



# 7 steps to protect migrant social care workers

Fair and equitable  
treatment for migrant  
social care workers

Decent housing for  
migrant social care  
workers

No victimisation of  
migrant workers for  
trade union activity

Safeguarding of  
employment for  
migrant workers who  
have their job ended  
through no fault of  
their own

No agency or  
recruitment fees for  
migrant social care  
workers

Councils to create  
ethical recruiter list to  
stop exploitative  
employers getting  
public money

Wraparound  
Safety at  
Work



## Migrant Care Worker Charter

## **Introduction**

UNISON is the largest trade union for social care workers in the UK and we are committed to promoting the positive benefits of diversity in the workplace. The introduction of the Health and Care Worker Visa has seen a surge in cases of Modern Day Slavery. Even with the announcement of its closure, UNISON members continue to experience increasing cases of bad practices. Migrant workers are too often the victims of exploitation including poor accommodation, displacement from employer through no fault of their own and bad employment practices like the illegal deduction of wages, high agency fees, not paying the minimum wage, trade union victimisation and inadequate health and safety.

NHS Employers have already sought to address some of these issues by creating the Ethical Recruiter List to recruit overseas workers and now it is time for local authorities and the NHS in their commissioning arrangements to address these issues in social care.

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# Migrant Care Worker Charter

## **Treatment of Migrant Care Workers**

**Signatories will ensure that migrant workers should be treated fairly and equitably in relation to other employees and will ensure commissioned providers and agencies will:**

- provide workers a copy of their statement of particulars and/or terms and conditions at the earliest opportunity and have understood the contents - providing these in the worker's first language where required
- provide workers with details of trade unions operating within the workplace
- provide them the opportunity to meet with trade union organisers and representatives
- ensure that at least the same pay, terms and conditions of employment are applied to migrant workers as apply to other employees undertaking the same work
- recognise that migrant workers are entitled to the same statutory employment rights and are protected by UK employment legislation in the same way as other staff
- afford migrant workers the same opportunities for learning and development as other staff
- ensure that all workers, including those whose first language is not English, understand all work related procedures and processes and can confirm that understanding
- provide a standard reference within two weeks of request
- to provide information to migrant workers about ESOL classes
- ensure, specifically, that health and safety information, briefings and regular updates are provided in a format which can be readily understood by all staff.

# 2 **Accommodation**

Employers should be proactive in overseeing and assisting with suitable travel and accommodation arrangements for migrant workers.

Signatories will ensure that commissioned providers and agencies guarantee:

- that the accommodation they provide for migrant workers is not overcrowded and does not carry health and safety risks
- reasonable access to kitchen and bathroom facilities in the property
- that workers should not be required to stay in accommodation provided by the employer but should be free to choose their own if they wish to do so;
- that they will not require workers who live in accommodation provided by the employer, and then leave that employment, to quit their accommodation immediately - but will, instead, allow a reasonable and agreed period to find a suitable alternative and recognising that migrant workers are entitled to at least four weeks' written notice to quit;
- the recognition of the vulnerability of women seeking accommodation and provide necessary support where possible
- that they provide information to migrant workers about Registered Social Landlords and other reputable sources of accommodation.
- rent will be no more than the market rent
- that they provide information on how to complain about housing standards such as to the local authority or the Housing Ombudsman

## **Wraparound Safety at Work**

**Ensure employers have robust risk assessments in place for migrant workers in recognition of the additional safety issues they may face particularly in times of social unrest:**

- in their workplace
- between workplaces when working in the community
- during daily commutes to/from work and their accommodation.

Where necessary the commissioning authority should issue guidance to the care provider and monitoring to ensure compliance.



## **Victimisation and Discrimination**

Employers have a responsibility to address discrimination in all forms, including not victimising migrant workers for trade union activities and duties. Due to the Health and Care Worker visa rules which require a worker to find a new sponsor within 60 days or face deportation; it creates a framework to enable the threat of deportation to be used against migrant workers. Signatories commit to ensuring that commissioned providers and agencies:

- promote a workplace culture that recognises, values and respects diversity
- encourage the reporting of racial and religious harassment and provide appropriate support to victims, working in conjunction with trade unions and others,
- provide training to staff in dealing with racial harassment;
- communicate and offer training with the existing workforce to ensure they understand the reasons for the recruitment of migrant workers; and are aware of the skills and experience they will bring
- create a framework jointly with UNISON for agreeing where a migrant worker has been victimised for their trade union activities/duties, ensuring appropriate action is taken and safeguarding the employment of staff who suffer from victimisation as a result of trade union activity.



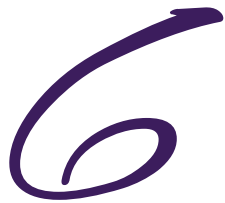
## **Safeguarding employment**

Signatories will safeguard the employment and visa status of migrant care workers who have been victimised or otherwise summarily have their employment terminated through no fault of their own, for reasons such as trade union victimisation, the liquidation of a care provider or the suspension of a providers' ability to sponsor workers by the Home Office. In the event this occurs, councils will do everything in their power to ensure and facilitate alternative employment. Although always a matter of urgency, where a worker in this situation is facing visa curtailment in 60 days, this is to be dealt with as a priority.

Where councils deliver social care services directly – or where they wholly-own social care providers – they will work to protect the continuity of employment via these services and the maintenance of visa sponsorship by making them an employer of last resort.

Where councils do not deliver social care services directly or through wholly-owned subsidiaries, a GM-wide approach will be taken to identify alternative employment opportunities across Greater Manchester including other local authorities, NHS employers and other ethical social care providers who are licensed or can be licensed to provide sponsorship. Councils will work to ensure the employment of workers suitable for employment who are displaced through no fault of their own are prioritised for employment.

Signatories will work with UNISON to establish a point of contact for social care workers to raise concerns about provider behaviour and regulatory compliance directly with commissioners, making early interventions with providers where necessary to avoid situations where staff are displaced from employment.

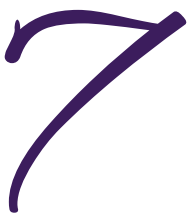


## **Unethical Fees**

Migrant workers are often charged unethical fees to secure sponsorship or to meet necessary requirements such as mandatory training or DBS certificates.

Signatories will ensure that commissioned social care providers will not charge fees to migrant workers, or use agencies that charge fees to the workers .

Signatories will work with UNISON to create a secure way for workers to report unethical fees without fear of victimisation or retribution.



## **Ethical Recruitment**

Migrant workers are faced with limited employment options due to their sponsorship requirements. This leaves them uniquely vulnerable to exploitation by unethical employers. It is essential that the council ensure that the companies they commission are acting in an ethical manner.

Signatories will encourage use of an existing Ethical Recruiter List, or work towards creating a unique social care list locally.

Signatories will commit to proactively supporting UNISON's campaign for a Fair Visa Scheme, writing to the Minister of State for Social Care calling for Government to take over sponsorship of migrant care staff from employers.