

24th November 2022

The Rt Hon Grant Shapps MP  
Department of Business, Energy and Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET

Dear Grant Shapps,

We are a coalition of organisations working to protect and uphold the rights of live-in domestic and childcare workers. In your new role as Secretary of State for Business, Energy and Industrial Strategy, **we request that you deliver on the government's commitment to remove the 'Family Worker Exemption' from National Minimum Wage regulations, as a matter of urgency.**

On 10th March this year, the government publicly accepted the Low Pay Commission's recommendation to remove in its entirety the 'Family Worker Exemption' contained within Regulation 57 of the National Minimum Wage Regulations 2015.<sup>1</sup> We welcomed this decision as a huge milestone in extending basic rights to some of the most vulnerable and exploited workers in the UK.

The exemption was introduced into the National Minimum Wage regulations in 1999 and was intended to apply to au pairs. It states that domestic workers do not have to be paid minimum wage if they live in their employer's household and are treated as a family member. Originally designed as a way to support 'cultural' exchange for au pairs, the Low Pay Commission found in October 2021, that the exemption has provided a loophole for the exploitation of live-in domestic workers, that it was 'not fit for purpose' and should be removed.<sup>2</sup> The Low Pay Commission's review followed the December 2020 Employment Tribunal judgment in *Puthenveetil v Alexander & ors* (Case Number 2361118/2013), which held that the exemption was unlawful and indirectly discriminatory on the grounds of sex.

We are concerned that it has now been eight months since the government agreed to remove the Family Worker Exemption and no visible steps have been taken to lay down an amendment to the National Minimum Wage Regulations.

In the coming months, under your leadership, the Department for Business, Energy, and Industrial Strategy will play an essential role in delivering the Chancellor's new measures to uplift the National Minimum Wage and National Living Wage, protecting the lowest paid workers

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<sup>1</sup>[https://hansard.parliament.uk/commons/2022-03-10/debates/bb8249f8-3123-46aa-9536-c27452ff5cea/DraftNationalMinimumWage\(Amendment\)Regulations2022](https://hansard.parliament.uk/commons/2022-03-10/debates/bb8249f8-3123-46aa-9536-c27452ff5cea/DraftNationalMinimumWage(Amendment)Regulations2022)

<sup>2</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1028738/LPC\\_summary\\_of\\_findings\\_2021\\_A.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1028738/LPC_summary_of_findings_2021_A.pdf), p19

in the UK from the rising costs of living. As it stands, the government's delay in legislating to remove the exemption means that live-in domestic workers have no clear right to the minimum wage or indeed any salary at all. It is therefore imperative that the exemption is removed as soon as possible to ensure that live-in domestic workers do not continue to fall through the net.

We request an update on steps taken so far to deliver on this commitment and assurance that the relevant legislation to remove the Exemption will be laid down to the National Minimum Wage Regulations before the end of the year.

Yours sincerely,

Marissa Begonia (Director, Voice of Domestic Workers)

Leticia Dias (Coordinator, Nanny Solidarity Network )

Rita Gava (Director, Kalayaan)

Victoria Marks (Director, Anti Trafficking and Labour Exploitation Unit (ATLEU))

Sara Mendes (Chair, IWGB Nannies & Au Pairs branch)

Frances O'Grady (General Secretary, TUC)

Kate Roberts (Head of Policy, Focus on Labour Exploitation (FLEX))

Mary-Ann Stephenson (Director, Womens Budget Group)



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