

Childcare in the Domestic Work Sector



Who's Minding the Children?

May 2015

INTRODUCTION

Childcare services and domestic work are essential to the effective running and wellbeing of all societies. These services enable families to engage in other forms of work and provide parents with security and peace of mind as they know their children are being cared for.

Home-based care is the first choice of many parents in Ireland, especially for the under-three age group.¹ Domestic work - which includes au pairs, childminders, carers, nannies and housekeepers, as well as cleaners and other workers in private homes - is one of the fastest-growing sectors globally. Domestic work is highly gendered, and a high proportion of domestic workers are migrant women. The widespread perception of domestic work as a low-status, low-value occupation has led to the development of a sector characterised by low pay and poor terms and conditions. Isolation, immigration issues and poor enforcement of labour laws result in a higher incidence of exploitation and add to the precarious nature of this work. This reflects a wider societal problem in which childcare and domestic work are undervalued and under resourced. This paper outlines the growing demand for childcare in Ireland and reveals new trends in the employment and exploitation of domestic workers who provide childcare and domestic labour in homes nationwide. A decade of frontline and grassroots work in this sector, coupled with previous research and a series of participative workshops with migrant domestic workers, informs this paper.

SNAPSHOT: CHILDCARE SERVICES AS ADVERTISED IN IRELAND

- Childminder: A self-employed person who minds other people's children in her/his own home. This is unregulated.
- Crèches: The majority of crèches are privately run. Private crèche fees average at €11,000 per year per child. Tusla (the Child and Family Agency) is responsible for ensuring regulations are enforced.
- Agencies: These advertise a range of services in the family home including nannies, live-in and live-out childminders and au pairs.
- Nanny, Live-in/out childminder: These workers provide childcare and household duties. They are paid between €300 and €500 per week. Maximum deductions from payment at source of €54.13 per week for food and board are permitted under law.²
- Au pair: Irish agencies categorise au pairing as a cultural exchange programme, where an au pair lives with a host family to experience a new culture and learn English. They are expected to provide childminding and household duties in return for approximately €100 per week. There is no legal basis for this arrangement.

¹ Start Strong (2014) The Double Dividend: Childcare that's affordable and high quality, June 2014, p13, research shows figures of 20% of under three's in registered childcare (2006).

² Code of Practice for employing a person in someone's home (SI207)

CHILDCARE, GROWTH AND LABOUR MARKET DEMAND

Fertility rates in Ireland are higher than the EU average. According to the Central Statistics Office (CSO), increased birth rates and migration will see Ireland's population grow from 4.6 million to between 5.3 and 5.6 million by 2046.³ Currently, almost 25% of the population is under fifteen years of age. At the same time the economy is recovering: unemployment rates dropped to 10.1% in February 2015 and employment rose by 29,100 in 2014, while redundancies declined significantly in the same period.⁴ Expected growth in 2015 stands at 5.3% of GDP.⁵ As the economy grows again, more parents - women in particular - will return to the labour force. This creates a demand for affordable and accessible childcare services and for domestic work in private homes.

Government spending on childcare in Ireland is amongst the lowest in OECD countries. As a result, crèche fees are amongst the most expensive.⁶ Public spending improved somewhat with the introduction of the free preschool year, but investment levels remain insufficient.⁷ The costly private crèche system is prohibitive for many working parents, and quality standards have not been delivered in tandem with high fees. Media reports in recent years have exposed child protection breaches in well-known crèches and have led to ongoing public debate regarding the quality and cost of the early childhood education system.⁸

Despite this increasing demand for childcare services, official figures show a formal childcare sector that has been shrinking dramatically by 2.3 per cent annually since 2008.⁹ CSO statistics for the domestic work sector show a similar trend, with the number of domestic workers employed in Ireland contracting from 10,400 in 2008 to 6,500 in 2014.¹⁰ PPSN figures also show that only 286 non-Irish nationals were employed in domestic work in 2014.¹¹ Given the high birth rates in the country and the growing numbers returning to work outside the home, this then raises an obvious question: who is minding the children?

Clearly, the official figures fail to accurately capture employment in the sector. The lack of official data to reflect the actual number of migrant domestic workers employed in this sector is a serious gap. It is exacerbated by the fact that a significant amount of childcare provided in the private home is informal.

³ CSO http://www.cso.ie/en/media/csoie/releasespublications/documents/population/2013/poplabfor2016_2046.pdf

⁴ Solas (2014) National Skills Bulletin, July, Expert Group on Future Skills Needs population under 15 rose by 13,000 in last quarter of 2012.

⁵ ESRI http://www.esri.ie/UserFiles/publications/QEC2014AUT_SA_Cronin_McQuinn/QEC2014AUT.pdf

⁶ OECD Gender Brief, Social Policy Division, www.oecd.org/els/social Version March 2010

⁷ NWC (2014) Budget Directions 2015, Towards a more equal and sustainable Ireland for women and men. Pre-budget Submission

⁸ Primetime (2013) A Breach of Trust, RTE

⁹ Solas (2014) National Skills Bulletin, July, Expert Group on Future Skills Needs

¹⁰ Quarterly National Household Survey (QNHS), Central Statistics Office, Ireland.

¹¹ CSO Foreign Nationals: PPSN Allocations, Employment and Social Welfare Activity; January 2015 http://cso.ie/en/releasesandpublications/er/fnaes/foreignnationalsppsnallocationsemploymentandsocialwelfareactivity2013/#.VPWQ3Hy_suH2

AN INTERNATIONAL SOLUTION TO AN INTERNATIONAL PROBLEM

Faced with similar challenges across Europe, the EU is engaged in developing innovative strategies to address the spiralling demand for elder care and childcare in Member States. It predicts 5 million jobs could be created in the establishment of a sector termed Personal and Household Services (PHS).¹² In addition to tackling high unemployment across Europe, PHS aims to tackle undeclared and informal work in the domestic work sector and increase tax revenue by supporting workers to transition from informal to formal work. MRCI estimates that formally recognising au pairs in the labour market could generate €22,313,200 per annum for the Irish economy. Introducing migration policies which support these labour market strategies is an integral aspect of developing a successful PHS sector, as there is continued demand for migrant workers in the provision of these services.

LABOUR MIGRATION AND EMPLOYMENT LAW

Ireland operates an employment permits system for workers from outside the EU. Until 2009, many of Ireland's childcare needs were fulfilled under this system. At that point, the State ceased to issue work permits for this sector in all but the most limited circumstances. By 2014, even those limited circumstances had become ineligible. New work permits granted for the domestic work sector peaked in 2004 and dropped dramatically by 2014.¹³ An inevitable outcome of the absence of government policy in this area is the creation of a domestic work sector dominated by informal and irregular work, carried out by both au pairs and undocumented migrants. These are two vulnerable groups who experience barriers accessing their rights and frequently remain in exploitative situations in private homes. It is MRCI's experience that international students tend to find employment in low-paid and unregulated sectors, and many are working under the label of au pairs in the domestic work sector. Student migration now represents the largest category of non-EEA migrants (52%) to Ireland. In 2014 there were 49,500 non-EEA students in Ireland, compared to just 28,021 in 2005 and 41,415 in 2010. Recent MRCI research also shows a high concentration of undocumented workers in the domestic work sector in Ireland.¹⁴

Despite the absence of a domestic worker employment permit, the demand for migrant women in this sector has not diminished. The disconnect between labour migration policy and employment demand has created an unregulated and exploitative system.

¹² European manifesto for the development of personal and household services throughout Europe (2012)

¹³ Department of Jobs, Enterprise and Innovation (DJEI) Work Permit Statistics 792 new permits issued for domestic work 2004. 10 new permits issued in 2014. <http://www.djei.ie/labour/workpermits/statistics.htm>

¹⁴ Ireland is Home; an analysis of the current situation of undocumented migrants in Ireland; MRCI November 2014, showed 30% of the 540 surveyed were employed in the domestic work sector.

ADVANCES FOR DOMESTIC WORKERS IN IRELAND

The Migrant Rights Centre Ireland (MRCI) has been working with migrant domestic workers since 2001 through its Domestic Workers Action Group (DWAG). DWAG has successfully lobbied for more robust laws and better enforcement of existing laws in the sector. Positive developments include labour inspections in the private home, enhanced protections for domestic workers employed in diplomatic homes, the ratification of international standards for domestic work and greater visibility of migrant domestic workers.¹⁵ This work has resulted in improved terms and conditions of employment and enforcement of laws in the sector. However, years of progress are now being undermined by the absence of planned and strategic policy responses to this burgeoning sector.

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To help you and your family

Around the house or with the children?
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Live in prices quoted

AU PAIR A
25 hours help and 2 night baby-sitting
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€100

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¹⁵ Ratification of the ILO Convention on Domestic Work (2014), Department of Foreign Affairs measures for employing domestic workers in diplomatic homes (2014), Labour inspections in Private Homes (2011), Code Of Practice (SI.207) (2007)

EMERGING TRENDS FOR THE DOMESTIC WORK SECTOR

Through ongoing analysis of case work, MRCI maps trends and identifies emerging issues for domestic workers. Over the last five years, MRCI has seen a sharp increase in the number of non- EU women au pairing in Ireland. In 2012 MRCI provided support to just 40 au pairs, but this figure has grown exponentially and currently advice and support is provided to over 1000 au pairs, with a corresponding increase in workplace complaints.¹⁶

Recent studies show widespread exploitation of au pairs who provide full-time, flexible childcare for a fraction of the minimum wage in homes countrywide.¹⁷ They are denied basic labour rights such as contracts, holiday pay, leave and overtime. Ireland has not signed up to international agreements governing au pairing.¹⁸ Irish employment legislation applies to all workers where an employment relationship exists, regardless of the job title given to the workers,¹⁹ yet the underpayment of au pairs is widely advertised and tolerated and has now become commonplace in Irish society.

Au pair recruitment and placement agencies played a key role in responding to the demand for cheap flexible childcare. During the recession, families struggled to afford childcare and the au pair industry was quick to react to this lacuna. They advertise au pair placements at a fraction of the cost of hiring domestic workers and nannies. A recent survey revealed that au pairs provide childcare to approximately 20,000 families in Ireland.²⁰ This figure may even be conservative; there is no official data gathered on au pair activity. Increasingly, au pair recruitment takes place informally, bypassing these agencies, so the actual size of the industry is unknown.

CLEARLY, THE OFFICIAL FIGURES FAIL TO ACCURATELY CAPTURE EMPLOYMENT IN THE DOMESTIC WORK SECTOR

¹⁶ MRCI provides support and information to the Au Pair rights Association of Ireland (ARA), founded in 2012.

¹⁷ Part of the Family? (2012) MRCI, Dublin and 'Disposable Workers' (2014) Cultúr, Meath.

¹⁸ European Agreement on "au pair" Placement (1969) Council of Europe, Strasbourg <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=068&CM=8&CL=ENG>

¹⁹ Determine Code of Practice for Determining Employment or Self-Employment Status of Individuals (2007)

²⁰ Figured based on Irish Times/Ipsos MRBI Family Values poll stating 4% of families rely on au pairs for childcare. <http://www.irishtimes.com/life-and-style/family-valuesgrandparents-are-main-carers-for-children-of-working-parents-1.2150546>

SAME PROBLEMS, DIFFERENT TITLES: OUR RESEARCH REVEALS THAT AU PAIRS ARE NOW EXPERIENCING THE SAME EXPLOITATION DOMESTIC WORKERS REPORTED IN 2010.

AU PAIR SURVEY 2012

53 AU PAIRS SURVEYED

42% received no written contract



36% experienced exploitation



15% had to be on call at night



13% were not free to leave the house after duties were done



21% worked more than 8 hours a day



26% worked between 40 and 60 hours weekly



8% worked in excess of 60 hours weekly



17% were paid less than €100 per week



49% were paid between €100 and €119 per week



27% worked Sunday...



...83% of these did not receive extra payment



21% did not receive regular breaks



41% worked Bank Holidays...



...76% of these did not receive extra payment



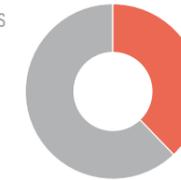
DOMESTIC WORK SURVEY 2010

50 DOMESTIC WORKERS SURVEYED

40% received no contract



38% were paid below minimum wage (some as little as €2 per hour)



42% did not receive payslips



60% experienced exploitation



30% work Sundays and Bank holidays without extra pay or a day off



44% raised a complaint with their employer about their unfair treatment and long working hours but their concern was ignored and nothing changed



70% performed extra duties other than care duties



17% were paid less than €100 per week



40% are working over 48 hours a week



22% employers do not pay tax/PRSI



58% live with employers



27% of unfairly-treated respondents were afraid to complain for fear they would lose their job, will be sent home or deported (if undocumented)



58% of the respondents think that unfair pay and treatment of domestic workers in Ireland is widespread



IRISH FAMILY LOOKING FOR AU PAIR

DUTIES

3 CHILDREN + HOUSE DUTIES

WORKING HOURS PER WEEK

70+ HOURS, MON-FRI & OCCASIONAL SAT & SUN

REMUNERATION

WAGE + BOARD

€120pw / 70+ hours
€1.50 - €1.70 per hour

SCHEDULE

7AM - 9.30PM
14.5 HOURS

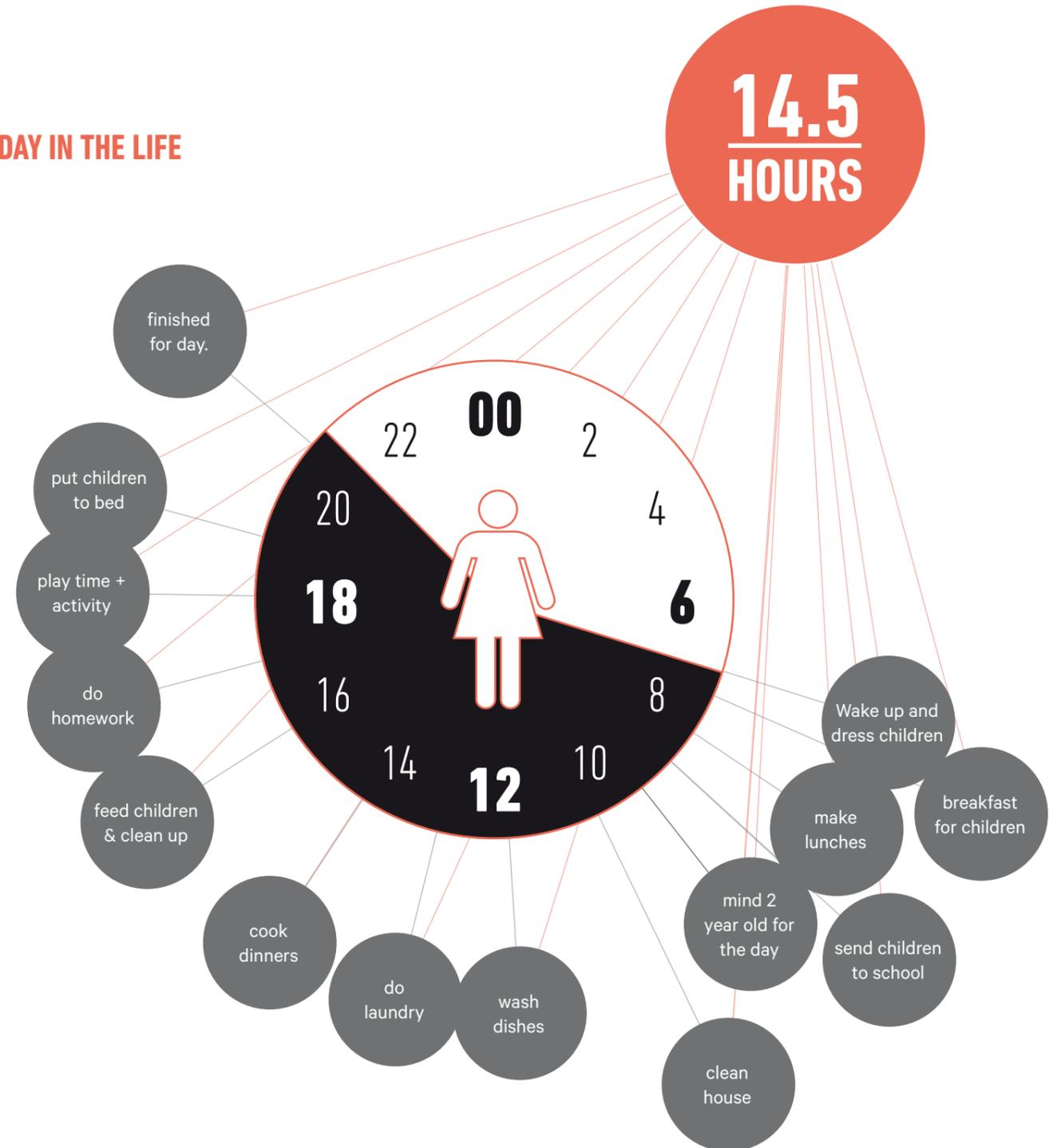
THIS IS JESSICA'S STORY

Jessica, from Brazil, was recruited through an online au pair site in 2013 to work in a family home in rural Ireland. She looked after three children and the running of the house while her employer worked. She worked an average of 70 hours weekly over 5 days for €120. She started at 7a.m. and finished after 9.30 at night. She woke and dressed the children, fed them breakfast, made lunches for the older children to take to school and cared for the 2 year old at home. Her daily cleaning duties consisted of cleaning bedrooms, the dining room, the kitchen, the playroom, and the living room. She had to wash the dishes, do the laundry and make a shopping list. She had to cook lunches and dinners for the children, feed them and clean up the kitchen and dining room after the meals. In the afternoon she cared

for all three children, helping with homework, taking them for walks, playing with them at home. She had to bathe the children at bedtime, dress them in pyjamas, help them brush their teeth and read different books before putting the children to bed at 9pm. Her employer arrived home from work between 9.30 and 10pm. Jessica worked Sundays and public holidays without extra pay. There was no roster for her time, and she worked long days without breaks. She worked weekends, Sundays and public holidays to suit her employer. She never received extra pay. Jessica stayed with the family for more than a year and was given only one week's holidays. She finally left as she could no longer endure the harsh working conditions and low pay.

*Jessica's name has been changed. All other details are true and unaltered.

A DAY IN THE LIFE



EMERGING POLICY ISSUES

Au pairing has been stitched into existing migration and employment practices without any official definition or policy. In Ireland, the au pair industry is highly contradictory. It seeks to exclude au pairs from employment laws, yet treats them as workers. Employers have risk-free access to cheap labour outside of an employment relationship; these arrangements serve some families and businesses, but systematically fail au pairs and undermine work in the domestic work sector.

The continued restriction of eligible categories of employment for work permits represents a serious – and extremely short-sighted – failure to recognise the intersection of labour market demand and immigration policy for this sector. This, coupled with the absence of a coherent data collection strategy to enable mapping of the sector, seriously hinders the potential for development. It is critical that the Government aligns its policies to respond to real demands in the labour market. Developing this sector has the potential to contribute socially and economically through job creation, increased revenue, transition from informal to formal work, and the maximising of economic growth in the sector.

CONCLUSION

Demand for domestic work will continue to grow in line with changing demographics across Europe. In Ireland, the current childcare context paints a grim picture of deeply inadequate public investment in childcare. Despite high fees, the quality of crèches varies hugely; and so trends indicate a growing informal workforce providing care in private homes nationwide, where workers are unprotected and vulnerable.

The pattern of exploitation, neglect and precariousness experienced by au pairs in particular is a matter of serious concern. Au pairs have become synonymous with the cheap supply of childcare and domestic work. Failure to enforce employment legislation for all workers makes us complicit in the ongoing exploitation of domestic workers in homes across Ireland.

Ireland needs a sustainable solution to its childcare needs. To fully recognise the value and contribution of domestic workers, it is essential that workers are visible and their rights enforced. Labour market strategies and migration policy must be adapted to reflect reality. The introduction of policies to assist with formalising domestic work has real potential to generate substantial revenue and create decent childcare jobs for thousands of people. This, in turn, will create a vibrant economic sector which is attractive to workers and effective for families.

Urgent action is needed to ensure that Ireland guarantees the safety and welfare of the thousands of migrant women caring for Ireland's children. Failure to act will undermine our international commitments to protecting human rights, upholding worker rights and ensuring gender equality.

RECOMMENDATIONS

Department of Jobs, Enterprise and Innovation

1. Issue a clear statement on the rights and entitlements of au pairs as workers and inform all statutory information bodies such as Citizens Information and Workplace Relations.
2. Inform employers of their obligation to register as a single employer if someone is working for them in their private home.
3. Ensure au pair industry recruitment agencies are aware of and comply with the Employment Agencies Act 1971.
4. Reintroduce an eligible employment permit for domestic work to respond to labour market demand and mitigate exploitation.
5. Establish labour market strategies to support both employers and workers to register and formalise this work.
6. Increase inspections in private homes to address non-compliance in this sector, with an immediate focus on au pairs.
7. Deliver on commitments under ILO Convention 189 and explicitly enforce the rights of au pairs.

Department of Justice and Equality

8. Provide an avenue to regularise undocumented domestic workers employed in homes across Ireland.

Expert Group on Future Skills Needs

9. Conduct qualitative and quantitative research into skills shortages in the area of childcare, with a particular focus on childcare provision in private homes.
10. Address data gaps in the area of domestic work in private homes.

Department of Education and Skills

11. Establish workforce development measures including access to training, career pathways and continuous professional development in the area of childcare.

Department of Children and Youth Affairs

12. Invest in the creation of affordable and accessible childcare services.

The Migrant Rights Centre Ireland is a national organisation working to promote justice, empowerment and equality for migrant workers and their families.

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