

The background of the entire page is a blurred photograph of a large crowd of people, likely at a public event or protest. Overlaid on this image are several large, semi-transparent geometric shapes: a dark blue arrow pointing right, an orange arrow pointing right, and a grey arrow pointing left. These shapes frame the main text.

**WOMEN  
IN THE  
WORKPLACE**

**FLEX'S FIVE-POINT PLAN  
TO COMBAT LABOUR  
EXPLOITATION**

**FOCUS ON  
LABOUR  
EXPLOITATION**

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WOMEN IN THE WORKPLACE: FLEX'S FIVE-POINT PLAN TO COMBAT  
LABOUR EXPLOITATION  
FLEX 2018

Written by FLEX

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Focus on Labour Exploitation (FLEX) works to end human trafficking for labour exploitation.  
For more information, please visit our website: [www.labourexploitation.org](http://www.labourexploitation.org)

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## **ABOUT FLEX**

Focus on Labour Exploitation (FLEX) works to end human trafficking for labour exploitation. To achieve this, FLEX conducts research and policy advocacy to prevent labour abuses, protect the rights of trafficked persons and promote best practice responses to human trafficking for labour exploitation. FLEX views the enforcement of women's, workers' and migrants' rights as fundamental to the effective prevention of labour exploitation.

## **ABOUT THIS GUIDE**

### **SUMMARY**

The aim of this guide is to help labour market enforcement agencies to build a gender-sensitive approach to tackling labour exploitation. It outlines the specific problems faced by women workers in high-risk feminised labour sectors such as cleaning, care, hospitality and domestic work, and sets out practical steps for UK labour inspectorates to take as they broach such sectors.

Women workers and workers in highly feminised sectors are subject to specific workplace risks, discrimination and gender related abuse and violence. They also face a range of barriers to reporting abuse at work. This presents specific challenges for labour market enforcement agencies seeking to uphold labour standards:

**HOW SHOULD  
THEY REACH  
THE MOST AT  
RISK WOMEN  
WORKERS?**

**HOW CAN  
THEY GAIN  
WOMEN  
WORKERS'  
TRUST?**

**HOW CAN THEY DETECT  
THE TRUE EXTENT  
OF LABOUR ABUSES  
WHEN WORKERS FEAR  
REPORTING?**

In sectors traditionally dominated by women workers, such as cleaning, hospitality, care and domestic work, it is important to understand both women's experiences in the workplace and the particular risks of abuse and exploitation that affect women workers. This is crucial to identifying and preventing non-compliance across the spectrum, from labour abuses to modern slavery.

This guide provides an overview of the discrimination, employment practices and labour abuses that drive exploitation of women workers in highly feminised sectors. It sets out key principles and actions to form the basis for targeted, gender-aware labour market enforcement policy and practice.

Women workers are not inherently in need of protection on the basis of their gender, but are at risk of exploitation when their rights are abused. Therefore, the protection and enforcement of women's rights at work is critical to preventing exploitation of women workers.

This guide is a product of FLEX's Working Group on Women Workers and Exploitation; a group of experts from frontline organisations supporting women workers in highly feminised sectors. Working group discussions and case studies formed the basis for the development of this guide.

This guide sets out a five point plan for building a gender-sensitive approach to labour market enforcement. Combined, the following principles form the basis for an effective approach to gender and labour exploitation:

**1****UNDERSTAND THE PROBLEM**

Identify the characteristics of feminised labour sectors and common forms of abuse that can increase women workers' risk of labour exploitation.

**2****ENGAGE EXPERTS**

Include a broad range of stakeholders and voices, to make sure that the work of enforcement bodies is informed by women workers' experiences.

**3****MAKE GENDER A STRATEGIC PRIORITY**

Ensure gender forms part of the strategies of labour inspectorates, mainstreaming gender awareness across organisations.

**4****ESTABLISH SECTOR-SPECIFIC ENFORCEMENT STRATEGIES & TOOLS**

Tailor enforcement strategies to meet the needs of women workers in different sectors, and adapt or develop tools for more gender-aware enforcement and prevention.

**5****TAKE A PROACTIVE APPROACH**

Reach out to the most at risk workers in feminised sectors through proactive enforcement

**UK CONTEXT**

The Immigration Act 2016 saw the Gangmasters and Labour Abuse Authority's (GLAA) scope of powers and oversight expanded to cover the whole UK labour market. It also established a new Director of Labour Market Enforcement (DLME) who is tasked with establishing the picture of risk in the labour market in order to inform the direction of the three labour inspectorates, the GLAA, HMRC National Minimum Wage Unit and the Employment Agency Standards Inspectorate. This new direction will see the GLAA in particular operating in highly feminised sectors for the first time. This poses the inspectorate new challenges and requires a re-think and re-tooling in order to ensure the GLAA and all inspectorates are up to the job of tackling exploitation of women workers.

UK labour sectors such as cleaning, care, hospitality and domestic work have been identified as high-risk for labour exploitation. Similarly to other high-risk sectors such as construction and agriculture, these sectors have a high instance of outsourcing, informal employment arrangements, low pay and precarious work. However, unlike agriculture and construction the workforce within these sectors is predominantly female. In the commercial cleaning sector almost 80% of the workforce is female.<sup>1</sup> In the adult social care sector that figure is higher still at 82%,<sup>2</sup> and in the hospitality sector it is 62%.<sup>3</sup> According to the ILO, 61% of domestic workers in the UK are women.<sup>4</sup> Concerns have been raised about a wide range of abuses affecting the cleaning, care, hospitality and domestic work sectors, including payment below minimum wage, wage theft, bogus self-employment, discrimination, violence and harassment, unfair deductions from pay, and health and safety breaches.

1 Equality and Human Rights Commission, 2014. *The Invisible Workforce: Employment Practices in the Cleaning Sector*, p. 11.

2 UK Parliament, 2015. *House of Commons: Gender Pay Gap - Women and Equalities Committee*. Available at <https://www.publications.parliament.uk/pa/cm201516/cmselect/cmwomeq/584/58410.htm>.

3 Institute for Employment Research, 2010. *Labour Market Information Future Trends: Hospitality Sector*. Available at <https://www2.warwick.ac.uk/fac/soc/ier/ngri/lmifuturetrends/sectorscovered/hospitality/sectorinfo/>.

4 International Labour Organisation, 2013, *Domestic workers across the world: Global and regional statistics and the extent of legal protection*, p.21.

## WOMEN WORKERS AND LABOUR EXPLOITATION

Women workers and workers in highly feminised sectors such as cleaning, care, hospitality and domestic work are subject to specific labour market risks of exploitation and gender-related abuse and violence that can lead to exploitation. For women workers, gender discrimination is particularly prevalent in relation to pregnancy and maternity leave, when they may suffer poor treatment, a reduction of pay or hours, and termination of employment.<sup>5</sup> Women are more likely than men to experience sexual discrimination and harassment in the workplace, and these risks are increased where there is a significant power imbalance between the employer and the worker. Discrimination and harassment may be linked with other labour abuses, and are likely to make it difficult for women workers to report any labour abuses either internally or externally.

Women may also be vulnerable to exploitation due to their need to provide and care for others. Approximately 66% of single parents are in work, the vast majority of whom are women.<sup>6</sup> Where a family depends upon a woman's employment for survival, her ability to leave or challenge abusive working conditions is likely to be significantly reduced. A woman worker may also be forced to accept poorer work and entitlements in exchange for the flexibility she requires to care for children or sick or elderly relatives. For example a woman worker may have to take a part-time job that is low paid or below her skill level in order to fit with her family care demands. In these cases the danger of losing employment, or even a reduction of hours, as a result of complaining may be too significant to risk making a complaint.

Much of the work conducted in feminised labour sectors includes work which has historically been considered 'women's work', including cooking, cleaning, domestic chores, and caring for the young, sick or elderly. In the past such labour was commonly performed unpaid and within the family unit. With the rise of female employment, this work has increasingly been outsourced, yet has continued to be undervalued both financially and socially.<sup>7</sup>

Women who have suffered workplace abuse, particularly of a sexual nature, may face a culture of disbelief, bullying or intimidation from employers or fellow staff. In such cases women, and particularly migrant women, often feel that they won't be believed by authorities, and may be reluctant to report abuse to male colleagues in a position of authority.

Gender has also been recognized as an important factor for understanding and addressing human trafficking for labour exploitation.<sup>8</sup> Both the EU Trafficking Directive<sup>9</sup> and the Council of Europe Convention on Action against Trafficking in Human Beings recognise the need for gender-sensitive responses to trafficking in persons. All labour market enforcement agencies should be aware of the role and impact of gender on risk of trafficking for labour exploitation, in order to effectively identify and support the potential victims of trafficking they may encounter in feminised sectors.

An understanding of these issues, and of the particular abuses and risks in highly feminised sectors, will be key to the success of UK labour inspectorates operating in these sectors. If labour inspection authorities are not able to gain the trust of women workers, to understand their experiences and to engage with them appropriately, then the ability to gather intelligence and identify exploitation will be severely hampered. An understanding of the employment structures and gender-related abuses that exist in highly feminised sectors is also essential in understanding the pattern of risk in these sectors.

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<sup>5</sup> UK Government & the Equality and Human Rights Commission, 2015. *Pregnancy and Maternity Related Discrimination and Disadvantage: Summary of key findings*. Available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/509500/BIS-16-145-pregnancy-and-maternity-related-discrimination-and-disadvantage-summary.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/509500/BIS-16-145-pregnancy-and-maternity-related-discrimination-and-disadvantage-summary.pdf)

<sup>6</sup> Laurie Chisholm Maldonado, 2017. *Doing Better for Single-Parent Families: Poverty and Policy across 45 Countries*. Available at <https://escholarship.org/uc/item/49w2b8gg#main>

<sup>7</sup> Baroness Denise Kingsmill CBE, 2014. *The Kingsmill Review: Taking Care*, p.31. Available at [https://www.policyforum.labour.org.uk/uploads/editor/files/The\\_Kingsmill\\_Review\\_-\\_Taking\\_Care\\_-\\_Final\\_2.pdf](https://www.policyforum.labour.org.uk/uploads/editor/files/The_Kingsmill_Review_-_Taking_Care_-_Final_2.pdf)

<sup>8</sup> International Trade Union Confederation, Anti-Slavery International & Churches Commission for Migrants in Europe, 2011. *Trafficking for Labour Exploitation – Gender*. Available at [https://www.ituc-csi.org/IMG/pdf/labour\\_exploitation\\_the\\_role\\_of\\_gender\\_en.pdf](https://www.ituc-csi.org/IMG/pdf/labour_exploitation_the_role_of_gender_en.pdf)

<sup>9</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA



## **FIVE-POINT PLAN FOR TACKLING EXPLOITATION IN FEMINISED LABOUR SECTORS**

### **1**

#### **UNDERSTAND THE PROBLEM**

Identify the characteristics of feminised labour sectors and common forms of abuse that can increase women workers' risk of labour exploitation.

**a) Appoint a lead officer within each agency to oversee the organisational response to feminised labour sectors and to tackle gender-related abuse and exploitation.**

In order to effectively tackle abuse and exploitation, it is vital that labour inspection authorities develop an expert understanding of the experiences and needs of women workers in the labour market. This includes the abuses female workers experience and challenges they face to claim their rights in the workplace. Each agency should appoint a lead officer to coordinate research and strategy development to establish a gender-sensitive organisational response to tackle exploitation of women workers in feminised labour sectors.

**b) Conduct research and evidence-gathering to build a full picture of risk of abuse and exploitation in female-dominated sectors.**

Obstacles to women's labour rights take different forms in different sectors, and in-depth research is required to build a full picture of the extent of non-compliance and the risk of exploitation in each individual sector. The lead officer should conduct research and evidence-gathering to build a full picture of risk of abuse and exploitation in each sector. Collecting data on specific forms of gender-related abuse, such as sexual harassment, violence and gender discrimination also helps to build a picture of non-compliance and risk.

**The lead officer should consider the following issues as part of a gender-aware risk analysis of labour sectors:**

- Gender discrimination, including pay discrimination and discrimination around pregnancy and maternity;
- Sexual harassment and abuse;
- Gender-based violence;
- Employment relationships and practices that place women workers at risk, such as tied visas, zero-hour contracts and poverty pay;
- Employment structures that distance the worker from the employer, obscure responsibility for workers' rights and make it harder to raise complaints, such as outsourcing and agency work; and
- Labour abuses that increase dependency and make it harder to complain or leave, such as non-payment of wages.

**A full list of key risk indicators for women workers can be found on Page 9.**

**c) Identify challenges and develop solutions.**

The problems listed above can create significant barriers that prevent women from reporting problems or accessing remedy when their rights are abused. This poses some challenges for labour rights enforcement, which often relies on workers themselves to make a complaint. Understanding the reasons why women workers may not report problems is the first step towards a more effective and proactive strategy for accessing the most hard-to-reach workers, who are often the most at risk of severe exploitation.

**Key questions for the lead officer:**

- How can your agency best reach at risk workers when the work takes place in isolated settings or at unsocial hours?
- How can your agency detect abuse when the workers themselves are afraid to report problems?

**Suggested solutions:**

- Work closely with organisations, groups and individuals that women workers trust.
- Train specialist teams of inspectors or investigators for feminised sectors.
- Employ female frontline inspection officers.
- Identify and understand alternative ways to engage workers other than through workplace inspections.

**2****ENGAGE EXPERTS**

**Include a broad range of stakeholders and voices, to make sure that the work of enforcement bodies is informed by women workers' experiences.**

**a) Include women workers in development of strategy and on enforcement agency boards.**

The European Agency for Health and Safety at Work emphasizes that in order for gender-sensitive interventions by enforcement agencies to be meaningful and effective, they must be participatory and involve the workers concerned.<sup>10</sup> Including women workers' perspectives in the development of policy and strategy can help to give a full picture of the problems they face and crucially serves to engage workers in developing a solution. It can also highlight existing barriers to reaching those experiencing abuse and provide practical solutions for how to effectively reach out to those most at risk. Enforcement agencies should have women workers, and experts in gender or highly feminized sectors, represented on their boards, to ensure active participation and representation of women workers' voices and experiences.

**b) Establish an internal committee on women workers and exploitation.**

An organizational committee should provide a platform for knowledge sharing between different stakeholders within the organisation. This promotes ongoing sharing of operational best practice and ensures new issues are discussed and addressed as they arise. It can also provide a mechanism for shaping and testing new policies to ensure gender issues are integrated into all aspects of work.

**c) Engage with NGOs and support organisations that are already working with and trusted by workers in feminised sectors.**

Speaking to women at their place of work can be helpful but also has obvious drawbacks for those workers who are in fear of their employers. Engaging with women through other organisations or groupings that they trust, for example community or support organisations, and in settings where they feel comfortable, is key to gaining a true picture of their experience. Support organisations can also help inspectorates with preventive and awareness-raising activities, for example by informing workers about their rights and how to enforce them.

<sup>10</sup> European Agency for Safety and Health at Work, 2013. *New risks and trends in the safety and health of women at work*, p.15. Available at <https://osha.europa.eu/en/tools-and-publications/publications/reports/new-risks-and-trends-in-the-safety-and-health-of-women-at-work>

- d) **Establish a joint working group on labour market enforcement in feminised labour sectors with members from each of the labour market enforcement bodies and other organisations.**

Collaboration and consultation between enforcement agencies and a wide range of expert organisations, for example those providing direct support services to at risk workers, unions, women's rights organisations, and national institutions working to promote equality and combat discrimination, is key to developing practical and policy solutions that take into account gender perspectives from a range of stakeholder groups. This can also help to facilitate joint work around specific issues, for example campaigns to promote the rights of particular groups of workers.

### 3

#### **MAKE GENDER A STRATEGIC PRIORITY**

**Ensure gender forms part of the strategies of labour inspectorates, mainstreaming gender awareness across organisations.**

- a) **Mainstream gender in policy and practice.**

Making gender a strategic priority at policy level can improve outcomes for both women and men, by ensuring equal and diverse representation throughout all operations of the organisation. Integrating gender perspectives in strategy, implementation and evaluation works to create an operational culture that reflects the society we live in and can respond to the needs of the whole labour market. Agencies should undertake to 'mainstream' gender into all levels of operation.<sup>11</sup>

- b) **Develop and implement a gender policy and training programme that provides guidance on identifying gender-related abuse and gender sensitivity in the monitoring and enforcement of labour rights.**

Train all staff to identify gender-related abuse and to adopt a gender-sensitive approach to monitoring and enforcing women's rights at work.

- c) **Ensure women are represented at all levels of the enforcement agency, including frontline staff and at decision-making level.**

To ensure that labour inspection authorities reflect equality and diversity in all of their operations, women should be represented at all levels of the organisation, including on the front line and at decision-making level.

<sup>11</sup> 'Gender mainstreaming' means integrating gender concerns into organisational policy, for the purpose of advancing gender equality and combatting discrimination. Gender perspectives should be included in the preparation, design, implementation, monitoring and evaluation of all policies. 'Gender mainstreaming ensures that policy-making and legislative work is of higher quality and has a greater relevance for society, because it makes policies respond more effectively to the needs of all citizens – women and men, girls and boys. Gender mainstreaming makes public interventions more effective and ensures that inequalities are not perpetuated.' - European Institute for Gender Equality, 'What is gender mainstreaming?', <http://eige.europa.eu/gender-mainstreaming/what-is-gender-mainstreaming>



# 4

## ESTABLISH SECTOR-SPECIFIC ENFORCEMENT STRATEGIES & TOOLS

Tailor enforcement strategies to meet the needs of women workers in different sectors, and adapt or develop tools for more gender-aware enforcement and prevention.

### a) Develop sector-specific inspection strategies.

Gender-related abuse and exploitation manifest differently in different sectors. Women workers face different abuses and different barriers to reporting problems depending on the nature of their employment relationship, their place and hours of work, their migration status, access to union representation or other advice channels, and personal circumstances. As such, a blanket approach to enforcement of women's rights at work cannot be effective. Instead, strategies and tools for identifying abuse and enforcing rights must be tailored to meet the needs of specific groups of women workers.

When developing tailored strategies and tools enforcement agencies should also take into account the varied social and cultural contexts in which women (in particular migrant women) workers exist. They may influence the type of abuse a woman faces as well as whether, when and how she is able to access advice or report problems. Agencies should map and understand the demographics of workers in each sector, and ensure that prevention and enforcement action is appropriately tailored to meet the different cultural and social needs of the women working in each sector.

### b) Develop gender-responsive tools.

Examples of sector-specific, gender-responsive enforcement tools include:

- **Specialised inspection teams** for reaching hard-to-reach workers in sectors such as cleaning and domestic work;
- **Tailored inspection toolkits** for example, for domestic workplaces;<sup>12</sup>
- **Complaints mechanisms** specifically for certain groups of workers, for example domestic workers;
- **Information campaigns**, for example using visa applications to inform domestic workers about their rights;
- **Licensing labour providers** in sectors with high use of agencies and other labour providers, for example the cleaning sector;
- **Gender-sensitive risk assessments**;<sup>13</sup>
- **Model contracts** to promote rights and address informality of employment relationships in the care and domestic work sectors. Model contracts should require proof of adequate living space for overseas domestic workers, for example a floor plan showing the space intended for the worker to sleep in;<sup>14</sup>
- **Model payslips, working time registries and other documents** to help domestic workers and their employers to record the conditions of the worker's employment.<sup>15</sup>

<sup>12</sup> An example guide and checklist for domestic work inspections can be accessed here (Appendix I and II) [http://www.ilo.org/labadmin/info/pubs/WCMS\\_429836/lang-en/index.htm](http://www.ilo.org/labadmin/info/pubs/WCMS_429836/lang-en/index.htm)

<sup>13</sup> The European Agency for Safety and Health at Work has produced a model for gender-sensitive workplace risk assessment, which can be accessed here <https://osha.europa.eu/en/tools-and-publications/publications/factsheets/43>

<sup>14</sup> See, for example, Oxfam, 2009, *Who Cares? How best to protect UK care workers employed through agencies and gangmasters from exploitation*, and Migrant Forum in Asia, *Policy Brief no.1: Standardised Contract for Migrant Domestic Workers*, available at <http://www.ilo.org/dyn/migpractice/docs/131/PB1.pdf>

<sup>15</sup> ILO, 2016, *Labour Inspection and other Compliance Mechanisms in the Domestic Work Sector* p.55

**5****TAKE A PROACTIVE APPROACH**

Reach out to the most at risk workers in feminised sectors through proactive enforcement

Women workers in sectors such as domestic work, cleaning, hospitality and care work face many challenges and obstacles to reporting abuse and exploitation. This means that reactive models of enforcement cannot adequately address labour abuse in these sectors. Enforcement that relies on workers to make complaints excludes the most vulnerable workers from protection: those who cannot report due to isolation, fear of losing work, fear of other repercussions from employers or abusers, language barriers, lack of understanding of rights, or lack of understanding of the routes to help.

**a) Make proactive inspection a core element of enforcement strategy in feminised sectors.**

Proactive workplace inspections are crucial not only to identify labour abuse but can also act as a preventive measure, as a way to provide information to at-risk workers and employers as well as providing a strong disincentive to non-compliance. For example, in the domestic work sector, the ILO suggests that 'A system of periodic visits to the workplace could build the trust of domestic workers, and particularly members of vulnerable groups such as migrants, by giving them a feeling of reassurance and keeping them informed about their rights.'<sup>16</sup>

**b) Develop alternatives to workplace inspection to reach the most vulnerable women workers.**

Some women workers may not be able to disclose information about abuse in a workplace setting, for example if they are in proximity to their employers or to other colleagues. In addition to proactive inspections, inspectorates should develop alternative means of reaching hard-to-reach workers such as those working in domestic households. Alternatives include:

- **Attending advice and information sessions** hosted by community or support organisations who work with women workers in feminised sectors can provide an opportunity to speak with women in a setting in which they may feel more comfortable.
- **Holding meetings with workers at times outside of normal working hours** may also help to reach those who cannot access advice services at regular times or those who work irregular shifts.
- **Providing contact information at places women workers visit** outside of the workplace, for example faith, community, childcare and women's healthcare centres, may also encourage more women workers to report.

<sup>16</sup> ILO, 2016, *Labour Inspection and other Compliance Mechanisms in the Domestic Work Sector* p.21

## WHAT PUTS WOMEN WORKERS AT RISK OF EXPLOITATION?

### KEY RISK INDICATORS FOR WOMEN WORKERS

Though the following risk factors may not alone amount to exploitation, they can contribute to women's risk of exploitation where they serve to weaken the position of women workers in relation to their employers, and in doing so, make it harder to raise a complaint. Some labour abuses, such as persistent wage theft, can also directly increase a worker's risk of exploitation where they increase her dependence on her job to survive, restricting her ability to leave or report abuse. Where problems like this are not addressed, they can develop into severe exploitation.<sup>17</sup>

<b>INDICATOR</b>	<ul style="list-style-type: none"> <li>• Risk</li> </ul>
<b>ZERO HOUR CONTRACTS</b>	<ul style="list-style-type: none"> <li>• High level of precarity means women workers fear complaining about abuses or demanding entitlements.</li> <li>• Lack of choice – some workers forced onto zero hours contracts or face dismissal.</li> <li>• Can undermine pay e.g. in care sector where travel between jobs is unpaid.</li> </ul>
<b>AGENCIES AND OUTSOURCING</b>	<ul style="list-style-type: none"> <li>• Women accounted for 85% of the growth in number of agency workers between 2011-2016.<sup>18</sup></li> <li>• Women agency workers have reported poor conditions and treatment, including: excessive hours, pressure to work overtime, non-payment of holiday and sick pay, spurious deductions from wages, false self-employment.<sup>19</sup></li> <li>• Outsourcing distances workers from their employers and creates commercial incentives for cost-cutting.</li> <li>• Agency workers are often paid less than employed counterparts.</li> </ul>
<b>LOW PAY, UNDERPAYMENT OF WAGES AND DEDUCTIONS</b>	<ul style="list-style-type: none"> <li>• Cleaning, care, hospitality and domestic work sectors are characterised by low pay.</li> <li>• Women are more likely to be underpaid and less likely to complain.<sup>20</sup></li> <li>• Business practices – such as not paying travel time for care workers or paying cleaners per room rather than per hour – undermine workers' pay, sometimes working out at well below minimum wage.</li> <li>• Some staff in the hospitality sector are paid fixed weekly or monthly amounts which do not specify or reflect the hours worked, making it impossible to calculate whether they are being paid minimum wage.<sup>21</sup></li> <li>• Workers in the hospitality industry frequently have deductions from their wages for 'training', uniforms, accommodation or equipment costs.<sup>22</sup></li> <li>• In domestic work, figures suggest that underpayment is endemic, with many paid less than £50 per week.<sup>23</sup></li> <li>• Underpayment and non-payment can lead to risk of further exploitation as financial hardship increases women workers' dependence on their job to survive, making it more difficult to complain about poor treatment for fear of losing work altogether.</li> </ul>

<sup>17</sup> FLEX and the Labour Exploitation Advisory Group, 2016. *Compliance to exploitation and the abuses in-between*. Available at <http://www.labourexploitation.org/publications/labour-exploitation-advisory-group-leag-position-paper-labour-compliance-exploitation>

<sup>18</sup> Resolution Foundation, 2016. *Secret Agents: Agency workers in the new world of work*, p.27. Available at <http://www.resolutionfoundation.org/app/uploads/2016/12/Secret-Agents.pdf>

<sup>19</sup> Oxfam, 2009. *Who Cares? How best to protect UK care workers employed through agencies and gangmasters from exploitation*, p.2

<sup>20</sup> Low Pay Commission, 2017. *Non-compliance and enforcement of the National Minimum Wage*, p.4. Available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/645462/Non-compliance\\_and\\_enforcement\\_with\\_the\\_National\\_Minimum\\_Wage.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/645462/Non-compliance_and_enforcement_with_the_National_Minimum_Wage.pdf)

<sup>21</sup> A. Balch & G. Rankin, 2014. *Facilitating Corporate Social Responsibility in the Field of Human Trafficking: The Hotel Sector in the UK*, p.24

<sup>22</sup> Ibid.

<sup>23</sup> Kalayaan, 2014, *Still enslaved: The migrant domestic workers who are trapped by the immigration rules*, p.2.

<b>TIED VISAS</b>	<ul style="list-style-type: none"> <li>• Overseas Domestic Worker (ODW) visas between 2012 and 2016 tied workers to one employer. This led to increased abuse and exploitation as workers were unable to leave employer without becoming undocumented.<sup>24</sup></li> <li>• Tying of workers to employers through immigration status makes workers highly dependent and vulnerable to abuse.<sup>25</sup></li> <li>• Short duration of employment on tied visas means no prospect of safe, secure or long-term employment.</li> </ul>
<b>MIGRATION STATUS</b>	<ul style="list-style-type: none"> <li>• Obstacles to reporting abuses include: language barriers, lack of support networks, lack of understanding of employment rights, difficulty negotiating with employers, feelings of intimidation.</li> <li>• Migrant women often restricted as to labour sectors and jobs they can enter and often end up in the most risky and under-regulated sectors and in highly gendered roles such as domestic work.<sup>26</sup></li> <li>• Necessity of taking on precarious and undervalued work to survive means women workers are highly dependent on jobs and therefore less likely to feel able to complain or leave.</li> </ul>
<b>LACK OF COLLECTIVE REPRESENTATION</b>	<ul style="list-style-type: none"> <li>• In most non-professional sectors, women are less likely to be members of a union.</li> <li>• Cleaning, hospitality, domestic work and care sectors all have low union membership.<sup>27,28,29</sup></li> <li>• Attempts to unionise can lead to outsourcing, job cuts and other repercussions.</li> <li>• Lack of union representation means less access to advice and assistance to address workplace violations.</li> </ul>
<b>GENDER DISCRIMINATION</b>	<ul style="list-style-type: none"> <li>• Discrimination around pregnancy and maternity includes reduction of pay or hours and termination of employment.<sup>30</sup></li> <li>• Mothers in caring, leisure and other service industries are more likely than others to have felt they were forced to leave their job during pregnancy.<sup>31</sup></li> <li>• Organisational structures in feminised sectors such as cleaning, care and hospitality reflect wider trends with men in more senior positions. Lack of power and representation in higher-level positions can make it harder to raise issues and may mean gender discrimination is not taken seriously.</li> </ul>

24 Kalayaan, 2015. *Britain's forgotten slaves: Migrant domestic workers in the UK three years after the introduction of the tied Overseas Domestic Worker visa*. Available at <http://www.kalayaan.org.uk/wp-content/uploads/2014/09/Kalayaan-3-year-briefing.pdf>

25 ibid.

26 Women in Migration Network, 2017. *Labour Migration*, GFMD Civil Society Days briefing. Available at [http://womeninmigration.org/wp-content/uploads/2017/06/Berlin-2017\\_10-Labor-migration.pdf](http://womeninmigration.org/wp-content/uploads/2017/06/Berlin-2017_10-Labor-migration.pdf)

27 Eurofound, 2012. *UK: The representatives of trade unions and employer associations in the cleaning activities sector*. Available at <https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/united-kingdom/uk-the-representativeness-of-trade-unions-and-employer-associations-in-the-cleaning-activities>

28 See <http://www.communitycare.co.uk/2011/04/27/alarm-over-lack-of-union-membership-among-care-workers/>

29 A Balch, & G. Rankin, 2014. *Facilitating Corporate Social Responsibility in the Field of Human Trafficking: The Hotel Sector in the UK*, p.24.

30 Equality and Human Rights Commission, 2014. *The Invisible Workforce: Employment Practices in the Cleaning Sector*, p.26.

31 UK Government & Equality and Human Rights Commission, 2015. *Pregnancy and Maternity Related Discrimination and Disadvantage: Summary of key findings*, p.22

<b>VIOLENCE AND HARASSMENT</b>	<ul style="list-style-type: none"> <li>• Women experience high levels of sexual discrimination and harassment in feminised sectors such as hospitality and domestic work.<sup>32, 33</sup></li> <li>• In cleaning, hospitality, care and domestic work, expectations that women should be friendly, compliant, and subservient makes it difficult for women workers to complain and they may be made to feel that sexual harassment is 'part of the job'.<sup>34</sup></li> <li>• In domestic work vulnerability to violence and harassment is heightened by extreme isolation and dependency.</li> <li>• Shame and fear associated with sexual harassment and assault is a strong barrier to women reporting such abuse, and may also deter them from reporting other forms of labour abuse.</li> </ul>
<b>HEALTH &amp; SAFETY ABUSES</b>	<ul style="list-style-type: none"> <li>• Health and safety issues in feminised sectors include: overworking, lack of breaks, excessive hours.</li> <li>• It is estimated that as many as 21,000 pregnant women per year leave their jobs because health and safety risks are not addressed.<sup>35</sup></li> <li>• Domestic workers sometimes not given adequate living space – some are forced to sleep in the kitchen or living room resulting in limited and disrupted sleep and lack of privacy.<sup>36</sup></li> </ul>

## **MULTIPLE DISCRIMINATION AND ABUSE**

Women face multiple forms of discrimination on a daily basis, and this combined discrimination can put individuals at risk in different ways. Many women experience multiple disadvantage and discrimination based on gender and race or ethnicity. For example, the Trades Union Congress has reported that 'the growth of insecure work has exacerbated the inequalities that black, asian and minority ethnic (BAME) workers already face', as black workers are more likely to be on zero hours contracts than non-black workers and are more than twice as likely to be in temporary work than the national average.<sup>37</sup> BAME women workers may at the same time experience particular barriers to employment, such as racial discrimination, language issues, qualifications and lack of cultural capital.<sup>38</sup> Restricted opportunities increase dependence on work and can mean workers have no choice but to accept poor conditions. The particular experiences and needs of ethnic minority women in the labour market must be taken into account when developing policies addressing gender and labour abuse.

Labour abuse of women workers may also involve elements of gender-based violence and sexual abuse in the workplace. Gender-based violence and harassment is of key relevance to all enforcement bodies, because the presence of violence and harassment is not only a serious abuse in itself but also often deters women from reporting other forms of labour abuse.

Pregnancy is a time when women workers may face particular discrimination or be at higher risk of abuse. Though the law requires certain provisions are made for pregnant women, such as health and safety risk assessments, some employers do not comply and may even put pressure on the worker to leave their job or threaten them with dismissal. Where women feel at risk of losing their job or are increasingly dependent on work due to the need to provide for children, they can be less likely to report abuse. All enforcement agencies involved in tackling exploitation in feminised sectors should be aware of the risks during pregnancy and take a role in enforcement of existing rights associated with pregnancy and maternity.

32 TUC, 2016. *Still just a bit of banter? Sexual harassment in the workplace in 2016*, p.4.

33 Kalayaan, 2014. *UK Immigration Law and the position of migrant domestic workers*, available at <http://www.kalayaan.org.uk/wp-content/uploads/2014/09/UK-immigration-law-and-the-position-of-MDWs.pdf>

34 Jasiewicz, E., 2017. *At Your Service? Migrant Women Workers in the Hospitality Sector*. Available at <http://novaramedia.com/2017/03/10/at-your-service-migrant-women-workers-in-the-uk-hospitality-sector/>

35 UK Government & Equality and Human Rights Commission, 2015. *Pregnancy and Maternity Related Discrimination and Disadvantage: Summary of key findings*, p.6

36 Kalayaan, 2014, *Still enslaved: The migrant domestic workers who are trapped by the immigration rules*.

37 TUC, 2017, *Insecure Work and Ethnicity*, p.2

38 All Party Parliamentary Group on Race and Community, 2013, *Ethnic Minority Female Unemployment: Black, Pakistani and Bangladeshi Heritage Women*.



## CASE STUDIES: GENDER RELATED ABUSE AND EXPLOITATION

### CASE STUDY: BARRIERS TO REPORTING SEXUAL HARASSMENT

J is working as a cleaner in one of the main buildings at the City of London. She was told by her manager that if she wanted to receive more hours in the rota she needed to have sex with him. She refused. J was also told several times, that if she wanted to receive a promotion she must give sexual favours to her employer.

J's colleague got the promotion. This new supervisor is verbally harassing J and threatening her with losing her job. J's hours have been reduced. She tried to raise a complaint to stop the bullying and unfair treatment but she only has the contact details of the two people that are causing the harassment.<sup>39</sup>

### CASE STUDY: VIOLENCE IN THE WORKPLACE

G works as a domestic worker in the borough of Kensington and Chelsea. Her duties are cleaning the house, ironing, cooking, and taking care of the children of the family she works for. She works more than 15 hours per day to be able to finish her long list of duties. She is verbally abused by the mother of the children and physically abused by the children. The children beat and kick her badly, either with their hands or with objects. G told the children's parents and showed them the bruises but they said that the children are 'just kids'.

One time, G was severely beaten and ended up in the hospital. She could not remember what happened. The NHS reported the incident to the police but, due to the harm being caused by children, there was no further investigation.<sup>40</sup>

### CASE STUDY: THREATS OF DISMISSAL DURING PREGNANCY

L was pregnant and was working as a cleaner at night. Her employer wanted her to start maternity leave early or to change the location and time of her work. L refused because pay during the daytime was lower and she really needed money. L's GP confirmed that the work she carried out did not present any risk to her pregnancy, but her supervisor told her that the managers did not want to have a pregnant woman working.

L also notified on time about the starting day of her maternity leave. However, the company never confirmed the dates, nor the maternity pay. L sought advice and sent a letter to her employer requesting a confirmation of her maternity leave and pay and asking for a risk assessment. Her supervisor told L that she should not seek legal advice, and that she was a troublemaker. The employer threatened L with dismissal for raising "unlawful" complaints.<sup>41</sup>

### CASE STUDY: THREATS AND UNDERPAYMENT IN DOMESTIC WORK SECTOR

J is a Polish national in her fifties who was working more than 48 hours per week as a live-in nanny for which she was paid £90 per week. She was given only two weeks of paid leave (£90 per week) per year. Her employers told her that if she tried to enforce her employment rights, the Home Office would remove her from the country as an undocumented worker.<sup>42</sup>

<sup>39</sup> Case study provided by the Latin American Women's Rights Service

<sup>40</sup> Case study provided by the Latin American Women's Rights Service

<sup>41</sup> Case study provided by the Latin American Women's Rights Service

<sup>42</sup> Case study provided by the East European Resource Centre

#### **CASE STUDY: WAGE DEDUCTIONS IN THE CARE SECTOR**

Z was working as a full time carer in a care home for 3.5 months. She signed an employment contract. However, according to other documents produced by her employer she was self-employed. She was living in the accommodation provided by the care home. Her employer also provided food. Z was paid £678.23 for the entire period of her employment. Her employer said that deductions were made to cover her accommodation, food and training. However, the care home never provided any payslips nor gave her any further details about the deductions made.<sup>43</sup>

#### **CASE STUDY: SEXUAL HARASSMENT IN THE HOSPITALITY INDUSTRY**

C is working as a waitress in a restaurant. Since she started work there, she has experienced stress and anxiety due to inappropriate comments of a sexual nature made in a jokey fashion made by the owner of the restaurant. C has tried, at different times, to talk to him about how uncomfortable those comments made her feel but the situation got worse. The owner of the restaurant started to make comments about her body and touched her breast and bottom several times.

C confronted him and he finally stopped, but he then started to complain about C's "lack of interest and passion" for the job. He is now threatening her with losing the job due to a "poor" performance.<sup>44</sup>

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<sup>43</sup> Case study provided by the East European Resource Centre

<sup>44</sup> Case study provided by the Latin American Women's Rights Service

## TACKLING EXPLOITATION IN FEMINISED SECTORS: BEST PRACTICE FROM AROUND THE WORLD

<b>Belgium</b>	<p><b>Partnership working in the domestic work sector</b></p> <p>The Belgian Labour Inspectorate closely cooperates with unions regarding domestic workers in diplomatic households. It has established a Committee to facilitate dialogue and reconcile parties when disputes arise. The Committee also helps collect information from NGOs and different authorities and makes suggestions on regulations.</p>
<b>Austria</b>	<p><b>Gender mainstreaming in Occupational Safety and Health</b></p> <p>The Austrian Labour Inspectorate has included gender in strategy development, and has produced a gendered Occupational Health &amp; Safety (OSH) strategy, policy for labour inspection activities, training of labour inspectors on gender issues, guidance documents related to gender aspects of OSH and gender-sensitive workplace inspection, and guidance for specific activities and emerging sectors/occupations, such as homecare. Gender mainstreaming and diversity in OSH and labour inspection is included as part of basic training for all new Austrian Labour Inspectors. A section dedicated to the promotion of gender mainstreaming/diversity is included on the public website of the Labour Inspectorate.<sup>45</sup></p>
<b>Pakistan</b>	<p><b>Gender-responsive labour inspection toolkit</b></p> <p>In collaboration with the ILO, the Department of Labour in Pakistan has produced a gender-responsive labour inspection toolkit. The purpose of this toolkit was to mainstream gender issues into the work of the Department of Labour and to make labour inspections more gender-responsive.<sup>46</sup></p>
<b>Finland</b>	<p><b>Inspections on workplace equality and discrimination</b></p> <p>In addition to occupational safety and health and labour market enforcement, the Finnish Occupational Safety and Health Administrator (OSHA) conducts inspections on equality and discrimination, sexual harassment, and violence in the workplace. Guidance on these issues for labour inspectors, employers and workers is available on the OSHA website.<sup>47</sup></p>
<b>El Salvador</b>	<p><b>Preventive inspections on discrimination and harassment</b></p> <p>In El Salvador, the Ministry of Labour and Social Security has developed a training module for labour inspectors on discrimination and sexual harassment at work. Labour inspectors conduct preventive inspections to identify all types of violence against women, including harassment, sexual harassment, violence and ill-treatment.<sup>48</sup></p>

<sup>45</sup> See <http://www.arbeitsinspektion.gv.at/Al/Arbeitsschutz/gender/default.htm>

<sup>46</sup> See <http://workspace.unpan.org/sites/internet/documents/unpan90431.pdf> and [http://www.ilo.org/wcmsp5/groups/public/@asia/@ro-bangkok/@ilo-islamabad/documents/publication/wcms\\_185257.pdf](http://www.ilo.org/wcmsp5/groups/public/@asia/@ro-bangkok/@ilo-islamabad/documents/publication/wcms_185257.pdf)

<sup>47</sup> European Agency for Safety and Health at Work, 2014. *Mainstreaming gender into occupational safety and health practice*. Luxembourg.

<sup>48</sup> ILO, 2018. *Ending violence and harassment against women and men in the world of work*, p.82. Available at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_553577.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_553577.pdf)

<p><b>Ireland</b></p>	<p><b>Domestic work inspection</b></p> <p>Ireland is one of the few countries that carries out labour inspections in the domestic work sector. Domestic workers who feel their employment rights have been breached can make a complaint to the Workplace Relations Commission (WRC). The complaint will be dealt with either through an inspection, or a hearing with an adjudicator. The WRC has carried out inspections in private homes since 2011. Between 2011 and 2016, 192 inspections were carried out in the domestic work sector, resulting in over €8,900 in unpaid wages being recovered for employees and significant raising of awareness of the rights of domestic workers (including Au Pairs) in the public consciousness.</p>
<p><b>Norway</b></p>	<p><b>Licensing labour providers in feminised sectors</b></p> <p>In Norway, all companies selling cleaning services must be approved by the Labour Inspectorate. To be approved, companies need to apply to the Labour Inspectorate, proving that they meet requirements for residence permits for all employees, registration and reporting obligations to public registers and requirements for wage and working conditions in line with the collective agreement in cleaning. Companies also have to show that they fulfil requirements related to health, work environment and safety. All employees of approved companies must carry ID-cards, which they receive from the Labour Inspectorate upon the approval.<sup>49</sup></p>

<sup>49</sup> Eurofound, 2013. 'Compulsory approval for cleaning companies, Norway'. See <https://www.eurofound.europa.eu/data/tackling-undeclared-work-in-europe/data-base/compulsory-approval-for-cleaning-companies-norway>

## RESOURCES

### GENDER MAINSTREAMING

The European Institute for Gender Equality website has a section dedicated to gender mainstreaming, including toolkits for training and impact assessment. <http://eige.europa.eu/gender-mainstreaming>

The European Agency for Safety and Health at Work *Mainstreaming gender into occupational safety and health practice* provides a wide range of examples of mainstreaming gender in OSH from around the world. <https://osha.europa.eu/en/tools-and-publications/publications/reports/mainstreaming-gender-into-occupational-safety-and-health-practice>

### DOMESTIC WORK

ILO *Labour Inspection and other Compliance Mechanisms in the Domestic Work Sector*, includes model contracts, guidelines and checklist for labour inspection in domestic work sector, available at [http://www.ilo.org/labadmin/info/pubs/WCMS\\_429836/lang--en/index.htm](http://www.ilo.org/labadmin/info/pubs/WCMS_429836/lang--en/index.htm)

### CARE WORK

Oxfam and Kalayaan's report *Who Cares? How best to protect UK care workers employed through agencies and gangmasters from exploitation* includes research into abuses in the care sector and sets out recommendations for better enforcement of care workers' rights.

### VIOLENCE AND HARASSMENT

ILO *Ending violence and harassment against women and men in the world of work* looks in detail at the causes, manifestations and impacts of violence and abuse at work, and provides an overview of national and international regulations addressing workplace violence and harassment. [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_553577.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_553577.pdf)

### HUMAN TRAFFICKING AND GENDER

The report *Trafficking for labour exploitation - Gender* by the International Trade Union Confederation and partners examines the importance of gender-sensitive responses to human trafficking for labour exploitation. [https://www.ituc-csi.org/IMG/pdf/labour\\_exploitation\\_the\\_role\\_of\\_gender\\_en.pdf](https://www.ituc-csi.org/IMG/pdf/labour_exploitation_the_role_of_gender_en.pdf)





# **FOCUS ON LABOUR EXPLOITATION**

## **WOMEN IN THE WORKPLACE: FLEX'S FIVE-POINT PLAN TO COMBAT LABOUR EXPLOITATION**

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