems to be a shared assumption from both parties, which leads to bogus self-employment.

Zulma (Chilean, 60 years old) is working 7 days a week for around 15 hours per day. She is registered as self-employed and has her own cleaning company. However, her services are only hired by one company. In over six years, she has never had annual leave or sick leave, and she is responsible for paying her own taxes. She is only earning the national minimum wage. She is under stress and anxiety as she has health problems.

PROBLEMS WITH PAYSLEIPS

In addition, one in five women were not provided with payslips (20%). When provided, payslips would often have limited information about the employer or include details from a company that is unknown to the worker.

Other issues with payslips include lack of information about wages. In the majority of cases, workers are given insufficient information and are not provided with a breakdown of their hourly pay and tax contributions. In some cases, payslips have incorrect information, including a bulk sum that does not correlate with the hours worked, or training or annual leave listed that has not been taken by the worker. As a consequence, many workers feel unable to prove their worked hours and challenge unlawful deduction of wages or annual-leave-related issues.

Women approaching LAWRS support also spoke about supervisors interrupting the issuing of payslips as punishment when workers raise concerns or contact the headquarters to make enquiries about their wages.

Alicia (Brazilian, 28 years old) works for a cleaning company in the city. She was not provided with a written contract and has been receiving an overpayment of £400 for the last three months. When she raised this with her supervisor, he said that he had made a mistake and that she needed to give him the money back in cash. She did as she was told. She was also asked to work 30 minutes extra every day, but was never paid for that time. When she requested annual leave, her supervisor told her that she had no days left, but she had never taken time off. Alicia complained directly to her supervisor, who then threatened her saying "I will ruin your life and I will stop you from finding another job in cleaning."

ANNUAL LEAVE ENTITLEMENT

In 17% of the cases, women were unlawfully denied the annual leave they were entitled to. A number of women refrained from requesting time off work as they were told by their line managers that any annual leave would be unpaid.

Another common practice in the sectors represented in this sample is to provide between three to four weeks of holiday, including bank holidays, rather than the 5.6 weeks required by law. In addition, it is very frequent for employers to not pay accrued in lieu annual leave once workers leave the company. This issue affected 16% of our sample.

Mercedes (Venezuelan, 35 years old), has been working as a domestic worker full time for the past four years. She requested annual leave several times but her request was always refused. The reason they gave her was that the family always took her with them on holidays to take care of the children.

UNFAIR DISMISSAL

Unfair dismissal can be claimed by an employee if he/she has been working for an employer for two years or more, and has been dismissed without grounds. A total of 10% of the enquiries in our research were regarding unfair dismissal; however, in LAWRS' experience, this issue is largely underreported, given that wages are so low that workers tend to prioritise finding a new job over seeking advice and representation.

In addition, unfair dismissal represents a potential risk to job security, as many workers are issued termination notices prior to reaching the qualifying two years of employment.

Lucia (Peruvian, 26 years old) has been working as a cleaner for almost two years at a hotel employed by a cleaning company. She did not notice that annual leave days were part of the breakdown of her salary pay in some of her payslips, as it did not make any difference in her salary payment. When she asked for annual leave, her supervisor refused her request and told her that she had already used her entitlement for that year. The supervisor added that if she needed those days off, she should not have been paid for them. Lucia brought the issue to her supervisor who dismissed her "for being too daring".

HEALTH AND SAFETY

Cleaning requires intense physical effort with quick, repetitive movements. It can include mopping, scrubbing, varnishing and/or polishing, cleaning, dusting, wiping and washing surfaces, furniture, fixtures, fittings and sanitary fittings, and often cleaning biological fluids and using industrial chemicals (BICS, n.d.). Often, this work is done with limited or no protective equipment (17%), and many workers choose to purchase their own gloves, masks, safety glasses and other protective gear.

Unsurprisingly, health and safety issues at work were reported in 25% of the 326 cases, although many more were affected by its accumulated impact over the years, without being able to evidence the responsibility of a single employer. Issues ranged from breathing problems to pain in the joints, hands, arms, knees, neck and back. Some were diagnosed with tendonitis, fibromyalgia and lumbago, which they linked to having to carry out hours of repetitive movements, as well as the heavy lifting of bins and furniture.

In addition, 33% of the women reported frequent risk of injuries and accidents due to wet floors or stairs, Hoover cables, etc. In regards to the chemicals used, many shared the concern that the cleaning products they are provided with do not generally have tags explaining their composition (European Agency for Safety and Health at Work, 2009). Finally, lack of health and safety training was reported by 12% of the women.

SICK LEAVE

Sick leave is one of the main worries for workers in these precarious sectors, and one that often leads women to work when they are sick or recovering from surgery. This may happen for a number of reasons, but mostly because workers do not meet the minimum income requirement to qualify for statutory sick leave due to their short shifts and low pay. In other cases, workers are not allowed by their employers to take time off sick, regardless of whether paid or unpaid (28%), or may only be allowed to take sick leave if they are able to arrange for a person to cover for them and face the costs. Finally, in many cases, workers are not even aware of the sick leave policy at their workplace because they are afraid of being penalised or dismissed for making enquiries or calling in sick.

“We don’t have sick leave. Any place where you work for two hours will not allow you to be off-sick. I was ill and couldn’t work for eight days, so I had to pay someone to cover for me. I couldn’t afford losing my job.”

Cristina, Chile.

DISCRIMINATION, ABUSE AND SEXUAL HARASSMENT

Discrimination, bullying and/or harassment were experienced by just over two in five (41%) of the women in our study. Women presenting their experiences linked this issue to the fact that their jobs are predominantly done during antisocial hours and in isolation. In fact, most cleaners and housekeepers are allocated a number of rooms, large sections, or entire floors to be completed on their own with no colleagues or witnesses around. In the case of domestic workers, this is heightened by the fact that they are working within private households.

Many of the women in our sample (66%) experienced bullying or unreasonable treatment as regular occurrences, including significant increases in workload, allocation of the most demanding tasks (e.g. all toilets, outdoors), constant changes to working conditions (e.g. schedule, location, rooms assigned), repetitive issues with payments, etc.

Verbal abuse was endured by 37% of the women. This included threats, shouting, insults and mockery, both from supervisors and from colleagues. This type of abuse escalated to physical abuse in 11% of the cases, with the violence ranging from pushing, hair pulling or arm grabbing to more severe incidents of beating.

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Alarming, these episodes are described by the victims as ‘small acts of physical violence’, reflecting how naturalised and common physical abuse is in these sectors.

Diana (Peruvian, 55 years old) has been a domestic worker in Kensington and Chelsea for the past 15 years. She was diagnosed with cancer, which causes pain in her bones and muscles. Her GP had been issuing ‘unfit to work’ certificates for the past two years for her to access treatment, but the family had refused to accept them and to allow Diana to take sick leave. She would regularly be told “You can’t get sick. You can’t leave us”. In turn, the family took her to a private doctor who suggested a different treatment, which included an injection that was given to her against her will and without any information being provided in her own language. Following this, a friend who speaks English called the clinic to request information about the content of the injection and was told that it was steroid hormones. Diana refused to continue with the treatment and sought advice from LAWRS. Diana was provided with a letter for her employer, who, upon reading it, started beating her and saying, “How dare you seek advice against us?”. Follow-up advice from LAWRS resulted in Diana being paid Statutory Sick Pay.

Sexual harassment and abuse in the workplace was suffered in 16% of the cases. Experiences included: sexualised comments on the worker’s physical appearance; pressure for dates; unwelcome sexual advances; the spreading of rumours about an individual’s sexual life; unwanted sexually explicit photos, emails or text messages; unwanted discussions of sexual relations, fantasies or stories; kissing sounds; men exposing themselves or performing sexual acts on themselves; stalking; groping and unwanted touching; attempted sexual assault; and rape. In addition, many described a common practice where supervisors offer better conditions or increased hours of work in exchange for sexual favours, with contracts being terminated if the workers refuse.

In most cases, the victims tried to report the case to the company at least once. However, responses from companies were very poor, with no formal procedure or investigation activated as a result of the grievances.

With the aim of reaching a resolution, half of the women were relocated. This measure had an important impact on the workers and was felt as a

way of penalising victims for raising the grievances. In addition, it fails to bring consequences to the abusers and sends the wrong message to the rest of the workers, reinforcing abusive practices in the workplace.

In regards to the rest of the complaints, many cases resulted in the woman’s dismissal for ‘being problematic’, or in their voluntary resignation – potentially constructive dismissal – as changes of working hours or location made it no longer viable for them to continue at their jobs.

In response to the lack of investigation or formal grievance processes, those experiencing some of the most severe forms of abuse turned to the police for help. However, they reported to LAWRS that police officers refused to take their statement as they saw the incident as a strictly employment rights issue, reflecting a lack of understanding of the criminal end of gender-based abuse in the workplace.

All of these issues have an impact on the physical and mental health of many migrant women. In fact, of the women who approached LAWRS about this issue, 23% had to be referred to counselling services as they expressed needing support to deal with the trauma resulting from these experiences.

Andrea (Ecuadorian, 37 years old) was working in a hotel as a housekeeper. She was subjected to different types of verbal abuse and intimidation. One day, when she was changing the bed linen in one of the rooms, a male staff member entered the room abruptly. He grabbed her from behind and used his force to restrain her on the bed. He tried to rape her, but she managed to kick him and push him away. When she told him that she would tell the manager, he laughed.

Andrea does not speak English, so she asked for a colleague’s help to speak to the manager. However, when speaking to the manager, the colleague refused to translate for her and instead told him that Andrea had not finished the room. In the end, the manager threatened to dismiss her for not doing her job. She came to LAWRS, where she was advised to report the incident to the police. After reporting, Andrea felt the urge to take a shower and wash her clothes. The police had not taken pictures and did not inform her that the clothes could constitute proof of the violence. The police closed the case due to lack of evidence and Andrea resigned from her job.

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Third-party sexual harassment was also an issue for women working in cleaning and hospitality, as they were frequently exposed to abuse from clients or people working for the company that outsourced the cleaning services. Women affected by sexual harassment from the company's clients did not find pathways for grievances and, in some cases, were asked to keep silent. Responses were usually along the lines of "we cannot afford to lose this contract. It is not that bad."

Cristina (Colombian, 45 years old) works as a cleaner from 8 to 11 pm in the premises of a multinational. Her workload started to be increased by her supervisor and, as a consequence, she experienced physical pain. When she tried to complain, she faced verbal abuse and mockery. One night, while cleaning the building's showers, someone pushed her against the wall and touched her against her will. She reported the incident to her supervisor, but he said that, as the aggressor was working for the company that hires their cleaning company, nothing could be done.

MATERNITY RIGHTS

Abuse on the grounds of maternity was experienced by 9% of the women. Issues included discrimination, failure to pay for hours spent at prenatal appointments, denial of risk assessment during pregnancy and, when qualifying, constructive dismissal and unfair dismissal.

Carmen (Bolivian, 27 years old) is working as a cleaner and she is 5 months pregnant. After being notified, her supervisor decided to increase her workload, including heavy lifting, taking out large bin bags, and hoovering staircases. She asked to switch tasks with other colleagues, but they responded by complaining and saying that she should not receive any privileges due to her pregnancy. The supervisor asked her to stop complaining and get on with her job. The company refused to conduct a risk assessment.

ACCESS TO REDRESS

In the majority of cases, women were reluctant to raise concerns or notify their employers about the issues noted above. This was largely due to fear of losing their jobs or the potential risk of facing even worse conditions and/or further verbal or physical abuse in retaliation.

Notably, those who had already received negative responses from supervisors were afraid of the potential consequences of 'insisting' on their claims, even after consulting appropriate agencies or organisations and confirming their entitlement and rights.

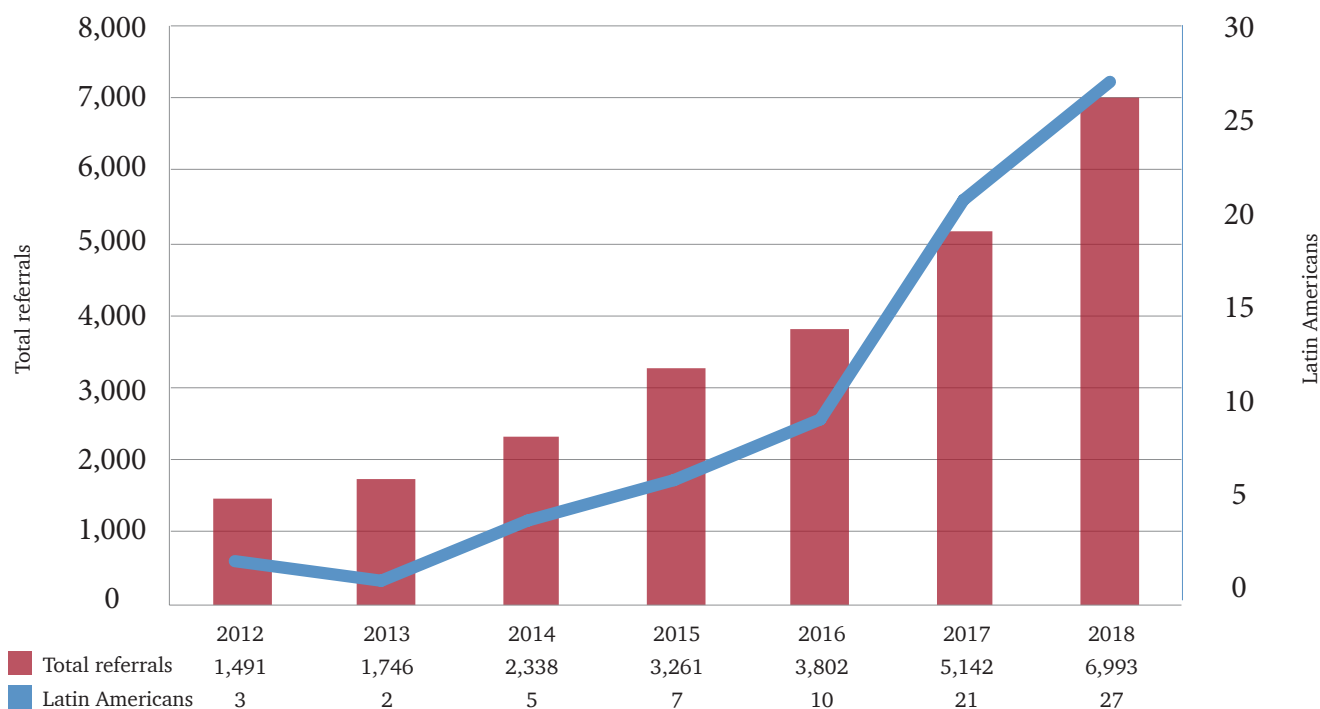
It is important to note that, in most cases, women workers are only in contact with direct line managers, often cleaning supervisors who went through limited or no line management training. Lack of knowledge of the company contact details and avenues for redress, along with the language barrier and a generalised lack of knowledge of their rights, meant that very few had been able to submit formal complaints without resorting to external legal advice.

Amanda (Colombian, 62 years old) worked for a cleaning company for one year. She was required to complete a high number of tasks in two-hour shifts, including: cleaning windows, walls, printers, computers, office furniture, desks and toilets; removing the rubbish; washing-up when the dishwasher was not working; putting dishes away; cleaning all kitchen furniture; cleaning the floor; and washing the cleaning cloths. After a few months in the job, she started having pain in her hands and knees, which led her to slow down her pace. In response, her colleagues and supervisor started to make fun of her, making jokes and derogatory comments. She talked to her supervisor, who took no action. The verbal abuse continued, and she ended up being dismissed for not being able to complete her tasks as expected.

TRAFFICKING FOR LABOUR EXPLOITATION

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Figure 4: Total Referrals to the National Referral Mechanism from 2012 to 2018



Source: National Crime Agency, National Referral Mechanism Statistics

There are 11 cases of potential victims of trafficking for labour exploitation⁶ in the sample analysed: seven in cleaning or hospitality⁷ and four domestic workers.

These numbers represent 3% of the sample and almost half of the total number of Latin American victims accessing the National Referral Mechanism in 2018 (see table 4 above) – a figure that includes not only trafficking for labour exploitation but also domestic servitude and trafficking for sexual exploitation. The numbers of potential victims

identified are even more alarming when considering that they were identified by a single advisor through a weekly drop-in surgery for initial advice, and illustrate the incidence of severe abuse faced by Latin American workers in overlooked sectors.

In fact, it is estimated that over five million women and girls are subjected to trafficking for exploitation in the Latin American region, while Brazilians are within the top five nationalities of trafficked persons in Europe (European Parliament, n.d.).

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Although the UK's identification of potential victims of trafficking from Latin America continues to increase, findings from this study indicate a potentially much higher number of unidentified cases, which may be linked to a number of factors. On the one hand, and as is often the case, women who are victims of trafficking may not identify as such due to trauma and lack of awareness. In addition, the sectors of higher representation of Latin American workers are not considered priorities for trafficking risk, and have only been included under the remit of the Gangmasters and Labour Abuse Authority in recent years.⁸ As a result, the indicators used by first responders⁹ do not anticipate the specific forms of trafficking, deceit and coercion present in these sectors.

Patricia, Isabella and Mariana (Colombians, 51, 45 and 56 years old, respectively) came to LAWRS as they were contracted to carry out spring cleaning of several student accommodation buildings along with another 50 Latin American cleaners. The offered salary was between £90 and £120 per day.

Once in the job, they found very different working conditions: they were required to work between 13 and 16 hours per day, 7 days a week; the hourly pay was £4.50, which was reduced if their work was found to be 'below standard'; they slept in student rooms without blankets; and, working in remote locations and dependent on their employers for transportation, they had limited opportunities to purchase food. In addition, they were not given a copy of their contract and were not able to provide details about the company and/or supervisors.

Patricia, Isabella and Mariana suffered discrimination, verbal abuse and threats. They were not allowed to visit the GP, even though they were experiencing acute pain in their hands and wrists due to the nature of the work. When they tried to ask why

the salary was so low, the managers dismissed their complaints and told them not to ask again. When the workers approached LAWRS, they described high levels of stress among the workers, with many of them feeling depressed and hopeless. While those who had families resorted to asking them for support to go back home, the rest were forced to stay, as the accommodation provided was the only place they had.

*

Isabel (Brazilian, 47 years old) came to the UK in early 2018 on an EU passport to live and work in the UK. She had moved to Spain to flee from gender-based violence in her home country. She was brought to the UK under the promise of a job. When she arrived, she was alone in the country, speaking no English and not knowing where to go.

She was offered a job in the outskirts of London, cleaning rooms at a small hotel. When she arrived, she was put in a small room and was told that she had to pay for the room during her stay there. Her role was to clean rooms in the hotel – she was paid £2 per room. She was overworked and was not given any breaks, and she had to take medication to get the job done. She was constantly insulted by her employer; her and other workers who were undocumented lived in fear of their employer.

Isabel finally left the hotel and started working in London as a cleaner. She tried to work for three different companies but was not paid for her work in any of them. She is struggling to make ends meet but remains desperate to find a new job.

⁶ Indicators were evaluated against the National Referral Mechanism guidance: adult (England and Wales)

⁷ Shiva Foundation recognised the risk of trafficking for labour exploitation in this sector and develops campaigns to increase awareness of human trafficking and develop safeguarding strategies.

⁸ The Gangmasters and Labour Abuse Authority is a non-departmental public body that investigates reports of worker exploitation and illegal activity such as human trafficking.

⁹ First responders may be the police, public bodies or various specified NGOs that refer potential victims through the National Referral Mechanism.

CONCLUSION AND WAY FORWARD

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The experiences of Latin American migrant women gathered in this report evidence the wide range and high incidence of labour abuses faced by migrant women workers in cleaning, hospitality and domestic work; which are marked by lack of access to redress and invisibility.

Working in private households, domestic workers struggle to evidence abuse, whereas cleaners and hospitality workers are generally subcontracted and working out of office hours, generally on their own. In addition to this, fear of repercussions and lack of resources to challenge labour abuses leave many of these issues under-reported and hidden in plain sight.

The report also highlights the difficulties in uncovering the more severe cases of exploitation where elements of trafficking and/or modern slavery are present. In fact, this research includes 11 cases of potential victims of trafficking for labour exploitation, which were identified through a single support service.

Latin American migrant women are seeking support, speaking up about their struggles, and fighting for better working and living conditions. BME specialist services such as LAWRS provide what is most of the time the only avenue available to marginalised communities to navigate the system and access redress in cases of abuse and exploitation at work. More needs to be done by the government and labour enforcement bodies to ensure the protection of migrant women's employment and fundamental human rights at work, and to hold employers and outsourcing companies to account, including to:

- Recognise, understand and take proactive measures to tackle the high levels of exploitation in unregulated sectors of the labour market.
- Develop appropriate responses to labour rights violations and trafficking that are gender-informed, while also being aware of the vulnerable status of migrants in the UK.
- Place human rights and women's rights above immigration control. Establishing a firewall that separates labour market enforcement from immigration control and opening pathways for all workers to safely report labour abuses.
- Take action to tackle labour exploitation by working in collaboration with unions and supporting organisations for appropriate enforcement of employment rights in outsourced sectors.
- Provide appropriate and regular training to labour enforcement and other relevant agencies, including the police, on gender-based violence at work and on victims' identification, particularly in feminised sectors of the labour market.
- Take steps to protect women from sexual harassment in the workplace, including harassment involving third-parties.
- Improve access to information and justice among migrant workers who are unable to speak English and lack understanding of the system and of their rights.
- Officially recognise the Latin American community as an ethnic group by including the category 'Latin American' in equality and diversity frameworks.

REFERENCES

- British Cleaning Council (n.d.). *How to apply the productivity tables*. Retrieved from: http://britishcleaningcouncil.org/~britishc/library_archive/cleaningstandards/BICSc%20Cleaning%20Standards%20Specifications%20Table.pdf
- British Cleaning Council (2017). *Industry Trends Report*. Retrieved from: <http://www.bache.org.uk/resources/Pictures/1701%20BCC%20Industry%20Trends%20Report%20v1.3.pdf>
- Clark N. and Herman E. (2017). *Unpaid Britain: wage default in the British labour market*. Middlesex University.
- EHRC. (2014) *The invisible workforce: Employment practices in the cleaning sector*. Accessible at: <https://www.equalityhumanrights.com/en/publication-download/invisible-workforce-employment-practices-cleaning-sector>
- European Agency for Safety and Health at Work (2009). *The occupational safety and health of cleaning workers*. Retrieved from: https://osha.europa.eu/en/tools-and-publications/publications/literature_reviews/cleaning_workers_and_OSH
- FLEX, Fairwork, and ADPARE. *Improving the Identification and Support of Victims of Trafficking for Labour Exploitation in the EU*.
- Greater London Authority (2013). *Migrants in low-paid, low-skilled jobs: barriers and solutions to learning English in London*. Retrieved from: <http://www.lawrs.org.uk/wp-content/uploads/2015/01/Low-paid-work-and-learning-English-Final-report.pdf>
- Ignite Economics (2018). *The economic contribution of the UK hospitality industry*. Retrieved from: <https://www.ukhospitality.org.uk/page/EconomicContributionoftheUKHospitalityIndustry2018>
- International Labour Organisation (2019). *Who are domestic workers?* Retrieved from: http://www.ilo.org/global/docs/WCMS_209773/lang--en/index.htm
- International Labour Organisation (2015). *ILO global estimates on migrant workers*. Retrieved from: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_436343.pdf
- International Labour Organisation (2014). *Contract Cleaning Sector: Decent Work Programme. January 2015 – December 2017*. Retrieved from: http://www.ilo.org/wcmsp5/groups/public/@africa/@ro-addis_ababa/@ilo-pretoria/documents/genericdocument/wcms_307404.pdf
- International Labour Organisation (2011). *Domestic Workers Convention*. C189. Available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189

THE UNHEARD WORKFORCE

International Labour Organisation (2008, April). *Better business: Multinationals and Decent Work*. *World of Work, The Magazine of work*, n° 62. Retrieved from:

https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_093479.pdf

LAWRS (2015). *Latin Americans migrating from Europe to the UK: barriers to accessing public services and welfare*. University of Leeds. Retrieved from:

<http://www.lawrs.org.uk/wp-content/uploads/2015/11/Latin-Americans-migrating-from-Europe-to-the-UK.pdf>

Labour Exploitation Advisory Group & FLEX (2017) *Lost in Transition: Brexit & Labour Exploitation*

McIlwaine, C., Bunge, D. (2016) *Towards Visibility: the Latin American Community in London*, London: Trust for London.

McIlwaine, C., Cock, J. C., and Linneker, B. (2011) *No Longer Invisible: The Latin American Community in London*, London: Trust for London.

McIlwaine, C., Evans, Y. (2018). *We can't fight in the dark: Violence against Women and Girls (VAWG) among Brazilians in London*, King's College London.

National Crime Agency (2019). National Referral Mechanism Statistics - End of Year Summary 2018. Retrieved from: <https://nationalcrimeagency.gov.uk/who-we-are/publications/282-national-referral-mechanism-statistics-end-of-year-summary-2018/file>

Office for National Statistics (2018). *Gender Pay Gap in the UK*. Retrieved from:

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/genderpaygapintheuk/2018>

People1st (2017). *Migrant workers in the hospitality and tourism sector and the potential impact of labour restrictions*. Retrieved from:

<http://www.people1st.co.uk/getattachment/Research-Insight/Latest-insights/Migration-labour-restrictions/Migrant-workers-in-the-hospitality-and-tourism-sector-and-the-potential-impact-of-labour-restrictions.pdf?lang=en-GB>

Skrivankova, K. (2010). *Between decent work and forced labour: examining the continuum of exploitation*. Joseph Rowntree Foundation (JRF). Retrieved from:

<https://www.gla.gov.uk/media/1585/jrf-between-decent-work-and-forced-labour.pdf>

The Working Time Regulations 1998 [SDT1] . Part II, Regulation 12 (United Kingdom). Retrieved from:

<http://www.legislation.gov.uk/ukxi/1998/1833/regulation/12/made>

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