



# UNISON

*North West*



## 7 steps to protect migrant social care workers

Fair and equitable treatment for migrant social care workers

No victimisation of migrant workers for trade union activity

Employer of last resort for migrant workers who have their job ended through no fault of their own

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

Decent housing for migrant social care workers

No agency or recruitment fees for migrant social care workers

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. As a result of the introduction of the Health and Care Worker Visa there has been a surge in cases of Modern Day Slavery and UNISON activists are finding ever increasing cases of bad practices. Migrant workers are too often the victims of exploitation including poor accommodation 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 for NHS trusts 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.

## **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:**

- ensure that accommodation they provide for migrant workers is not overcrowded and does not risk the health and safety of those living there.
- reasonable access to kitchen and bathroom facilities in the property
- 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;
- 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;
- recognise the vulnerability of women seeking accommodation and provide necessary support where possible
- to provide information to migrant workers about Registered Social Landlords and other reputable sources of accommodation.
- rent will be no more than the market rent
- provide information on how to complain about housing standards such as to the local authority or the Housing Ombudsman



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## **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.



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## **Victimisation and Discrimination**

**Employers have a responsibility to address discrimination and not victimise 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.**

- 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 overseas recruitment; and are aware of the skills and experience they will bring
- signatories will create a framework jointly with UNISON for agreeing where a migrant worker has been victimised for their trade union activities/duties.



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## **Employer of Last Resort**

Signatories will identify or become an employer (sponsor) of last resort for migrant care workers who have been victimised or otherwise summarily have their employment terminated through no fault of their own, such as the liquidation of a care provider or the suspension of providers ability to sponsor workers by the Home Office.

## **Ethical Recruitment**

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

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Signatories will work towards the creation of their own ethical recruiter list, similar to the NHS Employers Ethical Recruiter List and commit to lobby central government alongside UNISON for improvements to the Health and Care Worker Visa Scheme that makes it work for care workers before agencies.