

PRIVATE HOMES
A Public Concern

**The Experience of Twenty Migrant Women
Employed in the Private Home in Ireland**



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The Migrant Rights Centre Ireland (MRCI) is a national organisation working to promote the rights of migrant workers and members of their families. Based in Dublin the MRCI provides direct support to migrant workers throughout Ireland. The MRCI supports migrant workers themselves to become involved in the debates and decision-making processes impacting on their lives. We also seek to influence policy, build public awareness on migration issues, undertake research and document the experiences of migrant workers. The MRCI supports locally based initiatives and networks at a local, national, European and global level

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For many of the women who participated in this study, telling their story involved recalling the upset and emotional trauma they had experienced. I hope that this publication gives due respect to each and every one of them and contributes to the prevention of future exploitation for those employed in the private home.

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Finally, I want to remember my two grandmothers, one who worked as a domestic worker in the UK and the other who worked as a nanny in the USA. They, like many other Irish women, emigrated in search of work and a better life. In preparing this report and through my work in the Migrant Rights Centre Ireland I salute them.

Siobhan O' Donoghue

December 2004

FOREWORD

'Private Homes: A Public Concern' is an important and disturbing piece of research. It raises issues that demand attention and require an urgent response. It gives a voice for the first time to migrant women employed in the private home. It allows a first hand account of their experience and situation. This research empowers these migrant workers by supporting them to remove the invisibility that has to date surrounded the difficulties they face.

This report holds up a mirror to our new wealthy society. The image revealed is of a society where a harsh exploitation of a group that are particularly vulnerable and isolated is taking place and is being allowed to take place.

The experiences and situations described encompass exploitation in terms of: pay and deductions from pay; the broad and varied range of tasks allocated; long hours of work; and of lack of access to holiday and leave entitlements. The research reveals a group that are actively disempowered by employment practices, isolation, and limited access to information.

The experience of discrimination by migrant workers has emerged as a significant focus for the Equality Authority in our casework. Domestic workers have sought redress under the Employment Equality Act 1998. However, previous to the enactment of the Equality Act 2004 in July 2004 this was not possible as employment in a private household was exempt. That situation has now changed as the Employment Equality Acts 1998 and 2004 provide some protection for migrant workers in domestic employment. The recruitment of people into private households continues to be exempt. This new protection for migrant women employed in the private home will hopefully deter employers from discrimination and stimulate an employment practice that is non discriminatory, that makes adjustment for cultural and linguistic diversity, and that promotes equality. This is an outcome that the Equality Authority looks forward to contributing to.

The Migrant Rights Centre Ireland is to be congratulated for this research project. It is important that the project is located within a wider commitment from the Migrant Rights Centre Ireland to migrant women employed in the private home. This wider commitment usefully includes support of these workers alongside advocacy on their behalf. This work is central to improving the situation and experience of migrant workers.

Niall Crowley
Chief Executive Officer
Equality Authority

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INTRODUCTION

Domestic and care work undertaken in the private home is not new to Ireland. Historically, wealthy households paid women from working-class backgrounds to undertake tasks such as cleaning, cooking, and caring for children and older people. As a direct result of the economic and social changes which have taken place in recent years, it is now more likely to find a migrant woman fulfilling these roles in Irish households.

Unfortunately for many of these women their working conditions are proving problematic; Ireland is not unique amongst western democratic states in relation to the problems associated with this sector. Evidence has emerged demonstrating problems in relation to pay and deductions from pay; the broad and varied range of tasks allocated; long hours of work; lack of access to holiday and leave entitlements; lack of privacy; and experiences of discrimination.

This report highlights the experiences of migrant women employed in the private home in Ireland. It examines the various ways they are economically and socially excluded, in the context of how domestic work is defined and structured in Ireland. This report documents the experiences of 20 women who sought support from the Migrant Rights Centre Ireland (MRCI) over a six-month period in 2003. The issues and problems which were raised by the women involved in this study broadly reflect the patterns of vulnerability which have been identified by the MRCI in its ongoing support and advocacy work.

This report does not intend to take the 'moral high ground' in relation to employers. The MRCI is aware that many employers are anxious to ensure that their employees are respected and have access to their rights and entitlements as workers. However it appears that a significant number of employers are willing to subject their employees to unacceptable employment standards.

The report consists of three main sections. The first section provides a contextual analysis of migration in the Irish context, the feminisation of migration, and the specificities of domestic work. The second section presents an overview of the experiences of the 20 women involved in this study. It considers the range of problems which they have faced including those relating to pay, hours of work, leave, documentation, privacy, and discrimination. Section three presents the recommendations for action that would support the realisation of equal rights for this group of vulnerable workers. The recommendations are intended to be practical and realisable; they are broadly discussed under three main

objectives: promote equal treatment, promote equal opportunities, and prevent discrimination. The recommendations are addressed at all sectors of Irish society including government, employers, trade unions, and the community and voluntary sector.

Methodology

Through its support and advocacy work the MRCI has become increasingly aware of the problems facing migrant women working in the private home in Ireland. During a six-month period in 2003 the MRCI conducted semi-structured interviews with 20 of the women who had come to its offices seeking support.

The women were from countries such as the Ukraine, Latvia, Sri Lanka, Malaysia, the Philippines and Zimbabwe. They were all either employed or had been employed as domestic workers and/or care workers. The interviews were written up by the staff of the MRCI and formed the basis of the case study analysis in this report. This material has been supplemented by a literature review and references evidence which has emerged in other countries.

While this is not a comprehensive review of all the problems facing domestic workers in Ireland, it illustrates the types of problems that are being encountered by some workers who managed to find help. The women who came to the MRCI seeking support and who participated in this study wanted to use their experiences to ensure that other workers do not encounter the same problems.

Recognising the urgent need facing these women, during the study the MRCI established a Domestic Workers Support Group (DWSG). The DWSG constitutes a significant forum for migrant women employed as domestic workers seeking support and solidarity. A number of the women contributing to this report are, or were, active members of the support group.

THE SOCIAL AND ECONOMIC CONTEXT

It has been widely recognised that migrant labour is crucial to sustained economic and social development in Ireland. However migrant workers are not just workers, but rather must be recognised as individuals and family members with social, cultural and economic needs. International trends since the 1970s have identified the growing 'feminisation' of migrant labour, a phenomenon which has not escaped Ireland. It is increasingly likely that domestic positions in the private home are filled by migrant women, and this is a trend which is likely to continue into the future. Despite this, domestic work remains poorly understood and undefined. The range of activities associated with this type of employment is rarely recognised, and subsequently are undervalued, if valued at all. This section provides an overview of the emerging social and political context which has shaped the experiences of the women described in this study.

1.1

Migration in the Irish context

During the 1990s Ireland was transformed from a country of net emigration to a country of inward migration. Up to 31 October a total of 28,707 work permits has been issued in 2004. It is estimated that 30,000-40,000 people have migrated to Ireland from other EU Member States between 1 May 2004 and the end of October 2004.² Migration is likely to remain a dominant characteristic of European labour markets in the coming years. Europe's aging populations, rising dependency ratios, and shrinking indigenous work forces contribute to a context where migrant labour is essential to sustained economic and social development. Policy-makers have recognised the relevance of these dynamics to the Irish context. The Enterprise Strategy Group estimates that Ireland will need approximately 420,000 new workers over the period 2001 to 2010. It is anticipated that many of this labour force will be recruited from outside Ireland.

The absence of a coherent and comprehensive immigration policy framework has created the conditions in which migrant workers, employers, and state officials struggle to negotiate an inadequate and over-burdened system which is unable to cope with the administrative demands of managing contemporary migration flows. From discussions with migrant workers, including the women who participated in this study, it is evident that they want to be viewed first and foremost as people with social, political and cultural needs and rights. Migrant workers come to Ireland to exercise their skills, talents and capabilities in contributing to Ireland's social and economic development. They do not want to be regarded simply as temporary 'units of labour'.

1.2

Feminisation of migration

The trend in recent decades reverses former migration patterns where men formed the majority of the migrant population. The UN estimates that of the 175 million migrants worldwide 50% are women and in some regions of the world this percentage is higher. In Asia, for example, women comprise the majority of those who work abroad. In 2000, women in the Philippines made up 70% of the migrant worker population. Since the 1970s globalisation and economic restructuring has

² Following the accession to the European Union on 1 May 2004, workers from the ten new countries no longer need work permits to live and work in Ireland.

had a major impact on the types of work and employment opportunities available to all workers. There is at present a higher demand for women in factory work, the service industries, and care work. These jobs are typically low paid, the conditions of labour and power relations reflecting the global position of women in the labour market.

As Western countries become more developed there has been a corresponding improvement in educational attainments, standards of living and reduction in the numbers of people unemployed. Native workers are less available or less anxious to undertake the jobs often described as the 3 D's: dirty, dangerous, and difficult.

A range of features have been identified which explain the feminisation of migration; these can broadly be described as 'pull' and 'push' factors. Labour shortages, are one of the strongest 'pull' factors for migrant women. Wage level disparities are huge and make it difficult for migrant workers to ignore the job opportunities in more developed countries. A key factor in driving labour market demand has been the increasing participation rates by women in western democratic societies.

In western democratic societies women continue to fight for equality across all spheres of society. In the labour force women often have to compete in a male dominated environment; at a political level, women remain underrepresented; while at a social level, women continue to have primary responsibility for children and home duties. Even where both partners work outside the home it is still evident that maintaining the household is the women's primary responsibility, as a recent article in *The Guardian* (12 July 2004) stated:

Women still do three quarters of whatever housework gets done. The inequity is sharpest for the most despised of household chores: cleaning. The growing servant economy, with all the quandaries it generates, is largely a result of men's continuing abdication of their domestic responsibilities.

In order for women in these societies, including Ireland, to realise the opportunities opening up within expanded economies and to benefit from the flows of increased wealth they have, in increasing numbers, transferred some of their care role onto the shoulders of other women. The 'other' is likely to be a migrant woman from developing countries.

With the increase in disposable income amongst the middle classes there has been a marked increase in the numbers of people being employed as cleaners, general domestic workers and in particular as childminders, caring for older people and people with a disability. In Ireland as

elsewhere in the western world there is increasing demand for childcare. In the absence of an adequate state supported childcare infrastructure the majority of families pay for childcare. In addition, with an ageing population and more women working in the paid labour market there is increasing demand for care for the elderly. The average costs of sending a child to a crèche in Dublin is currently anywhere from €550.00 per month to €900.00 per month per child. A personal care assistant costs in the region of €12.00 per hour and a place in a private nursing home can cost anywhere from €600.00 to €1000.00 per month. These case studies reveal that the average wages received by the women doing this work, following deductions, was €250.00 per week.

'Push' factors, which encourage migrant women to make the journey to another country, are complex. Barbara Ehrenreich (2003) identifies a number of these factors. Relative poverty is clearly one dominant reason why women migrate. Ehrenreich also points out that many of the women migrating are not the poorest women but are more likely to be middle class and well educated. They often have ambitions about their own advancement both economically and socially. Non economic factors include the desire of women to escape expectations of caring duties within their families, being forced to hand over wages, or abusive relationships. Migration can also be a way of dealing with marriage and relationship breakdown without formal separation. Women are more likely to be responsible in keeping commitments to send home vital remittances and therefore more likely to be encouraged to migrate than men (Castles and Miller, 1998).

1.3

Domestic work

The nature of domestic work is poorly understood, as Anderson (2000) points out:

Although domestic work in private households is acknowledged as an important area of employment for migrant women, very little is known about the living and working conditions of migrants in this sector.

Domestic work has been described as the performance of several tasks together. Rather than a set of tasks it has been described as a '*series of processes, of tasks inextricably linked, often operating at the same time*'. The undertaking of these processes and tasks are necessary to ensure the smooth running of a house. What is rarely recognised, and as a consequence never valued, is the range of skills necessary for carrying out these tasks and managing these processes efficiently.

Domestic work can be understood to include many tasks. The women who participated in this study were required to: clean houses, clothes and dishes; prepare, cook and serve meals; purchase household necessities; garden; and many other tasks. In fact many of the women interviewed as part of this study indicated that they were expected to carry out whatever their employer required and there appeared to be no limit to the range of tasks they were expected to undertake.

Work permits are not granted for domestic workers in Ireland, as the term is considered too loose and open to exploitation. Instead permits are granted for titles such as 'care workers' and 'nannies'. Thus work permit statistics do not reveal the reality of the work that is being undertaken in the 'private home'.³ This is reflected in the language used to define the workers. The women in the case studies were variously described as cleaners, nannies, servants, maids, or mother's aids. None of these terms fully described the range of tasks they performed, many of which ignore a key aspect of their jobs, caring.

Caring is a significant aspect of domestic work that is often ignored. This work in itself creates, supports and develops 'others' who are then able to engage in a whole set of social and economic activities. In essence without the undertaking of domestic work, even at a very basic level, it would be impossible to fully participate in society. Domestic workers are required to engage in 'caring work', in other words they are specifically required to look after the welfare and development of children, people with a disability, and older people who cannot function independently. Professional care work, such as that carried out by nannies and personal care assistants are defined and recognised as a specific category of work. These areas of work are regulated, carry professional recognition, and have defined pay scales. The women in this study who do this work while employed as domestic workers are not recognised and do not accrue the level of pay associated with their skill.

On the flip side, for some migrant women employed as domestic workers, the work they undertake is largely defined for immigration purposes as care work or child minding when in reality these women do far more. What these case studies highlight is that they are neither paid adequately for the domestic tasks they do, nor recognised and paid accordingly for the care work they do.

³ Based on the numbers of women seeking support from the MRCI, the accounts of these women about their peers and other anecdotal evidence it would be safe to suggest that the numbers employed in Ireland are upwards of 1,000 migrant women. In recent years the people being employed in these areas are increasingly migrant women, so this may be a very conservative estimate.

Over the last decade Ireland has cemented its transition from a country of emigration to one of immigration. Migrant labour is crucial to sustained economic and social development, a reality which has not escaped domestic work. International trends in the feminisation of migration provide the context for the experiences of the women described in this study who came to the MRCI seeking support. Like all migrants, women working in the private home, face a range of issues specific to the Irish context, however this report demonstrates that there are particular problems associated with domestic work.

THE EXPERIENCE OF TWENTY WOMEN

Filipino women constitute the majority of the workers in this sector and were the dominant nationality within this study but there were also women from Ukraine, Latvia, Sri Lanka, Malaysia, and Zimbabwe. The majority of women were in the 20-30 age group. Many of the women interviewed had children at home, most are married, with a smaller number separated or divorced. All the women interviewed have completed post primary education; the majority of the women are college graduates with qualifications in areas such as teaching, commerce, agricultural science, management, music, anthropology, and hotel management.

The employment context of the women in the study varied. In nine out of 20 case studies only one of the parents worked outside the home; in all cases it was the mother who remained in the home. In two cases the employers were retired and in six case studies both partners worked outside the home. The dominant motivation for employing migrant women is the need for childcare, though it has also been identified by employers as a cost effective supply of domestic labour. Many employers express their wish to ensure that their employees are treated fairly and with dignity. One woman interviewed for this report described a very good working relationship, however despite such examples this study demonstrates serious concerns in relation to the employment of migrant women in private homes

This section describes the range of challenges and problems which were identified by the 20 women who participated in the study. The women described difficulties relating to recruitment, job descriptions, the variety of work they were expected to undertake, pay, working hours, holiday and leave, privacy, legal documentation, realising employment rights, leaving employment, accessing social services, and experiences of racism and discrimination.

.....the majority of the women are college graduates with qualifications

2.1

Motivation

The dominant motivation of the women interviewed for this study was economic. Participants in the study revealed that their motivation is the need and desire to provide for their families. They respond to labour market demands in the western world, where wage levels are substantially higher than at home. For example one woman spoke of the particular needs of her family; her daughter is ten years old:

In 5 years she will be 15 and very vulnerable to the attentions of men and in danger of being drawn into the sex industry. If I can make enough money in the next few years, I will be able to prevent that happening.

Another woman spoke about sending €500.00 home per month to support her children. The women who are single also send money home to support their families. As one woman described *'I improve the life of my parents and am sending my younger sister to university'*. Another woman stated that she sends home 75% of her income; she earns €250.00 per week.

When a family is dependent on a set amount of money arriving each month it places considerable pressure on the woman to stay in her job no matter what the circumstances. Indeed it is not uncommon for a woman to feel under pressure from her family to remain in a job, despite negative experiences or exploitation, as they had become dependant on the income. The women found that it was sometimes very difficult to communicate the level of distress and anxiety associated with a bad employment and this leads to increased levels of stress and guilt.

2.2

Access to jobs and recruitment

Some of the women borrowed money to come to Ireland. Loans were generally raised through family and friends. A direct result is that many of the women who had negative experiences felt trapped in jobs as their income was essential to repay loans and sustain commitments to supplement the family income at home.

Recruitment of migrant women for work in the private home is primarily organised in three distinct ways: agencies, personnel contacts, and direct

.....their motivation is the need and desire to provide for their families

Josie

Josie, a qualified primary school teacher, came from the Philippines before Christmas in 2003 to work as a childminder in Galway. She was recruited by an agency in the Philippines to which she paid 120,000 pesos (approximately €1,600.00).

Even though she was recruited as a childminder and had a signed contract that reflected this, her duties consisted of minding two special-needs children, cleaning and hovering, washing and ironing, cooking for the entire family, and night time baby sitting.

On the first day of her employment, she was given a list of duties which was seven pages long. She was expected to carry out these duties each morning. There were 13 rooms in the house, not including bathrooms. Josie was paid €200.00 a week. Her employers informed her that she should only be receiving €160.00 but as she was a qualified teacher she was being paid more. Her contract stated she would receive €250. When she attempted to clarify the terms of her contract, she was informed this was the arrangement between the agency and the employer.

Josie worked from 8am to 8pm, on average 6 days a week. She also worked two nights a week babysitting for the family. She received one hour off per day. She did not receive any extra pay for working bank holidays or Sundays. Even though her employers informed her at the beginning that she could have friends to stay, when she did bring a friend she was told her friend was not welcome. Josie's only form of social activity outside the house was attending the local church. She knew no one in the area.

When she told her employers she could not work for them any longer they told her she would not be allowed to stay in the country. They did not pay her last week's wages stating that Josie owed them money for the work permit. She left the house with her belongings and barely enough money to get the bus to Dublin where she stayed with a friend.

Josie's greatest fear after leaving was that her former employers would report her to immigration and that she would be deported, despite having a valid 'leave to remain' stamp in her passport. When someone came to the door of the place she was staying in, she would hide in a wardrobe. Josie has since secured other work.

.....their income was essential to repay loans and sustain commitments to supplement the family income at home

hire. Four of the women interviewed were recruited through an agency. Six women stated that they were recruited through a friend or family contact. The rest were recruited through direct contact with the employer such as by responding to an advertisement.

The role of recruitment agencies is an area under increasing scrutiny. They can play very positive roles in protecting workers and ensuring all parties are aware of their rights and responsibilities. However it has been the experience of the MRCI that some recruitment agencies can have a negative impact on the rights of workers. They have been known to actively mislead migrant women about their rights and entitlements as workers, and as residents of the State. There have been numerous accounts of agencies taking fees that include payments for work permits. It has been reported to the MRCI that one agency in operation in Dublin insists that new employees pay them a fee that will be used to return the women to their country of origin in the event of a dispute and breakdown in the employment relationship; clauses are often inserted into contracts stating that the workers will be repatriated in the event of the employment relationship breaking down. That same agency issues new workers with a set of guidelines on adjusting to the Irish situation. These guidelines, seen by the MRCI, state that:

The people of Ireland are friendly and nice so try to fit in comfortably without any problem... Remember this clearly, if the employer finds that you are not suitable, the agent might change another person but if the agent finds out that you are the person with an attitude then you will be immediately sent off to the Philippines. You better follow instructions carefully and learn to accommodate yourself to the situation.

.....'in my first job I was supposed to get €176.00 but I worked for one month without payment'

A growing phenomenon is the area of informal recruitment. For example, a potential employer will organise amongst a number of friends or neighbours to recruit workers on their behalf. She may have contacts through a migrant woman who is in a position to organise people from her home country. Often relations or friends already employed in Ireland are asked if they know of other women who would be suitable for work. In the majority of cases contracts are not provided and the terms of employment do not meet legal requirements. In a number of the case studies what was agreed prior to the employment did not materialise. As one woman described *'in my first job I was supposed to get €176.00 but I worked for one month without payment'*. Another woman stated that before she started work she was told that she would have to look after three children and do some light housework, this turned out to be misleading.

One of the most problematic issues that emerge from this type of recruitment process is the high level of coercion that can occur when the worker attempts to leave or questions her conditions. Many women feel that they cannot leave because she would be 'letting down' the person who found her the job. There have also been cases where employers put pressure on their former employee not to make complaints, via the initial contact point. This places the women in a very vulnerable position.

2.3

Job descriptions and work permit applications

Under Irish regulations covering the operation of the work permit system, it is not possible to obtain a work permit for the category of domestic work, which is considered to be too vague and therefore open to exploitation. However in reality the non-recognition of this category of work is generating conditions for exploitation. The titles on the work permits issued for the women interviewed generally stated that the nature of the work was childminder, mother's aid, care worker, or nanny. In practice the work involves much more than care or childminding duties, and often includes general housekeeping and domestic work. From the outset the employment relationship is based on a false job description, which is clearly not conducive to an open, transparent or honest working relationship.

On the work permit application the employer has to state the level of pay, hours and nature of work. The Department of Enterprise, Trade and Employment reviews all applications to ensure the rate of pay meets minimum requirements and hours of work meet statutory regulations. While it was not possible to review the original application forms for the work permits issued for the women involved in this study, it is safe to assume from the statements and evidence provided by the women interviewed, regarding actual pay, job description and hours of work, that the information given on the application forms was not accurate.

The employers of all workers coming directly from the Philippines are required to furnish potential employees with an employment contract. This contract is expected to set out truthfully the details of the employment relationship and general employment conditions. Based on the evidence of this group of workers it is clear that many employers are not aware of what they are signing or do not give any consideration to the contents of the contract or work permit application.

..... 'it is clear that many employers are not aware of what they are signing or do not give any consideration to the contents of the contract or work permit application

Vera

Vera is from Zimbabwe where she had been a craft and art producer for a number of years. When Vera visited Ireland she decided to stay and look for work (at the time Zimbabwean's did not require a visa to travel to Ireland).

Vera found employment with a family living outside Dublin, caring for a baby. This work also involved some light housekeeping and cooking duties related to the care of the baby. She worked four days a week for €200.00. She was not expected to work on bank holidays and had agreed holiday arrangements with her employers. The employers did not expect her to undertake any other duties in the house and actively encouraged her to relax and take her time off.

She was often included in family functions on the strict understanding that she was attending as a guest and not as a worker. Privacy and personal space was discussed and well respected; she had her own room, which no one else was allowed to enter. She was encouraged to cook food that suited her and to introduce the family to her country's traditions. Vera was well informed about her rights and entitlements and felt she could discuss these with her employers.

A number of months after Vera came to Ireland, the rules governing Zimbabwean nationals changed. The work permit application Vera's employers submitted was rejected on this basis that she now needed a visa. Vera was informed that she would have to leave the county and that her status would not be reconsidered. She has since left as she did not want to become undocumented.

2.4

Workloads

From the case studies it is evident that the work undertaken by these women is broad and varied. While most of the work is related to care and household activities, it is also clear that some of the tasks these women were required to undertake go beyond what would be considered normal every day responsibilities. Some of the women interviewed were expected to carry out work in other people's homes, and in a number of other cases it was felt that they were asked to carry out duties that were designed to humiliate. As one woman put it: *'she makes me do jobs like pulling the grass out from between stones in the garden...she asks me to do jobs that are belittling'*. Another person described herself as *'a Hoover'*; another said, *'I am like a dog'*. One woman described how she was often made do work that was *'designed to remind me of how little power I had'*.

A common thread running through the case studies is that employers are very anxious to ensure that the women are always busy. One of the most common insults was being called lazy and stupid. As one woman described it: *'I felt humiliated when she called me stupid and when she would say I was slow. She would check my work and often made me go back over it again'*.

Some of the women described being placed under undue pressure to achieve the unachievable; they were told to carry out a number of tasks at the same time and then reprimanded if they hadn't been done in time. Most of the women talked about being stressed and never able to relax. Some described feeling guilty if they were having a cup of tea when the employer came in. One employer gave her employee a list of jobs she wanted undertaken each day. The list ran to 7 pages and she was expected to have these duties completed each day before 1pm. Another woman quoted her employer when the

.....she asks me to do jobs that are belittling

family were going on holiday as saying 'don't worry I will still pay you while you sit in the car on the way to Co Clare'.

Figure 1 contains an example of a list of duties one of the women was expected to carry out on between 7.30am and 2pm. The title of her job in her work permit was 'childminder'.

**Figure 1:
Responsibilities of one of the participants whose role was described at
'childminder'**

List of Tasks 7.30am to 2pm

1. Wash Bruno (the dog)
 2. Give baby breakfast
 3. Clean play room and wash floor
 4. Wash family room floor and hall
 5. Hoover kitchen and family room
 6. Do beds and bathrooms
 7. Clean inside and outside of front porch, skirting, door knobs, steps inside and outside
-

Two of the women interviewed were expected to tutor the children they were caring for. Both women have teacher training qualifications. One woman was happy with her working conditions while the other was not and has since left her position. Her weekly wage was €200.00; her contract stated that she should have been receiving €250.00 for providing basic childcare services.

When asked if any of the women attempted to clarify their duties the general response was that they were reluctant to do so because of fear of losing their jobs:

- 'I was afraid to question my duties as I had a feeling she might kick me out';*
- 'I had no idea that I had the right to question';*
- 'She got angry and asked me not to question the work I was being asked to do';*
- 'Yes, I tried to clarify. My employer said 'out of consideration for us I have to do all these things';*
- 'No, it is like law'.*

The list ran to 7 pages and she was expected to have these duties completed each day before 1pm

2.5

Pay and remuneration

Most wages are paid in cash, without a payslip.

As Table 1 illustrates there was significant variation of earnings amongst the women, with the lowest pay amounting to €112.00 per month and the highest €350.00 per week. Furthermore there is considerable variation with regard to the number of hours worked, ranging from 20 hours per week to 80 hours per week. What is also striking is the variation between wages and number of hours, for example, one woman worked 80 hours a week €112.00 and another worked 40 hours a week for €350.00. Most wages are paid in cash, without a payslip, in one case the worker did not receive any payment but money was sent directly to her family at home.

Table 1: Wages levels and hours worked

Wages levels	Average hours worked
1. €112 per month	80 per week
2. €250 per week	66 per week
3. €200 per week	48 per week
4. €200 per week	40 per week
5. €186 per week	65 per week
6. €250 per week	50 per week
7. €230 per week	40 per week
8. €250 per week	70 per week
9. €154 per week	55 per week
10. €250 per week	55 per week
11. €127 per week	20 per week
12. €275 per week	65 per week
13. €200 per week	35 per week
14. €250 per week	48 per week
15. €700 per month	72 per week
16. €250 per week	52 per week
17. €250 per week	60 per week
18. €250 per week	72 per week
19. €350 per week	40 per week
20. Unknown	Unknown

There is a national minimum wage in Ireland. In 2003 it was €6.35 per hour, (€7.00 since Jan 2004) which, when calculated on the basis of a 39 hour week, would give a gross salary of €247.65 per week. Despite the existence of contracts in many cases (a requirement for women recruited from the Philippines), and completed work permit applications which require the employer to pay at least the minimum rate, the reality is that these rates can be ignored. A flat rate is generally paid on a weekly basis and does not take into consideration the number of hours worked. In some instances extra is paid for baby sitting, but this is the exception rather than the rule.

Three main concerns arose in relation to employment conditions pertaining to wages. First, many of the women interviewed were not sure what deductions are being made from their wages with regard to income tax. In most cases the women were not clear whether income tax or Pay Related Social Insurance (PRSI) were paid. Many have been told that the employer was dealing with these matters but as pay slips are rare it is not known if contributions were made; in the majority of cases the employment contract stated that no deductions would be made and that tax and PRSI would be paid.

The second area of concern is the deduction of money from wages to pay for accommodation and food. In a number of cases a weekly rate for accommodation and food was being deducted from the women. This varied between €24.00 and €56.00 per week. Again, this is despite the fact that in the majority of cases it is stated in the employment contract that no deductions are to be made. Two issues arise here: the fact of the deductions, and the lack of any objective or consistent basis for the charges.

Finally, where they had left their employment the women found getting their P45s problematic. One woman interviewed was threatened by her former employer when she requested her P45. Others have used the P45 as a bargaining tool in attempting to prevent the woman making a complaint.

2.6

Hours of work, overtime, and holidays

It is broadly acknowledged that domestic workers generally work longer hours for less pay than many other employees. This study also demonstrates that overtime rates are rarely agreed or forthcoming. The women were required to be extremely flexible with their time and there

Others have used the P45 as a bargaining tool in attempting to prevent the woman making a complaint.

Rita

Rita is a Sri Lankan mother of two girls aged 10 and 5 years. She worked in a management position in a garment factory and also trained as a TV presenter/announcer. In 2002 she was recruited through family connections to work as a childminder for a family living in Ireland. She was hired to look after a two year old child.

When Rita arrived in Ireland she started work immediately. Her day began at 7.30am and finished at 11.00pm, 7 days a week. In addition to caring for the young child, she was responsible for cleaning the house, doing the laundry and ironing, cooking, and serving food. She was expected to work in the houses of her employer's relatives. Her name was changed to one of her employer's choosing. Rita slept on a mattress in a corridor.

During the time of her employment she did not receive her wages into her hand; her employer sent €112.00 to her family in Sri Lanka, on two occasions. This was the only payment made during the four months she worked there. On a number of occasions her employer's sister gave her some pocket money. She used this money to buy basic sanitary supplies.

Rita was not allowed to leave the house without being accompanied. She was not allowed to attend her church (Methodist) and was told that if she wanted to practice her religion she would have to pay the Irish government €500.00 a month. Her employers held all her official documentation including her passport. Her hair was forcibly cut and on a number of occasions she was physically beaten. Verbal abuse was a daily occurrence. She was not allowed to eat at the table with the family.

Overhearing a conversation Rita became aware that her employers were threatening to send her back to Sri Lanka. This meant she would not be able to provide for her family who were totally reliant on her. Later the same day she discovered her passport and work permit. She ran over 20km to the next town and got on a bus. Following a convoluted journey that took her to the North of Ireland and back, she ended up telling her story to the Gardaí.

For reasons that remain unclear, Rita agreed to sign a voluntary consent for deportation, despite having a 'leave to remain' stamp in her passport that did not expire for another 7 months. She was placed in a hostel where she met someone who brought her to the MRCI. Over the next few days Rita was able to get support through the Community Welfare Office and deportation procedures were withdrawn. Rita eventually secured another job and continues to work in Ireland.

is an assumption that the woman is always available to the family. Table 1 details the average recorded hours worked by the women. Calculating exact hours is difficult as hours varied depending on the demands of their employers. Six out of the 20 respondents stated that they either did not work overtime or were paid for doing so. The rest stated they worked more than the agreed number of hours in their contract. The majority of the women were expected to be available at night-time to respond to needs of children or others.

Another participant spoke about how even though she managed to negotiate her working hours to a reasonable level (nine hours per day) she couldn't relax. She stated that her employer:

Constantly questioned the money I was being paid. I felt that she didn't think that I was worth it. When I finished my daily work my employer would throw her eyes up to heaven if I was watching TV, I could never relax.

One woman described how she was expected to keep the baby monitor in her room. Her employer maintained she was not working, unless she had to actually get out of bed. Another described how she was on call 24 hours a day; even on her

.....she was on call 24 hours a day; even on her two days off she was expected to sleep in the house in case she was needed

Lena

Lena from the Ukraine is a trained Montessori teacher and music conductor. She is divorced and has three grown children. Lena came to Ireland in 2002 to work as a carer for an older woman outside Dublin.

Her work consisted of general housework, gardening, cooking and being a companion to her employer. While her official hours of duty were 9am to 3pm and 7pm to 11pm, 5 days a week, in reality she was on duty 24 hours a day. Her employer would frequently call her from her room during the night to attend to her and she was expected to sleep in the house every night, in case her employer needed her. Her weekly salary was €154.00. She was told that she was not entitled to holidays.

Lena worked on Christmas Day for no extra pay or time off in lieu. She decided to go for a walk. On her return, she discovered she was locked out. Lena had to wait outside until her employer returned to let her back into the house. When Lena arranged her hair differently, her employer made her change it back. She was not allowed to read the newspaper as she might not be ready to respond to her employer's demands immediately.

When Lena was ill, her employer told her to go to her doctor. When she said that she could not attend because of the cost of the consultation fee, her employer reprimanded her for neglecting her health. The employer's son, a doctor, advised her to apply for a medical card, which she was refused. Lena never went to the doctor and continues to suffer from bad health, which she believes to be stress related. At the time of writing, Lena continues to be employed by this woman. She feels that cannot leave as she is afraid of losing her legal status.

Maria

Maria is a registered midwife from the Philippines. She worked as a house keeper/childminder for a Dublin family. Her weekly wage was €275.00 per week.

Her duties consist of caring for three children, one of whom was newborn baby, cleaning the house, (inside and outside), and washing and ironing clothes. At the start of her employment, her employer clarified that she was expected only to carry out light housekeeping duties in addition to childminding.

Lena worked 5 days per week, 12 hours a day, as well as 2 nights babysitting. On her day off she also did some part time cleaning. Maria said she had a good relationship with her employer until she slipped on ice and hurt her back.

Maria was confined to bed and was reliant on her employer to bring food and water to her. It became obvious very quickly that this was greatly resented. She was often left alone for long periods of time without any assistance.

When she asked her employer if it would be possible to extend her sick leave she was informed this was not possible and that the position was terminated. They did not allow her to stay, so she ended up sleeping in a friend's houses. During all this time she had no access to health care.

two days off she was expected to sleep in the house in case she was needed.

The experience with regard to getting holiday leave varied greatly. A number of the women were allowed to take their holidays in one block, usually three weeks. In many instances however holidays were ad hoc or non-existent. Many of the women were expected to travel with the family that employed them when they took holidays. In one instance the family travelled to France, knowing that the worker was undocumented (as a result of their refusal to renew her work permit). Despite her protests she was forced to go with them and was nearly deported directly to the Philippines from France. Her employer was able to negotiate her return to Ireland!

2.7

Sub-contracting

Twelve out of 20 respondents stated that they were either expected to work for other people at the request of their employer or had part time jobs on their days off. A small number were expected to work for others without any payment. This work generally consisted of cleaning relative's houses, babysitting for friends and family, and attending at parties.

Part time jobs all consisted of cleaning or other household chores such as ironing and babysitting. The extra money raised from this work is viewed as essential in meeting financial and family commitments. Based on the hours worked for the employer and part time work undertaken, the amount of time off enjoyed by the women amounts to very little (it is not unusual to hear migrant women employed in such circumstances to talk about the amount of weight they have lost since starting work in Ireland).

2.8

Sick leave and pregnancy

'I had a good relationship with my employer but when I got injured that changed dramatically'

The case studies demonstrate that the fundamental nature of the employment relationship changes when an employee becomes incapacitated in some way, even for a short period of time. As one woman put it *'I had a good relationship with my employer but when I got injured that changed dramatically'*. In this particular case she ended up leaving the family as the relationship never recovered. Another woman received a sick certificate from her doctor for one week and decided to stay with her cousin rather than remain in the family home she was working in. Her employers were very angry and rang frequently demanding that she return to the house. One text message that they sent to her read *'as long as you are being paid by me then you must be living in my home, whether you are sick or not... Please make arrangements to travel home on the first available bus'*. This woman believes that she was subsequently dismissed, as a direct result of finding out she was pregnant (her sick leave had been related to her pregnancy). Her employers exerted tremendous pressure on her; they threatened to write to her parents to inform them of her pregnancy (which was unplanned) and report her to immigration. She had a miscarriage the day after she left her place of employment.

Some of the cases highlight the difficulties associated with being pregnant and working in the private home. One employer responded when told that her employee was pregnant that all the neighbours would think that the father was the employer's husband. They subsequently attempted to send her back to her country of origin. Another woman who came to the MRCI 37 weeks pregnant was expected to work right up to the point she went into labour. She was intended to take a month off (unpaid) and then return to work. She was working without a work permit and was terrified that she would be let go if she made any demands on her employer.

.....they threatened to write to her parents to inform them of her pregnancy'

For women recruited directly from the Philippines it is a general requirement that they are covered by medical insurance and that this is incorporated into the employment contract. In practice, when women come to work in Ireland, access to medical care is problematic and is generally paid for by the women themselves.

One woman described how when she was ill her employer made an appointment for her with her own doctor. She was expected to pay for this visit herself and when she discovered the fee was €70.00 she said

she could not afford to go; her weekly income was €154.00. Her employer berated her for putting money before her health. She never got the medical attention she needed.

2.9

Live-in work

All the women interviewed for this study lived with their employers. This generates a complex set of relationships. In particular the boundary between the workplace and private life tends to become confused and blurred. A common refrain from employers is how they treat their domestic/childcare worker like family. However this is not representative of the views of the women interviewed in this study particularly at times of conflict, illness, or dispute.

One woman described how she was invited to attend Christmas dinner with the family at a relative's house. The evening went well until after dinner when she was expected to do all the washing and cleaning. Another woman described how everything was fine until she had an accident with her employer's car, after which the relationship quickly fell apart and she was asked to leave.

Having a personal life is difficult when living with your employers. The women felt that they were expected to be extremely flexible with their time off and availability for work. One woman stated that *'they did not like my social life (going out at nights in the weekdays)'*. The same employer told her that *'they expected someone to give their whole life (during your stay in Ireland) to caring for our children'*. Another woman described how she was expected to be on duty 24 hours a day and was frequently called during the night, usually to make tea. Apart from the daytime duties involved in general domestic and care work, many of the women were also expected to baby sit at night time, often without pay. In one case a woman described how she was expected to take the baby monitor to her room at least 3 or 4 nights per week. This worker felt that while she had the monitor she could not relax and was always alert to sounds. Another talked about being expected to attend to the children at night time if they had nightmares or were cranky.

The issue of private space was problematic in the live-in situations experienced by many of the women. While all, except one, had their own room, few of the women felt that their room was private. In one case the employer regularly searched the room and on one occasion found information about employment rights and a record of hours worked. She was immediately dismissed.

few of the women felt that their room was private

A number of women spoke about feeling that the mothers of the children they were caring for often resented the bond that developed between carer and child/ren. This seems to be compounded by the living arrangements especially if the paid carer sleeps next door to the children. One woman described 'unspoken' tensions between herself and the children's mother and the difficulties that this created.

The issue of food and food preparation also emerged as a difficulty. While in general there was agreement at the outset that the use of the kitchen was included in the living arrangements, in practice this proved difficult. A number of women recalled how their employer did not like the manner in which they prepared certain foods. As one woman described: *'I couldn't fry my own food. They didn't like the smell'*. Another stated *'even though they told me I could eat everything, I felt I should not touch their food'*.

2.10

Legal documentation

Ownership of the work permit is perhaps one of the most serious concerns for all migrant workers employed under the work permit system. Under current policy, the work permit

Isobel

Isobel is a college graduate from the Philippines. She came to Ireland in 2002 to work as a 'mother's aid' for a family in a town near Dublin. She was recruited directly by the employer who is a doctor. Isobel borrowed over €1,000.00 to prepare and pay for her journey to Ireland.

In addition to baby sitting, her other duties consisted of general household work such as cleaning, cooking, washing clothes, and ironing. In addition to working in her employer's house she was also expected to clean her employers' parents' house for no extra pay.

Her contract stated that she would receive €6.00 per hour; in reality she received €700.00 a month for working in excess of 12 hours per day, 6 days a week. She was informed that she was paying tax but never received a pay slip or documentation indicating deductions. Isobel was allowed one week holiday per year. She was constantly being reprimanded by the employer and felt she could not question any of their actions or demands.

Even though she had her own bedroom it was not private; her employer would on occasion, go to her room and look through her possessions. On one occasion her male employer, while searching her room, discovered she had some papers on employment rights. He also found a diary Isobel was keeping which documented the hours she worked. She was immediately dismissed her. She was told to leave the house the following day, taking all her possessions. At this point the employer had been in the process of renewing Isobel's work permit, which was now immediately cancelled. Isobel found herself without a 'leave to remain' stamp as the date corresponds with the work permit, making it impossible for her to apply for another position.

*‘such
arrangements
make you feel
like a bonded
labourer’*

is the property of the State and is held by the employer. The work permit facilitates the employer to employ the worker and is only valid as long as that person remains in their employment and for the stated duration of the permit. This situation has generated many difficulties and is a key factor in the creation of inequitable employment relationships between employers and employees.

For migrant women employed in the private home this situation is further exacerbated by the complex nature of the employment relationship. One woman described how she felt about her employer holding the work permit as: ‘such arrangements make you feel like a bonded labourer’. The majority of the women stated that they lived in fear given the degree of power (perceived or real) that their employers have over them. This mainly stems from the fact that the employer holds the work permit. The women made statements such as:

- ‘It scares me that she could just send me home anytime’;*
- ‘It makes me feel that the employer is in control of my life, doesn’t trust me and makes me feel like a slave’;*
- ‘I feel totally inhuman’;*
- ‘I feel like a prisoner as I know that it is very difficult to change my job even if I am being badly treated’;*
- ‘I am very angry but can’t express it because they have all the control. That permit is one of the most important things for me here in Ireland, because without that I can’t stay in Ireland. I should have it in my own belonging’.*

The study found that it is not uncommon for employers to use ownership of the work permit as a means of manipulating or intimidating their employees. A number of the women reported being threatened with deportation when a difficulty arose. One woman was told that if she left the house on her own she would be deported; this woman was also told that the police would rape and beat her if she approached them. It has been reported to the MRCI that some employers will not even provide a copy of the work permit to their employee. As migrant workers have to present their documentation to immigration within 90 days of arriving in Ireland, in order to obtain a ‘permission to remain’ stamp,⁴ such practices cause serious anxiety amongst migrant workers.

⁴ The ‘permission to remain’ stamp in the passport provides the worker with residency status. The work permit only gives permission to work for a named employer. If an employer prevents an employee from obtaining their permission to remain stamp they are forcing them into a dangerous position regarding their legal status.

Difficulties also emerge with the annual work permit renewal. Four of the women's employers did not renew their permit, resulting in the employee becoming undocumented. In these instances all the women continued to work for the employer because they felt trapped and were afraid to do anything about their situation. Eventually all left or were dismissed, and it was only with the support of the MRCI that they were able to regularise their situation. In describing the stress she was under, one woman spoke about the constant state of unease: *'I was always unsure that they were ever going to sort my situation out'*. Another employer who appeared to be unhappy with the woman he had employed pretended to go through the process of renewing the work permit and later informed her she would no longer be needed. By this time her 'permission to remain' stamp had expired, rendering her undocumented. A woman who was allegedly unfairly dismissed described having her 'permission to remain' revoked by a local immigration officer following a discussion between her former employer and the immigration officer. She was given one month to leave the country (this situation was later rectified and a complaint for unfair dismissal made).

*.....was made
pay €500.00 in
order to get her
passport back
on leaving her
job*

There have also been difficulties with retention of passports. In two cases, passports were held by the employer as a deliberate way of maintaining control over the employee.⁵ One woman was told *'without your passport you cannot go outside the house'*. Another was made pay €500.00 in order to get her passport back on leaving her job.

Difficulties were also reported when dealing with immigration officials. It was described as not unusual for immigration officers to contact them to examine papers. This was sometimes done without adequate explanation or written acknowledgement or notification of where the passport was being taken, whom the person taking it was and details of follow up contact. While it may be that such visits by immigration officials are organised to clarify a person's status the manner in which they are sometimes conducted can cause a great deal of fear and distress among the women.

⁵ A number of employers suggested that they hold the documents for safe keeping but did not place the women under pressure to hand them over

2.11

Awareness of employment rights

The problems with employment conditions of migrant women in the private home have been well documented in other countries. This group of workers are extremely vulnerable to exploitation in the workplace and are often subjected to working conditions which are unacceptable. Evidence gathered to date indicates that Ireland is not unique.

Ireland has a range of employment laws governing such areas as minimum wage, working hours, payment of wages, terms of employment, holiday entitlements, notice and dismissal and discrimination. The main body of labour laws apply equally to workers employed in the private home, however in practice the application of the content and spirit of employment legislation is problematic in the area of domestic work. It is not uncommon to be told by the employer or agency that domestic work is different to normal work and therefore not covered by the same regulations. One woman stated *'I was told that this is another type of job and so I am not entitled to get holidays'*.

The level of awareness regarding employment rights, social entitlements, responsibilities regarding tax and social insurance, and legal status issues is worryingly low amongst migrant workers in general. Most of the women interviewed were under the impression that their employer had complete control over their legal status. Therefore they were very reluctant to question or attempt to address the many difficulties they experienced. Despite having signed a work permit application form stating they were aware of their rights and having an employment contract the majority of the women felt they had no right or means to actually enforce the stated agreement. One woman encapsulates the problem as: *'we feel that the arrangements in place makes you feel like a bonded labourer and you are not able then to fight for your rights'*.

A number of the women stated they had some level of awareness of employment rights but because of the nature of the employment and the degree of control the employer has over them, it meant nothing. One woman when asked if being aware of her employment rights would have made a difference replied *'No, they were never going to treat me well'*. Another spoke about the reaction of her employer when she raised questions about her contract and the agreement they had signed, she was told *'that a different arrangement had been made with the agency'*.

Nearly all of the women stated that it is important to at least know what you are entitled to. More recently, there have been some cases where armed with the information, some women renegotiated their working conditions and terms of employment. One woman stressed the importance of knowing your rights before leaving home and the need for rights and entitlements to be discussed between the worker and employer on arrival in Ireland.

The women frequently cited high levels of frustration with the highly bureaucratic work permit system and were in general unclear about the responsibilities of the employer. One woman stated *'I would never have started this if I had known what was involved'*. Another woman stated that *'the employer signed the contract but didn't even know what was in it'*.

In cases taken to the Labour Relations Commission the MRCI has noted the high degree of resistance from employers to the fact that live-in childcare and domestic workers are equal to other workers in the labour force with the same rights and entitlements. It would also appear that many employers agree to terms of employment and sign contracts that they do not intend to honour.

2.12

Leaving work

The point of departure from the place of employment frequently throws up difficulties and brings home to many of the women the fundamentally unequal nature of their position. Leaving the workplace for women employed in the private home means that they lose their home as well as their employment.

Many of the women interviewed left work as a result of a dispute or conflict with their employer. A number ran away or left without telling their employer. The reason given was fear of the consequences such as deportation or forced imprisonment. One woman described how she was advised to immediately leave as she was employed illegally. When she did so, having told her employers that she needed to leave, the employer rang her and told her that he would have her deported within two days if she did not come back. Another woman ran 20km to get away from her employer's house once she found her passport. Other women described the suddenness of their dismissal. One woman explained how when her employer discovered that she was keeping a record of her working hours and some information on employment

*.....they lose
their home as
well as their
employment*

Mary

Mary, a Filipina mother of three children, worked as a nanny for one year outside Dublin. She was recruited over the Internet. Her duties consisted of hovering, cleaning, general housework and child minding. She never attempted to clarify her contract, as she was afraid she might be asked to leave. Her income is the main source of financial assistance for her family in the Philippines. While it had been agreed that Mary would work 35 hours per week, in reality she worked on average 12 hours per day, 6 days a week for the first six months and 5 days for the second six months. She received €189.00 a week. When she worked a bank holiday she received an extra €40.00. €53.33 was deducted each week for food and accommodation even though her contract stated that this was free. Mary was frequently told that she was stupid and slow, and was often made to redo tasks. She feels this was designed to humiliate her and keep her in fear of employer.

It had been agreed Mary would travel home to the Philippines for the Christmas period to be with her own family. When she was in the Philippines, her employer sent her a text message telling her she was no longer required. She tried to speak with them before travelling back to Ireland. There had been an arrangement that they would pay for Mary's plane ticket. They told her they were no longer willing to do this. When she got to Ireland she did not return to the house, as she was no longer welcome.

Following advice from the MRCI, Mary began the process of seeking other employment. Her former employers told her they would not give her a reference if she made a complaint to the Labour Court. When Mary went to the Gardaí for clearance to work as a child-care worker, which she understood was the correct procedure, her legal status was questioned. Her 'leave to remain' stamp was immediately cancelled and she was given a month to leave the country. This was later reversed when it was discovered the immigration officer had no right to cancel Mary's 'leave to remain' stamp. At the time of writing Mary was seeking employment.

rights he told her to immediately pack her belongings and leave the house. Another woman who had been injured was dismissed because she could no longer work.

While there may have been mounting tension, the dismissal when it occurs is generally quite sudden and effective immediately. Some communities such as the Filipino community have a strong network of friends and associates. In most instances these women find themselves staying with friends while they sort their situation out. Others are not so lucky. One woman who described her experience of fleeing without any possessions or money from her employers' home ended up being accommodated in a bed and breakfast, arranged by local police officers.

Securing wages and other outstanding payments on leaving employment often proves problematic. As one woman described:

When I went home to the Philippines for a holiday, my employer sent me a text (message) stating I was no longer required. Before I went home they were supposed to give me money for the plane ticket, as this was part of the arrangement. When I asked them for it they said they were not going to pay.

Another spoke about the morning she was leaving, she had to knock on her employer's bedroom door to ask for her wages. She was told they couldn't give it to her, as they had to pay for the work permit.

None of the women who were dismissed received a P45 or reference. The majority

'I was given a letter that I signed. I didn't feel I had a choice'

of the women interviewed were eventually able to find new employers and regularise their situations. It is worth noting, however, that the study only deals with the women who did manage to find help. Many women may find themselves in similar positions and unable to access support from groups such as the MRCI.

A number of women reported signing resignation letters because they felt they had no choice but to do so, as women stated *'I was given a letter that I signed. I didn't feel I had a choice'*. The majority left after being verbally dismissed.

2.13

Access to social protection

On leaving work many women find they have little or no access to social protection. Most of those interviewed were unaware of their rights in relation to social protection. Only one of the women attempted to access social welfare support.

While all people legally resident in the State have the right to apply for social welfare support, the practice in accessing such support by migrant women is often ad hoc and unclear. Even when a person has sufficient social insurance contributions to claim benefit, difficulties can arise. One of the stipulations in accessing social benefit requires the applicant to register with FÁS.⁶ Migrant workers from outside the EU are not allowed to register with FÁS. Misinformation and lack of understanding

Jean

Jean is a married woman with one child in the Philippines. She holds a Bachelor of Arts and in 2002 she worked for a solicitor in Dublin as a child minder. Jean borrowed in excess of €1,000.00 to cover her costs in travelling to Ireland to take up employment.

On arrival Jean discovered she was expected to carry out many more jobs in addition to the child minding position described in her work permit. Apart from the full range of household duties such as washing, ironing, cleaning, and hovering she was also expected to clean the offices of her employer and the homes of her employer's friends. When Jean attempted to clarify these duties her employer became very angry and told her not to question her orders.

She was paid €180.00 per week. Deductions were made for accommodation and meals. Jean worked on average 58 hours per week, sometimes more. Her employer threatened her with deportation and called her a liar. Following Jean's departure, her former employer contacted an immigration officer and made a number of accusations against her. Eventually Jean was found a new employer.

⁶ FÁS is Ireland's training and employment authority.

contributes greatly to the process of seeking support being made unnecessarily difficult and frustrating. One of the most common reactions from misinformed officials is that once a migrant worker is no longer working she is no longer legally resident in the country. There are also difficulties in accessing maternity care and disability allowances. Lack of awareness and clarity about entitlements compounds the sense of vulnerability experienced in attempting to access social services.

2.14

Racism and discrimination

Racism can be experienced at an individual level and at an institutional level.⁷ At the individual level migrant women can experience racism in their direct contacts with their employers and society in general. They also experience racism as a result of policies, practices and legislation that are not responsive to their particular circumstances or which reinforce their vulnerability and exploitation. Lack of formal mechanisms to prevent migrant women becoming undocumented if employers fail to renew work permits, while misleading them into believing that they are being processed, can create the conditions for racism. They are then criminalized and stereotyped as 'inferior illegal aliens'.

Racism as experienced by women employed in the private home manifests itself in numerous ways. It appears that women of different nationalities are sometimes considered to be desirable employees on the basis that they are sufficiently 'different' to warrant a level of treatment that would clearly be unacceptable to fellow nationals. That is not to say that Irish women are not discriminated against, but it does appear that women of different nationalities, particularly women of colour, are sought out because of their perceived willingness to accept lower standards. One employer stated that: '*sure what Irish girl is going to apply for a live in position*'.

At the heart of the experiences recalled by the women in this study is the level of dehumanisation that took place. These women frequently refer to themselves as household objects: '*I was like a Hoover*'; '*I am like a dog*'. Their attempts to assert themselves as human beings often meet with resistance, as encapsulated by one woman who stated that

*.....maintaining
a relationship
designed to
keep the
workers in a
position of
powerlessness*

⁷ Racism is defined by the UN Convention on the Elimination of All Forms of Racism Discrimination as '*any distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life*'.

her employer *'doesn't like me reading the newspaper. She tells me she wants me to be ready to help her out'*.

There is also the expectation that the employee 'belongs' to the employer. For example workers describe not being allowed to have a social life. The practice of maintaining a relationship designed to keep the workers in a position of powerlessness is notable. Other manifestations of racism include the treatment of migrant women as 'childlike' and lacking in intelligence. Women interviewed spoke about being made feel inadequate and stupid. One woman stated that *'my employer thinks that I know nothing'*. Another recalled that *'sometimes I felt humiliated when she called me stupid, she would say that I was slow'*. In conversation with one employer, a woman was described as *'such a sweet little girl'*. The migrant woman in question was in her mid 20s and holds a third level qualification.

There is evidence of assumptions made about women from different nationalities, for example, women from the Philippines are thought to be quiet, loving and good with children. Behaviour is expected to match this stereotype. It is commonplace for employers to react with hostility when their prejudiced notions of their employee's characteristics are contradicted. As evidenced through MRCI's work in representing migrant women in the Labour Relations Commission employers sometimes attempt to argue that they were fooled and misled by the employee. Underpinning these accusations is the attitude that the worker did not turn out to be as obedient and accommodating as they perhaps expected. It is also quite commonplace for employers to make assumptions about the standard of living migrant women have previously been used to. This results in the belief that they are actually doing the worker a favour in employing them and that they should be grateful for the opportunity to work in Ireland.

The ultimate manifestation of exploitation, which contributes to racism for these women and migrant workers in general, is the manner in which some employers so readily use the fact that they hold the work permit to threaten and disempower their employees. This situation facilitates and promotes the sense of being in a 'bonded' power relationship. Fear of deportation often results in workers being forced to work for less money than was agreed, accepting intolerable working conditions, and finding themselves unable to speak out about their conditions. In the case of domestic workers this situation is compounded by the fact that the workplace is also their home making them vulnerable to homelessness if there is a dispute and the employment relationship collapses.

The women who participated in this study sought support from the MRCI in relation to a range of problems which they faced as domestic workers. Their experiences demonstrate that the unregulated nature of this work in Ireland is causing increased vulnerability and hardship for this group of migrant workers. The women told stories of problems relating to recruitment, job descriptions, the variety of work they were expected to undertake, pay, working hours, holiday and leave, privacy, legal documentation, realising employment rights, leaving employment, accessing social services, and experiences of racism and discrimination. The problems described in this study require an immediate and targeted response by all actors in Irish society and labour market including: government, employers' organisations, trade unions, and the community and voluntary sector.

RECOMMENDATIONS FOR ACTION

This report highlights that women employed in the private home are one of the most vulnerable groups in the Irish labour market. This section makes recommendations that will, if implemented reduce substantially the social and economic exclusion of this group of workers. These recommendations reflect the complex nature of the problems facing migrant women working the private home, and are addressed at all the relevant actors including: government, employers' organisations, trade unions, and the community and voluntary sector.

3.1

Promote equal treatment

3.1.1 Recognise domestic work as a category of work for the purposes of work permit applications

Recognising domestic work as a work permit title would go some way to establishing the validity of such work. The reality is that migrant workers are being employed for the purposes of domestic work, under the guise of other work headings. The unfortunate outcome of not recognising domestic work is that the employment relationship is misrepresented from the outset which often leads to difficulties. There is nothing to gain in taking the approach that closing off this avenue for the purposes of the work permit system will prevent the actual employment of migrant women as care and domestic workers; experience shows that other avenues will be found to employ these workers.

3.1.2 Reform the work permit system to generate more equitable employment relationships and security of residency

In the report *Work Permits, Recommendations for Change* the MRCI (2004) made a range of recommendations concerning the work permit system in Ireland. The issues and problems described in that report affect all migrants including migrant women working in the private home. The report noted the difficulty of making strategic recommendations in the absence of an overall immigration policy framework. The report promotes specific initiatives such as: temporary work permits should be used only in selected and limited situations; work permits should be issued for longer than one year; work permits should be detached from the employer; double the Labour Inspectorate personnel; pre-departure information for migrants; targeted provision of information to migrants; and detention should not be used where migrants in breach of immigration legislation.

3.1.3 Develop a special section in the Labour Inspectorate to investigate this area of work

At present the Labour Inspectorate does not carry out investigations of exploitation in the private home. Given the high level of vulnerability and the degree of exploitation being experienced by migrant women there is a need to pay special attention to this work, and to develop appropriate ways of monitoring conditions.

3.1.4 Establish a mechanism to prevent migrant workers from becoming undocumented as a result of employers not renewing work permits

The area that causes the biggest problem is non-renewal of work permits by the employers. It would appear that when an employer wants to get rid of an employee and not violate labour law, the mechanism they choose is simply not to renew the permit. This is perfectly legal and the employer is not required to give a reason. The manner in which non-renewal of the permit takes place is significant. Many employers neglect to inform the worker or actively mislead the worker by saying that the renewal process is underway. A mechanism needs to be put in place to deal with these situations, such as providing for a four month residency stamp in cases where the worker has alleged exploitation and where the permit has not been renewed without notice. The worker then remains documented, in a position to make an official complaint and seek new employment.

3.2

Promote equal opportunities

3.2.1 Allow migrant women apply for jobs in the area of childcare and domestic work

The current situation is that childcare is one of the exempt categories of work eligible for a work permit. When assessing applications for work permits the Department of Enterprise, Trade and Employment grant or refuse applications on the basis of a set of criteria, such as if the application is for a job within the eligible list of jobs. In situations where a migrant worker has been forced to leave, has been dismissed or where the job ceases for genuine reasons i.e. changes in the family circumstances, the migrant worker should be allowed remain in the country and obtain other employment. Many migrant women employed in the home would wish to continue in a similar type of position. For these purposes the eligibility jobs list should not apply.

3.2.2 Allow migrant women to register with FÁS for the purposes of accessing training opportunities

One of the issues identified as part of this study is the problem of de-skilling. Most of the women interviewed were qualified in other areas. Indeed some of the skills identified are in professions for which Ireland is trying to recruit migrants. Migrant workers from outside the EU are not allowed to register with FÁS; therefore on becoming unemployed they cannot use the placement service to identify new job opportunities or

access available training courses. Groups vulnerable to exploitation such as migrant workers, and particularly women who work in the private home, should be identified as a target group and supported to access FAS services

3.2.3 Implement a childcare training programme specifically for migrant women

The issue of training has been identified as a need by migrant women employed in the private home. The provision of training would facilitate this group to negotiate better wage conditions and give recognition and value to the work being undertaken. Training programmes would need to be designed and delivered in a way that is culturally appropriate and responsive to the workloads of these women. For instance the training should be built into the working week as a normal part of employee development. Training should be supported by FÁS and have appropriate accreditation.

3.3

Prevent discrimination

3.3.1 Establish a Joint Labour Committee in the Labour Court which would determine acceptable rates of pay and job descriptions for the category of domestic work

In establishing a Joint Labour Committee on domestic work, clarity would be brought to the current state of confusion that exists in defining domestic work. It would also provide a benchmark against which such decisions could be based in the event of a dispute. In establishing acceptable standards in the area of domestic work, close co-operation with organisations involved in this area must be a priority. In defining this area of work the full range of activities undertaken by migrant women working in the private home must be recognised.

3.3.2 Regulate and address recruitment issues

The issue of recruitment is core to establishing a positive or negative employment experience. Greater regulation of the process by which migrant women are employed is vital. Consideration should be given to the establishment of bilateral agreements with sending countries which could offer an important mechanism in pursuing exploitative recruiters. Speedy investigations into reported exploitative practices by recruitment agencies are vital. Too frequently known agents continue their work, sometimes under new names and companies, after they have been reported or have come to the attention of the authorities.

3.3.3 Proactively ensure migrant women have independent access to information about their employment rights and entitlements

A common thread running through the case studies is the low level or absence of knowledge about employment rights. The Department of Enterprise, Trade and Employment does have information available in a range of languages. This information should be forwarded directly and independently to those being employed under the work permit system. In addition information prior to departing the home country should be provided. The majority of migrant workers coming to Ireland to work as domestic workers come from countries that require travel visas. Applications are made through embassies and consulates. At these points of coordination information should be provided about: the country the migrant is travelling to; avenues of support in the event a difficulty arising; and basic rights and entitlements. With an increase in the number of women from new EU Member States working in these jobs proactive ways of ensuring they are informed about their rights also need to be addressed.

3.3.4 Employment contracts for all employees

Contracts should meet the legal requirements in relation to terms of employment. They should in particular specify working hour arrangements, hourly rates of pay, overtime arrangements and the tasks and duties the employee is expected to undertake. Clear disciplinary and complaints procedures should also be outlined.

3.3.5 Develop trade union organisation that reflects the particular workplace situation of migrant women employed in the private home

Traditional ways of recruiting and organising trade union membership is premised on a notion of the workplace as an organised, formal space. This results in great difficulties for people employed in the private home becoming involved or having their interests represented by trade unions. Trade unions should actively seek to promote migrant women's issues and concerns as part of their core work programme, including national pay agreements. Alternative ways for involving these women in the activities of the trade union movement should be developed.

3.3.6 Educate and inform employers about their responsibilities

During the process of applying for the work permit, potential employers are made aware that applications are vetted for evidence of compliance with basic rights. However the experience of the women in this study indicates that employers in the private home are often under the

impression that regular employment rights do not apply to this area of employment. Employer and industry representatives have an important role to play in highlighting these issues and in promoting good employment practice.

3.3.7 Ensure women have access to support

Women employed in the private home live in local communities. Community and local development organisations, women's groups, and community information organisations have an important role in both preventing and addressing exploitation, and in promoting meaningful integration at a community level. Migrant women in the private home often describe loneliness and a sense of isolation. They frequently do not know where to go in the local community to seek support and advice. Community leadership is also vital in exposing and addressing racism and bringing about a collective sense of responsibility for the way community members are treated. Mainstream women's organisations and support/funding programmes need to incorporate a focus on migrant women, especially women employed in the private home.

3.3.8 Facilitate migrant women to organise and participate in developments that concern them

Being denied the right to speak out is a key feature of how migrant women employed in the home are oppressed. Given the degree of inequality in the power relationship that exists in this type of work it is practically impossible for individual women to negotiate or take action. Groups such as the MRCI's Domestic Workers Support Group (DWSG) should be resourced to facilitate individual women to pool their concerns, develop skills, and take action to address the issues concerning employees in this area of work.

This report draws on the experiences of 20 migrant women working in the private home in Ireland. These women sought the support of the MRCI for a variety of reasons, but their stories demonstrate the particular vulnerability of this category of migrants. The women described problems relating to all elements of the employment cycle from accessing employment, to carrying out their task, to leaving employment. The advocacy and support work of the MRCI demonstrates that the problems described by the women in this study are representative of the concerns of this category of migrants more generally. While this is a relatively new issue in Ireland, international experience shows that these problems are not unique and that all actors in Irish society must take immediate and targeted action in order to ensure the protection of the rights and entitlements of domestic workers.

Demand for workers to undertake care work and domestic work is set to increase into the future. In particular the MRCI is very aware of the position of women who migrant from within the EU, particularly from the ten new Member States. These women no longer require work permits; however there is growing concern that they are very vulnerable to exploitation and unequal treatment. It is therefore vital that progress is made to strengthen protection for workers and ensure greater regulation and recognition of their work.

This report has described a number of initiatives which could be taken to enhance the protection of migrant women working in the private home. These can broadly be described as threefold: promote equal treatment; promote equal opportunities; and prevent discrimination. This agenda for change requires action on the part of all the key stakeholders in Irish society and labour market, including government, employers' organisations, trade unions, and the community and voluntary sector. The recommendations contained in this report set out realistic and practical ways of increasing much needed protection and regulation, and the MRCI hopes that they will make a positive contribution in the generation of a more equal workplace for migrant workers.

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