

Information and Guidance: For International Workers on Sponsorship in the Care Industry

March 2024





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Your rights, as a Care Worker, in the UK:

Like any other worker in the UK, you will have employment rights while you are working in the UK. It is important that you take the time to understand these because the rules could be different to the country where you have come from.

Under UK law, as a care worker, you have the following entitlements: -

- You should be given an employment contract.
- You must be given regular payslips that show any deductions for Tax and National Insurance if you are required to pay it.
- You must be paid a minimum of £10.75 per hour (as of April 2024 this changes to £11.44), or £20,960 whichever is higher.
- The Home Office base their minimum on a 37.5-hour week so if you are sponsored or contracted to work more or fewer hours than this you need to make sure you still meet the minimum salary requirement on a pro-rata basis.
- An uninterrupted 20-minute rest break if you work more than 6 hours in a day.
- There must be at least 11 hours of rest between working days.
- You must have at least one full day off each week, or two full days every two weeks.
- National Insurance if you are required to pay it.
- You must have at least 5.6 weeks' paid holiday per year (pro-rated as appropriate)

- The only deductions that your employer may make from your salary are Tax, National Insurance, Pension, and accommodation costs where your employer provides this to you. Deductions for any other costs must be within your agreement. All deductions must be shown on your wage slip detailing what the deductions are for.
- Any adult dependent on your visa is entitled to work in any sector (except as a sports person or coach) whilst you have sponsorship.
- You and your dependants can apply to settle permanently in the UK (also known as 'indefinite leave to remain') if you have lived in the UK for 5 years and meet the other eligibility requirement

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Joining a trade union

A trade union is an organisation with members who are usually workers or employees. It looks after your interests at work by doing things like:

- Providing you with advice regarding concerns at work
- Going with you to disciplinary and grievance meetings, should they happen
- Negotiating pay and working conditions with the employer



Anyone, including international workers, can join a union for a small monthly fee. You can search for a care worker union using a search engine on the internet. It is better to join a union before a problem arises, but you can join at any time.

Sponsorship in the UK

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Sponsorship costs to be paid by you, the employee:

- A UKVI Visa application fee (this is dependant on whether you are applying for a skilled worker visa or a health and care worker visa, and how long you plan to reside in the UK - varies between £284 per person up to a maximum of £1500)
- Healthcare Surcharge (£624 per year), this surcharge does not apply to those under the health and care worker visa.

Your employer/sponsor should pay the following:

- Sponsor licence fees
- The issue of the UKVI Visa Certificate of Sponsorship (CoS)
- Immigration skills charge

You, the employee, should not be asked to repay any of the employer costs listed above. If the employer is found to have made you pay for these costs, it is likely to result in the Home Office taking action against the employer, such as suspension or revoking of their sponsor licence. If your employer does have their

sponsorship license suspended, you can keep working and your rights are unaffected unless the license is then later revoked. You can also continue working for another employer for a maximum of 20 hours a week as explained below.

If your employer has their licence revoked your Certificate of Sponsorship (CoS) is cancelled, and you have 60 days from the cancellation date to find a new sponsor and make a new visa application to stay in the UK, otherwise you will unfortunately be asked to leave.

Finding Alternative Sponsorship

If your CoS is cancelled, to remain in the UK you must find new sponsorship or regularise your stay through other immigration routes.

List of different types of UK work visas:

<https://www.gov.uk/browse/visas-immigration/work-visas>

List of alternative sponsors:

<https://www.gov.uk/government/publications/register-of-licensed-sponsors-workers>

Shortage occupations for health and education:

<https://www.gov.uk/government/publications/skilled-worker-visa-shortage-occupations-for-health-and-education>

Shortage occupations in other sectors:

<https://www.gov.uk/government/publications/skilled-worker-visa-shortage-occupations>

In Spring 2024, there are going to be some changes on the amount of money a skilled worker must earn annually, and removal of dependents being allowed on visas. Those on the health and care worker visa are exempt from the annual salary change.

Additional Work

You are permitted to take on additional work (for up to 20 hours a week), if you choose, at another workplace as long as the role is under the same occupation code and job level as your current position.

This is provided that you are still employed and undertaking your main sponsored role.



Labour Exploitation

Unfortunately there has been a rise of instances where migrant workers have suffered labour exploitation by their employers/sponsors within the care sector. Labour exploitation refers to situations where a worker may be subject to poor working conditions, treated badly by their employer and people may even be coerced to work for little or no remuneration, often under threat of punishment.

The most common indicators of modern slavery experienced are:

- Had to pay fees during the recruitment process disguised as 'visa' or 'solicitors' fees (see above section on fees)
- Received little or no pay
- Paid less than hours worked
- Working excessively long hours
- Have been deceived about the nature of the job role, hours and pay.
- Money has been deducted from your pay that has not been agreed or that your employer cannot/refuses to explain to you.
- You have been told that you owe your employer money for the visa or for your job.
- Lack of training provided, equipment or personal protective equipment (PPE) to fulfil your duties.
- Being told that if you do not work extra hours your sponsorship will be revoked
- Being threatened that if you do not comply you will be blamed for something that you have not done and they will inform authorities.
- Being encouraged to distrust authorities in the UK and/or made to believe that the authorities will always favour the employer over you.
- You feel trapped and unable to leave your job
- Tied into accommodation as long as you work for your employer (you must live at their accommodation whilst you work for them), and/or vice versa.

- Experience physical, psychological or verbal abuse from your employer.
- No freedom of choice (e.g. be told what to say when external authorities visit)
- Being told to hand over ID (e.g. passport, biometric residence permit, visa)
- Being forced to share a room with someone that you have not previously known
- Overcrowded accommodation that is in poor condition.

If you meet any of the indicators above you may be classed as a victim of modern slavery and you may be entitled to support under the National Referral Mechanism (NRM).

What is the NRM?

The NRM is the national response in the UK to support victims of modern slavery. It has been put in place to identify victims of trafficking and refer them to organisations that will offer help and support. Individuals identified as victims of Modern Slavery are entitled to a minimum recovery and reflection period of 45 days.

As part of this, care and support is provided by The Salvation Army. What support can I receive?

- finding you temporary safe accommodation.
- helping you with medical treatment.
- having someone to help you cope with your experience.
- providing an interpreter/translator to help you communicate in English.
- protection: Modern Slavery is a crime. If you choose to report it to the police they must respond.
- independent legal advice.

For an NRM referral to be made on your behalf you must speak to a 'first responder' this can be a Police Officer, someone from Adult Social Care in the Local Authority or someone from within the Gangmasters and Labour Abuse Authority (GLAA).

How to raise concerns and get advice

If you believe yourself, or know someone else, to be a victim of labour exploitation you can make a self-referral through the Modern Slavery Helpline by calling 08000 121 700 or file a report online at modernslaveryhelpline.org.

You can report instances of labour exploitation to the Gangmasters and Labour Abuse Authority (GLAA) intelligence@gla.gov.uk

You can obtain advice from your legal advisor or a Citizen's Advice Bureau about any compensation you may be able to claim. If you have a support worker, they can assist you in obtaining this advice.

The Salvation Army Helpline - 0300 303 8151.

Food/Clothing banks

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If you are struggling with finances, food/clothing can be accessed through local food/clothing banks. Such resources are accessible to all, even as a migrant worker without the right to public funds. Usually, local food banks can be found through an internet search by using phrases as such as 'X Council food banks', where you will find contact numbers or email addresses for a local service. Such organisations can sometimes offer emergency supermarket vouchers which can be issued the same/next day, some may also drop off food parcels to your address.





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