

What are my

Employment Rights

as a migrant in the UK

Discrimination ● Dismissal ● Wages
Holidays ● Harassment ● Sick pay
Rest breaks ● Maternity ● Equal pay
Health & safety ● Redundancy



#WorkToEmpower




Trust for London
Tackling poverty and inequality

**FOCUS ON
LABOUR
EXPLOITATION**

HEALTH & SAFETY AT WORK

- ✓ Your employer has a general duty to protect your health, safety and welfare at work.
 - Providing training, supervision and instruction
 - Risk assessments (e.g. manual handling)
 - Appointing a person responsible for health and safety
 - Consulting with staff
- ✓ Staff safety representatives
- ✓ Particular duties relating to pregnant women
- ✓ Employers have a duty to provide you with **adequate personal protective equipment** (PPE), depending on risks involved in the work:
 - Cleaning
 - Health and social care
- ✓ Your employer cannot charge you for PPE.
- ✓ Employer must also **report certain injuries** or incidents to the Health and Safety Executive (HSE).



DISCRIMINATION

Discrimination happens when an employer treats you worse than they treat other workers because of who you are.

Grounds of Discrimination: "Protected characteristics"

- Sex
 - Race: colour, nationality, ethnic origins
 - Religion or belief
 - Age
 - Disability
 - Sexual orientation
 - Gender reassignment
 - Marriage/civil partnership
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When am I protected from discrimination?

- In recruitment
- In decisions about promotion, training or other benefits
- In the terms of employment, such as sick pay or holidays
- By being fired
- Any other mistreatment
- Also protected when you use public services, such as health and education, or have contact with government authorities

DIRECT DISCRIMINATION

↪ This is when an employer treats you worse than they treat, or would treat, another employee **because of** a protected characteristic.

*Would you have suffered the same treatment **if you were not** of a certain race, sex etc?*

↪ Requires a comparison but need not be a *real* comparison.

↪ No comparison required for **pregnancy discrimination**.

↪ You do **not** need to have the characteristic yourself:

- someone you are associated with
- a false perception

INDIRECT DISCRIMINATION

↪ This is where the employer applies a policy or practice to **all** staff, but it puts one group at a **particular disadvantage**.

- Example: an employer asks all employees seeking promotion to take a skills test. BME and older employees score much worse on the test than white and younger employees.

↪ You do not need to know the **reason** for the disadvantage.

↪ Indirect discrimination is lawful if there is an **objective justification**

DISCRIMINATION AS MIGRANT WORKER

Usually comes under race, nationality and ethnic origin:

- Segregating employees by race
- Rejecting an applicant because she is a refugee
- Assuming foreign qualifications are less valuable
- Requiring all applicants to have been in UK for at least 5 years



Discrimination because of **immigration status** is not unlawful: court has said it is not the same as race or nationality.

HARASSMENT

↪ Harassment in this context is :

- ‘unwanted conduct’,
- related to a protected characteristic,
- which has the effect of creating intimidating, hostile, degrading, humiliating or offensive environment for the victim

↪ Sexual harassment happens where that ‘unwanted conduct’ is sexual.

↪ It is also harassment to treat an employee less well because they reject or submit to sexual harassment.

SOURCES OF SUPPORT FOR HARASSMENT

Rights of Women has a dedicated helpline for women experiencing sexual harassment at work:

Phone Line

020 7490 0152

Mondays, Tuesdays and Wednesdays: 3pm – 5pm and 6 – 8pm