



Migrant Rights Centre Ireland (MRCI)

ILO Convention No. 189 - Decent Work for Domestic Workers

The Government has a commitment to protect the most vulnerable in society. However, it has yet to disclose whether it will ratify the international ILO convention to protect the rights of thousands of domestic workers in Ireland. Ratification of Convention 189 would contribute to keeping domestic workers out of exploitation and practices similar to slavery.

Summary

MRCI has been working with migrant domestic workers since 2001. Long hours of work, pay below national minimum wage, no day off, harassment, bullying, no sick/holiday pay are all common complaints.

The sector has some of the highest reports of modern day slavery. Since 2006, MRCI has uncovered approximately 40 cases of forced labour and domestic servitude where women's rights have been grossly violated, this is just the tip of the iceberg. We have seen an increase in the exploitation of domestic workers employed by embassies and diplomatic staff in Ireland, in addition to problems arising from abuse of the au pair system.

In Ireland domestic workers are covered by employment legislation. But many domestic workers still suffer daily abuse by their employers. Migrant domestic workers experience a heightened risk of exploitation namely because of:

- Deception at recruitment, jobs advertised are often false. Employers withholding workers' passports is not uncommon, and workers movements are often controlled and monitored;
- Bonded labour situations where individuals or recruitment agencies extort money for the travel and visas leaving the workers indebted to them;
- Restrictive work permit and visa regimes that tie workers to employers can force workers to stay in exploitative situations, including forced labour.

Since 2008, MRCI has referred 17 cases of Trafficking for Forced Labour to An Garda Síochána for investigation, 14 of these cases involve domestic workers. Half of these cases concern domestic workers in diplomatic households. There have been no prosecutions as yet and women are still without access to justice and protections.

MRCI Survey of Migrant Domestic Workers (2010) - The Findings

40% are working over 48 hours a week

38% are paid under minimum wage, with few cases paid between €0.25 - €4/hour

30% work Sundays or Bank Holidays without extra pay/day off

42% do not receive pay slips

22% employers do not pay taxes/PRSI

40% do not have a written contract

Why a Convention for domestic workers?

Globally, domestic workers are recognized as a vulnerable group of workers (ILO). This stems from workers' invisibility in private homes; States/societies failure to recognize the value of domestic work; poor monitoring and enforcement of working conditions; and poor organization of workers in trade unions.

What is a Convention of the ILO?

A treaty adopted by the International Labour Conference, made up of government, worker and employer delegates from the 183 member States of the ILO, including Ireland.



What is Convention No. 189 about?

Convention No. 189 offers specific employment protections for domestic workers. It lays down basic rights and principles, and requires States to take a series of measures with a view to making decent work a reality for domestic workers by bringing domestic laws in line with the convention requirements.

The Problem: Lack of Recognition of Domestic Work

Although employment law extends to domestic workers, many workers still experience physical, psychological and emotional abuse. Why? Domestic work is not recognised as a sector. Employment compliance in the sector is poor. Domestic workers are not recognised as real workers despite the vital role they play in the well being and economic structure of society.

The Answer: Recognise the Work. Prevent the Exploitation. Ratify the Convention

Given the obvious lack of compliance in the sector, the high incidents of exploitation, and the challenges presented in identifying vulnerable workers, prevention must be a key part of addressing exploitation. In ratifying the convention the Irish government would send a strong clear message to employers – **'Get Compliant - Exploitation of domestic workers in Ireland is not tolerated'**

Benefits of Ratification

- Domestic workers enjoy decent work in line with other workers in general including recognition of their right to a private life and time off.
- Ireland is exemplary in the international field, leading the way forward in Europe for ratification and recognition of domestic workers rights and dignity
- Strengthens Ireland's application to be elected to the Human Rights Council in 2012, ratification would enhance our credibility and further demonstrate our commitment to upholding our human rights commitments.
- Ireland is in line with article 6 of UNHR the abolishment of all forms of slavery.
- The State recognises the valuable contribution to the economic structure and well being of society made by domestic workers

The Answer

Minister of Jobs, Enterprise and Innovation to ratify the ILO Convention 189 and Recommendation 201

Specifically, we would call on the Minister to:

- Submit the convention and recommendation to the Oireachtas in accordance with article 19 of the ILO Constitution;
- Review Ireland's national laws and reform them as necessary to bring them into line with the new convention and recommendation;
- Make a public commitment to ratify the convention and implement the recommendation and inform the International Labor Office of your intention;
- Ratify the convention and implement the recommendation as soon as possible; and
- Take appropriate measures to ensure the convention and recommendation's prompt and effective implementation.