

Au pair Rights Association Ireland (ARAI)
Submission to the Low Pay Commission
Allowances for board and lodgings under the National Minimum Wage, Act, 2000
January 2017

Introduction

The ARAI is a not-for-profit organization and all the members of the Committee work voluntarily. It was established in 2013 to:

- Provide information and support to all the au pairs living in Ireland,
- Promote social and educative events to au pairs in Ireland,
- Seek justice, respect and fair working conditions to all au pairs living in Ireland.

Membership of the Association is open to those who have worked, are currently working or intend to work as au pairs in Ireland. Membership is also open to those with experience as au pairs in other countries.

ARAI welcomes the opportunity to contribute to the review of the allowances for board and lodgings provided for under the National Minimum Wage Act. Our submission is drawn from working with 1,000 au pairs annually where board and lodgings rates are applied in live-in situations.

Context

More than 20,000 families in Ireland rely on au pairs to provide childcare and household duties. The average au pair is paid just €100 for a 40-hour week of childminding, cleaning and cooking – considerably less than the legal minimum wage. Research conducted by Migrant Rights Centre Ireland¹ show widespread exploitation of au pairs who provide full-time, flexible childcare for a fraction of the minimum wage in homes countrywide. 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. Irish employment legislation applies to all workers where an employment relationship exists, regardless of the job title given to the workers, 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.

¹Childcare in the Domestic Work Sector: Who's Minding the Children? MRCI, 2015.

Board and Lodging

Any proposal to increase the rates that can be legally deducted for board and lodging needs to be strictly considered in terms of its impact on au pairs. Many au pairs and not in receipt of Minimum Wage, their statutory entitlement and further increases to allowable deductions would further impoverish this group of workers.

Live-in au pairs are dependent on their employer for their accommodation. Many earn below or just minimum wage rates. For example, Jessica, from Brazil, was recruited through an online au pair site 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. 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.

Despite being live-in, some au pairs report that their employers expect them to leave the house at weekends so that the family can have their own time. Others report that live-in arrangements can be difficult to navigate as the employer can expect the worker to be constantly on call. Live-in situations are not considered to be home by many au pairs and in fact, can lead to greater expectations to work longer hours and having less privacy. As such, the rate that lodgings are set at under the Act should not be linked to the market value. ARAI reject calls to align the value of board and lodgings deductions to increasing rent prices.

While food may be provided as part of the live-in arrangement, there are serious concerns as to how this is implemented by some employers. Au pairs report being left without food when families go on holidays or being expected to live on pasta and beans and some canned foods. One au pair reported eating mainly toast while another worker reported being denied meat in her diet. Other reported the wish to cook for themselves and having choice about the type of food they eat in keeping with their dietary traditions. Often the option to cook for oneself and purchase one's own food is not provided. Furthermore, the au pair is often not consulted on the food purchased and is expected to eat what the family eats. Standards need to be specified regarding legitimate deductions for food.

Key considerations

ARAI believe that before making a recommendation on any increase in the rates allowed for deductions in respect of board and lodgings, the Commission should make a full assessment of the impact that such increase will have for au pairs who consistently earn below the living wage rate of €11.50 an hour, under the agreed low-pay threshold (60% of median salary) and under the minimum wage.

Employment laws, including the Minimum Wage Act, need to be enforced to protect au pairs. Without this, it would be unacceptable to increase allowable deductions from already underpaid workers. Enforcement measures should include addressing the problem of illegal advertising by some au pair agencies of jobs that are well below minimum wage.

There are no standards governing the provision of board and lodgings this is a serious gap that need to be addressed. Give the examples set out it above, these are clearly needed so that employers are aware of their responsibilities in this regard.

Recommendations

ARAI make the following recommendations:

- There should be no increase in allowable deductions. Without proper consideration of the impact of any change on workers already in precarious situations and the evidence that already some au pairs are not in receipt of minimum wage, it is imperative that no change is introduced at this time.
- The rate that lodgings are set at under the Act should not be linked to the market value. ARAI reject calls to align the value of board and lodgings deductions to increasing rent prices.
- Standards need to be developed and implemented to govern the provision of board and lodgings.
- Employment laws need to be enforced including minimum wage.