

Inspections of private households as places of employment: Ireland

Title of the policy or measure (in English)	Inspections of private households as places of employment
• Country	Ireland
• Sectors	Childcare
• What groups are targeted by the measure	- Labour inspectors (direct) - Employers involved in undeclared work (direct) - Workers involved in undeclared work (direct)
• Purpose of measure	Legitimising undeclared work
• Short sentence summarising the measure	Identifying domestic work arrangements can prove challenging. In order to conduct proactive inspections, the Irish labour inspectorate (the Workplace Relations Commission or WRC) utilises employer data from a variety of sources including Revenue, Social Protection and other State bodies. Inspectors require owner permission to enter a domestic premise. To limit the risk of refusal inspectors issue a standard appointment letter which is combined with a Code of Practice (COP) on <i>Employment in Other People's Homes</i> and a Domestic Work leaflet.
Background	
• Background context driving the implementation of the measure	In 2014 the Republic of Ireland (ROI) signed the ILO Convention on Domestic Workers. In line with this commitment the inspectorate has a record of utilising campaigns to educate employers/employees in high risk sectors (e.g. past campaigns have included a focus on domestic workers such as au pairs) and has increased inspection activity in this area over the last decade. Relevant collaborations include work with the Migrant Rights Centre Ireland (MRCI) in the past. The MRCI have a history of campaigning to improve work conditions for migrants across the ROI. Both the WRC and the MRCI have conducted campaigns geared to improving work conditions for migrant au pair workers who commonly work informally in exchange for 'pocket money' and lodgings (this includes arrangements for student au pairs).
• When was the measure implemented? (including start date and end date/ongoing)	No acknowledged start date.
• Names(s) of authorities/bodies/organisations involved	<ul style="list-style-type: none"> • WRC • MRCI • Garda (police services) in event of suspected forced labour/trafficking
• Scope of the measure (a pilot project, nationwide, regional wide)	The approach began as a pilot. Practices were since implemented at national level.
• Type of (policy) measure	Strategy

<ul style="list-style-type: none"> Key objectives of the measure 	<p>General objectives:</p> <ul style="list-style-type: none"> - To communicate the message that domestic workers are employees with rights/entitlements (e.g. rights to receive a national minimum wage). - To access and inspect sites of domestic employment. <p>Specific objectives:</p> <ul style="list-style-type: none"> - To increase domestic employer compliance with labour/employment regulations. - To communicate employment rights to those involved in domestic working relationships (in particular vulnerable groups such as migrant workers).
<p>Specific measure</p>	
<ul style="list-style-type: none"> Description of how the measure operates in practice 	<p>Main activities are split across three areas:</p> <ul style="list-style-type: none"> Information sharing: the WRC communicates with State bodies (e.g. the Irish Revenue Commissioners) to help identify employers, and also with the MRCI and other stakeholders with an involvement in risk sectors of the economy, including domestic work arrangements. Campaigns/advertising: The WRC undertake themed campaigns on high risk areas including domestic workers. In 2015 Director General of the WRC drew attention to the exploitation of au pairs advising host families to consider au pair workers as employees. Prolonged campaigns on domestic working have taken place, including the production of leaflets in different languages. The WRC have also commissioned adverts on recruitment sites advising on minimum wage entitlements for domestic workers (e.g. the online classified advertisement site, Gumtree). Inspection: letters of appointment are issued which request access to inspect domestic premises. While letters advise on the right to refuse permission, they encourage alternative meeting sites outside of the private household in the event of a refusal (e.g. hotels, solicitor offices, WRC premises).
<ul style="list-style-type: none"> What resources and other relevant organisational aspects are involved? 	<p>The above techniques operate within existing budgets i.e. no additional funding was granted to the WRC (or the former inspectorate agency the National Employment Rights Authority (NERA)) to assist in domestic work inspections.</p>
<ul style="list-style-type: none"> What are the source(s) of funding? 	<p>National funding</p>
<p>Evaluation and outcome</p>	
<ul style="list-style-type: none"> Has the measure achieved its objectives? 	<p>The approach has proven to be successful in securing access to domestic premises (estimated success rates range between 70 % and 80 % of requests being granted) and in educating both employers and employees with respect to labour law requirements in domestic settings.</p> <p>Wider impacts of campaigning may also be read in the number of court cases taken to the Labour Court, including increasing award settlements which have generated further media publicity. In 2018 the Labour Court awarded a Brazilian au pair worker EUR 4 947 after findings ruled that the worker was only being paid an effective hourly rate of EUR 2.78 (a case taken on by the MRCI).</p> <p>There remain question marks over the success of these measures in tackling <i>hidden</i> domestic employment. Information issued by state bodies (e.g. Revenue) is used to identify cases in the formal domestic work sector only.</p>

<ul style="list-style-type: none"> Assessment method (including indicators used to measure its impact), and the outputs and outcomes achieved 	<p>A range of statistical data is captured in relation to domestic inspections. Figures from 2011-16 are as follows:</p> <ul style="list-style-type: none"> 77 % of inspections took place in the private home and 11 % in accountants'/solicitors' offices. This indicates a high success rate in terms of inspection access. Only 20 % of cases were recorded as 'live-in' workers. 61 % were Irish; 18 % were Filipino and over 13 % were Other European. <p>Breaches of law detected:</p> <ul style="list-style-type: none"> 22 % - no breaches detected. 61 % of employers had breaches of the Organisation of Working Time (OWT) Act. 8 % of employers did not provide payslips. 5 % of employers did not have written terms and conditions of employment. 3 % of employers had issues with minimum wage; almost EUR 9 000 in wage arrears were recovered. No cases of employment permit law abuse.
<ul style="list-style-type: none"> What are lessons learnt and the key conditions for success? 	<p>Lessons learnt and success factors include the following:</p> <ul style="list-style-type: none"> Campaigns are important in encouraging both employers and employees in domestic work arrangements to establish legitimate working relationships in compliance with labour law/regulations. Collaboration with third parties is viewed as important in sharing information and facilitating needed inspections. Maintaining healthy working relationships with third parties can prove challenging. In the past the MRCI has expressed frustration at the perceived role of NERA/WRC in enforcing immigration rules over those of exploitation.
<ul style="list-style-type: none"> Level of transferability (e.g. other countries/groups/sectors) 	<p>Levels of transferability are high as the above measures have taken place within relatively frugal budgets. Inspectorates are likely to benefit from enhanced collaboration with other State institutions/departments, worker groups (e.g. unions and civil society organisations) and charities with an interest in domestic work arrangements.</p>
<p>Additional information</p>	
<ul style="list-style-type: none"> Contacts 	<p>Padraig Dooley, Director and Chief Labour Inspector at the Workplace Relations Commission Email address: Padraig.Dooley@workplacerelements.ie Telephone: +353 86 6026108</p>
<ul style="list-style-type: none"> Sources 	<p>WRC: Employment Rights of Domestic Workers in Ireland http://www.workplacerelements.ie/en/What_You_Should_Know/Domestic_Workers/</p> <p>Citizens Information http://www.citizensinformation.ie/en/employment/types_of_employment/domestic_workers_in_ireland.html</p> <p>ILO Regional knowledge-sharing forum/labour inspection and domestic work sector http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/meetingdocument/wcms_202400.pdf</p> <p>Ireland – Labour inspection structure and organisation</p>

http://www.ilo.org/labadmin/info/WCMS_156048/lang--en/index.htm

Workplace Relations *'What You Should Know'*

http://www.workplacelrelations.ie/en/What_You_Should_Know/Domestic_Workers/

ILO: *Ireland Ratifies the ILO convention on domestic workers' rights*

http://www.ilo.org/global/standards/information-resources-and-publications/news/WCMS_304138/lang--en/index.htm

Irish Times newspaper: *Couple ordered to pay au pair €5,000 after appeal rejected*

<https://www.irishtimes.com/news/crime-and-law/couple-ordered-to-pay-au-pair-5-000-after-appeal-rejected-1.3377160>

- Metadata and key words for online search

Ireland; private household labour inspection; domestic work; migrant labour rights; Au Pairs; home care; ILO Convention on Domestic Workers; information campaigns; terms and conditions of employment; formal domestic employment; hidden employment