

## Press Release

### **Victim of Domestic Servitude wins first caste discrimination claim in the Employment Tribunal Turkey v Chandok and another ET/3400174/2013**

In a ground-breaking judgment, handed down on 17 September 2015 the Employment Tribunal upheld numerous claims, including those for unpaid wages and religious and race discrimination, brought by an Indian woman of low caste kept in domestic servitude by her employers for 4 ½ years.

The Tribunal found that Ms Tirkey was kept in domestic servitude and that the conditions and environment into which she was held was 'a clear violation of her dignity'.

Ms Tirkey was born in Bihar, the poorest of the Indian states. Her family are Adivasi people who are dark skinned, poor and low caste. She is a Christian.

The Tribunal found that Mr and Mrs Chandhok went to India to recruit Ms Tirkey, because 'they wanted someone who would be not merely of service but servile'. They chose a low caste, servile, Indian person who could not speak English. They didn't seek to recruit someone resident in the UK 'because no such person would have accepted the intended conditions of work.'

The Tribunal found Mr and Mrs Chandhok subjected Ms Tirkey to unacceptable working conditions:

- **She worked 7 days per week 18 hours per day for 4.5 years**
- **She was on call 24 hours a day**
- **She was paid 11p an hour (the National Minimum Wage is currently £6.50 per hour)**
- **She slept on the floor**
- **She was prevented from bringing her Bible to the UK and from attending Church**
- **She was not allowed to contact her family**
- **They set up a bank account in her name which they controlled and used for their own benefit.**

Upon receiving judgment Ms Tirkey said:

"I want the public to know what happened to me as it must not happen to anyone else. The stress and anxiety that this sort of thing creates for a person can destroy them. I have not been able to smile because my life had been destroyed. Now I am able to smile again. Now I am free."

Victoria Marks, the Claimant's solicitor from the Anti Trafficking and Labour Exploitation Unit said:

"This is a very useful judgment for victims of modern day slavery. We hope that it will give other victims the courage to come forward and seek redress. It is important that traffickers do not act with impunity and that they see that their victims can and will hold them to account."

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Chris Milsom of Cloisters, barrister for the Claimant said:

"It has been a pleasure and a privilege to assist in securing justice with ATLEU. Permila Tirkey is a remarkable woman and deserves enormous credit for her patience and stoicism at a time when she was brandished dishonest by those who held her in servitude for four long years. Those who have closely followed the legislative history of the Equality Act will recall that the Government's original rationale for refusing explicit prohibition of caste-based discrimination was that there was no evidence of it taking place in the UK. The damning findings of the Employment Tribunal render that stance untenable. Where such discrimination exists its victims must be protected".

### ***On Legal Aid***

"The Legal Aid Agency refused to fund Ms Tirkey's representation for 17 months. They suggested that Ms Tirkey's case was not of "sufficient importance or seriousness" and that it was "only a claim for money". They said that she could represent herself. This was a bar to Ms Tirkey pursuing her complaints as she would have faced the ordeal of cross examining the employers who had kept her in domestic servitude for years. It was only with relentless legal representation that funding was eventually secured.

"It is our experience that victims seeking to hold their traffickers to account find their applications for legal aid are routinely refused. This judgment is a resounding victory for the Claimant, a victory which would not have been achieved without legal aid. We feel strongly that the Legal Aid Agency should be assisting victims to access justice not putting up barriers to it. Other victims who do not have the necessary legal support, conviction and tenacity would have given up in the face of such comments and delays."

### ***On National Minimum Wage: Future victims unable to recover wages due to change in law***

"The Government which has a stated commitment to eradicating the scourge of modern slavery has created new law which will prevent victims from recovering their unpaid wages. Future victims will only be able to recover a fraction of the wages owed to them due from July 2015 as the Deduction from Wages (Limitation) Regulations 2014 (which came into force on 9 January 2015) prevents anyone from claiming more than two years National Minimum Wage owed. This new restriction, whilst not aimed at victims of trafficking, is likely to impact overwhelmingly or even exclusively upon them."

**Solicitors for the Claimant  
Anti Trafficking and Labour Exploitation Unit  
21 September 2015**

### **Notes for Editors**

The Anti Trafficking and Labour Exploitation Unit is a charity providing legal representation to victims of trafficking and labour exploitation. It assists victims to obtain safety, recovery and redress. Its founders are lawyers with specialist expertise in working with victims of labour exploitation and modern slavery.

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See links to ATLEU's website for a copy of the Judgment: <http://atleu.org.uk/our-recent-cases/>