



Domestic Work Inspections in Ireland

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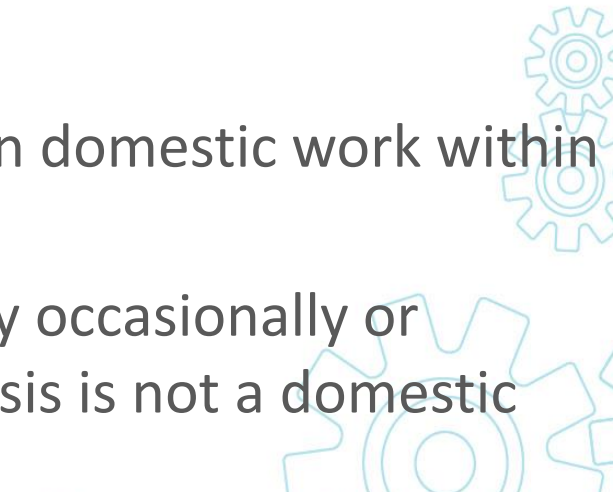
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What is a domestic worker?

ILO Domestic Workers Convention, 2011 (No. 189)

Article 1

- Domestic work is work carried out in or for a household or households
 - A domestic worker is any person engaged in domestic work within an employment relationship
 - A person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker
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Domestic Work in Ireland

How many domestic workers in Ireland?

- Over 87,000 workers ‘Carers and Personal Services ‘
(Census 2011)
- 2,300 Personal Households have persons employed
(Census 2011)
- 835 employers Revenue records 2013
(NACE code 9700: Activities of households as employers of domestic personnel, this includes private homes, 11 Religious Institutions & parishes, Schools & Doctors)
- Large numbers in hidden economy????????????

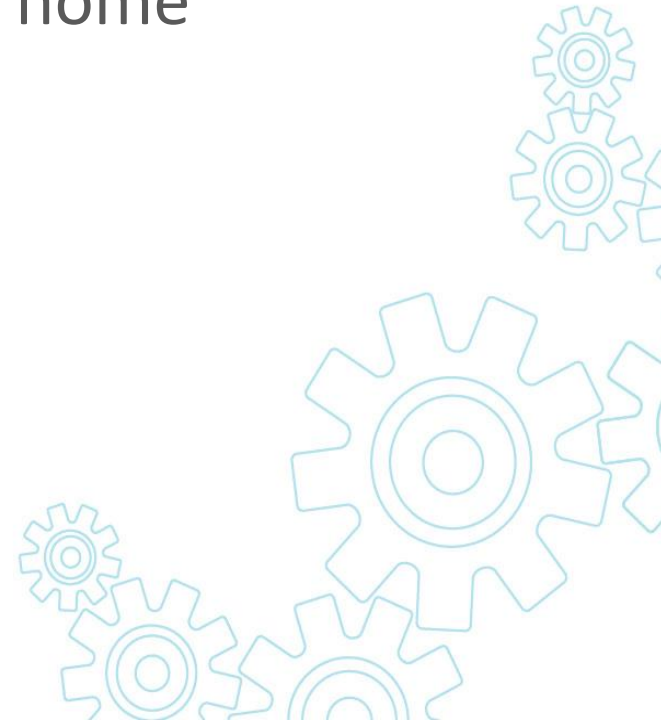


Why inspect?

- Vulnerable workers
 - Invisible
 - Not perceived as work
 - Migrant workers
 - Low wages
 - Long working hours/overnight
 - All legally employed workers in Ireland are protected by employment legislation
 - Build capacity and expertise of inspectors
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Perceived challenges to domestic work inspections

- Invisible work
- Language barriers
- Undocumented workers
- Constitutional protection on private home
- Inexperienced employers
- Self employment vs employment
- Au pairs



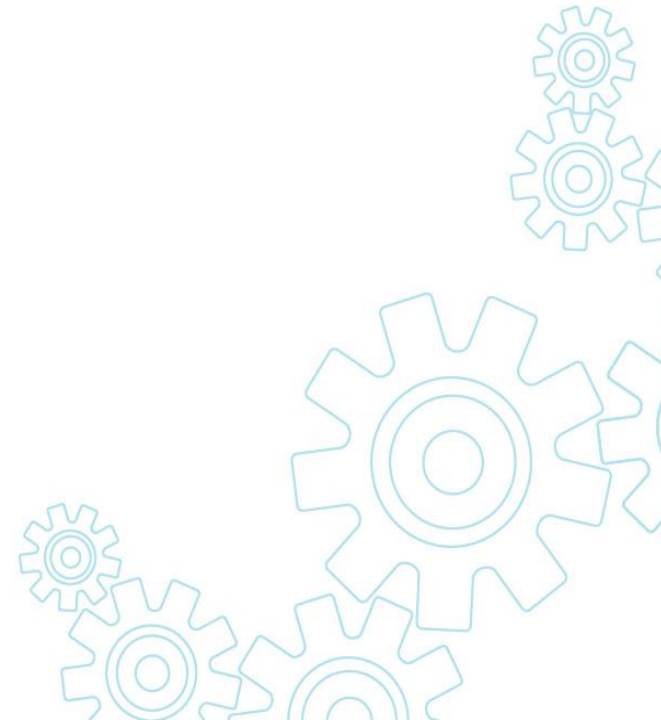
Invisible work

- Carried out in private homes
- Low referral/complaint rate
- Unregistered employers
- Hidden economy
- Cases primarily sourced from official records
 - Revenue records
 - Employment permit applications



Language barriers

- NERA has 8 language inspectors
(Lithuanian, Russian, Polish, French, Czech, Slovak)
- Employment Rights information in 13 languages
- 3 way telephone translation
- Multi language card



Language barriers



If you would like to contact* a NERA official to discuss your employment rights in confidence please contact the telephone number or email below

1890 – 80 80 90*
inspection@employmentrights.ie

*Telephone Service is only available in English

Language barriers

Ако желаете да се свържете със служител на NERA, за да обсъдите трудовите си права поверително, моля свържете се с телефонния номер или електронния адрес, посочени на следващата страница.

Телефонната услуга се предлага само на английски език.

如果你希望与NERA员工取得联系，以便私下谈论和您相关的权利，请使用本页背面的电话号码或电子邮件。电话沟通只提供英语服务

Si vous souhaitez parler à un fonctionnaire de la NERA afin de discuter de vos droits en toute confidentialité, n'hésitez pas à appeler ou à envoyer un email en utilisant les coordonnées au verso.

Le service téléphonique est uniquement disponible en anglais

यदि आप किसी एन इ आर ए (Nera) अधिकारी से अपने अधिकारों के बारे में गोपनीयता से चर्चा करने के लिए बात करना चाहते हैं तो कृपया दूसरी ओर दिए गए टेलीफोन नंबर या ईमेल पर संपर्क करें। टेलीफोन सेवा केवल अंग्रेजी में उपलब्ध है

Se deseja falar com um responsável da NERA para discutir os seus direitos de forma confidencial por favor contacte o número de telefone ou e-mail que se encontram no verso.

O Serviço telefónico está disponível apenas em inglês.

Si lo desea, puede contactar con un oficial de NERA para tratar de forma confidencial la cuestión de sus derechos. El teléfono y el email de contacto figuran al dorso.

El servicio telefónico solamente está disponible en inglés.

Dacă doriți să contactați un oficial NERA pentru a discuta drepturile dumneavoastră de angajare în confidențialitate vă rugăm să contactați numărul de telefon sau e-mail de pe verso.

Serviciul Telefonic este valabil numai în Engleză.

Если Вы желаете обсудить свои трудовые права с официальным представителем NERA в условиях конфиденциальности, пожалуйста, свяжитесь с нами по телефону или по e-mail, которые указаны на обратной стороне брошюры.

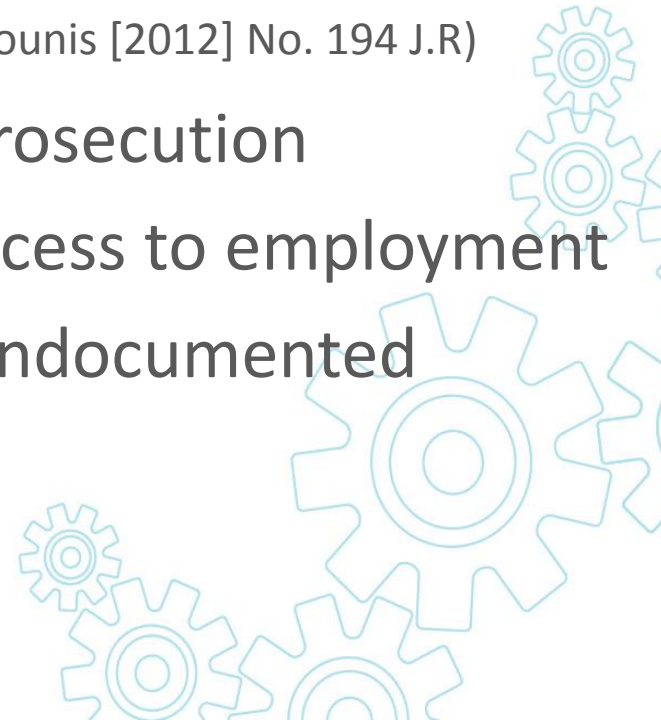
Услуги по телефону доступны только на английском языке.

Undocumented workers

- Employment permits not issued for domestic work
- Undocumented workers contract of employment is invalid and unenforceable

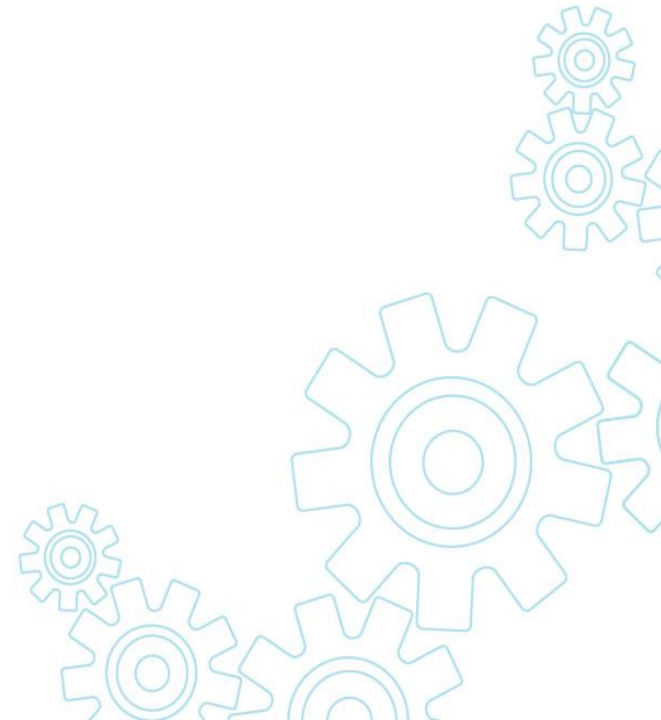
(Amjad Hussein -v- The Labour Court and Mohammad Younis [2012] No. 194 J.R)

- However employer is still open to prosecution
- Govt. examining legal solution for access to employment rights for employees who become undocumented



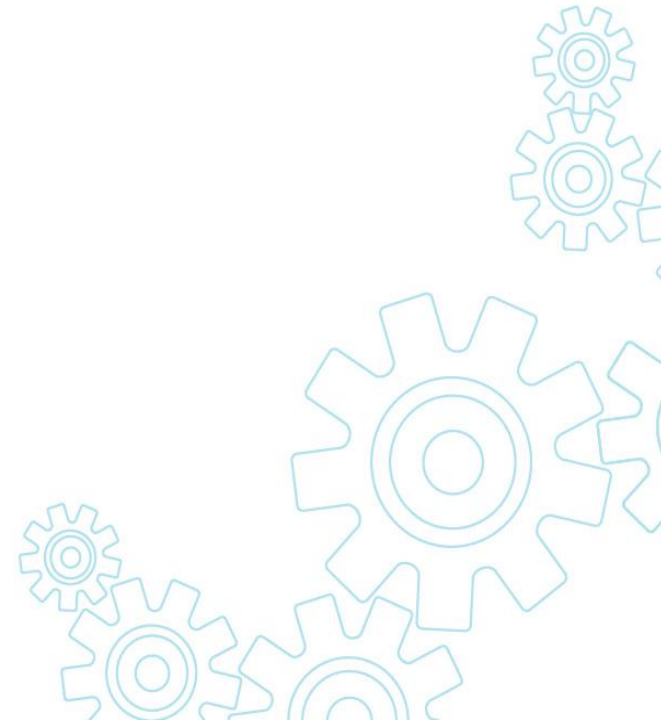
Constitutional protection on private home

- Inspectors can only enter with consent or warrant
- This does not remove employer obligations
- Inspectors request entry or alternative inspection location (Accounts office, etc)



Inexperienced employers

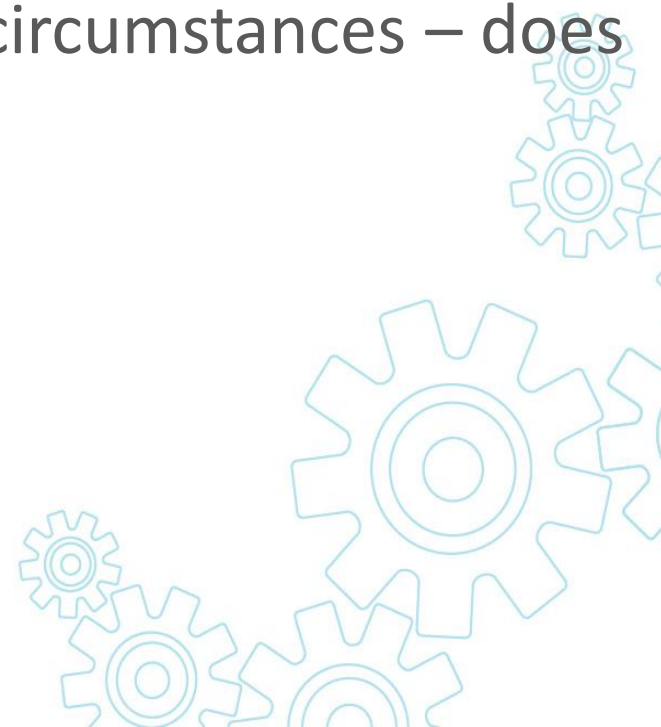
- Don't consider themselves as 'real' employers
- Unaware of obligations
- Exposure to inspection and claims
- Poor record keeping



Self employment vs employment

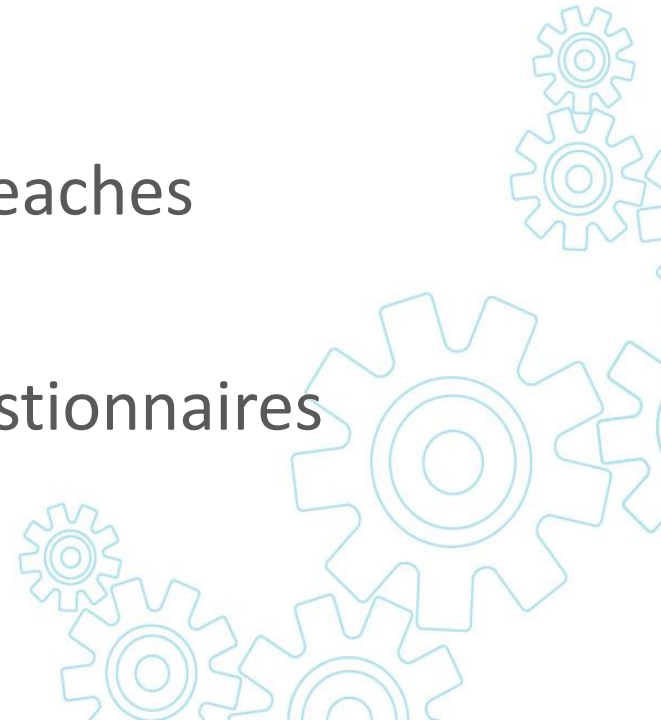
Au pairs

- No legal definition of Au Pairs
(Ireland not party to European Agreement on "au pair" Placement, 1969)
- Code of practice on employment/self employment
- Each case decided on its particular circumstances – does a contract of employment exist?
 - Control?
 - Mutuality of obligation?
 - Capacity?



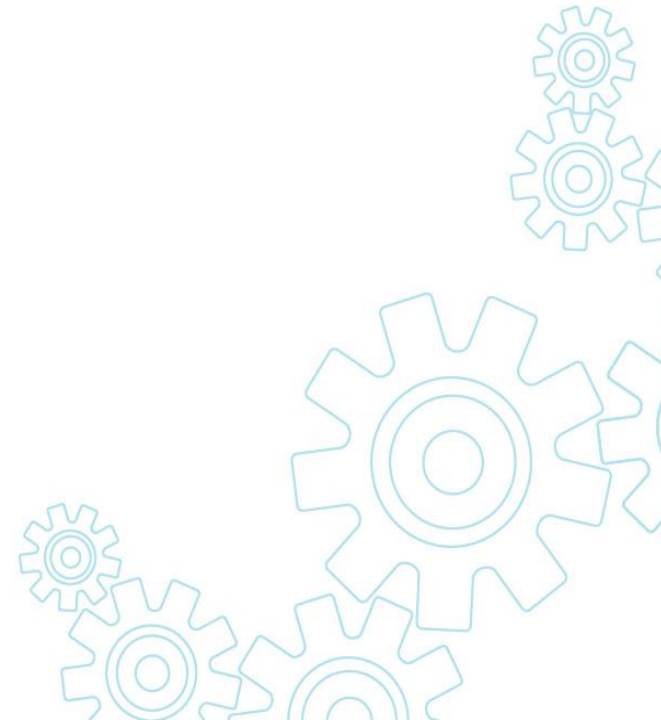
Inspection outcomes to date

- Ongoing pilot (2011 to date)
- 87 Inspections
- 62 in private home, 15 at place of employment, 8 in Accountants office
- Only 21 cases were live-in
- 59 cases of employment records breaches
- 5 cases of wages breaches
- 61 employees interviewed / 11 questionnaires



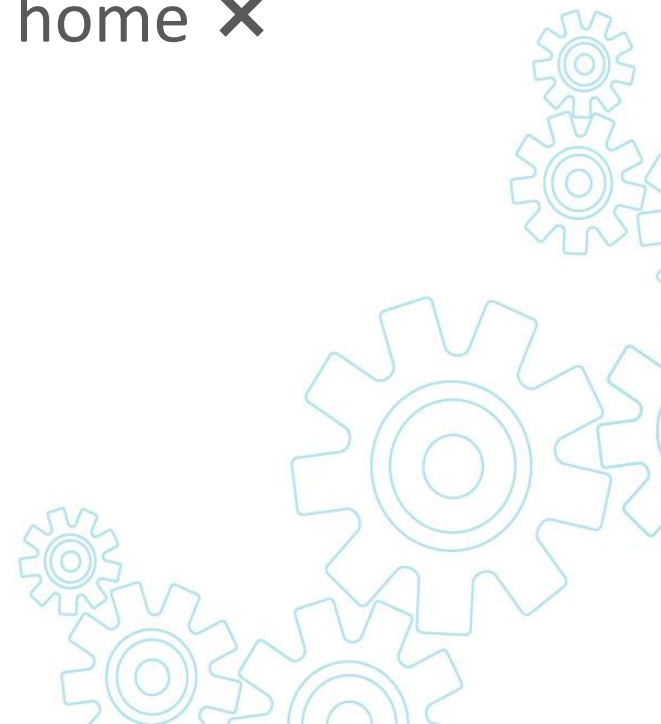
Employees nationality

- 55 Irish
- 21 Filipino
- 3 Poland
- 2 Brazil
- China
- New Zealand
- Nepal
- Germany
- Lithuania
- UK



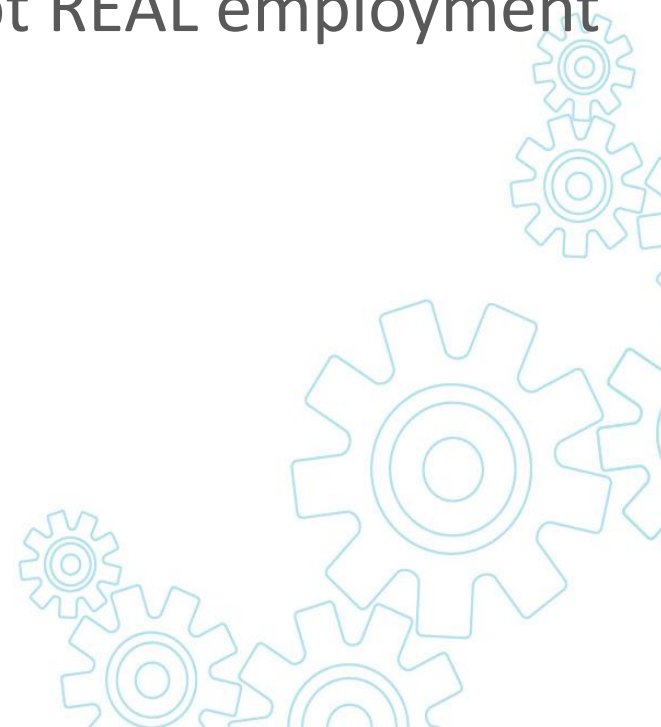
Actual challenges to domestic work inspections

- Invisible work ✓
- Language barriers ✗
- Undocumented workers ✗
- Constitutional protection on private home ✗
- Inexperienced employers ✓
- Self employment vs employment ✗
- Au pairs ✗



Overall findings

- Voluntary compliance in all cases
- No severe exploitation
(Cases sourced from official records!)
- Perception that domestic work is not REAL employment
- Are we seeing the full picture?



Key issues

- Employers need to know their obligations as employers
- Employees need to know what is expected of them and what they can expect in return
 - Terms & conditions/contract
 - Record of hours worked
 - Payslips



What next?

- Mainstream pilot into general inspection regime
- Develop methodologies to find invisible cases
- Need for more referrals
- Servants of diplomats
- Outreach to target communities

