

Evidence submission

Unequal impact: Coronavirus (Covid-19) and the impact on people with protected characteristics

Response by the Latin American Women's Rights Service (LAWRS)

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About Latin American Women's Rights Service (LAWRS)

LAWRS is a by-and-for, feminist and human rights organisation focused on addressing the practical and strategic needs of Latin American migrant women displaced by poverty and violence. LAWRS' mission is to provide Latin American migrant women with tools to assert our rights and pursue personal empowerment and social change. We directly support more than 5,000 women annually through culturally and linguistically specialist advice, information, counselling and psychotherapy, advocacy, development programmes, and workshops.

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Summary

LAWRS' service users are Latin American migrant women, working mainly in cleaning, hospitality and domestic work, experiencing violence, exploitation and trafficking, enduring difficult living and working conditions in low-paid jobs and facing barriers to social protection.

On the basis of their race and gender, Latin American migrant women are being disproportionately impacted by the COVID-19 crisis. Migrant women are overrepresented in these feminised, unregulated sectors of employment, in which many are experiencing exploitation and being forced to work - often without PPE - regardless of their health and need to self-isolate or shield, or being dismissed. The Job Retention Scheme is not reaching the community widely, as many employers are simply refusing to apply. The No Recourse to

Public Funds (NRPF) condition is leaving many migrant women with no support and no options in this context.

Women are most commonly the ones with caring responsibilities, and therefore most impacted by school closures and the need to stop working to look after children. Although the Job Retention Scheme now includes people in this situation, many employers are simply choosing not to apply for this scheme and laying off workers instead.

Migrant women are also being particularly impacted on the basis of their gender and race if they are victims of domestic abuse. Without access to public funds and housing support, they are routinely denied access to refuge and welfare. The NRPF policy is forcing migrant survivors to choose between becoming destitute or returning/staying with the perpetrator.

Introduction

LAWRS welcomes the opportunity to contribute to the Women and Equalities Committee call for evidence on the different and disproportionate impact that the Coronavirus and measures put in place to tackle it are having on people with protected characteristics under the Equality Act. We fully support the government's steps in minimising the impact of the virus and the subsequent economic crisis and its interest in addressing shortcomings of the current measures.

While most people have been affected by the COVID-19 pandemic in one way or another, the impact has been and will be greater on communities who are not being reached by the government's support and the welfare system such as BME and migrant communities.

Our evidence is based on information of the experiences of Latin American migrant women gathered from our frontline services. Protected characteristics such as race, ethnicity, age, disability, gender, maternity and pregnancy, intersect with barriers such as immigration status, caring responsibilities, lack of knowledge of the English language, lack of understanding of the system, and low income to increase vulnerability and discrimination for migrant and BME women.

Inquiry questions

1. How have people been affected by the illness or the response to it?

Latin American Women are employed in high proportions in the sectors of cleaning, hospitality and domestic work, which are characterised by low-pay, precarious conditions

and exploitation. They are living in in-work poverty, and are being impacted disproportionately by the effects of COVID-19 in society and the economy.

EVIDENCE ON EMPLOYMENT ISSUES

1.1 DISMISSAL OR LOSS OF HOURS

Migrant women working in cleaning as outsourced staff and working in hospitality and domestic work have had their hours cut or been dismissed. It is rare for people in these sectors to have been working for the same company for longer than two years, so they are not protected by law from unfair dismissal. Many are not receiving any notice, simply being told not to come to work.

Case Study 1

Melina is an Argentinian woman with EU citizenship. She has several cleaning jobs that include both offices in the City and private households. After the COVID-19 pandemic outbreak, she was asked to stop going into work for the time being. Melina has been left with no income, as she has a zero-hour contract for all her three jobs. She is desperate and has tried to find new clients, but no one is hiring at the moment. She has started an application for Universal Credit but this will take some time and she does not know how she will pay rent and buy groceries for herself and her child in the meantime.

1.2 INCREASE OF WORK WITHOUT INCREASE IN PAY

Migrant women working in cleaning and hospitality are being required to carry out their own workload, and the workload of colleagues who have been put on furlough or dismissed, without being paid for the extra work.

Case Study 2

Tamara is an Ecuadorian migrant who has been living in the UK for a year under an Overseas Domestic Worker's visa. She takes care of two children, cooks and cleans in a home. After the COVID-19 pandemic outbreak, Tamara's employer informed her that she would have a significant pay cut (paying below the NMW), because she could no longer afford her full salary due to her own working situation. Her employer works in an office in Central London, and has continued working from home. Tamara feels she cannot complain about this cut, as she depends on her employer to reside in the UK and has no recourse to public funds. She is now receiving advice from a union representative.

1.3 STATUTORY SICK PAY

Lack of statutory sick pay (SSP) is an employment rights violation which occurs often within the sectors of cleaning, hospitality and domestic work, with women consistently not being allowed to take sick leave (paid or unpaid), or having to find their own replacement in order

to do so.¹ However, in the current situation, many women who are displaying symptoms of COVID-19 or are part of at risk groups, are being forced to choose between their health and their livelihood.

This means that employers are endangering not only their employee's health and the health of the ones they live with, but also putting public health at risk by potentially spreading the virus.

Managers and supervisors are also demanding proof of workers being ill and threatening not to pay unless they present such evidence. NHS 111 online form is rejected as proof. The self-certificate for illness is in English and in PDF format, so many workers need support to complete it.

Lastly, a number of our service users are not receiving SSP because they do not qualify for it, either because they earn less than £120 per week, or because they are self-employed (in bogus self-employment).

Case Study 3

Laura is originally from Bolivia and is an EU passport holder. She works as a cleaner and has diabetes and asthma. After the COVID-19 pandemic outbreak, her manager asked all cleaning staff to continue working despite some members of staff being in the high-risk group. Laura expressed concern for her safety and asked her manager to provide her and her colleagues protective gear to continue working safely, but the manager denied her request. She has also dismissed a few of Laura's colleagues for refusing to work due to having sick family members, being sick or having caring responsibilities after schools were closed. Only Laura and another colleague remain working, doing the job of five cleaners by themselves. Laura feels she doesn't have the luxury to stop working, as she needs to pay rent and send money to Bolivia to support her parents.

1.4 PERSONAL PROTECTIVE EQUIPMENT

Cleaners working in offices and public spaces are not being provided with appropriate protective material such as masks and gloves. They are being forced to work without them.

1.5 SCHOOL CLOSURES – CARE RESPONSIBILITIES

Due to schools closures, many women now have caring responsibilities and are therefore unable to go to work and earn the money they need to survive. This is especially concerning in the cases of women with No Recourse to Public Funds, as they have no other source of income.

1.6 DOMESTIC WORKERS

Domestic workers with underlying health issues and with childcare responsibilities are being asked to work even when displaying symptoms of COVID-19. A high number of them are

¹ LAWRS. 2019. The unheard workforce: Experiences of Latin American women in cleaning, hospitality and domestic work. p.6-8. <http://www.lawrs.org.uk/lawrs-research-launch-the-unheard-workforce-experiences-of-latin-american-migrant-women-in-cleaninghospitality-and-domestic-work/>

being asked to move into their employers' residence during the lockdown, and being threatened with dismissal if they do not comply.

1.7 SELF EMPLOYED AND JOB RETENTION SCHEMES

Despite the schemes being available to a high number of workers, they are also leaving the most vulnerable sectors of the workforce unprotected.

The Self-employment Income Support Scheme applies only to those who earn the majority of their salaries from being self-employed, when many workers in cleaning, hospitality and domestic work are employed by more than one employer and have different conditions of work with each one. They often are self-employed with some, and have an employee or worker contract with others.

The Job Retention Scheme, on the other hand, depends on the employer's decision to apply. Our evidence suggests that employers are laying-off workers rather than applying to the scheme to cover at least 80% of wages.

1.8 LACK OF CLEAR ACCESSIBLE INFORMATION

With information changing and being updated rapidly, it has become evident for organisations working with migrant communities that the lack of access to information in different languages has proven problematic. Whatsapp groups are plagued with misleading information that workers are having to address individually. Our Generalist Adviser has received, for instance, a series of calls from women who believed that they did not need to pay rent for three months.

EVIDENCE ON VIOLENCE AGAINST WOMEN AND GIRLS ISSUES

1.9 INCREASE ON DOMESTIC ABUSE CASES

Staying at home has become crucial to protect people from the COVID-19 pandemic. However, self-isolation and social distancing measures have increased domestic violence cases and reports². The impact of the outbreak on migrant and BME survivors of domestic violence has been disproportionately high. Evidence from our case work show that migrant and BME women face particular barriers when fleeing violence and accessing support³. This vulnerability is worsened by discriminatory responses and policies which prevent them from accessing safety, support and justice.

1.10 FAILURE IN PUTTING IN PLACE AN EMERGENCY RESPONSE FOR VAWG RELATED ISSUES

Despite evidence showing the urgent need for the establishment of an emergency response in relation to violence against women and girls, there has been a lack of a coordinated plan

² <https://www.theguardian.com/society/2020/apr/24/charges-and-cautions-for-domestic-violence-rise-by-24-in-london>

³ https://www.sistersforchange.org.uk/wp-content/uploads/2019/03/83-SistersForChange_UnequalRegardUnequalProtection_Nov2017-1.pdf

to address domestic violence from the central and local Government. Meanwhile, BME and migrant women are experiencing increasing levels and multiple forms of abuse and 'by and for' specialist BME and migrant services are facing decreased capacity whilst working on more complex cases.

1.11 FAILURE ON EQUALITY DUTIES FROM STATUTORY SERVICES

Evidence from LAWRS' casework suggests that in the context of this pandemic, statutory services and other public authorities are not following equalities duties when supporting migrant and BME survivors. To illustrate this, LAWRS has been dealing with rising cases of lack of provision of translation services, which shows that public authorities are failing to meet the obligation to remove or reduce disadvantages suffered by BME and migrant women because of their protected characteristics.

Case study 4

MK is an Ecuadorian woman who has been enduring domestic and sexual abuse for a long period of time. When reporting the abuse to the police, MK's underaged daughter was asked to act as translator. In the end, LAWRS' case worker supported MK when disclosing the abuse to the police. The consequences of the lack of interpreting services -a failure from the police to overcome the unlawful discrimination-, experienced by MK, posed a grave risk to the safeguarding of her daughter.

1.12 LACK OF COORDINATED RESPONSE FROM STATUTORY SERVICES

Migrant and BME women are receiving inconsistent information regarding domestic abuse from different public bodies such as social services and the police. In addition, BME and migrant services have reported difficulties when trying to contact local authorities and statutory services in order to access information about their clients. Furthermore, there is a lack of coordination between central and local governments, which leads to different responses in different councils.

1.13 NATIONAL DOMESTIC ABUSE CAMPAIGN

LAWRS is concerned about the national campaign on domestic abuse as BME and migrant women and their needs are overlooked, despite being disproportionately affected by this crisis. In terms of distribution, online campaigns may not be suitable for migrant and BME women due to the lack of access to wi-fi, smartphones and social media, amongst others. It is urgent that campaigns are translated into different languages and women are signposted to specialist BME and migrant services where they would be able to access specialist services. Making sure the police, community based groups and other volunteers such as mutual aid groups have information on local specialist services can be a more effective way of ensuring women have access to the information they need in a safe way.

EVIDENCE ON BOTH AREAS

1.14 NO RECOURSE TO PUBLIC FUNDS

Many of our service users have a No Recourse to Public Funds (NRPF) condition attached to their visas and cannot apply for Universal Credit or any other support that is being provided through benefits. This is particularly problematic for those who are not able to receive support through the job retention or self-employed schemes.

A number of them are also not able to apply for Universal Credit because they will not be able to pass the 'habitual residency test', a necessary step for EU migrants, who need to prove they have a 'right to reside' in the UK in order to claim welfare benefits such as UC.

Finally, migrant women victims of domestic violence/abuse who have NRPF find it virtually impossible to access refuge and financial support. LAWRS' caseworkers are seeing many women stay/return to their perpetrators for lack of options.

Case study 4

GM is an Ecuadorian woman survivor of domestic violence by her British partner. Since the beginning of the relationship, he was controlling and continuously misinforming GM about her immigration status. The violence escalated in 2019, when GM got pregnant. During this time, isolation, emotional abuse, coercive control and manipulation were exerted. Furthermore, the perpetrator increased threats of deportation and separation from her child if she reported the abuse to the police. GM sought help from LAWRS. However, due to the NRFP condition attached to her visa, she has been unable to access welfare benefits. After leaving her home, GM was provided accommodation by the local authority in an unsuitable and unsafe mixed hostel with her 1 year-old child. This situation has made GM constantly consider getting back to the perpetrator due to the lack of alternatives.

1.15 UNDOCUMENTED WOMEN

Despite working in jobs now classified as "essential", undocumented women are always vulnerable to exploitation. In LAWRS' experience, women in this situation are at the mercy of their employers, often having to accept precarious conditions and low pay and experience regular threats from their employers of being reported to immigration enforcement.

Not able to receive any support from the government, undocumented women are fully unprotected from the abuses described above (not allowed to take time off-sick regardless of being ill or having pre-existing conditions, not being protected from loss of income). They need to choose between continuing to work in these conditions and destitution.

2. Have there been specific impacts on people due to them having a protected characteristic?

LAWRS' service users are Latin American migrant women, working mainly in cleaning, hospitality and domestic work. Many of them are facing physical, financial, emotional or

psychological abuse and are being gravely impacted by COVID-19 in all the ways described above. On the basis of their race and their gender, and considering migrants and women are overrepresented in these sectors of employment and are the main victims of domestic violence, all evidence described in question 1 applies to this question.

Women and migrants are more likely to work as outsourced staff⁴ in cleaning and hospitality, as well as in domestic work⁵. These are feminised sectors, characterised by lack of regulation, low wages and over-exploitative practices towards workers. Worker exploitation in these sectors was high before the COVID-19 pandemic, and evidence suggests that for those who are still employed during the crisis, exploitation has continued if not worsened. Workers who are in a vulnerable situation and cannot access support are more at risk and will suffer the consequences. Their working conditions will continue to deteriorate during and after the health crisis.

It is important to note that women working in cleaning and domestic work generally have no savings, and rely on their pay-check to survive each month. They are one pay-check away from destitution. They cannot stop working or work from home. But if they are not paid Statutory Sick Pay and they are not self-employed, they are currently either working despite being ill, endangering their own health and also public health, or are staying home and not earning money or receiving any support.

Many migrants also rely on their pay-checks to pay for their next visa to remain in the UK. One service user has told LAWRS she is unable to stop working because if she does not save enough money, she risks becoming undocumented.

Women are most commonly the ones with caring responsibilities, and therefore most impacted by school closures and the need to stop working to look after children. Although the Job Retention Scheme now includes people in this situation, as stated in question 1, many employers are simply choosing not to apply for this scheme and laying off workers instead.

Case Study 6

Maria is a migrant worker who cleans different retail shops which closed after the Government asked for the shutdown of non-essential businesses. Despite this, her manager demands that she continue working. Maria has two children under the age of 16, she is a single mother and cannot rely on anyone else for child care. As schools are now closed, she cannot leave her children unattended as she fears she will get in trouble with social services and does not want to lose custody of her children. She does not know what to do, as her manager told her that if she did not continue working, she would face cuts to her pay. Maria is also afraid of going into work and exposing herself to the virus.

⁴ Outsourced sectors are sectors where businesses hire another company to perform services that traditionally were performed in-house by the company's own employees and staff.

⁵ LAWRS. 2019. The unheard workforce: Experiences of Latin American women in cleaning, hospitality and domestic work. p.6-8.

<http://www.lawrs.org.uk/lawrs-research-launch-the-unheard-workforce-experiences-of-latin-american-migrant-women-in-cleaninghospitality-and-domestic-work/>

Women are also being particularly impacted on the basis of their gender if they are victims of domestic abuse, as they find it virtually impossible to access emergency accommodation and other welfare support in order to escape violence and abuse. Without access to public funds and housing support, they are routinely denied access to refuge spaces. We know that before this crisis, 4 in 5 migrant women were already turned away from refuges. The NRPF policy is forcing migrant survivors to choose between becoming destitute or returning/staying with the perpetrator.

3. Are there any unforeseen consequences to measures brought in to ease the burden on frontline staff?

Since the crisis started, LAWRS adapted its services to provide phone and online advice to our service users. Since then, we have seen a considerable increase in our workload and a decrease in capacity, which has had a direct impact on our staff's wellbeing. This is due to a series of factors, including the lack of support available for the Latin American community and the lack of information available in Spanish and Portuguese, the increased anxiety and need for support experienced by the community, and social distancing measures.

Staff capacity has also been reduced due to childcare responsibilities and an increase in sickness absence of staff. Furthermore, organisations like LAWRS are usually run by small staff teams which rely on volunteers, who as a consequence of social distancing measures may not be currently able to continue collaborating with the organisation.

Specialist organisations providing essential services to women need urgent, unrestricted and flexible funding to support our frontline staff during this period and ensure our services remain open and accessible to women facing exploitation and abuse. In this vein, we are concerned about the lack of clear information on how the £750 million fund for the charity sector announced by the Government will reach 'by and for' specialist services.

4. What needs to change or improve, which could be acted on in three weeks' time?

LAWRS is actively advocating for BME and migrant women workers to be placed higher up in the public agenda for stakeholders and decision-makers, so their urgent needs can be met. Migrant women workers are among those that society is now praising for their role as "key workers", and even being recognised for their work in the NHS, yet little is discussed about their working conditions and their lack of opportunities and options. They continue to work because they are left with no other recourse, even if they are ill, have pre-existing conditions, or childcare responsibilities. While their work is recognised, their plight is invisible.

We are calling for:

- A. **Adequate, ring-fenced, unrestricted, flexible funding for specialist BME and migrant 'by and for' organisations**, including refuges, so they can reach the most vulnerable and marginalised members of society.
- B. An immediate suspension of the **No Recourse to Public Funds** condition, so that migrants can access protection if they need to stop working or leave an abusive partner during the pandemic. Women with insecure immigration status need access to this vital and often life-saving support and routes to safety.
- C. Suspension of **data-sharing** between all statutory services - including the police, healthcare services and employment inspectorates - and the Home Office, to protect vulnerable workers and victims of crime. Fear of immigration enforcement is affecting not only undocumented migrants, but also European citizens who are not aware of their rights and entitlements due to misinformation and fears related to Brexit. Suspending all data-sharing will allow the most vulnerable workers to report abusive employers, victims of crime and domestic abuse to report to the police, and all migrants to access healthcare during this pandemic.
- D. Suspension of all **NHS charges** to migrants and a campaign to inform migrants that they can access any health service free of charge. Evidence has shown that migrants are resistant to accessing healthcare for fear of charges and information being shared with the Home Office. The COVID-19 pandemic, in the context of the hostile environment, is a risk not only to the health of migrant women workers but to public health as well.
- E. The implementation of **support measures that reach all workers**, including those in precarious employment by expanding the social safety net by introducing a temporary universal income during the COVID-19 pandemic. This will ensure workers who are not being protected by the schemes already available will not be left destitute.
- F. Abolishing the restriction for **Statutory Sick Pay** for those earning less than £120 per week who are currently ineligible, and an increase of Statutory Sick Pay to cover the equivalent of one working week (35 hours) at minimum wage level.
- G. A temporary increase of **Universal Credit** allowance to cover cost of living, and an end to the five-week wait.
- H. An **emergency coordinated response and approach towards violence against women and girls (VAWG) issues** across the national and local Government and statutory services.
- I. An **inclusive, intersectional, and accessible campaign on Domestic Abuse** which reaches the most vulnerable and ensures signposting victims of domestic abuse to BME and migrant 'by and for' specialist services.

5. What needs to change or improve, which could be acted on in 6 months' time?

Ensure migrants' plight in the coming months is recognised by providing **appropriate support**. Many will be facing debts, left in unsuitable housing or homeless and unemployed. This in turn highly increases the risk of labour exploitation - something our community was already exposed to before the crisis. By ensuring migrants are contained by the social safety net designed to fight inequality and poverty, the society as a whole reaps the benefits.

Ensure lessons are learned from this pandemic and the **unequal impact** it is having on migrants many of whom are BME, so that the **new Immigration Bill** to be discussed in the coming months is informed by issues raised during this time. The hostile environment has made life more difficult for migrants in many ways, but the crisis has shown that low-paid migrants are in fact carrying out essential jobs and the nation is much in need of them. Providing a safe route for "low-skilled" migrants is key to ensure they are still able to perform these jobs without the increased risk of exploitation, trafficking and modern slavery. By the same token, the illegal working offence should be repealed and all workers should be granted equal employment rights. Data-sharing for immigration purposes should be stopped immediately, but further clarifications and restrictions should also be included in this Bill, so that workers are able to safely report exploitation and migrant women are able to report domestic abuse without fear of detention and deportation.

Use the forthcoming **Domestic Abuse Bill** to ensure migrant women are no longer left behind and have access to the same protections regardless of their immigration status. If migrant survivors had access to safety and support and could go to the police for help without fear of deportation, the situation would not be as dire as the one we are now facing.

Ensure ring-fenced, flexible and unrestricted **funding for specialist BME and migrant 'by and for' services** is increased and sustained, as demand is growing and expected to continue in the coming months.