



Global Care Policy Index

Technical Report for the United Kingdom

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Overview

The Global Care Policy Index (GCPI) is a composite index that provides a single numerical assessment of a country's support for and protection of home-based caregivers and careworkers who do the important but often invisible work of caring for the young, old, disabled, and infirm within the country. The GCPI incentivizes states to take an embedded economy approach, and recognize and reward the critical role that caregiving and carework within households play in supporting the reproduction of society and the functioning of the economy. This goal is in line with the 2030 UN Agenda for Sustainable Development and the ILO's Decent Work Agenda which aim for a future where everyone is able to access decent work. It recognizes that paying attention to, valuing, and dignifying (paid) carework and (unpaid) caregiving is essential if a society wants to improve the quality of life of its people.

For more detailed information about the GCPI, please visit globalcarepolicy.com.

Index Calculation

Each question in the index is scored on a scale of 0 to 1. Each sub-category score is calculated by summing the equally weighted scores of all the questions in the sub-category and then converting that to a 0-to-10 scale. Each category score is calculated as an equally weighted average of their respective sub-category scores. Each sub-index is calculated as an equally weighted average of their respective category scores. Thus, all sub-categories, categories, and sub-indices are calculated out of 10. The overall GCPI score is calculated as an equally weighted average of Sub-Indices A and B.

In the case of countries with decentralized legislation that varies from state to state, or province to province, a [two-step scoring logic](#) is used. This two-step logic takes into account the population coverage of any protective legislation (relative to the overall national population) and deducts points based on the average number of exclusionary conditions that exist in the various states/provinces where the relevant legislation is in force.

Scoring Notes for the United Kingdom

The United Kingdom (UK) consists of four territories - England, Wales, Scotland, and Northern Ireland. As legislative power in the UK is decentralized, the Northern Ireland Assembly passes legislation for most domestic issues affecting Northern Ireland. In practice, the laws applying to the four territories do not vary drastically in content. In the case that variations between the laws applying to Northern Ireland and the rest of the UK were significant to scoring a GCPI question, a two-step scoring logic was followed.

How to Cite this Technical Report

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GLOBAL CARE POLICY INDEX (GCPI)
2022 Country Score
The United Kingdom

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
The United Kingdom				
SUB-INDEX A: PROTECTIONS FOR FAMILY CAREGIVERS				
A1. Pregnancy and Maternity Leave Coverage				
A1.1	Are working women guaranteed maternity leave?	1.00	<p>Yes, working women are guaranteed maternity leave.</p> <p>In all four UK territories (Great Britain and Ireland), working women are eligible for Statutory Maternity Leave under the Maternity and Parental Leave etc. Regulations 1999 and the Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999, regardless of how long they have been employed, how many hours they work, or how much they are paid.</p>	<p>Maternity and Parental Leave Regulations 1999</p> <p>Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999</p>



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A1.2	Are all categories of working women guaranteed maternity leave?	0.40	<p>No - in all four UK territories, all working women who qualify as "employees" are guaranteed maternity leave, but women who qualify as "workers" are not guaranteed maternity leave.</p> <p>Chapter 1 of Part VIII of the Employment Rights Act 1996 offers maternity leave to employees. However, Regulation 230 of the same act establishes that there are two main categories of workers, employees and workers. Therefore, since workers have been omitted, this counts as an exclusionary condition. The Employment Rights (Northern Ireland) Order contains the same content in this regard as the Employment Rights Act.</p> <p>Score = 1 - 0.2 (workers in both part-time and on-call work) - 0.2 (disguised and self employed individuals) - 0.2 (Temporary agency or multi-party employment relationships) = 0.40</p> <p>Part-Time work Part-time employees are eligible for maternity leave. The UK government specifies that irrespective of how many hours an employee works, they are still eligible for maternity leave. Therefore, as long as they are considered an employee, a woman working part-time will not be disqualified from maternity leave.</p> <p>On-Call work On-call workers, or those employed on zero-hour contracts, may either be workers or employees. If classified as employees, they are eligible for maternity leave. If classified as workers however, they are not. However, a majority of those with zero-hour contracts are classified as workers, as acknowledged by the UK government.</p> <p>Disguised work and Self Employment Employment law doesn't cover self-employed people in most cases because they are their own boss. Only employees are eligible to take maternity leave - therefore, self-employed individuals are not eligible.</p> <p>Temporary Agency and Multi-party employment relationships Most temporary agency workers are classified as workers under UK law, and are thus ineligible for maternity leave.</p> <p>Definitions The UK Government website further clarifies that a person is generally classed as a 'worker' if: <ol style="list-style-type: none"> 1. they have a contract or other arrangement to do work or services personally for a reward (your contract doesn't have to be written) 2. their reward is for money or a benefit in kind, for example the promise of a contract or future work 3. they only have a limited right to send someone else to do the work (subcontract) 4. they have to turn up for work even if they don't want to 5. their employer has to have work for them to do as long as the contract or arrangement lasts 6. they aren't doing the work as part of their own limited company in an arrangement where the 'employer' is actually a customer or client <p>On the other hand, a person is classified as an employee usually if: <ol style="list-style-type: none"> 1. they're required to work regularly unless they're on leave, for example holiday, sick leave or maternity leave 2. they're required to do a minimum number of hours and expect to be paid for time worked 3. a manager or supervisor is responsible for their workload, saying when a piece of work should be finished and how it should be done 4. they can't send someone else to do their work 5. they get paid holiday 6. they're entitled to contractual or Statutory Sick Pay, and maternity or paternity pay 7. they can join the business's pension scheme 8. the business's disciplinary and grievance procedures apply to them 9. they work at the business's premises or at an address specified by the business 10. their contract sets out redundancy procedures 11. the business provides the materials, tools and equipment for their work 12. they only work for the business or if they do have another job, it's completely different from their work for the business 13. their contract, statement of terms and conditions or offer letter (which can be described as an 'employment contract') uses terms like 'employer' and 'employee' </p> </p>	<p>The Employment Rights Act 1996</p> <p>Maternity and Parental rights for Self-Employed parents</p> <p>The Employment Rights (Northern Ireland) Order 1996</p>



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A1.3	How long a maternity leave are eligible working women guaranteed?	1.00	<p>In all four territories, eligible working women are guaranteed a total of 26 weeks of Ordinary Maternity Leave. In Great Britain, this is guaranteed under Part II, Regulation 7(1) of the Maternity and Parental Leave Benefits etc. Regulations 1999, amended by The Maternity and Parental Leave (Amendment) Regulations 2002. In Northern Ireland, this is guaranteed by The Maternity and Parental Leave etc. (Amendment No. 3) Regulations (Northern Ireland) 2002 Regulation 7, amended by The Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999.</p> <p>Women who have been in continuous employment for at least 1 year and who have exhausted their Ordinary Maternity Leave are also eligible for Additional Maternity Leave, and may take up to 26 more weeks of leave following the exhaustion of their Ordinary Maternity Leave.</p>	<p>Part II, Regulation 7(1) of the Maternity and Parental Leave Benefits etc. Regulations 1999</p> <p>The Maternity and Parental Leave (Amendment) Regulations 2002.</p> <p>Regulation 7. The Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999.</p> <p>The Maternity and Parental Leave etc. (Amendment No. 3) Regulations (Northern Ireland) 2002</p>
A1.4	Are eligible working women guaranteed extended prenatal maternity leave, if the actual date of childbirth is before or after initial predicted date of childbirth (indicated by a medical certificate) without any reduction in the postnatal maternity leave?	0.75	<p>According to Regulation 4(2)(b) of the Maternity and Parental Leave Regulations, a woman may start her non-compulsory leave at earliest upto 11 weeks prior to her expected date of childbirth, and latest on the day of childbirth itself.</p> <p>Similar provisions exist for Northern Ireland through the Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999.</p> <p>An amendment act in 2002 also allows a woman to vary her declared expected date of birth, provided that she informs her employer: (a) 28 days before the date varied, or (b) 28 days before the new date.</p> <p>Ordinary Maternity Leave is not divided strictly into prenatal and postnatal leave. Regulation 7 mandates however that Ordinary Maternity Leave continues for the period of 26 weeks from its commencement, or until the end of the compulsory maternity leave period provided for in Regulation 8 if later.</p> <p>Therefore, even if the actual date of childbirth is after the predicted date of birth, women are still guaranteed compulsory postnatal maternity leave.</p> <p>However, because there is a fairly restrictive 28 day period in which women must declare the change of their due-date in order for it to be considered valid, the UK incurs a 0.25 deduction for this section.</p> <p>Score = 1 - 0.25 = 0.75</p>	<p>Regulation 4. The Maternity and Parental Leave Benefits etc. Regulations 1999</p> <p>The Maternity and Parental Leave (Amendment) Regulations 2002</p>
A1.5	Are eligible working women guaranteed extended maternity leave in the case of simultaneous multiple births?	0.00	<p>No, eligible working women are not guaranteed extended maternity leave in the case of simultaneous births. Maternity leave is calculated per pregnancy as opposed to per birth.</p>	<p>Maternity and Parental Leave Regulations 1999</p>
A1.6	Are eligible working women entitled to freely choose when they wish to take the non-compulsory portion of their maternity leave - before or after childbirth?	1.00	<p>Yes, in all four UK territories women are entitled to freely choose when they wish to take the non-compulsory portion of their maternity leave. According to Regulation 4(2)(b) of the Maternity and Parental Leave Regulations, a woman may start her non-compulsory leave at earliest upto 11 weeks prior to her expected date of childbirth, and latest on the day of childbirth itself.</p> <p>Part II, Regulation 6(3) of the Maternity and Parental Leave Regulations also states that "An employee's additional maternity leave period commences on the day after the last day of her ordinary maternity leave period."</p> <p>Similar provisions apply to Northern Ireland via the Maternity and Parental Leave Regulations (Northern Ireland).</p> <p>Therefore, there are limitations on how much of her entitled leave a woman can take prior to her childbirth, although a degree of flexibility does exist.</p>	<p>Maternity and Parental Leave Regulations 1999</p> <p>Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999</p>



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A1.7	Are eligible working women guaranteed a period of compulsory maternity leave after childbirth?	1.00	<p>Yes, in all four UK territories eligible working women are guaranteed a minimum 2 week period of compulsory maternity leave after childbirth.</p> <p>Regulation 72(3) of the Employment Rights Act 1996 establishes that compulsory maternity leave can be no shorter than 2 weeks long.</p> <p>Regulation 8 of the Maternity and Parental Benefits etc. Regulations 1999 further establishes that for regular employees, the period of compulsory maternity leave begins at childbirth and extends for two weeks after the date of childbirth.</p> <p>Regulation 205 of Part VII of the Public Health Act 1936 establishes that a woman is not to be employed in factory for the four weeks immediately after she has given birth. Regulation 61 of the Factories Act 1961 also prohibits factory-owners from employing women or girls in a factory in the four weeks immediately following their childbirth. This provision applies regardless of whether the female factory worker is eligible for Ordinary Maternity Leave or not.</p> <p>Similar provisions apply to Northern Ireland through the Employment Rights (Northern Ireland) Order 1996 and the Maternity and Parental Benefits etc. Regulations (Northern Ireland) 1999.</p>	<p>Maternity and Parental Leave Regulations 1999</p> <p>The Employment Rights Act 1996</p> <p>The Factories Act 1961</p> <p>The Public Health Act 1936</p>
A1.8	How long is the compulsory maternity leave that eligible working women are guaranteed after childbirth?	0.33	<p>The baseline period of compulsory maternity leave in the UK is 2 weeks.</p> <p>Regulation 72(3) of the Employment Rights Act 1996 establishes that compulsory maternity leave can be no shorter than 2 weeks long.</p> <p>Regulation 8 of the Maternity and Parental Benefits etc. Regulations 1999 further establishes that for regular employees, the period of compulsory maternity leave begins at childbirth and extends for two weeks after the date of childbirth.</p> <p>However, this period is different for factory workers. Regulation 205 of Part VII of the Public Health Act 1936 establishes that a woman is not to be employed in factory for the four weeks immediately after she has given birth.</p> <p>Similar provisions apply to Northern Ireland through the Employment Rights (Northern Ireland) Order 1996 and the Maternity and Parental Benefits etc. Regulations (Northern Ireland) 1999.</p> <p>Given that the period is less than the 6 weeks recommended by the ILO, the UK's score for this question = $2/6 = 0.33$</p>	<p>Maternity and Parental Leave Regulations 1999</p> <p>The Employment Rights Act 1996</p> <p>The Factories Act 1961</p> <p>The Public Health Act 1936</p>
A1.9	Are eligible women guaranteed additional leave in case there is a documented medical illness, complications, or risk of complications arising out of pregnancy or childbirth?	0.00	<p>No, there is no explicit additional leave guaranteed for eligible women in all four UK territories in the event of documented medical illness or complications.</p> <p>Though the UK offers 26 weeks of Ordinary Maternity Leave, there is no further leave that can be taken in the event of illness. Additional Maternity Leave is only for eligible women who have completed the prerequisite duration of work prior to taking leave, and is not specifically allocated for women facing illness.</p>	<p>Maternity and Parental Leave Regulations 1999</p> <p>Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999</p>
A1.10	Do adoptive mothers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.75	<p>Yes, adoptive mothers have access to adoption leave and pay in all four UK territories.</p> <p>Ordinary Adoption Leave Regulation 15(2) of The Paternity and Adoption Leave Regulations 2002 entitle an employee to Ordinary Adoption Leave if the employee— (a) is the child's adopter; (b) has been continuously employed for a period of not less than 26 weeks ending with the week in which he was notified of having been matched with the child, and (c) has notified the agency that he agrees that the child should be placed with him and on the date of placement.</p> <p>Regulation 18 establishes that an employee's ordinary adoption leave period is 26 weeks.</p> <p>Additional Adoption Leave Under Regulation 20 of the Paternity and Adoption Leave Regulations 2002, employees are also entitled to an additional 26 weeks of Additional Adoption Leave, that begins immediately after the period of Ordinary Adoption Leave ends.</p> <p>Similar provisions apply to Northern Ireland too through the Paternity and Adoption Leave Regulations (Northern Ireland).</p> <p>Score = $1 - 0.25$ (Minimum employment duration requirement) = 0.75</p>	<p>The Paternity and Adoption Leave Regulations 2002</p> <p>The Paternity and Adoption Leave Regulations (Northern Ireland) 2002</p>
A2.	Protections during Pregnancy and Maternity Leave			
A2.1	Financial Protections			

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A2.1.1	What proportion of their salary are eligible working women entitled to receive while on maternity leave?	0.10	<p>Regulation 2 of the Statutory Maternity Pay (General) Regulations 1988 states that the maternity pay period shall be a period of 39 consecutive weeks.</p> <p>Regulation 35A and Regulation 166 of the Social Security Contributions and Benefits Act 1992 state that eligible working women are entitled to:</p> <ul style="list-style-type: none"> 90% of their average weekly earnings (before tax) for the first 6 weeks; £151.97 or 90% of their average weekly earnings (whichever is lower) for the next 33 weeks. <p>The poverty line for UK for a single parent with one child, is £190 after deducting housing costs. Therefore, the maximum quantity of maternity pay during the last 20 weeks of Ordinary Maternity Leave (currently £151.97) is actually below poverty line income level. The payment allocated in the last 20 weeks can therefore not be credited under the GCPI.</p> <p>Statutory Maternity Pay (SMP) can last 39 weeks, but it will end sooner if the employee returns to work prior to the completion of the 33 weeks.</p> <p>Similar provisions apply to Northern Ireland under the Social Security Contributions and Benefits Act (Northern Ireland) 1992.</p> <p>Exclusionary Conditions To qualify for SMP, a female employee must:</p> <ol style="list-style-type: none"> 1. earn on average at least £120 a week [hereby referred to as the minimum earning requirement] 2. have worked for your employer continuously for at least 26 weeks continuing into the 'qualifying week' - the 15th week before the expected week of childbirth. [hereby referred to as the continuous employment requirement] <p>Score Given that an eligible woman is only entitled to 90% of her full salary for 6 weeks of her 26 week ordinary maternity leave, and there are also two exclusionary conditions (the minimum earning requirement, and the continuous employment requirement), the UK is scored a 0.1 for this question.</p>	Statutory Maternity Pay (General) Regulations 1988 Social Security Contributions and Benefits Act 1992
A2.1.2	Is the woman entitled to cash benefits during maternity leave out of social assistance funds if she does not qualify for wage replacement or the country does not offer wage replacements?	0.10	<p>Yes, in all four UK territories women who do not qualify for wage replacement are entitled to cash benefits out of social assistance funds.</p> <p>Section 35 of the Social Security Contributions and Benefits Act 1992 states that:</p> <p>" A woman shall be entitled to a maternity allowance at the appropriate weekly rate determined under section 35A below, if-</p> <ol style="list-style-type: none"> (a) she has become pregnant and has reached, or been confined before reaching, the commencement of the 11th week before the expected week of confinement; and (b) she has been engaged in employment as an employed or self-employed earner for any part of the week in the case of a least 26 of the 66 weeks immediately preceding the expected week of confinement; and (c) her average weekly earnings (within the meaning of section 35A below) are not less than the maternity allowance threshold for the tax year in which the beginning of the period of 66 weeks mentioned in paragraph (b) above falls; and (d) she is not entitled to statutory maternity pay for the same week in respect of the same pregnancy." <p>Similar provisions exist for Northern Ireland in the Social Security Contributions and Benefits (Northern Ireland) Act 1992.</p> <p>The amount of maternity allowance that a woman is entitled to varies depending on her eligibility. She could get either:</p> <ol style="list-style-type: none"> 1. £151.97 a week or 90% of her average weekly earnings (whichever is less) for 39 weeks 2. £27 a week for 39 weeks 3. £27 a week for 14 weeks <p>However, this maternity allowance is far less in comparison to other government support payments, and is below the 2020 poverty threshold.</p> <p>The Personal Independence Payment (PIP) for adults with disabilities has two components: The weekly rate for the daily living part of PIP is either £60.00 or £89.60. The weekly rate for the mobility part of PIP is either £23.70 or £62.55. In comparison, the PIP is generally greater than the Maternity Allowance payment.</p> <p>The minimum Maternity Allowance amount is also well below the 2020 income band of destitution, which is £95 per week. The minimum Maternity Allowance is £27 per week.</p> <p>The UK is thus unable to receive full marks for Question 12 as the maternity allowance offered to women who are not eligible for SMP is less than both the disability benefit, and the income band for destitution.</p>	Social Security Contributions and Benefits Act 1992 Poverty Definitions and Thresholds - Trust for London



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A2.1.3	Does the government ensure that employers are not individually liable for the cost of providing cash benefits to working women during maternity leave either through compulsory social insurance or public funds?	1.00	<p>Yes, the provision of Statutory Maternity Pay and Maternity Allowances is funded by public funds.</p> <p>Employers can usually reclaim 92% of employees' Statutory Maternity (SMP), Paternity, Adoption, Parental Bereavement and Shared Parental Pay. Employers can reclaim 103% if your business qualifies for Small Employers' Relief. Employer's can claim an employee's Statutory Maternity Pay back from HM Revenue and Customs (HMRC).</p>	<p>Statutory Maternity Pay and Leave : Employer Guide</p> <p>Social Security Contributions and Benefits Act 1992</p> <p>Social Security Contributions and Benefits Act 1992</p>
A2.1.4	Are taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, payable equally by men and women, without distinction of sex?	1.00	<p>Yes, contributions under compulsory social insurance are payable equally by men and women.</p>	<p>National Insurance</p> <p>National Insurance Contributions and Statutory Payments Act 2004</p>
A2.1.5	Are unemployment benefits protected from loss or suspension in situations when a worker refuses a job offer on the grounds of conflicts with their family responsibilities?	0.00	<p>There is no explicit legislation that protects unemployment benefits from loss in the event that a worker refuses a job offer on the ground of conflicts with family responsibilities.</p> <p>Under the Regulation 6J (2) of the 1995 Jobseekers Allowance Act, unemployment benefits may be reduced or suspended if the jobseeker:</p> <p>(a) fails for no good reason to comply with a requirement imposed by the Secretary of State under a work preparation requirement to undertake a work placement of a prescribed description;</p> <p>(c) fails for no good reason to comply with a work availability requirement by not taking up an offer of paid work;</p> <p>A "good reason" is not explicitly defined in the Jobseekers Allowance Act. It is thus largely left to the discretion of jobseekers' case manager. Thus, it seems possible that unemployment benefits may be suspended if a worker refuses a job offer on the grounds of conflicts with their family responsibilities.</p>	<p>Jobseekers Allowance Act</p> <p>The Jobseeker's Allowance Regulations (Northern Ireland) 2016</p>
A2.2	Employment Protections			
A2.2.1	Are working women guaranteed a right to return to the same job/position or to an equivalent position, paid at the same rate at the end of their maternity leave?	1.00	<p>Yes. Section 18 of the Maternity and Parental Leave etc. Regulations 1999 establish the right for a woman to return to the same or equivalent job upon the end of their maternity leave. Similar provisions exist for Northern Ireland through the Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999.</p> <p>Section 18(5)(a) establishes that an employee's right to return is to return on terms and conditions as to remuneration not less favourable than those which would have been applicable to her had she not been absent from work at any time since the start of her parental or maternity leave.</p>	<p>Maternity and Parental Leave Regulations 1999</p> <p>Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999</p>
A2.2.2	Are working women protected from dismissal from work while they are on maternity leave, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	1.00	<p>Yes, working women are protected from dismissal from work while they are on maternity leave.</p> <p>Section 47C of the Employment Rights Act states that "An employee has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done for a prescribed reason". Maternity leave, childbirth, and pregnancy are considered to be reasons for which occupational detriment or dismissal is not justified. Similar provisions apply to Northern Ireland through the Employment Rights (Northern Ireland) Order 1996.</p> <p>However, Section 10 of the Maternity and Parental Leave Regulations states that working women may still be laid off during maternity leave due to the employer's redundancy.</p>	<p>The Employment Rights Act 1996</p> <p>The Equality Act 2010</p>

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A2.2.3	Are working women protected from dismissal during a period following their return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	0.24	<p>No, most women are not protected from dismissal during a period following their return to work. Women who aren't entitled to maternity leave however are protected from dismissal for two weeks after returning to work in England, Scotland, and Wales.</p> <p>England, Scotland, and Wales Section 18 of the Equality Act 2010 prevents women from being discriminated against because of their pregnancy, any illnesses arising from their pregnancy, or because of their maternity leave.</p> <p>The Equality Act states that: "The protected period, in relation to a woman's pregnancy, begins when the pregnancy begins, and ends—</p> <p>(a) if she has the right to ordinary and additional maternity leave, at the end of the additional maternity leave period or (if earlier) when she returns to work after the pregnancy;</p> <p>(b) if she does not have that right, at the end of the period of 2 weeks beginning with the end of the pregnancy."</p> <p>A person (A) discriminates against a woman if, in the protected period in relation to a pregnancy of hers, A treats her unfavourably – (a) because of the pregnancy, or (b) because of illness suffered by her as a result of it.</p> <p>Therefore, women not entitled to maternity leave have a protected period of 2 weeks following the end of their pregnancy. For women entitled to maternity leave, there is no protected period following their return to work.</p> <p>Section 99 of the Employment Rights Act 1996 lists that if the primary reason for a women's dismissal is related to her childbirth or her taking of Ordinary or Additional Maternity Leave, then that dismissal would be considered an unfair dismissal. However, the onus still remains on the woman to prove that her dismissal was unfair.</p> <p>Northern Ireland Section 131 of the Employment Rights (Northern Ireland) Order also states that if a woman is dismissed for giving birth or taking maternity leave, then the dismissal would be an unfair dismissal. Here too, the onus still remains on the woman to prove that her dismissal was unfair.</p> <p>Score England, Wales, and Scotland may score 0.25 for this index question however, because working women who are not entitled to maternity leave do have a protected period of 2 weeks following their return to work, in which they cannot be treated unfavourably. No similar provision exists in Northern Ireland, therefore Northern Ireland scores 0 for this Index question.</p> <p>Score Weightage by Population According to the UK government population estimates (mid-2020), the UK has a total population of 6,7081,234. Of this, 97% of the UK's population is situated in England, Scotland, and Wales, while only 3% of the UK's population is situated in Northern Ireland.</p> <p>Therefore, the final score will be $(0.25 * 0.97) + (0 * 0.03) = 0.24$ (Score for England, Scotland and Wales * Percentage of total population residing in England, Scotland and Wales) + (Score for Northern Ireland * Percentage of total population residing in Northern Ireland)</p>	The Employment Rights Act 1996 The Equality Act 2010
A2.2.4	Are employers prohibited from requiring pregnancy tests of women applying for employment (except for work that is prohibited for nursing or pregnant women, or for work that poses significant risk to the health of the woman and the child)?	1.00	<p>Yes, employers are prohibited from requiring pregnancy tests of women applying for employment in England, Scotland, and Wales.</p> <p>Regulation 60 of the Equality Act states that:</p> <p>"A person (A) to whom an application for work is made must not ask about the health of the applicant (B)—</p> <p>(a) before offering work to B, or (b) where A is not in a position to offer work to B, before including B in a pool of applicants from whom A intends (when in a position to do so) to select a person to whom to offer work."</p>	Regulation 60, The Equality Act
A2.2.5	Are there laws to protect workers against direct or indirect job discrimination on the basis of their marital status or family responsibilities?	1.00	<p>Yes, there are laws in all four territories to protect workers from direct or indirect job discrimination on the basis of their marital status or family responsibilities.</p> <p>The Equality Act 2010 in Section 13 prevents discrimination against workers in England, Scotland, and Wales on the basis of their marriage or civil partnership status. Marriage and civil partnership status is listed as a protected characteristic in the Equality Act.</p> <p>The Employment Rights (Northern Ireland) Order in Section 70C also states that employees should not be discriminated against for taking leave for family and domestic reasons.</p>	Regulation 13, Equality Act 2010 Regulation 70C, The Employment Rights (Northern Ireland) Order



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A3.	Paternity Leave Policies			
A3.1	Are working men guaranteed paternity or parental leave?	0.75	<p>Yes, working men in all four UK territories are guaranteed paternity leave under certain exclusionary conditions.</p> <p>The Paternity and Adoption Regulations 2002 state that "An employee is entitled to be absent from work for the purpose of caring for a child or supporting the child's mother if he—</p> <p>(a)has been continuously employed for a period of not less than 26 weeks ending with the week immediately preceding the 14th week before the expected week of the child's birth;</p> <p>(b)is either— (i)the father of the child or; (ii)married to or the partner of the child's mother, but not the child's father;</p> <p>(c)has, or expects to have— (i)if he is the child's father, responsibility for the upbringing of the child; (ii)if he is the mother's husband or partner but not the child's father, the main responsibility (apart from any responsibility of the mother) for the upbringing of the child. "</p> <p>Employees may also take unpaid parental leave if they have worked for their employer for over a year. The limit on how much parental leave each parent can take in a year is 4 weeks for each child (unless the employer agrees otherwise).</p> <p>Parallel legislation also exists in Northern Ireland.</p> <p>Score = 1 - 0.25 (minimum employment duration to qualify for paternity leave) = 0.75</p>	<p>The Paternity and Adoption Leave Regulations 2002</p> <p>The Paternity and Adoption Leave Regulations (Northern Ireland) 2002</p>



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A3.2	Are all categories of working men guaranteed paternity leave or parental leave?	0.15	<p>Yes, working men in all four UK territories are guaranteed paternity leave, subject to several exclusionary conditions.</p> <p>Firstly, only those workers classified as employees are entitled to paternity leave. As workers are excluded from paternity leave and parental leave entitlements, this is counted as multiple exclusionary conditions since workers performing on-call work, disguised and self employed individuals and those in temporary agency or multi-party employment relationships, may not be counted as employees.</p> <p>Under UK law, a person is classified as an employee usually if:</p> <ol style="list-style-type: none"> 1. they're required to work regularly unless they're on leave, for example holiday, sick leave or maternity leave 2. they're required to do a minimum number of hours and expect to be paid for time worked 3. a manager or supervisor is responsible for their workload, saying when a piece of work should be finished and how it should be done 4. they can't send someone else to do their work 5. they get paid holiday 6. they're entitled to contractual or Statutory Sick Pay, and maternity or paternity pay 7. they can join the business's pension scheme 8. the business's disciplinary and grievance procedures apply to them 9. they work at the business's premises or at an address specified by the business 10. their contract sets out redundancy procedures 11. the business provides the materials, tools and equipment for their work 12. they only work for the business or if they do have another job, it's completely different from their work for the business 13. their contract, statement of terms and conditions or offer letter (which can be described as an 'employment contract') uses terms like 'employer' and 'employee' <p>Secondly, section 4(2) of The Paternity and Adoption Leave Regulations states that an employee is entitled to paternity leave if they have:</p> <p>"(a) has been continuously employed for a period of not less than 26 weeks ending with the week immediately preceding the 14th week before the expected week of the child's birth;</p> <p>(b) is either— (i) the father of the child or; (ii) married to or the partner of the child's mother, but not the child's father;</p> <p>(c) has, or expects to have— (i) if he is the child's father, responsibility for the upbringing of the child; (ii) if he is the mother's husband or partner but not the child's father, the main responsibility (apart from any responsibility of the mother) for the upbringing of the child."</p> <p>Similar provisions apply to Northern Ireland through the The Paternity and Adoption Leave Regulations (Northern Ireland).</p> <p>Since an employee would further have to be continuously employed for a minimum period of 26 weeks to qualify for paternity leave, this is also counted as an exclusionary condition.</p> <p>Score = 1 - 0.2 (workers in both part-time and on-call work) - 0.2 (disguised and self employed individuals) - 0.2 (Temporary agency or multi-party employment relationships) - 0.25 (Continuous employment requirement) = 0.15</p>	<p>The Paternity and Adoption Leave Regulations 2002</p> <p>The Paternity and Adoption Leave Regulations (Northern Ireland) 2002</p>
A3.3	How long a paternity or parental leave are eligible working men guaranteed?	1.00	<p>Eligible working men are entitled to a maximum of 2 weeks of paternity leave. These 2 weeks are inclusive of any weekends and holidays that fall within the 2 week period. The UK government specifies that paternity leave cannot start before the birth, and must end within 56 days of the birth (or due date if the baby is early).</p>	<p>The Paternity and Adoption Leave Regulations 2002</p> <p>The Paternity and Adoption Leave Regulations (Northern Ireland) 2002</p>
A3.4	What proportion of their salary are eligible working men entitled to receive while on paternity leave?	0.75	<p>The statutory weekly rate of Paternity Pay is £151.97 in all four UK territories, or 90% of the employee's average weekly earnings (whichever is lower).</p> <p>While lower income employees would be entitled to 90% of their average weekly income, higher income employees would not be entitled to a much lower percentage of their average weekly income. This qualifies as an exclusionary condition which limits the proportion of their salary that higher income working men are entitled to receive on paternity leave.</p>	<p>Paternity Pay and Leave</p>



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A3.5	In the case of the death of the mother before the expiry of the postnatal leave, is the employed father of the child entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.75	<p>Yes, in all four UK territories an employed and eligible father or partner may take leave of a duration equal to the unexpired portion of the postnatal maternity leave.</p> <p>In the case of the mother's death, the mother's maternity leave too would expire. However, the mother's partner or the father could take Shared Parental Leave equivalent to the unutilized portion of maternity leave if they are eligible. They may take the rest of the 52 weeks of maternity or adoption leave as Shared Parental Leave (SPL).</p> <p>The partner is eligible for Shared Parental Leave if the following conditions are met:</p> <p>The mother must:</p> <ol style="list-style-type: none"> 1) have been working for at least 26 weeks out of the 66 weeks before the week the baby's due (the 26 weeks do not need to be in a row) 2) have earned at least £390 in total across any 13 of the 66 weeks <p>The mother's partner must:</p> <ol style="list-style-type: none"> 1) have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date 2) stay with the same employer until they start their SPL <p>To be eligible for SPL, the partner must be an 'employee' (not a 'worker').</p> <p>Score = 1 - 0.25 (Partner must be eligible for Shared Parental Leave) = 0.75</p>	<p>Shared Parental Leave and Pay</p> <p>The Shared Parental Leave Regulations 2014</p>
A3.6	In the case of sickness or hospitalisation of the mother after childbirth where the mother cannot take care of the child, is the employed father of the child entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.75	<p>Yes, the employed father of the child is able to take leave in the event that the mother is unable to care for the child during her maternity leave.</p> <p>The UK utilizes a system of Shared Parental Leave (SPL). When parents choose to use SPL, the mother must not utilize her full maternity leave and instead use the unexpired portion as SPL. Shared Parental Leave can be utilized by either parent, either all at once or in blocks of time separated by work. Those working and resident in Northern Ireland are also eligible for SPL.</p> <p>The partner is eligible for Shared Parental Leave if the following conditions are met:</p> <p>The mother must:</p> <ol style="list-style-type: none"> 1) have been working for at least 26 weeks out of the 66 weeks before the week the baby's due (the 26 weeks do not need to be in a row) 2) have earned at least £390 in total across any 13 of the 66 weeks <p>The mother's partner must:</p> <ol style="list-style-type: none"> 1) have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date 2) stay with the same employer until they start their SPL <p>To be eligible for SPL, the partner must be an 'employee' (not a 'worker').</p> <p>Score = 1 - 0.25 (Partner must be eligible for Shared Parental Leave) = 0.75</p>	<p>Shared Parental Leave and Pay</p> <p>The Shared Parental Leave Regulations 2014</p>
A3.7	Do adoptive fathers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.75	<p>Yes, adoptive fathers are also entitled to paternity leave and paternity pay with one exclusionary condition.</p> <p>Section 15 of the Paternity and Adoption Leave Regulations 2002 states that:</p> <p>" (1) An employee is entitled to ordinary adoption leave in respect of a child if he—... (2) (a) is the child's adopter; (b) has been continuously employed for a period of not less than 26 weeks ending with the week in which he was notified of having been matched with the child, and (c) has notified the agency that he agrees that the child should be placed with him and on the date of placement. "</p> <p>Similar provisions apply to Northern Ireland through the Paternity and Adoption Leave Regulations (Northern Ireland) 2002.</p> <p>Given that the adoptive father must have been continuously employment for a period of not less than 26 weeks in order to be eligible for adoption leave, this counts as 1 exclusionary condition.</p> <p>Score = 1 - 0.25 = 0.75</p>	<p>The Paternity and Adoption Leave Regulations 2002</p> <p>The Paternity and Adoption Leave Regulations (Northern Ireland) 2002</p>
A4.	Dependent Care Leave Policies			



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A4.1	Are eligible workers entitled to leave to take care of their children?	0.50	<p>Yes, eligible workers are entitled to unpaid childcare leave in all four UK territories with some exclusionary conditions.</p> <p>Employees are entitled to 18 weeks' leave for each child and adopted child up to their 18th birthday. The limit on how much parental leave each parent can take in a year is 4 weeks for each child (unless the employer agrees otherwise). Leave must be taken week by week, as opposed to in individual days.</p> <p>Regulation 13 of the Maternity and Parental Leave Regulations defines eligible employees are: "1) An employee who— (a) has been continuously employed for a period of not less than a year; and (b) has, or expects to have, responsibility for a child" .</p> <p>There are two exclusionary conditions in this legislation. First, only employees are eligible - not all workers. Secondly, there is an exclusionary restriction based on continuous employment.</p> <p>Similar provisions exist for Northern Ireland through the Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999.</p> <p>Score = 1 - 0.25 (Exclusion of workers) - 0.25 (Continuous employment requirement) = 0.5</p>	the Maternity and Parental Leave Regulations
A4.2	Are eligible workers entitled to leave to take care of immediate family members who may be suffering from an illness?	1.00	<p>Yes, eligible employees are entitled to time off to care for a dependant if the dependant is involved in an emergency. A wide range of emergencies are listed, including injury or sudden illness of a dependant.</p> <p>There is no specified time given, as it is circumstance dependent.</p>	Time off for family and dependants
A4.3	Are all categories of workers guaranteed dependent care leaves?	0.40	<p>Employees are entitled to time off to care for dependants. However, some classes of worker are excluded from this entitlement.</p> <p>While workers in formal and full-time employment are often considered employees, and temporary workers may also be considered employees, other kinds of workers are not. Workers in on-call work, temporary agency employment, and disguised employment are often not classified as employees. Therefore, 3 categories of worker are not explicitly entitled to dependant care leave.</p> <p>Score = 1 - 0.2 (exclusion of on-call workers) - 0.2 (exclusion of temporary agency employment) - 0.2 (exclusion of disguised employment) = 0.4</p>	Time off for family and dependants
A5.	Flexible Work Arrangements			
A5.1	Do employees with care responsibilities have the right to request reduced working hours?	0.74	<p>Yes, employees with care responsibilities have the right to request reduced working hours, with exclusions.</p> <p>England, Scotland, and Wales In England, Scotland, and Wales, one exclusionary condition applies to the right to request reduced working hours, which is that the employee must have worked for their employer for 26 weeks continuously prior to their application for reduced working hours. Therefore, the score for England, Scotland, and Wales will be 1 - 0.25 (continuous employment requirement of 26 weeks) = 0.75.</p> <p>Northern Ireland In Northern Ireland, two exclusionary conditions apply to the right to request reduced working hours. 1) The employee must have worked for their employer for 26 weeks continuously prior to their application 2) The employee cannot be an agency worker Therefore, the score for Northern Ireland will be 1 - 0.25 (continuous employment requirement of 26 weeks) - 0.25 (exclusion of agency workers) = 0.50</p> <p>Score Weightage by Population According to the UK government population estimates (mid-2020), the UK has a total population of 6,7081,234. Of this, 97% of the UK's population is situated in England, Scotland, and Wales, while only 3% of the UK's population is situated in Northern Ireland.</p> <p>Therefore, the final score will be (0.75 * 0.97) + (0.50 * 0.03) = 0.74 (Score for England, Scotland and Wales * Percentage of total population residing in England, Scotland and Wales) + (Score for Northern Ireland * Percentage of total population residing in Northern Ireland)</p>	Flexible Working Flexible working and work-life balance



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A5.2	Do employees with care responsibilities have the right to request flexitime, telecommuting, etc.?	0.74	<p>Yes, employees with care responsibilities have the right to request flexitime and telecommuting. However, exclusions apply.</p> <p>Some types of flexible working options that employees can request are:</p> <ol style="list-style-type: none"> 1) Job sharing : Where two people do one job and split the hours. 2) Work from home 3) Part-time work 4) Compressed hours : Working full-time hours but over fewer days. 5) Flexitime : Where the employee works certain "core" hours but can otherwise choose when to start and end work, within limits. 6) Annualized hours : Where the employee has to work a certain number of hours annually, but has some flexibility about when specifically they work. 7) Staggered hours : Where the employee has different start, finish and break times from other workers. 8) Phased retirement : Where older workers can work fewer hours in the leadup to their retirement. <p>England, Scotland, and Wales In England, Scotland, and Wales, one exclusionary condition applies to the right to request reduced working hours, which is that the employee must have worked for their employer for 26 weeks continuously prior to their application for reduced working hours. Therefore, the score for England, Scotland, and Wales will be 1 - 0.25 (continuous employment requirement of 26 weeks) = 0.75.</p> <p>Northern Ireland In Northern Ireland, two exclusionary conditions apply to the right to request reduced working hours. 1) The employee must have worked for their employer for 26 weeks continuously prior to their application 2) The employee cannot be an agency worker Therefore, the score for Northern Ireland will be 1 - 0.25 (continuous employment requirement of 26 weeks) - 0.25 (exclusion of agency workers) = 0.50</p> <p>Score Weightage by Population According to the UK government population estimates (mid-2020), the UK has a total population of 67081234. Of this, 97% of the UK's population is situated in England, Scotland, and Wales, while only 3% of the UK's population is situated in Northern Ireland.</p> <p>Therefore, the final score will be (0.75 * 0.97) + (0.50 * 0.03) = 0.74 (Score for England, Scotland and Wales * Percentage of total population residing in England, Scotland and Wales) + (Score for Northern Ireland * Percentage of total population residing in Northern Ireland)</p>	<p>Flexible working: Types of flexible working</p> <p>Flexible working and work-life balance</p>
A5.3	Are the special needs of workers with family responsibilities taken into account in shift-work arrangements and assignments to night work?	0.75	<p>The Flexible Working (Eligibility, Complaints, and Remedies) Regulations 2006 state that:</p> <p>"(1) An employee is entitled to make an application to his employer for a contract variation if he—</p> <ol style="list-style-type: none"> (a)has been continuously employed for a period of not less than 26 weeks; (b)is either— (i)the mother, father, adopter, guardian or foster parent of the child or; (ii)married to or the partner of the child's mother, father, adopter, guardian or foster parent; (c)has, or expects to have responsibility for the upbringing of the child." <p>In this act, Regulation 1 states that an "employee" means an individual who has entered into or works under (or, where the employment has ceased, worked under) a contract of employment.</p> <p>Therefore, workers with family responsibilities who have been continuously employed for 26 weeks or more by their employer are able to request for flexible working. This regulation allows workers with family responsibilities to request for flexibility in their assignments to shift-work or night work, though ultimately the employer still has the discretion to approve or deny the request.</p> <p>Score = 1- 0.25 (Continuous employment requirement) = 0.75</p> 	<p>The Flexible Working Regulations 2006</p>



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A5.4	Is a woman allowed to leave the workplace, if necessary, after notifying her employer, in order to undergo medical examinations related to her pregnancy?	1.00	<p>Yes, women are entitled to leave the workplace to undergo medical examinations related to pregnancy.</p> <p>Regulation 55 (Right to take time off for ante-natal care) of the Employment Rights Act states that: "(1)An employee who— (a)is pregnant, and (b)has, on the advice of a registered medical practitioner, registered midwife or registered nurse, made an appointment to attend at any place for the purpose of receiving ante-natal care, is entitled to be permitted by her employer to take time off during the employee's working hours in order to enable her to keep the appointment. "</p> <p>Therefore, women can take paid time off work for antenatal appointments that are recommended by the woman's doctor, nurse or midwife. This might include parenting or relaxation classes as well as medical appointments.</p> <p>All women who are entitled to maternity leave are also entitled to the right to leave the workplace to undergo antenatal appointments. Agency workers are also entitled to this leave if they have been working for the same hirer for at least 12 weeks in a row.</p>	<p>Rights while you're pregnant at work</p> <p>Working when pregnant: Your Rights</p> <p>Regulation 55. The Employment Rights Act</p>
A6. Mother-Friendly Workplace Policies				
A6.1 Nursing Support in the Workplace				
A6.1.1	Is the mother guaranteed daily breaks or reduction of work hours to pump milk, breastfeed, or nurse for her child?	0.00	<p>No, the law does not guarantee a mother daily breaks to breastfeed or nurse her child in any of the four UK territories.</p> <p>There are no explicit laws that guarantee daily breaks for a woman to breastfeed. The Advisory, Conciliation and Arbitration Service (ACAS) which is an executive non-departmental public body of the UK Government, states that "The law doesn't require an employer to grant paid breaks from a job in order to breastfeed or to express milk for storage and later use. Neither does it require an employer to provide facilities to breastfeed or express milk". The Equality Commission for Northern Ireland states that there is no legal right for employees to take time off from work to breastfeed</p> <p>However, a refusal to adapt working hours could be indirect sex discrimination unless the employer can prove that the refusal is justified by the needs of the business.</p>	<p>Accommodating breastfeeding employees in the workplace</p> <p>Promoting Breastfeeding: Returning to Work</p> <p>Returning to Work: Equality Commission for Northern Ireland</p>
A6.1.2	Are these breaks counted and compensated as working time?	0.00	<p>No, breaks for breastfeeding are not explicitly counted and compensated as working time in any of the four UK territories.</p> <p>The Advisory, Conciliation and Arbitration Service (ACAS) which is an executive non-departmental public body of the UK Government, states that "The law doesn't require an employer to grant paid breaks from a job in order to breastfeed or to express milk for storage and later use". The Equality Commission for Northern Ireland reiterates this.</p>	<p>Accommodating breastfeeding employees in the workplace</p> <p>Promoting Breastfeeding: Returning to Work</p> <p>Returning to Work: Equality Commission for Northern Ireland</p>
A6.1.3	On the production of a medical certificate, can the frequency and length of these nursing breaks be adapted to particular needs?	0.10	<p>No - as nursing breaks are not legally guaranteed, there is also no legal guarantee that the frequency and length of nursing breaks can be adapted.</p> <p>However, employees who have been employed for over 26 weeks by their employer may request for reduced working hours via the Flexible Working Regulations in order to nurse their children. Such requests may not necessarily be approved however, and hence the UK can score 0.1 for this question as flexible working is a potential option by which nursing breaks can be adapted to individual needs, although it is not a guaranteed option.</p>	<p>Accommodating breastfeeding employees in the workplace</p> <p>Flexible Working: Types of flexible working</p> <p>The Equality Commission for Northern Ireland</p>
A6.1.4	Are employers required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk?	0.10	<p>No, employers are not required to provide facilities at or near the workplace so that mothers can nurse or pump milk. However, Regulation 25 (4) of the Workplace (Health, Safety and Welfare) Regulations 1992 which applies to England, Scotland, and Wales states that: "Suitable facilities shall be provided for any person at work who is a pregnant woman or nursing mother to rest."</p> <p>The Health and Safety Executive (HSE) in Northern Ireland also recommends to employers that it is good practice to provide a private, healthy and safe environment for breastfeeding mothers to express and store milk, but this is not a legal requirement.</p> <p>Because these provisions do not directly allow nursing mothers to nurse or pump milk near the workplace, the UK can only score 0.1 for this section.</p>	<p>Accommodating breastfeeding employees in the workplace</p> <p>Workplace (Health, Safety and Welfare) Regulations 1992</p>



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A6.2	Workplace Safety for Pregnant and Nursing Women			
A6.2.1	Are employers required to assess and report workplace risks related to the health and safety of pregnant and nursing women and their children?	1.00	<p>Yes, employers are required to assess workplace risks related to the health and safety of pregnant and nursing women and their children. Regulation 16 of The Management of Health and Safety at Work Regulations 1999 states that</p> <p>" Where—</p> <p>(a) the persons working in an undertaking include women of child-bearing age; and</p> <p>(b) the work is of a kind which could involve risk, by reason of her condition, to the health and safety of a new or expectant mother, or to that of her baby, from any processes or working conditions, or physical, biological or chemical agents, including those specified in Annexes I and II of Council Directive 92/85/EEC(1) on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding,</p> <p>the assessment required by regulation 3(1) shall also include an assessment of such risk."</p> <p>This mandates that every employer must conduct a "suitable and sufficient" assessment of the risks that their employees are exposed to at or through work.</p> <p>The only entities exempt from this risk assessment according to Regulation 1 of the MHSR are : 1) The master and crew of a sea-going ship, 2) Domestic service in a private household and 3) work regulated as not being harmful, damaging or dangerous to young people in a family undertaking.</p>	<p>Regulation 16 of The Management of Health and Safety at Work Regulations 1999</p> <p>Regulation 16. The Management of Health and Safety at Work Regulations (Northern Ireland) 2000</p>
A6.2.2	Is a pregnant or nursing woman exempt from performing work that has been determined to be prejudicial to the health of the mother or the child?	1.00	<p>Yes, a pregnant or nursing woman is exempt from doing work that would be prejudicial to the health of the mother or the child.</p> <p>Under Regulation 16 of the Management of Health and Safety Risks at Work Regulations, employers are required to conduct risk assessments for any work that may be prejudicial to the health of a pregnant or nursing woman. The employer is further required to then adjust the woman's working conditions to avoid any identified risks. The regulation states that</p> <p>"(2) Where, in the case of an individual employee, the taking of any other action the employer is required to take under the relevant statutory provisions would not avoid the risk referred to in paragraph (1) the employer shall, if it is reasonable to do so, and would avoid such risks, alter her working conditions or hours of work.</p> <p>(3) If it is not reasonable to alter the working conditions or hours of work, or if it would not avoid such risk, the employer shall, subject to Article 99 of the 1996 Order(2) (right to offer of alternative work), suspend the employee from work for so long as is necessary to avoid such risk. "</p> <p>Similar provisions apply to Northern Ireland through the Management of Health and Safety Risks at Work (Northern Ireland).</p>	<p>Regulation 16 of The Management of Health and Safety at Work Regulations 1999</p>
A6.2.3	Is the woman entitled to eliminate risk elements from work (if possible), adapt the conditions of her work, or transfer from harmful labor to other kinds of work that do not pose risks to her health?	1.00	<p>Yes, in all four UK territories women are entitled to eliminated risk elements from her work.</p> <p>Regulation 67 of the Employment Rights Act (titled Right to offer of alternative work) states that [with regard to employees who may be suspended from work on maternity grounds]:</p> <p>"(1) Where an employer has available suitable alternative work for an employee, the employee has a right to be offered to be provided with the alternative work before being suspended from work on maternity grounds.</p> <p>(2) For alternative work to be suitable for an employee for the purposes of this section—</p> <p>(a) the work must be of a kind which is both suitable in relation to her and appropriate for her to do in the circumstances, and</p> <p>(b) the terms and conditions applicable to her for performing the work, if they differ from the corresponding terms and conditions applicable to her for performing the work she normally performs under her contract of employment, must not be substantially less favourable to her than those corresponding terms and conditions."</p> <p>Regulation 99 of the Employment Rights Act (Northern Ireland) reads the same as above.</p> <p>Furthermore, Regulation 68 states that "An employee who is suspended from work on maternity grounds is entitled to be paid remuneration by her employer while she is so suspended."</p> <p>This is interpreted to provide women with the option of alternate work in the event that their original job scope is considered too risky for them now, given their pregnancy.</p>	<p>Regulation 67, the Employment Rights Act</p>



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A6.2.4	On the production of a medical certificate, is the woman exempt from doing night work if it may be incompatible with her pregnancy or nursing?	0.10	<p>Women are not explicitly exempt from night work. However, broader legislation exists to protect women from doing work that is incompatible with their pregnancy or nursing.</p> <p>Regulation 16 of the Management of Health and Safety Risks at Work Regulations states that in the event that a risk assessment reveals elements of work that could pose a risk to a pregnant or nursing woman,</p> <p>"...the employer shall, if it is reasonable to do so, and would avoid such risks, alter her working conditions or hours of work.</p> <p>(3) If it is not reasonable to alter the working conditions or hours of work, or if it would not avoid such risk, the employer shall, subject to Article 99 of the 1996 Order(2) (right to offer of alternative work), suspend the employee from work for so long as is necessary to avoid such risk. "</p> <p>Regulation 16 of the Management of Health and Safety Risks at Work Regulations (Northern Ireland) states the same for Northern Ireland.</p> <p>However, this clause does not specifically exempt pregnant or nursing women from night work. Therefore, the UK only scores 0.1 in this index question.</p>	Regulation 16. The Management of Health and Safety Risks at Work Regulations

SUB-INDEX B: PROTECTIONS FOR DOMESTIC WORKERS

B1. Coverage under National Labor Laws				
B1.1	Are domestic workers covered under national labor laws?	1.00	<p>Yes, domestic workers are covered under national labor laws.</p> <p>Domestic workers are not explicitly excluded from the definitions of "employee" and "worker" set out by the Employment Rights Act 1996 and the Employment Rights (Northern Ireland) Order 1996. Labor laws in the UK are targeted primarily at workers, with additional provisions for employees. Therefore, domestic workers do receive a degree of legal coverage under British labor laws.</p> <p>Regulation 53 of the Modern Slavery Act 2015 in particular also explicitly provides protections for migrant domestic workers.</p>	Regulation 230. The Employment Rights Act Regulation 53. Modern Slavery Act
B1.2	Do the legislations for domestic workers cover all categories of domestic work and contractual arrangements?	1.00	<p>Yes, legislations for domestic workers cover all categories of domestic work and contractual arrangements in all four UK territories.</p> <p>Regulation 230 of the Employment Rights Act states that: "(3) In this Act "worker" (except in the phrases "shop worker" and "betting worker") means an individual who has entered into or works under (or, where the employment has ceased, worked under)—</p> <p>(a) a contract of employment, or (b) any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual;"</p> <p>This is interpreted to cover all ranges of contractual agreements, including part-time work.</p> <p>Regulation 161 of the Employment Rights Act states that: "A person does not have any right to a redundancy payment in respect of employment as a domestic servant in a private household where the employer is the parent (or step-parent), grandparent, child (or step-child), grandchild or brother or sister (or half-brother or half-sister) of the employee.</p> <p>(2) Subject to that, the provisions of this Part apply to an employee who is employed as a domestic servant in a private household as if—</p> <p>(a) the household were a business, and (b) the maintenance of the household were the carrying on of that business by the employer."</p> <p>Therefore, aside from the exclusion of family member workers, domestic servants are subject to the same rules as employees of other businesses.</p> <p>Similar provisions apply to Northern Ireland through the Employment Rights (Northern Ireland) Order 1996</p>	Regulation 161 and 230. The Employment Rights Act Employment Rights (Northern Ireland) Order
B2. Fair Employment Process				
B2.1	Standard Terms of Employment			



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B2.1.1	Is there a requirement for domestic workers to be informed of their terms of employment, preferably through written contracts, though verifiable verbal contracts are allowed?	1.00	<p>Yes, there is a requirement for domestic workers to be informed of their terms of employment in all four UK territories.</p> <p>Regulation 1 of the Employment Rights Act states that "Where [a worker] begins employment with an employer, the employer shall give to [the worker] a written statement of particulars of employment." Similar provisions apply to Northern Ireland through the Employment Rights (Northern Ireland) Order 1996.</p>	<p>Regulation 1, The Employment Rights Act</p> <p>Section 33, The Employment Rights (Northern Ireland) Order</p>
B2.1.2	Are domestic workers' contracts required to include standard information about the employment relationship?	1	<p>Yes, domestic workers' contracts in all four territories are required to include standard information about the employment relationship.</p> <p>Regulation 1 of the Employment Rights Act states that workers' contracts should include details about the employer and terms and conditions relating to pay, working hours, and holiday. Similar provisions apply to Northern Ireland through the Employment Rights (Northern Ireland) Order 1996.</p>	<p>Regulation 1, The Employment Rights Act</p> <p>Section 33, The Employment Rights (Northern Ireland) Order</p>
B2.1.3	Are domestic workers' contracts required to include information about working hours, rest and leave?	0.99	<p>Yes, domestic workers' contracts are required to include standard information about working hours, rest, and leave in all four territories.</p> <p>Regulation 1 of the Employment Rights Act states that workers' contracts should include details about the terms and conditions relating to pay, working hours, and holiday.</p> <p>(1) type of work to be performed: Regulation 1 states that the statement (the contract) should contain particulars of "the title of the job which the [worker] is employed to do or a brief description of the work for which he is employed."</p> <p>(2) normal hours of work: Regulation 1 states that the statement shall also contain particulars of "any terms and conditions relating to hours of work including any terms and conditions relating to— (i) normal working hours,"</p> <p>(3) daily rest and (4) weekly rest: Regulation 1 states that the statement shall also contain particulars of:</p> <p>"(c) any terms and conditions relating to hours of work including any terms and conditions relating to— (i) normal working hours, (ii) the days of the week the worker is required to work, and (iii) whether or not such hours or days may be variable, and if they may be how they vary or how that variation is to be determined."</p> <p>(5) paid annual leave and (6) sick leave Regulation 1 states that the statement shall also contain particulars of:</p> <p>"(d) any terms and conditions relating to any of the following— (i) entitlement to holidays, including public holidays, and holiday pay... " (ii) incapacity for work due to sickness or injury, including any provision for sick pay, ... (iii) any other paid leave"</p> <p>All workers contracts in England, Scotland, and Wales are required to cover these basic points of information. As domestic workers are covered by the same legislature as other workers, they too benefit from these protections. Therefore, England, Scotland, and Wales score 1 for this index question.</p> <p>In Northern Ireland, parallel legislature exists in Section 33 of the Employment Rights (Northern Ireland) Order. However, Section 33 omits the requirement to include details of daily and weekly rest in a worker's contract. Therefore, Northern Ireland only score 0.66 for this index question.</p> <p>Score Weightage by Population According to the UK government population estimates (mid-2020), the UK has a total population of 67,081,234. Of this, 97% of the UK's population is situated in England, Scotland, and Wales, while only 3% of the UK's population is situated in Northern Ireland.</p> <p>Therefore, the final score will be $(1.0 * 0.97) + (0.66 * 0.03) = 0.99$ (Score for England, Scotland and Wales * Percentage of total population residing in England, Scotland and Wales) + (Score for Northern Ireland * Percentage of total population residing in Northern Ireland)</p>	<p>Regulation 1, The Employment Rights Act</p> <p>Section 33, The Employment Rights (Northern Ireland) Order</p>



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B2.1.4	Are domestic workers' contracts required to include information about their wages?	0.57	<p>Yes, domestic workers' contracts are required to include information about their wages in all four territories.</p> <p>Regulation 1 of the Employment Rights Act states that:</p> <p>"The statement [which is equivalent to a contract]shall also contain particulars, as at a specified date not more than seven days before the statement (or the instalment of a statement given under section 2(4) containing them) is given, of—</p> <p>(a) the scale or rate of remuneration or the method of calculating remuneration,</p> <p>(b) the intervals at which remuneration is paid (that is, weekly, monthly or other specified intervals),</p> <p>(c) any terms and conditions relating to hours of work including any terms and conditions relating to—</p> <p>(i) normal working hours,</p> <p>(ii) the days of the week the worker is required to work, and</p> <p>(iii) whether or not such hours or days may be variable, and if they may be how they vary or how that variation is to be determined.</p> <p>(d) (iii) pensions and pension schemes,"</p> <p>This provision fulfils the ILO-recommended contract terms including information about:</p> <p>(1) wage : "scale or rate of remuneration"</p> <p>(2) method of calculation : "method of calculating remuneration"</p> <p>(3) periodicity of payments: "the intervals at which remuneration is paid"</p> <p>(7) any authorized deductions from the wage by employers : "pensions and pension schemes"</p> <p>But omits the GCPI metrics of including information about:</p> <p>(4) rate of pay for overtime,</p> <p>(5) rate of pay for standby,</p> <p>(6) any payments in kind given and their monetary value.</p> <p>Section 33 of the Employment Rights (Northern Ireland) Order includes similar legislation, with the same omissions.</p> <p>Score: As domestic workers' contracts must include 4 out of the 7 ILO-specified terms on information about wages, the UK scores 4/7 = 0.57</p>	<p>Regulation 1, The Employment Rights Act</p> <p>Section 33, The Employment Rights (Northern Ireland) Order</p>
B2.1.5	Are domestic workers' contracts required to include information about living conditions for live-in workers?	0.00	<p>No, there is no requirement for domestic workers' contracts to include information about living conditions for live-in workers in any of the four UK territories.</p> <p>The regulation requiring the statement of initial employment particulars is a common one applicable to all workers. As a result, this legislation does not account for the nuances of protecting the living conditions for live-in domestic workers.</p>	<p>Regulation 1, The Employment Rights Act</p> <p>Section 33, The Employment Rights (Northern Ireland) Order</p>
B2.2	Regulations for Recruitment and Employment Process			



No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B2.2.1	Is there any regulation around how private employment agencies recruit and place local and migrant domestic workers?	0.5	<p>There is minimal regulation around how private employment agencies recruit and place local and migrant domestic workers.</p> <p>Recruitment: There are no guidelines in the Conduct of Employment Agencies and Employment Business Regulations 2003 that limit what positions employment agencies may recruit workers for.</p> <p>Placement: Section 20(1) of the aforementioned regulations states that: "Neither an agency nor an employment business may introduce or supply a work-seeker to a hirer unless the agency or employment business has—</p> <p>(a) taken all such steps, as are reasonably practicable, to ensure that the work-seeker and the hirer are each aware of any requirements imposed by law, or by any professional body, which must be satisfied by the hirer or the work-seeker to enable the work-seeker to work for the hirer in the position which the hirer seeks to fill; and (b) without prejudice to any of its duties under any enactment or rule of law in relation to health and safety at work, made all such enquiries, as are reasonably practicable, to ensure that it would not be detrimental to the interests of the work-seeker or the hirer for the work-seeker to work for the hirer in the position which the hirer seeks to fill."</p> <p>Section 20 of the Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2005 states the same for Northern Ireland.</p> <p>The Employment Agency Standards Inspectorate further states that "You [the employment agency] are required to inform the work-seeker of the information you have obtained from the hirer regarding known health or safety risks. Where there are no known risks this must be communicated to the work-seeker. Where there are known risks, alongside communicating the risks you must also detail what steps are being taken by the hirer to control or remove these risks."</p> <p>Score: The Conduct of Employment Agencies and Employment Business Regulations 2003 and Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2005 require that employment agencies identify risks in the workplace they are placing workers in, and to communicate that to the recruited workers. They also impose the duty upon the agencies to only supply the worker to the hirer if they are certain that the work-seeker's employment "would not be detrimental to the interests of the work-seeker".</p> <p>Therefore, as there are measures to control the placement of workers by employment agencies, but no measures to control the recruitment of workers, the UK scores 0.5 for this question.</p>	<p>Pg 27. The Employment Agency Standards Inspectorate</p> <p>Section 20. Conduct of Employment Agencies and Employment Business Regulations 2003</p>
B2.2.2	Are there measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers?	1.00	<p>Yes, there measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers.</p> <p>Regulation 6 of the Employment Agencies Act 1973 states that: "a person carrying on an employment agency shall not request or directly or indirectly receive any fee from any person for providing services (whether by the provision of information or otherwise) for the purpose of finding him employment or seeking to find him employment;"</p> <p>Similar provisions apply to Northern Ireland through the Conduct of Employment Agencies and Businesses Regulations (Northern Ireland) 1982.</p> <p>Further, employment agencies cannot make unlawful deductions from the pay of workers they place with an employer.</p>	<p>Regulation 6 of the Employment Agencies Act 1973</p> <p>Employment Agencies and Businesses</p>



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B2.2.3	Are there any measures to prohibit discrimination in employment of domestic workers on the basis of medical testing results?	1.00	<p>Yes, there are measures to prohibit discrimination in employment of domestic workers on the basis of medical testing results.</p> <p>The Access to Medical Reports Act 1988 (AMRA 1988) states that an employer may have access to reports on an employee provided by a medical practitioner which are in connection with their employment. The employee must give his or her consent for their employer to be given such access. The Access to Personal Files and Medical Reports (Northern Ireland) Order 1991 in Section 8 states the same, as employee consent is required for an employer to access the employee's medical records.</p> <p>Importantly, an employer can only obtain a worker's medical report from a medical practitioner if it specifically relates to employment or insurance.</p> <p>Furthermore, the Equality Act 2010 lists that sex, gender reassignment, and disability are protected characteristics. This Act applies to England, Scotland, and Wales. Discrimination on the basis of protected characteristics is unlawful. The Equality Act in Regulation 60 states that :</p> <p>"A person (A) to whom an application for work is made must not ask about the health of the applicant (B)– (a) before offering work to B, or (b) where A is not in a position to offer work to B, before including B in a pool of applicants from whom A intends (when in a position to do so) to select a person to whom to offer work."</p> <p>This is interpreted to mean that inquiries on the health of a job applicant (and by extension, requests for medical testing results) are unlawful in the hiring process.</p>	<p>The Access to Medical Reports Act 1988</p> <p>The Access to Personal Files and Medical Reports (Northern Ireland) Order 1991</p> <p>The Equality Act 2010</p>
B3.	Decent Working and Living Conditions			
B3.1	Working Hours and Environment			
B3.1.1	Is there a requirement of normal hours of work for domestic workers?	0.00	<p>No, there is no requirement of normal hours of work for domestic workers.</p> <p>Regulation 4 of The Working Time Regulations 1998 states that "(1) Subject to regulation 5, a worker's working time, including overtime, in any reference period which is applicable in his case shall not exceed an average of 48 hours for each seven days."</p> <p>However, domestic workers are explicitly exempt from this regulation on working hours by virtue of Regulation 19, which states that "Regulations 4(1) ... do not apply in relation to a worker employed as a domestic servant in a private household." The Working Time Regulations (Northern Ireland) 1998 state the same for domestic workers in Northern Ireland.</p>	<p>The Working Time Regulations 1998</p> <p>The Working Time Regulations (Northern Ireland) 1998</p>
B3.1.2	Are periods during which domestic workers remain to respond to possible calls required to be regarded as hours of work?	0.75	<p>Yes, time spent on call at the workplace is considered part of a worker's working hours in all four UK territories, with exclusions.</p> <p>The official UK government website states that time spent on call away from the workplace is not considered part of a worker's working hours, and this counts as an exclusionary condition.</p> <p>Score: 1 - 0.25 (Exclusion of on-call time spent away from the workplace) = 0.75</p>	<p>Maximum Weekly Working Hours</p> <p>Working Time Limits (The 48 hour Week)</p>
B3.1.3	Is there a limit to the number of hours of standby work domestic workers can be given, and are they entitled to compensation for this standby work?	0.00	<p>In all four territories, there is no limit to the number of hours of total work a domestic worker can be given. As such, there is also no limit to the number of hours of standby work they can be given.</p> <p>However, standby work at the workplace (in this case, the household) is considered working time and should be compensated.</p>	<p>Maximum Weekly Working Hours</p> <p>Working Time Limits (The 48 hour Week)</p>
B3.1.4	Is there a requirement that hours of work be accurately recorded and the records freely accessible to the domestic worker?	0.00	<p>No, there is no requirement that hours of work be accurately recorded and kept freely accessible to domestic workers.</p> <p>Regulation 9 of the Working Time Regulations 1998 states that :</p> <p>"An employer shall– (a) keep records which are adequate to show whether the limits specified in regulations 4(1)... are being complied with in the case of each worker employed by him in relation to whom they apply;"</p> <p>However, since domestic workers are exempt from the limits specified in regulation 4 (which imposes a maximum 48 hour working week for other workers), the employers of domestic workers also appear to be exempt from this record-keeping obligation. The Working Time Regulations (Northern Ireland) 1998 state the same for Northern Ireland.</p>	<p>The Working Time Regulations 1998</p> <p>The Working Time Regulations (Northern Ireland) 1998</p>



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B3.1.5	Is there a requirement to provide domestic workers with a safe and healthy working environment?	0.00	<p>No, there is no requirement to provide domestic workers with a safe and health working environment.</p> <p>The Workplace (Health, Safety, and Welfare) Regulations state that " "workplace" means, subject to paragraph (2), any premises or part of premises which are not domestic premises and are made available to any person as a place of work". The exclusion of domestic premises from the definition of "workplace" means that the working environments of domestic workers is not regulated by the Workplace (Health, Safety, and Welfare) Regulations. Similar policies apply to Northern Ireland through the Workplace (Health, Safety, and Welfare) Regulations (Northern Ireland)</p> <p>There is no other legislation that regulates the working environment for domestic workers.</p>	<p>The Workplace (Health, Safety, and Welfare) Regulations</p> <p>The Workplace (Health, Safety, and Welfare) Regulations (Northern Ireland)</p>
B3.2	Rest and Leave			
B3.2.1	Is there a requirement to provide daily rest for domestic workers?	1.00	<p>Yes, there is a requirement to provide daily rest for domestic workers in all four territories.</p> <p>Regulation 10 of the Working Time Regulations states that "(1) [A worker] is entitled to a rest period of not less than eleven consecutive hours in each 24-hour period during which he works for his employer." Domestic workers are not excluded from this provision. Similar provisions apply to Northern Ireland through the Working Time Regulations (Northern Ireland).</p>	<p>Regulation 10, The Working Time Regulations</p> <p>Regulation 10, The Working Time Regulations (Northern Ireland)</p>
B3.2.2	Is weekly rest at least 24 consecutive hours for domestic workers?	1	<p>Yes, weekly rest is at least 24 hours for domestic workers.</p> <p>Regulation 11 of the Working Time Regulations states that "Subject to paragraph (2), [a worker] is entitled to an uninterrupted rest period of not less than 24 hours in each seven-day period during which he works for his employer." Similar provisions apply to Northern Ireland through the Working Time Regulations (Northern Ireland).</p>	<p>Regulation 11, The Working Time Regulations</p> <p>Regulation 11, The Working Time Regulations (Northern Ireland)</p>
B3.2.3	Are there defined exceptions when domestic workers may be asked to work during periods of rest, and is compensatory rest mandatory?	0.75	<p>Yes, workers including domestic workers are entitled to compensatory rest if they are asked to work during periods of rest, with one exclusionary condition.</p> <p>Regulation 10 of the Working Time Regulations states that "The minimum rest period... may be interrupted in the case of activities involving periods of work that are split up over the day or of short duration." Similar provisions apply to Northern Ireland through the Working Time Regulations (Northern Ireland).</p> <p>Domestic workers are entitled to compensatory rest, where compensatory rest breaks are the same length of time as the break (or part of it) that they've missed. However, compensatory rest is not mandated by the law.</p> <p>Score = 1 - 0.25 (Compensatory rest is not mandatory) = 0.75</p>	<p>Regulation 10, The Working Time Regulations</p> <p>Regulation 10, The Working Time Regulations (Northern Ireland)</p>
B3.2.4	Is paid annual leave at least 3 weeks per year for domestic workers?	1.00	<p>Yes, paid annual leave is 4 weeks per year.</p> <p>Regulation 13 of the Working Time Regulations states that "(1) Subject to paragraph (5), a worker is entitled to four weeks' annual leave in each leave year." Similar provisions apply to Northern Ireland through the Working Time Regulations (Northern Ireland). Domestic service is not excluded from this regulation.</p>	<p>Regulation 13, The Working Time Regulations</p> <p>Regulation 13, The Working Time Regulations (Northern Ireland)</p>
B3.2.5	Is there a requirement that time spent by domestic workers accompanying household members on holiday should not be counted as part of paid annual leave?	0.00	<p>No, there is no requirement that time spent by domestic workers accompanying household members on holiday should not be counted as part of paid annual leave.</p> <p>There is no explicit regulation in the Working Time Regulations or in the Employment Rights Act that limits what may be considered annual leave for domestic workers.</p>	<p>The Working Time Regulations</p> <p>The Employment Rights Act</p> <p>The Working Time Regulations (Northern Ireland)</p> <p>The Employment Rights Act</p>
B3.3	Wages			
B3.3.1	Is the minimum wage for domestic workers at least the national minimum wage?	1.00	<p>Yes, the minimum wage for domestic workers is the national minimum wage.</p> <p>The National Minimum Wage Act applies to: "an individual who— (a) is a worker; (b) is working, or ordinarily works, in the United Kingdom under his contract; and (c) has ceased to be of compulsory school age."</p> <p>As domestic workers are considered "workers", their minimum wage is therefore the same as the national minimum wage.</p>	<p>The National Minimum Wage Act</p>



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B3.3.2	Is the overtime compensation rate for domestic workers at least 1.25 times their regular rate?	0.00	No, there is no special overtime compensation rate for any class of workers in the UK.	Overtime Rights Overtime (Northern Ireland)
B3.3.3	Is there any limitation placed on wages paid in the form of payments in kind for domestic workers?	0.00	No, there are no limitations placed on the payment of wages in kind for domestic workers. Payments in kind are not addressed by the Employment Rights Act or the National Minimum Wage Act.	The Employment Rights Act The National Minimum Wage Act.
B3.3.4	Is there a requirement to provide at least a monthly payment of wages in cash for domestic workers?	0.00	No, there is no requirement to pay wages in at least a monthly periodicity. Section 1 of the Employment Rights Act states that the worker's contract must include details about the worker's wages, such as "the intervals at which remuneration is paid (that is, weekly, monthly or other specified intervals)". Similar provisions apply to Northern Ireland through the Employment Rights (Northern Ireland) Order 1996. This is read to imply that remuneration must be paid at the intervals agreed upon between the worker and their employer, rather than on a minimum monthly basis.	Section 1. The Employment Rights Act Section 33. The Employment Rights (Northern Ireland) Order
B3.3.5	Is there a requirement that domestic workers be given an understandable written account of the total wages due to them at the time of each payment?	1.00	Yes, it is required that a domestic worker is given a written account of the total wages due to them at the time of each payment. Regulation 8 of The Employment Rights Act states that "a worker has the right to be given by his employer, at or before the time at which any payment of wages or salary is made to him, a written itemised pay statement." Similar provisions apply to Northern Ireland through the Employment Rights (Northern Ireland) Order 1996	Regulation 8. The Employment Rights Act Regulation 40. The Employment Rights (Northern Ireland) Order
B3.3.6	Is there a requirement that upon termination of employment, any outstanding payments should be made promptly to domestic workers?	1.00	Yes, upon termination of employment, there is a requirement that outstanding payments should be made to domestic workers. Regulation 89 of the Employment Rights Act states that: "If an employee does not have normal working hours under the contract of employment in force in the period of notice, the employer is liable to pay the employee for each week of the period of notice a sum not less than a week's pay. (2)The employer's liability under this section is conditional on the employee being ready and willing to do work of a reasonable nature and amount to earn a week's pay." Similar provisions apply to Northern Ireland through the Employment Rights (Northern Ireland) Order 1996	Regulation 89. The Employment Rights Act Regulation 121. The Employment Rights (Northern Ireland) Order
B3.4	Social Security			

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3.4.1	Are domestic workers eligible for healthcare coverage?	1.00	<p>Yes, domestic workers are eligible for healthcare coverage in the UK.</p> <p>England, Scotland, and Wales In Great Britain, healthcare coverage is provided by the National Health Service (NHS).</p> <p>Section 1(4) of The National Health Service Act 2006 states that "The services provided as part of the health service in England must be free of charge except in so far as the making and recovery of charges is expressly provided for by or under any enactment, whenever passed."</p> <p>The Gov.uk website which represents the websites of all UK government departments states that "GP and nurse consultations in primary care, treatment provided by a GP and other primary care services are free of charge to all whether registering with a GP as an NHS patient, or accessing NHS services as a temporary patient. A temporary patient is someone who is in the area for more than 24 hours and less than 3 months.</p> <p>For secondary care services, the UK's healthcare system is residence-based. This means that you must be living lawfully in the UK on a properly settled basis to be entitled to free healthcare. "</p> <p>A person is ordinarily resident if they are living in the United Kingdom: 1) lawfully, 2) voluntarily, or 3) for settled purposes as part of the regular order of their life for the time being, whether for a long or short duration.</p> <p>Any legally employed domestic worker in Great Britain would either be a UK citizen, or a migrant worker possessing a valid work visa, and would thereby be entitled to healthcare coverage under the NHS.</p> <p>Northern Ireland In Northern Ireland, the Health and Social Care (HSC) Service is responsible for providing free healthcare to all residents of Northern Ireland and the UK.</p> <p>The Health and Personal Social Services Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015 state that "Eligibility to receive publicly-funded health care in Northern Ireland is based on ordinary residence. A person will be ordinarily resident here when that residence is lawful, voluntary, and for a settled purpose as part of the regular order of their life for the time being, whether of short or long duration. Anyone who is ordinarily resident in Northern Ireland is entitled to access publicly-funded health services."</p> <p>As domestic workers would be ordinarily resident in Northern Ireland, they would be entitled to free healthcare too.</p>	<p>NHS Entitlements: Migrant Health Guide</p> <p>The Health and Personal Social Services Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015</p>
B3.4.2	Are domestic workers eligible for paid sick leave?	0.50	<p>Yes, domestic workers are entitled to paid sick leave.</p> <p>Employees can claim Statutory Sick Pay if they are too ill to work.</p> <p>The Gov.uk website which represents the websites of all UK government departments states that</p> <p>"To qualify for Statutory Sick Pay (SSP) you must: 1) be classed as an employee and have done some work for your employer 2) earn an average of at least £120 per week 3) have been ill or self-isolating for at least 4 days in a row (including non-working days)"</p> <p>Domestic workers are considered employees as per Regulation 161 of the Employment Rights Act 1996 which states that: "...the provisions of this Part apply to an employee who is employed as a domestic servant in a private household as if— (a) the household were a business, and (b) the maintenance of the household were the carrying on of that business by the employer."</p> <p>However, there are two exclusionary conditions to the entitlement to Statutory Sick Pay. There is a minimum earning requirement, and the first four days of illness are not accounted for.</p> <p>Score = 1 - 0.25 (earning requirement) - 0.25 (duration of sickness requirement) = 0.5</p>	<p>Statutory Sick Pay</p> <p>The Employment Rights Act</p>



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B3.4.3	Are domestic workers eligible for unemployment benefits?	1.00	<p>Yes, domestic workers are eligible for unemployment benefits in the UK.</p> <p>England, Scotland, and Wales: The unemployment benefit in Great Britain is known as the Jobseeker's Allowance. According to the Gov.uk website, which represents all the government departments of the UK, one would be entitled to a Jobseeker's allowance if they had:</p> <ol style="list-style-type: none"> 1) worked as an employee 2) paid Class 1 National Insurance contributions, usually in the last 2 to 3 years (National Insurance credits can also count) <p>An employee pays Class 1 National Insurance if they earn more than £184 a week and are under State Pension age.</p> <p>Northern Ireland: In Northern Ireland, adults who are out of work or who have limited capacity for work are entitled to Universal Credit. The amount of Universal Credit that you are entitled to is dependent on the level of savings you have at the time of your application. There are no classes of worker that are excluded from being entitled to Universal Credit.</p>	<p>Jobseeker's Allowance</p> <p>Universal Credit</p>
B3.4.4	Are domestic workers eligible for old-age benefits (if they have completed the required number of years of active economic contributions)?	1.00	<p>Yes, domestic workers may be eligible for old-age benefits.</p> <p>Individuals usually need a total of 30 qualifying years of National Insurance (NI) contributions or credits to get the full basic State Pension.</p> <p>This means that for 30 years, they must have fulfilled one or more of the following conditions:</p> <ol style="list-style-type: none"> 1) individuals must have been working and paying National Insurance 2) individuals must have been getting National Insurance Credits (they were unemployed, sick, or a parent or carer) 3) individuals must have been paying voluntary National Insurance contributions. <p>Individuals must pay mandatory National Insurance if they are 16 or over and are either:</p> <ol style="list-style-type: none"> 1) an employee earning above £184 a week 2) self-employed and making a profit of £6,515 or more a year <p>They may pay voluntary contributions to avoid gaps in your NI contributions.</p> <p>Notably, Section 161 of the Employment Rights Act 1996 states that "the provisions of this Part apply to an employee who is employed as a domestic servant in a private household as if— (a) the household were a business, and (b) the maintenance of the household were the carrying on of that business by the employer."</p> <p>Therefore, domestic workers could be eligible for old-age benefits if they paid voluntary NI contributions, or if they qualified to pay the mandatory NI contributions by earning over £184 a week.</p>	<p>National Insurance</p> <p>The Basic State Pension</p>
B3.4.5	Are domestic workers eligible for employment injury benefits?	1.00	<p>Yes, domestic workers are eligible for employment injury benefits.</p> <p>Section 1 (Part 1) of the National Insurance (Industrial Injuries) Act 1965 states that "Subject to the provisions of this Act, all persons employed in insurable employment shall be insured in manner provided by this Act against personal injury caused after 4th July 1948 by accident arising out of and in the course of such employment."</p> <p>The National Insurance (Industrial Injuries) Act 1965 offers benefits for injury, disablement, and death caused by workplace activities for those in insurable employment.</p> <p>Similar provisions apply to Northern Ireland through the Social Security Contributions and Benefits (Northern Ireland) Act 1992.</p> <p>Domestic service is not listed as one of the excluded categories of employment that is not insurable through National Insurance Contributions. Therefore, domestic workers should be eligible for employment injury benefits.</p>	<p>Section 1 (Part 1), National Insurance (Industrial Injuries) Act 1965</p>



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B3.4.6	Are domestic workers eligible for invalidity benefits?	1.00	<p>Yes, domestic workers are eligible for invalidity benefits.</p> <p>Section 1 (Part 1) of the National Insurance (Industrial Injuries) Act 1965 states that "Subject to the provisions of this Act, all persons employed in insurable employment shall be insured in manner provided by this Act against personal injury caused after 4th July 1948 by accident arising out of and in the course of such employment."</p> <p>The National Insurance (Industrial Injuries) Act 1965 offers benefits for injury, disablement, and death caused by workplace activities for those in insurable employment. In particular, Section 12 offers disablement benefits that may be increased if the claimant becomes unemployed or faces special hardships.</p> <p>Similar provisions apply to Northern Ireland through the Social Security Contributions and Benefits (Northern Ireland) Act 1992.</p> <p>Domestic service is not listed as one of the excluded categories of employment that is not insurable through National Insurance Contributions. Therefore, domestic workers should be eligible for invalidity benefits.</p>	<p>Section 1 (Part 1), National Insurance (Industrial Injuries) Act 1965</p> <p>Social Security (Incapacity for Work) (Northern Ireland) Order 1994</p>
B3.4.7	Are domestic workers eligible for survivors' benefit?	1.00	<p>Yes, domestic workers are eligible for survivors' benefit.</p> <p>Section 1 (Part 1) of the National Insurance (Industrial Injuries) Act 1965 states that "Subject to the provisions of this Act, all persons employed in insurable employment shall be insured in manner provided by this Act against personal injury caused after 4th July 1948 by accident arising out of and in the course of such employment."</p> <p>The National Insurance (Industrial Injuries) Act 1965 offers benefits for injury, disablement, and death caused by workplace activities for those in insurable employment. In particular, Section 19-24 offers survivors' benefit to the deceased's spouse or dependants.</p> <p>Domestic service is not listed as one of the excluded categories of employment that is not insurable through National Insurance Contributions. Therefore, domestic workers should be eligible for survivors' benefit.</p> <p>In Northern Ireland, individuals may qualify for the Bereavement Payment through the the Social Security Contributions and Benefits (Northern Ireland) Act 1992.</p>	<p>Section 1 (Part 1), National Insurance (Industrial Injuries) Act 1965</p> <p>Bereavement Payment</p> <p>Section 36, The Social Security Contributions and Benefits (Northern Ireland) Act 1992</p>
B3.4.8	Is there protection of domestic workers' claims in the event of the employer's insolvency or death?	1.00	<p>Yes, a domestic workers' claims are protected even if their employer becomes insolvent or dies.</p> <p>Regulation 182 of the Employment Rights Act states: "Employee's rights on insolvency of employer. If, on an application made to him in writing by an employee, the Secretary of State is satisfied that— (a) the employee's employer has become insolvent, (b) the employee's employment has been terminated, and (c) on the appropriate date the employee was entitled to be paid the whole or part of any debt to which this Part applies, the Secretary of State shall, subject to section 186, pay the employee out of the National Insurance Fund the amount to which, in the opinion of the Secretary of State, the employee is entitled in respect of the debt."</p>	<p>Regulation 182, Employment Rights Act 1996</p>
B3.5	Living Conditions for Live-in Workers			
B3.5.1	Are there measures to ensure that domestic workers are free to decide whether or not to live in the household?	0.00	<p>No, there are no measures to ensure that domestic workers are free to decide whether or not to live in the household.</p> <p>As there are no laws explicitly catered towards the working and living conditions of domestic workers, there are no explicit clauses in the Employment Rights Act 1996 or the Employment Rights (Northern Ireland) Order 1996 that offer domestic workers freedom of choice regarding where to live.</p>	<p>The Employment Rights Act</p>
B3.5.2	For live-in workers, is there any requirement for the employer to provide accommodation that offers privacy?	0.00	<p>No, there are no requirements that employers provide accommodation to live-in domestic workers that offers privacy.</p> <p>The Health and Safety at Work Act 1974 regulates the standards of health and safety that an employer must provide to those under their employ. However, Section 51 of this Act explicitly excludes domestic workers from the protection of the Act. It states "Nothing in this Part shall apply in relation to a person by reason only that he employs another, or is himself employed, as a domestic servant in a private household." Parallel legislation exists for Northern Ireland in The Health and Safety at Work (Northern Ireland) Order 1978.</p>	<p>Section 51, The Health and Safety at Work Act 1974</p> <p>The Health and Safety at Work (Northern Ireland) Order 1978</p>



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B3.5.3	For live-in workers, is there any requirement for the employer to provide access to suitable sanitary facilities?	0.00	<p>No, there are no requirements that employers provide access to sanitary facilities to domestic workers.</p> <p>The Health and Safety at Work Act 1974 regulates the standards of health and safety that an employer must provide to those under their employ. However, Section 51 of this act explicitly excludes domestic workers from the protection of the Act. It states "Nothing in this Part shall apply in relation to a person by reason only that he employs another, or is himself employed, as a domestic servant in a private household."</p> <p>Furthermore, Section 20 of the Workplace (Health, Safety and Welfare) Regulations 1992 provides requirements for the sanitary conveniences that workplaces must provide their employees. However, this act defines "workplaces" as "any premises or part of premises which are not domestic premises and are made available to any person as a place of work". Thus, the protections of the Workplace (Health, Safety and Welfare) Regulations 1992 do not apply to domestic workers.</p> <p>Parallel legislation exists for Northern Ireland.</p>	<p>Section 51.The Health and Safety at Work Act 1974</p> <p>Section 20. The Workplace (Health, Safety and Welfare) Regulations 1992</p> <p>Section 47.The Health and Safety at Work (Northern Ireland) Order 1978</p> <p>Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993</p>
B3.5.4	For live-in workers, is there any requirement for the employer to provide accommodation that has adequate lighting, heating, and air conditioning?	0.00	<p>No, there are no requirements that employers provide accomodation with adequate lighting, heating, and air conditioning to domestic workers.</p> <p>The Health and Safety at Work Act 1974 regulates the standards of health and safety that an employer must provide to those under their employ. However, Section 51 of this act explicitly excludes domestic workers from the protection of the Act. It states "Nothing in this Part shall apply in relation to a person by reason only that he employs another, or is himself employed, as a domestic servant in a private household."</p> <p>Furthermore, Section 6, 7, and 8 of the Workplace (Health, Safety and Welfare) Regulations 1992 provides requirements for the ventilation, temperature, and lighting requirements (respectively) that workplaces must provide their employees. However, this act defines "workplaces" as "any premises or part of premises which are not domestic premises and are made available to any person as a place of work". Thus, the protections of the Workplace (Health, Safety and Welfare) Regulations 1992 do not apply to domestic workers.</p> <p>Parallel legislation exists for Northern Ireland.</p>	<p>Section 51.The Health and Safety at Work Act 1974</p> <p>Section 20. The Workplace (Health, Safety and Welfare) Regulations 1992</p> <p>Section 47.The Health and Safety at Work (Northern Ireland) Order 1978</p> <p>Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993</p>
B3.5.5	For live-in workers, is there any requirement for the employer to provide appropriate meals of good quality and sufficient quantity?	0.00	<p>No, there are no requirements that employers provide nutritional meals to domestic workers.</p> <p>The Health and Safety at Work Act 1974 regulates the standards of health and safety that an employer must provide to those under their employ. However, Section 51 of this act explicitly excludes domestic workers from the protection of the Act. It states "Nothing in this Part shall apply in relation to a person by reason only that he employs another, or is himself employed, as a domestic servant in a private household." No provisions in the act state that employers have the duty to provide meals to their workers either.</p>	<p>Section 51.The Health and Safety at Work Act 1974</p>
B3.5.6	Are there measures to ensure that live-in workers are not obliged to remain in the household or with household members during rest or leave?	0.50	<p>Section 12(3) of the Working Time Regulations states that "Subject to the provisions of any applicable collective agreement or workforce agreement, the rest break provided for in paragraph (1) is an uninterrupted period of not less than 20 minutes, and the worker is entitled to spend it away from his workstation if he has one." Domestic workers are not excluded from the protections of this section. Therefore during periods of rest, domestic workers are entitled to be away from their workplace (in this case, the household).</p> <p>However, there are no measures that specify what rights a live-in domestic worker is entitled to during their leave.</p> <p>Score = 0.5 (The Working Time Regulations for both Great Britain and Northern Ireland specify that workers are entitled to be away from their workstations during rest, but not during leave).</p>	<p>Section 12(3) of the Working Time Regulations</p>



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B3.5.7	Is there a requirement that live-in workers be given a reasonable period of notice and time off to seek new employment and accommodation in the event of termination of employment at the initiative of the employer?	0.00	<p>Yes, all workers in all four UK territories are entitled to a period of notice prior to the termination of their employment at the initiative of their employer. However, because the minimum period of notice given prior to termination of employment is very short, and also does not include time off to seek new employment and accommodation, the UK scores 0 for this index question.</p> <p>Section 86 of the Employment Rights Act states that: "The notice required to be given by an employer to terminate the contract of employment of a person who has been continuously employed for one month or more— (a) is not less than one week's notice if his period of continuous employment is less than two years, (b) is not less than one week's notice for each year of continuous employment if his period of continuous employment is two years or more but less than twelve years, and (c) is not less than twelve weeks' notice if his period of continuous employment is twelve years or more. (2) The notice required to be given by an employee who has been continuously employed for one month or more to terminate his contract of employment is not less than one week."</p> <p>Thereby, the minimum period of notice that an employer must give their employee when terminating their employment is one week. However, in the event that employee has been employed for less than one month, there is no applicable minimum period of notice. Furthermore, there is no requirement for time off to seek new accommodation which is particularly relevant to live-in domestic workers.</p>	<p>Section 86 of the Employment Rights Act</p> <p>The Employment Rights (Northern Ireland) Order</p>
B3.5.8	Are live-in domestic workers legally entitled to keep in their possession their travel and identity documents?	0.00	<p>No, there are no explicit laws that state that domestic workers are legally entitled to keep their travel and identity documents within their possession.</p>	<p>Institute of Race Relations</p> <p>Migrant Workers' Rights: The Passport Issue</p>
B4.	Labor Rights and Protections			
B4.1	Freedom of Association and Access to Collective Bargaining			
B4.1.1	Are there legislative provisions for domestic workers to establish their own organizations or join the workers' organizations, federations, or confederations of their own choosing?	1.00	<p>Yes, in all four territories, domestic workers can establish their own organizations or join workers' organizations of their choosing.</p> <p>Article 11 of the Human Rights Act 1988 states that: "Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests."</p>	<p>Article 11, The Human Rights Act 1988</p>
B4.1.2	Are there legislative provisions to recognize domestic workers' rights to collective bargaining?	1.00	<p>Yes, in all four UK territories there are legislative provisions which recognize domestic workers' rights to collective bargaining.</p> <p>The Employment Rights Act states that an employees contract should explicitly state "any collective agreements which directly affect the terms and conditions of the employment including, where the employer is not a party, the persons by whom they were made". This implies that collective bargaining efforts may impact the terms of employment upon which a worker is engaged - this extend to domestic workers too. Similar provisions apply to Northern Ireland through the Employment Rights (Northern Ireland) Order 1996. However at present, existing domestic workers unions are not utilizing this provision.</p>	<p>Regulation 1, The Employment Rights Act</p> <p>Section 33, The Employment Rights (Northern Ireland) Order</p>
B4.2	Access to Complaint Mechanisms			
B4.2.1	Are there complaint mechanisms for domestic workers to report non-compliance with labor protections?	1.00	<p>Yes, there are complaint mechanisms by which domestic workers may report non-compliance with labor protections.</p> <p>The UK's Advisory, Conciliatory, and Arbitration Service (ACAS) is a non-departmental public body of the UK government. ACAS provides a free helpline with over 100 free translation services for both employees and employers to utilize. This helpline can be used to answer employees' questions, or for employees to lodge complaints against their employers too. Domestic workers may utilise ACAS's helpline to lodge complaints against their employers, that ACAS will then direct towards the relevant public authority on behalf of the domestic worker. In Northern Ireland, complaints can be made to the Labour Relations Agency.</p>	<p>Overseas Domestic Workers</p> <p>Pay and Work Rights Helpline</p> <p>Labour Relations Agency</p>
B4.2.2	Are there measures to ensure that domestic workers have access to courts, tribunals or other dispute resolution mechanisms?	1.00	<p>Yes, in all four UK territories domestic workers also have access to courts, tribunals, or other dispute resolution mechanisms.</p> <p>The Employment Rights Act 1996 grants workers the right to lodge complaints with employment tribunals for many forms of disputes. It gives workers the right to complain about any violation of contract with regards to the payment of wages, allocation of leave, or discriminatory treatment. Domestic workers are also protected by the provisions of the Employment Rights Act 1996. Similar provisions apply to Northern Ireland through the Employment Rights (Northern Ireland) Order 1996.</p>	<p>Regulation 11, 23, 34, 48, 51, 54, 57, 60, 63, 70, 80H: The Employment Rights Act 1996</p>
B4.3	Enforcement and Protection Mechanisms			



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B4.3.1	Are conditions specified, under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers?	0.00	<p>No, there are no conditions specified under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers.</p> <p>The Health and Safety at Work Act 1974 regulate the standards of health and safety that an employer must provide to those under their employ. Section 20 of this Act allows inspectors to visit premises where they believe labor laws may be under violation. However, Section 51 of this Act explicitly excludes domestic workers from the protection of the Act. It states "Nothing in this Part shall apply in relation to a person by reason only that he employs another, or is himself employed, as a domestic servant in a private household."</p> <p>There are no specific laws governing the employment and working conditions of live-in domestic workers.</p>	<p>Section 51, The Health and Safety at Work Act 1974</p> <p>Section 47, The Health and Safety at Work (Northern Ireland) Order 1978</p>
B4.3.2	Are there penalties for private employment agencies for non-compliance with domestic worker protection laws?	1.00	<p>Yes, there are penalties for private employment agencies that fail to comply with worker protection laws. The Conduct of Employment Agencies and Employment Business Regulations 2003 mandates that employment agencies and businesses must conduct inquiries to ensure that the position they place the work-seeker in is not detrimental to the work-seeker's interests. This is not specific to domestic workers, but is rather a broader protection that applies to all workers seeking employment through an agency or recruitment business.</p> <p>Section 30 of The Conduct of Employment Agencies and Employment Business Regulations 2003 states that: "(1) Without prejudice to— (a) any right of action; and (b) any defence, which exists or may be available apart from the provisions of the Act and these Regulations, contravention of, or failure to comply with, any of the provisions of the Act or of these Regulations by an agency or employment business shall, so far as it causes damage, be actionable."</p>	<p>The Conduct of Employment Agencies and Employment Business Regulations 2003</p> <p>The Conduct of Employment Agencies and Employment Business Regulations (Northern Ireland) 2005</p>
B4.3.3	Are there penalties for employers for non-compliance with all domestic worker protections?	1.00	<p>Yes, in all four UK territories there are penalties for employers who fail to comply with worker protections. Under the Employment Rights Act 1996, protections for workers also apply to domestic workers. Similar provisions apply to Northern Ireland through the Employment Rights (Northern Ireland) Order 1996.</p> <p>If an employer is convicted of violating worker rights under the Employment Rights Act 1996, the employment tribunal may make an award of compensation payable by the employer to the employee. In the event of unfair dismissal, courts may order that the worker be reinstated or re-engaged.</p>	<p>The Employment Rights Act 1996</p> <p>The Employment (Northern Ireland) Order 1996</p>
B4.3.4	Are domestic workers legally protected against all forms of workplace abuse, harassment, and violence?	0.75	<p>Yes, in all four UK territories, domestic workers are legally protected against all forms of workplace abuse, harassment, and violence.</p> <p>Harassment Section 23 of the Equality Act 2010 states that "(1) A person (A) harasses another (B) if— (a) A engages in unwanted conduct related to a relevant protected characteristic, and (b) the conduct has the purpose or effect of— (i) violating B's dignity, or (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B."</p> <p>The protected characteristics are age, gender, sex, race, gender reassignment, marital status, sexual orientation, disability, or religion and belief.</p> <p>The section goes on to include unwanted sexual conduct as harassment too.</p> <p>Part 9 of the Equality Act further goes on to explain how cases of discrimination or harassment may be lodged in court under the Act. The Equality Act does not exclude domestic workers under any clauses.</p> <p>In Northern Ireland, the Protection from Harassment (Northern Ireland) Order 1997 criminalizes the act of harassment in all situations.</p> <p>Workplace Violence The Health and Safety At Work Act 1974 states that "It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees". This is interpreted to include protecting the employees from workplace violence and safeguarding their mental health too. However, Section 51 of this Act explicitly excludes domestic workers from the protection of the Act. It states "Nothing in this Part shall apply in relation to a person by reason only that he employs another, or is himself employed, as a domestic servant in a private household." Similar laws apply in Northern Ireland, through the Health and Safety At Work (Northern Ireland) Order 1978.</p> <p>Score = 1 - 0.25 (exclusion of domestic workers from the Health and Safety At Work Act and Health and Safety At Work (Northern Ireland) Order) = 0.75</p>	<p>The Equality Act</p> <p>The Protection from Harassment (Northern Ireland) Order 1997</p> <p>The Health and Safety At Work (Northern Ireland) Order 1978</p>

B5. Protections for Forced/Under-age Domestic Workers



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B5.1	Protections against Forced/Compulsory Labor			
B5.1.1	Is illegal extraction of forced or compulsory labor of domestic workers punishable as a penal offence?	1.00	<p>Yes, illegal extraction of forced or compulsory labor of domestic workers is punishable as a penal offence in all four UK territories.</p> <p>Regulation 1 of the Modern Slavery Act states that: "A person commits an offence if— (a) the person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude, or (b) the person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour."</p> <p>Furthermore, the Act also states that "references to holding a person in slavery or servitude or requiring a person to perform forced or compulsory labour are to be construed in accordance with Article 4 of the Human Rights Convention."</p> <p>This regulation broadly criminalizes forced labor. Regulation 5 of the Modern Slavery Act also offers explicit penalties for forced labor. It states that "A person guilty of an offence under section 1 or 2 is liable— (a) on conviction on indictment, to imprisonment for life; (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine or both."</p> <p>The Modern Slavery Act applies to England and Wales. Similar provisions exist in The Human Trafficking and Exploitation (Scotland) Act and the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 for Scotland and Northern Ireland respectively.</p>	<p>The Modern Slavery Act, 2015</p> <p>The Human Trafficking and Exploitation (Scotland) Act</p> <p>The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015</p>
B5.1.2	Are domestic worker victims of forced labor provided with any protection?	1.00	<p>Yes, domestic worker victims of forced labor are provided with protections in all four UK territories.</p> <p>The UK Home Office has issued Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland. The guidance is issued for first-responders, and provides detailed guidelines for the identification of potential victims of modern slavery. The guidelines also suggest that first-responders encourage victims to enter the National Referral Mechanism (NRM) by which adult victims may access legal support, immigration support, and temporary accommodation.</p>	<p>Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland</p>
B5.1.3	Are domestic worker victims of forced labor provided with any access to remedies?	1.00	<p>Yes, domestic worker victims of forced labor are provided with access to remedies in all four UK territories.</p> <p>Regulation 47 of the Modern Slavery Act offers civil legal services to domestic worker victims of forced labor, even if they are overseas domestic workers. This is also reflected in Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012.</p> <p>In addition, Regulation 53 of the Modern Slavery Act is explicitly catered towards overseas domestic worker victims of forced labor. This regulation offers them leave to remain in the UK for no less than 6 months.</p> <p>The Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland states that first-responders should encourage victims to enter the National Referral Mechanism (NRM) by which adult victims may access legal support, immigration support, psychosocial support and temporary accommodation for at least 45 days after being identified.</p>	<p>Modern Slavery Act</p> <p>National Referral Mechanism</p>
B5.2	Protections for Under-age Laborers			



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B5.2.1	Is the minimum age for domestic workers 16 or higher, or the age of completion of compulsory schooling (if this is age 16 or higher)?	0.50	<p>In the UK, children can only start full-time work once they have reached the minimum school leaving age; they can then work up to a maximum of 40 hours a week. The school-leaving age is 16 in England, Scotland, Wales, and Northern Ireland.</p> <p>In the UK, a child must be 13 years or over in order to get a part-time job. Under the Children and Young Person Act 1933, a child:</p> <ul style="list-style-type: none"> - must be 13 years or over before they get a part-time job - cannot work during school hours - can only work between 7am and 7pm - can only work for 2 hours on a Sunday - can only work for 12 hours per week in term time - must have a 1 hour break if they work 4 continuous hours - 13 to 14 year olds can only work for up to 5 hours per day and up to 25 hours a week in the holidays - 15 to 16 year olds can only work for up to 8 hours per day and up to 35 hours a week in the holidays <p>Children are not allowed to work:</p> <ul style="list-style-type: none"> - in places like a factory or industrial site - in most jobs in pubs or betting shops - in any type of work that may be harmful to their health, well-being, or education - in jobs prohibited in local bylaws - without having a 2-week break from any work during the school holidays in each calendar year <p>Given that children under 16 can be employed as part-time domestic workers in the UK, and domestic work is not explicitly excluded from the list of not-permitted occupations, the country scores 0.5 for this question.</p>	<p>The Raising of the School-Leaving Age Order 1972 (England and Wales)</p> <p>The Raising of the School-Leaving Age Order 1972 (Scotland)</p> <p>The Raising of the School-Leaving Age Order 1972 (Northern Ireland)</p> <p>Children and Young Persons Act 1963</p>
B5.2.2	Are domestic workers, who are under the age of 18 and above the minimum age of employment, still able to access compulsory education, or opportunities for further education or vocational training?	1.00	<p>Yes, domestic workers who are under 18 are still able to access opportunities for further education in all four UK territories.</p> <p>In England, The Education and Skills Act states that young people resident in England who are under the age of 18 but above the minimum age of full-time employment (16) are required to be enrolled in part-time education or training until they turn 18 years old.</p> <p>In Scotland and Wales, Regulation 63A of the Employment Rights Act states that:</p> <p>"An employee who—</p> <p>(a) is aged 16 or 17,</p> <p>(b) is not receiving full-time secondary or further education, and</p> <p>(c) has not attained such standard of achievement as is prescribed by regulations made by the Secretary of State, is entitled to be permitted by his employer to take time off during the employee's working hours in order to undertake study or training leading to a relevant qualification."</p> <p>Regulation 91A of the Employment Rights (Northern Ireland) Order 1996 states the same for Northern Ireland.</p> <p>The age threshold for compulsory schooling is 16 in the UK.</p>	<p>Child Employment Regulation 63A. The Employment Rights Act</p> <p>The Education and Skills Act 2008</p>
B5.2.3	Are there extra limitations of hours of work of domestic workers who are under the age of 18 and above the minimum age of employment?	1.00	<p>Yes, there are some extra limitations of hours of work of domestic workers who are under the age of 18 and above the minimum age of employment.</p> <p>Regulation 5A of the Working Time Regulations 1988 states that:</p> <p>"A young worker's working time shall not exceed—</p> <p>(a) eight hours a day, or</p> <p>(b) 40 hours a week."</p> <p>However, Regulation 19 states that "Regulations 4(1) and (2) [F1, 5A(1) and (4),] 6(1), (2) and (7), [F26A,] 7(1), (2) and (6) and 8 do not apply in relation to a worker employed as a domestic servant in a private household." This excludes domestic workers from the extra limitations placed on the working hours of young workers.</p> <p>However, under the Children and Young Person Act 1933, a child:</p> <ul style="list-style-type: none"> - must be 13 years or over before they get a part-time job - cannot work during school hours - can only work between 7am and 7pm - can only work for 2 hours on a Sunday - can only work for 12 hours per week in term time - must have a 1 hour break if they work 4 continuous hours - 13 to 14 year olds can only work for up to 5 hours per day and up to 25 hours a week in the holidays - 15 to 16 year olds can only work for up to 8 hours per day and up to 35 hours a week in the holidays 	<p>Regulation 5A and 12. The Working Time Regulations 1988</p> <p>Employment Rights for Young People</p> <p>Regulation 23. The Working Time (Northern Ireland) Regulations</p> <p>Childrens and Young Persons Act 1933</p>



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B5.2.4	Are there measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment to work at night?	1.00	<p>Yes, there are measures to prohibit domestic workers under the age of 18 and above the minimum age of employment to work at night.</p> <p>Regulation 6A of the Working Time Regulations states that "An employer shall ensure that no young worker employed by him works during the restricted period". Here, the "restricted period", in relation to a worker, means the period between 10 p.m. and 6 a.m. or, where the worker's contract provides for him to work after 10 p.m., the period between 11 p.m. and 7 a.m. However, while this does apply to young workers (workers below the age of 18, but above the minimum age of employment), this clause explicitly excludes domestic workers. Regulation 19 of the Working Time Regulations states that " Regulations...6A...do not apply in relation to a worker employed as a domestic servant in a private household."</p> <p>Similar provisions apply to Northern Ireland through the Working Time Regulations (Northern Ireland). Therefore, the UK scores 0 for this question.</p> <p>However, under the Children and Young Person Act 1933, a child:</p> <ul style="list-style-type: none"> - must be 13 years or over before they get a part-time job - cannot work during school hours - can only work between 7am and 7pm - can only work for 2 hours on a Sunday - can only work for 12 hours per week in term time - must have a 1 hour break if they work 4 continuous hours - 13 to 14 year olds can only work for up to 5 hours per day and up to 25 hours a week in the holidays - 15 to 16 year olds can only work for up to 8 hours per day and up to 35 hours a week in the holidays 	<p>Regulation 6A and 19. The Working Time Regulations</p> <p>Regulation 23. The Working Time (Northern Ireland) Regulations</p> <p>Children and Young Persons Act 1933</p>
B5.2.5	Are there extra measures to restrict/limit work that is excessively demanding (whether physically or psychologically) for domestic workers who are under the age of 18 and above the minimum age of employment?	1.00	<p>Yes, there are measures to restrict work that is excessively demanding for domestic workers who are under the age of 18 but above the minimum age of employment.</p> <p>The Children and Young Persons Act specifically limits the employment of children to "light work" and defines such work as: "work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed— (a) is not likely to be harmful to the safety, health or development of children; and (b) is not such as to be harmful to their attendance at school or to their participation in work experience in accordance with section 560 of the Education Act 1996 F13, or their capacity to benefit from the instruction received or, as the case may be, the experience gained"</p>	<p>Children and Young Persons Act 1933</p>
B6.	Protections for Migrant Domestic Workers			
B6.1	Employment Support			
B6.1.1	Are mdws required to receive a written job offer, or enforceable contract of employment, prior to crossing national borders?	1.00	<p>Yes, migrant domestic workers must already possess an enforceable contract of employment prior to crossing national borders.</p> <p>In the UK, Overseas Domestic Worker Visas are only granted to domestic workers who are already employed by either a</p> <ol style="list-style-type: none"> 1) British citizen who usually lives outside the UK and who does not intend to remain in the UK for more than 6 months, or 2) foreign citizen who is coming to the UK on a visit and who does not intend to remain for more than 6 months. <p>In addition, the domestic worker must also have worked for their employer for over a year prior to applying for the visa.</p> <p>Those applying for Overseas Domestic Worker Visas must provide a completed 'Appendix domestic worker statement' signed by both the domestic worker and their employer. The Appendix Domestic Worker Statement functions as an enforceable contract of employment, specifying the worker's wage rate, accomodation, hours of work, and overtime restrictions. They must also provide a letter from their employer confirming their job title, how long the domestic worker has worked for them and confirming that the domestic worker is a permanent employee</p>	<p>Overseas Domestic Worker Visa</p>



GLOBAL CARE POLICY INDEX (GCPI)

2022 Country Score The United Kingdom

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B6.1.2	Is there a national hotline for migrant domestic workers with interpretation services?	0.97	<p>Yes, Great Britain provides many support platforms that workers may reach out to, including migrant domestic workers. However, there is no unique national hotline for domestic workers in Northern Ireland.</p> <p>The UK's Advisory, Conciliatory, and Arbitration Service (ACAS) is a non-departmental public body of the UK government. ACAS provides a free helpline with over 100 free translation services for both employees and employers in Great Britain to utilize. This helpline can be used to answer employee's questions, or for employees to lodge complaints against their employers too.</p> <p>There is also a registered charity called Kalayaan which offers free, confidential, and independent advice for domestic workers residing in the UK. Kalayaan's services are also recommended by the UK government for migrant domestic workers.</p> <p>Score Weightage by Population According to the UK government population estimates (mid-2020), the UK has a total population of 67,081,234. Of this, 97% of the UK's population is situated in England, Scotland, and Wales, while only 3% of the UK's population is situated in Northern Ireland.</p> <p>Therefore, the final score will be $(1 * 0.97) + (0 * 0.03) = 0.97$ (Score for England, Scotland and Wales * Percentage of total population residing in England, Scotland and Wales) + (Score for Northern Ireland * Percentage of total population residing in Northern Ireland)</p>	<p>Overseas Domestic Worker Visa</p> <p>Kalayaan</p>
B6.2	Support after Termination of Employment			
B6.2.1	Are there measures to ensure that the loss of employment should not in itself imply the withdrawal of the migrant domestic workers' authorization of residence?	1.00	<p>Yes, there are measures to ensure that the loss of employment alone does not result in the withdrawal of a migrant domestic workers' authorization of residence.</p> <p>The Gov.UK website which represents all UK government bodies states that migrant domestic workers on an Overseas Domestic Worker Visa to the UK are allowed to change employers to another job as a domestic worker in a private household, on the condition that they do not stay in the UK in excess of the duration granted by their visa (6 months). However, those on Overseas Domestic Worker Visas are not eligible for public funds, suggesting that they would not be eligible for unemployment benefits.</p>	<p>Overseas Domestic Worker Visa</p>
B6.2.2	If it is established that the termination of employment was not justified, are the mdw entitled to reinstatement, to compensation for loss of wages or of other payment which results from unjustified termination, to access to a new job with a right to indemnification, or sufficient time to find alternative employment, with conditions no less favourable than other workers?	1.00	<p>Yes, in the event of unjustified termination of employment, migrant domestic workers are entitled to compensation or an order to reinstatement or re-engagement.</p> <p>Workers employed in Great Britain are governed by the Employment Rights Act 1996. In this act, victims of unfair dismissal may be entitled to the following remedial actions.</p> <p>Firstly, Regulation 112 states that "If no order is made under section 113, the tribunal shall make an award of compensation for unfair dismissal to be paid by the employer to the employee."</p> <p>Regulation 113 states that "An order under this section may be— (a) an order for reinstatement (in accordance with section 114), or (b) an order for re-engagement (in accordance with section 115), as the tribunal may decide."</p> <p>However, domestic workers residing on the Overseas Domestic Worker Visa are still not allowed to extend their stay past the 6 months granted by the visa even if they win their claim of unfair dismissal.</p>	<p>Section 111-114. Employment Rights Act 1996</p>
B6.2.3	Are mdws entitled to the right of appeal before an administrative or judicial instance if they face expulsion order or termination of their employment and should be allowed sufficient time to obtain a final decision?	0.10	<p>No, the Overseas Domestic Worker visa cannot be extended.</p> <p>The only circumstance in which case migrant domestic workers may stay on in the UK beyond the time specified by their visas is if they are found to be victims of modern slavery.</p> <p>Section 3 of The Immigration (Variation of Leave) Order 2016 states that "Where— (a) a competent authority has determined or determines that there are reasonable grounds to believe that an overseas domestic worker ("P") is a victim of modern slavery, and (b) P's leave would otherwise expire before the competent authority notifies P of its conclusive decision as to whether P is a victim of modern slavery, then P's leave is extended until the end of the twenty-eighth day after the date on which the competent authority sends P notice in writing of its conclusive decision as to whether P is a victim of modern slavery."</p> <p>Therefore, the UK scores 0.1 in this index question as there are very few circumstances under which migrant domestic workers may be allowed additional time to remain in the UK.</p>	<p>The Immigration (Variation of Leave) Order 2016</p>



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B6.2.4	Are migrant domestic workers entitled to repatriation at no cost on the expiry or termination of the employment contract?	1.00	<p>Migrant domestic workers are entitled to repatriation at no cost on the expiry of their employment contract.</p> <p>The Appendix Domestic Worker Statement states that with regard to Overseas Domestic Workers, "The Employer agrees to pay the Employee's transportation costs for the journey from their place of current residence to the place of work in the United Kingdom, namely from (country of current residence) to (place of work in United Kingdom) as well as the return journey from (place of work in United Kingdom) to (country of current residence)."</p>	The Appendix Domestic Worker Statement
B6.2.5	After termination of employment AND departure from the country of employment, can MDWs still access complaint mechanisms and pursue legal civil and criminal remedies?	1.00	<p>Yes, migrant domestic workers can still access complaint mechanisms and legal civil and criminal remedies even if their employment has been terminated and they have departed the UK. Hearings at the Employment Tribunal can be conducted "by phone, by video or in person."</p> <p>Claims must be made to the Employment Tribunal within 3 months of the termination of their employment, however.</p> <p>The Crown Prosecution Service (CPS) states that "Where a victim (of human trafficking) has chosen to be repatriated to their home country and they do not wish to return to the UK, there is provision for evidence to be given through television link from their country."</p>	Employment Tribunals Crown Prosecution Service