

21 February 2023

The Rt Hon Kevin Hollinrake MP  
Parliamentary Under-Secretary of State  
Department of Business and Trade  
1 Victoria Street  
London  
SW1H 0ET  
By email: [kevin.hollinrake.mp@parliament.uk](mailto:kevin.hollinrake.mp@parliament.uk)

Dear Kevin Hollinrake MP,

We are a coalition of organisations working to protect and uphold the rights of live-in domestic and childcare workers. We are writing to you in your capacity as Parliamentary Under-Secretary of State at the Department of Business and Trade, with responsibility for employment rights including the National Minimum Wage. **This letter is with regard to the ‘Family Worker Exemption’, contained in Regulation 57 of the National Minimum Wage Regulations 2015, which the government promised to remove in March 2022.**

The Family Worker Exemption states that domestic workers do not have to be paid the National Minimum Wage if they live in their employer’s household and are treated as a family member. 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.

The Low Pay Commission’s review followed the December 2020 Employment Tribunal judgement in *Puthenveetil v Alexander & ors* (Case Number 2361118/2013), which held that the exemption was unlawful and indirectly discriminatory on the grounds of sex.

On 10 March 2022, the government publicly accepted the Low Pay Commission’s recommendation to remove in its entirety the ‘Family Worker Exemption’. Paul Scully MP, then Parliamentary Under Secretary of State for Business, Energy and Industrial Strategy, announced in Parliament *“We have accepted that recommendation, and will introduce legislation to remove the live-in domestic worker exemption when parliamentary time allows.”* We welcomed this decision as a huge milestone in extending basic rights to some of the most vulnerable and exploited workers in the UK.

However, we are concerned that nearly eleven months has passed since this announcement, and no visible steps have been taken to enact this commitment. In the meantime, the delay has meant that live-in domestic workers continue to have no clear right to the National Minimum Wage, or indeed any salary, at all leaving them open to abuse and exploitation. Exploitative employers continue to be able to use the Family Worker Exemption as a defence in court to avoid paying a proper salary to the live-in domestic workers that they have exploited. We understand that to date HMRC will not intervene in cases where the Family Worker Exemption appears to apply.

We are sure that you will be keen to rectify this situation to ensure the government’s decision to close this loophole is implemented as a matter of urgency. We would be grateful for an update on steps taken so far to deliver on this commitment and your assurance that the relevant legislation to remove the Exemption will be laid down imminently.

We look forward to a response to this letter and would be very happy to meet with your office to discuss in more detail if helpful.

Please contact Kate Elsayed-Ali, [kate@atleu.org.uk](mailto:kate@atleu.org.uk), with any follow up queries you may have or to arrange a meeting.

We have also written to the newly appointed Secretary of State for Business and Trade, the Rt Hon Kemi Badenoch, about this matter.

Yours sincerely,

James Fookes (UK and Europe Advocacy Manager, Anti-Slavery International)

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

Leticia Dias (Coordinator, Nanny Solidarity Network)

Marissa Begonia (Director, Voice of Domestic Workers)

Mary-Ann Stephenson (Director, Womens Budget Group)

Rita Gava (Director, Kalayaan)

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

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

With thanks to Dr Natalie Sedacca (Durham University) and Professor Rosie Cox (Birkbeck, University of London) for their ongoing research and support.

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