



PICUM'S INPUT ON THE APPLICATION OF EU DIRECTIVE 2016/801 CONCERNING AU PAIRS



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Acknowledgements

PICUM is grateful to the following members for their time and expertise and contributions to this report:

- FAIRWORK Belgium
- KOK - German Network against Trafficking in Human Beings in Germany
- Association de Soutien aux Travailleurs Immigrés in Luxembourg
- FairWork in The Netherlands to whom we are grateful for their time and expertise.

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This publication was made possible with the kind support from:



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Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or European Union Programme for Employment and Social Innovation "EaSI" (2021-2027). Neither the European Union nor the granting authority can be held responsible for them.

TABLE OF CONTENTS

| | |
|-----------------------------------------------------------------------------------------------------|----|
| INTRODUCTION | 4 |
| WORKING CONDITIONS | 5 |
| Working hours | 5 |
| Tasks and responsibilities | 5 |
| Pocket money | 6 |
| ACCESS TO EQUAL TREATMENT, SOCIAL SERVICES AND PROTECTION | 7 |
| Status of au pairs | 7 |
| Access to information | 7 |
| Available support and complaint mechanisms | 8 |
| LENGTH OF PERMITS, RENEWALS AND APPLICATION PROCEDURES | 10 |
| Duration and renewal of permits | 10 |
| Fees and costs | 11 |
| THE ROLE OF AU PAIR AGENCIES | 12 |
| CONCLUSION | 13 |
| RECOMMENDATIONS TO THE EUROPEAN COMMISSION AND MEMBER STATES CONCERNING DIRECTIVE 2016/801 | 14 |

INTRODUCTION

Directive EU 2016/801 regulates the entry and residence rules for different categories of non-EU citizens, including au pairs (hereafter: 'au pairs Directive').¹ Au pairs are defined as non-EU nationals who are admitted to the territory of a member state to be temporarily received by a family in exchange for light housework and taking care of children. The goal should be for au pairs to improve their linguistic skills and knowledge of the host state. However, the realities of au pairs admitted to the EU are often very different. PICUM members from different EU countries (Belgium, Germany, Luxembourg and the Netherlands) report that au pair programmes are not only used as cultural exchanges, but often au pairs are recruited to provide cheap domestic labour.

The demand for au pairs' work also needs to be contextualised in the broader background of the current labour shortages in the EU care sector and the lack of available and affordable formal care options, which are often met by precarious migrant workers.² These workers are often admitted and/or hired as au pairs, but are not adequately paid, and have limited access to stable permits, social protection, or professional support.

This document sets out a number of key issues that PICUM considers a priority to address in the European Commission report on the application of Directive 2016/801. The information contained in the paper is based on a survey of PICUM members and additional desk research.³

1 [Directive \(EU\) 2016/801](#) of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast). Hereafter: Directive 2016/801 or 'Au pairs Directive'.

2 See [Joint recommendations for the European Care Strategy regarding migrant care providers and service users](#), March 2022.

3 This paper is based on information provided by PICUM members from Belgium ([FAIRWORK](#)), Germany ([KOK](#) - German Network against Trafficking in Human Beings), Luxembourg ([ASTI](#) - Association de Soutien aux Travailleurs Immigrés) and The Netherlands ([FairWork](#)). The survey with members was conducted between April and May 2022. The final revision of the content was finalised in April 2023. Unless stated otherwise, this paper focuses on the conditions of au pairs who are non-EU nationals.

WORKING CONDITIONS

Working hours

According to Article 16 of the au pairs Directive, the maximum number of hours of au pair duties is 25 hours per week. The au pair is also entitled to have at least one day per week free from au pair duties.

EU member states have transposed the legislation concerning working hours of au pairs in different manners. For instance, they are limited to 20 hours in Belgium and 25 in Luxembourg.⁴ In Germany and the Netherlands, the maximum number of permitted working hours goes up to 30, beyond the limit provided in EU legislation.⁵

However, in all cases, the maximum number of working hours is often disregarded in practice and may vary greatly depending on the family where au pairs are hosted. During the COVID-19 lockdown, FAIRWORK Belgium reported that most au pairs became full-time domestic workers, in charge of childcare and domestic chores.⁶

Tasks and responsibilities

It is very common that au pairs are assigned tasks they are not supposed to carry out, which also lead to overtime work. Article 3 of the Directive specifies that au pairs' responsibilities may entail 'light' housekeeping and childcare tasks, to be detailed in the agreement with the host family. This definition, however, remains broad and

paves the way to discrepancies in national practices, as well as to potential abuse and exploitation within host families.

In **Luxembourg**, the only admitted tasks for au pairs are light routine family tasks, mainly related to childcare, all of which need to be clearly defined in the agreement with the family.⁷ Yet even if tasks are clearly listed in the contract, there is no proper monitoring of whether these conditions are respected. The competent authority in charge of monitoring au pairs' stays (Service National Jeunesse - SNJ) can access host families' home to check if the conditions of reception are met, but rarely does house visits.⁸

In **Germany**, the Federal Employment Agency provides some guidance about which tasks and responsibilities should be permitted in principle.⁹ These include supporting the host family with childcare, completing light housework, preparing breakfast and simple meals, and looking after the home and caring for pets. Nursing and care of the elderly is not permitted as a task for au pairs.

Similarly in the **Netherlands**, au pairs may not carry out tasks for persons who have special care needs, which require specific skills. They should help with 'light' chores.¹⁰ However, what is considered to be light or heavy work remains very vague.

According to FAIRWORK **Belgium**, Belgian law only states that 'light domestic tasks' are allowed, without clarifying further. This also includes childcare, provided that children younger than six are not left with the au pair during the day.¹¹ In practice, however,

4 Federal Public Service, 'Au pair work in Belgium'; Guichet.lu, 'Hosting an au pair' (accessed on 31 March 2023).

5 See Immigration and Naturalisation Service, 'Coming to the Netherlands as an au pair'; Bundesagentur für Arbeit, "'Au pairs" in German families. Information for au pairs and host families', April 2023.

6 See FAIRWORK Belgium, *Annual Report 2020*. More cases of exploitation of au pairs in Belgium can be found in Paris Match investigative piece 'Filles à tout faire', which tells the stories of au pairs assisted by FAIRWORK. Available [here](#).

7 Au-Pair.lu (official website for au pairs in Luxembourg), 'FAQ' (accessed on 7 April 2023).

8 Survey response, Luxembourg-ASTI, 5 May 2022

9 Bundesagentur für Arbeit, "'Au pairs" in German families. Information for au pairs and host families', April 2023.

10 IND, 'Au pairs', (accessed on 7 April 2023).

11 *Arrêté royal du 9 juin 1999 relatif à l'occupation des travailleurs étrangers*, Article 26.

most of the au pairs perform different tasks in the household.¹² In order to ensure that au pairs do not care for young children, host families must prove that childcare has been arranged, but a simple letter from the grandparents is accepted as proof by the relevant authority that the grandparents will take care of their grandchildren during the day.

The definition of 'light domestic tasks' in Belgium is a matter of interpretation that can lead to problematic situations. A recent ruling from the Court of Appeal of Brussels is an example.¹³ In this case, an au pair from South America was working for a host family with four children. The host mother was also the owner of an au pair agency, and she arranged the placement of her au pair through her own agency. The agency created private documents using expressions like 'code of conduct' or 'family guidelines' to provide the au pair with an extensive task package. The investigation of the labour inspectorate found that the long list of tasks in these documents would take the au pair an average of 50 working hours per week to complete. Despite this, the judge ruled that this number of working hours was not believable and that the long list of tasks in these documents could be done within 20 hours.

Pocket money

Art. 16 in Directive 2016/801 stipulates that member states may set a minimum amount of money to be paid to the au pair, and that an agreement should be defined between the au pair and the host family specifying the amount of pocket money to be provided. Due to a lack of monitoring mechanisms and data collection, there is scarce information on the level of the pocket money paid to au pairs across the EU. Initial findings nonetheless indicate that the amount paid to au pairs varies greatly.

In **Luxembourg**, the monthly allowance corresponds to EUR 463 per month, one fifth of the minimum social wage.¹⁴ In practice this depends on the family, as there is no official controlling body.

In **Germany**, the pocket money for au pairs amounts to EUR 280 per month, in addition to a lump sum of 840€ for language courses which can be paid in monthly rates or all at once.¹⁵

In **Belgium**, the monthly pocket money amounts to EUR 450 per month, to be paid by bank transfer.¹⁶ While Belgian law states that the pocket money must be paid regardless of periods of inactivity,¹⁷ FAIRWORK reports that it is common that host families refuse to pay for periods in which the au pair is not working (e.g. when host family is on holiday without the au pair, when the au pairs take their own holidays, or when they arrive later in the month).¹⁸



"I believe au pairs should be paid more than 340 € per month. If au pairs are told to work 30 hours per week, that would mean they work around 126 hours per month, and this means they get paid 2,69 € per hour. Thinking of the workload that au pairs have, it does not make any sense, and it is exploitation."

- Au pair's testimony, reported by FairWork Netherlands



In the **Netherlands**, the maximum monthly allowance is EUR 340. However, many au pair agencies recommend a minimum amount of pocket money of EUR 300 per month.¹⁹ In addition to this, au pairs are provided with lodging and food, but this is not sufficiently regulated. Living conditions depend on the host family and in practice. While some au pairs are offered proper lodging, others are housed in substandard conditions (e.g. basements without windows or sufficient heating in winter months).

12 FAIRWORK, 'Rapport Annuel 2021', pp. 39-41.

13 FAIRWORK, 'Rapport Annuel 2021', pp. 39-41.

14 Guichet.lu, 'Hosting an au pair' (accessed on 7 April 2023).

15 Bundesagentur für Arbeit, "Au pairs" in German families. Information for au pairs and host families', April 2023.

16 Federal Public Service, 'Au pair work in Belgium' (accessed on 7 April 2023).

17 Arrêté royal portant exécution de la loi du 30 avril 1999 relative à l'occupation des travailleurs étrangers, Article 26(4).

18 Information shared by FAIRWORK Belgium via email on 24 May 2023.

19 Survey response, The Netherlands-FairWork, 9 May 2022.

ACCESS TO EQUAL TREATMENT, SOCIAL SERVICES AND PROTECTION

Status of au pairs

Art. 22(3) in the au pairs Directive indicates that if au pairs are considered to be in an employment relationship in the specific member state, they should be entitled to the protections granted under the Single Permit framework (Directive 2011/98, Article 12).²⁰ This includes equal treatment with nationals in terms of working conditions, pay and dismissal, social security and unemployment (subject to some limitations).

Even if au pairs who are admitted to an EU member state in accordance with the provisions of the au pairs Directive are not considered to be in an employment relationship, they often work in conditions that are similar to domestic workers. Without the labour rights guarantees foreseen for employees, au pairs risk being dismissed without previous notice, have limited access to social protection, and often face challenges in changing the host family in case of problems.

In principle, au pairs in **Belgium** are not considered employees. This means that au pairs have no access to any social services or protection. Since the au pair programme is supposed to be a cultural exchange and not a working relationship, both parties can terminate the placement without previous notice. It is common that host families dismiss au pairs in a matter of days, suddenly depriving them of accommodation and income. It is possible for au pairs to be reclassified as domestic workers and granted the payment of due wages and social security contributions, but this requires a judicial decision, and it is very difficult in practice.²¹ FAIRWORK Belgium recently obtained the reclassification of two au pairs that were working way beyond the 20-hour limit imposed by the law, and the payment of due wages and contributions from the host family.²² However, these examples continue being the exception.

In **Luxembourg**, the residence permit for non-European au pairs clearly classifies them as 'au pairs', not as workers. Their stay in Luxembourg is linked to their au pair status and to the host family. Access social security, health and sick leave are the same as workers. However, au pairs are not eligible for job or housing support since they can only stay in Luxembourg for a maximum of one year.

Access to information

Under Directive 2016/801, EU member states are responsible for providing applicants with all the information on entry and residence conditions, as well as on their rights and obligations. Nonetheless, further efforts are needed to ensure that au pairs are meaningfully and systematically informed in practice. Au pair agencies and related websites are often the main source of information, which can be misleading and contribute to the exploitation of au pairs. Language barriers also remain a challenge for au pairs to access correct information.

In **Belgium**, although the law on au pairs' placement is at federal level, its implementation is a competence of the three regions – Brussels, Flanders and Wallonia – which fosters additional fragmentation in the provision of information.²³ Each region has its own website in their own language (mainly [French](#) and [Dutch](#)) but not all of them make all relevant information available in English. FAIRWORK Belgium also reports that it is difficult to find the official websites, which have limited visibility on search engines online. The only easily accessible information is on the websites of the au pair agencies and other international platforms, which is often incorrect.

20 Council Directive 2011/98/EU of the European Parliament and of the Council of 11 May 2016 on single permit directive.

21 FAIRWORK, '[Rapport Annuel 2021](#)', pp. 15-16.

22 Ibid.

23 Survey response, Belgium-FAIRWORK, 5 May 2022.

In **Germany**, information the rights of au pairs is provided on the [website](#) of the Federal Employment Agency²⁴ and via government websites at state level. However, in general, information on au pair programs is not sufficient. Au pairs have to rely on placement agencies which are not sufficiently regulated and not always reliable. To fill this gap, voluntary networks have developed quality guidelines to identify serious and trustworthy agencies, both for families and au pairs.²⁵

In the **Netherlands**, apart from providing information via a [website](#) (in English and Dutch) the government does not have an active role in providing information to au pairs. According to FairWork Netherlands, immigration services should do more to inform au pairs, both when they arrive as well as during their placement.²⁶ In particular, au pairs report that there are few occasions for personal contact with national authorities, or events organised for them to meet other au pairs.

Good practices about access to information for au pairs can be found in **Luxembourg**. Information for au pairs is available in French and English on a dedicated [website](#). Au pair contracts are also very detailed and include most of the information needed. Moreover, au pairs have to attend a compulsory welcome meeting with the Service National Jeunesse (SNJ) in the first month after their arrival in Luxembourg. The SNJ also sends regular emails to inform au pairs and families about their activities and to communicate important information, for example about salary rises decided by government.²⁷

Available support and complaint mechanisms

The au pairs Directive does not contain any specific provisions on monitoring of the au pairs' conditions in the host family, or on support and complaint mechanisms that should be made available. Based on the survey responses, au pairs are often left alone when they experience problems with the host family or the placement agency. The existing complaint or redress avenues are frequently ineffective or difficult to access for au pairs. Common issues include lack of information, language barriers and lack of services dedicated to au pairs.

In **Germany**, there is no contact point at the national level specifically for au pairs. In case of need, the [information leaflet](#) of the Federal Employment Agency advises au pairs to first contact the placement agency. An emergency counselling hotline and a crisis hotline are also available, but only for emergency calls. Members of the German NGO Network against trafficking in human beings report that au pairs often contact their specialised counselling centres because they do not know who else to talk to.²⁸

Au pairs in **Belgium** can file a complaint against host families at the competent regional inspection (Brussels, Flanders or Wallonia). However, the inspection offices are not always easy to reach. In principle, au pairs are allowed to change host family once during their year as au pairs, but there is no official support available to do so. FAIRWORK Belgium created a special section for au pairs on their [website](#), which also provides information on what to do in case of abuse and exploitation. FAIRWORK's helpdesk also offers free and confidential support to au pairs, which has been in high demand during the Covid-19 pandemic and in recent years.²⁹

24 The information is available in German only, apart from a [fact sheet](#) from the Federal Employment Agency which is provided in English.

25 See, for example, [Gütegemeinschaft Au pair](#); [Aupair Society](#); [WeAUpair](#) (accessed on 7 April 2023).

26 Survey response, The Netherlands-FairWork, 9 May 2022.

27 Survey response, Luxembourg-ASTI, 4 May 2022.

28 Survey response, Germany-KOK, 10 May 2022.

29 See FAIRWORK Belgium, [Annual Report 2020](#).

In the **Netherlands**, au pairs can turn to their placement agency for support, but agencies often lack capacity to provide any other type of support except for administrative support. In addition, au pairs can also report to national immigration services. The Immigration and Naturalization service (IND) has a hotline, but it is not always known to the au pairs. In case of problems, the au pair is allowed to change family, but it is difficult to find a second host family when the au pair cannot to stay more than twelve months. Therefore, au pairs are discouraged from reaching out to IND to present a complaint for fear of losing their permit if they do not find a new host family. At the same time, the IND cannot do any checks on agencies or host families without reports.

Au pairs who are victims of severe exploitation may access the Dutch victims' protection scheme, but the threshold to be identified as a victim of labour exploitation and receive support or a temporary residence permit is very high.

LENGTH OF PERMITS, RENEWALS AND APPLICATION PROCEDURES

Duration and renewal of permits

Au pairs admitted to the EU have the right to stay for maximum one year (Directive 2016/801, Article 18). This period can be extended for another six months by the member states, following a justified request by the host family.

In **Luxembourg**, the residence permit for au pairs cannot be extended for more than one year.³⁰ The residence permit is no longer valid once their contract with the host family has ended, and no change of status is possible. Changing host family is only possible in case of serious problems and after approval of the SNJ. If an au pair wishes to stay in Luxembourg, they have to apply for a work or study permit from outside the country. The inability to request a different permit from within Luxembourg leads many au pairs to becoming undocumented, and vulnerable to exploitation.³¹

In **Belgium**, au pairs need to obtain a visa to stay in Belgium for more than three months and a work permit must be issued to the host family.³² The fact that host families have to apply for a work permit even when au pairs are not legally considered workers creates confusion about the real nature of the au pair programme. Au pairs also need to obtain a national residence card to access even basic services, a process that often takes weeks. If, in the meantime, the au pair decides to leave the host family, the procedure is stopped and can be started again only when a second work permit has been authorized for a new host family. Having no ID-card can create additional problems in accessing services. For instance, without this document au pairs are not able to open a bank account, which is compulsory to pay the pocket money.

30 Guichet.lu (official website of the Luxembourg public administration), '[Hosting an au pair](#)', accessed on 31 March 2023.

31 Survey response, Luxembourg-ASTI, 5 May 2022.

32 Service Public Fédéral, '[Travail au pair en Belgique](#)', accessed on 31 March 2023.

Fees and costs

Article 36 of the au pairs Directive indicates that EU member states may require third-country nationals or host families to pay fees for the handling of notifications and applications in accordance with the directive, but the fees should not be disproportionate or excessive.

Before departure, **Luxembourg** only requires a payment to obtain the visa.³³ The host family and the au pair are free to decide together who covers which costs. In practice, it is common that the host family covers visa, passport, travel costs and fees. Other fees to be paid upon arrival of the au pair are the residence permit tax (EUR 80), and the medical visit (around EUR 60). The host family is also required to pay for health insurance and language classes, which are compulsory.³⁴

In **Germany**, the application fee for a visa is EUR 75. There is no national regulation that requires host families to pay that fee, but most private agencies recommend it. Private agencies might also require additional fees for their services.

According to **Belgian** law, in addition to the pocket money, the host family must cover full boarding and lodging for the au pair, and repatriation costs.³⁵ Au pairs cover flight tickets, language lessons, visa fees and other personal expenses. The issuance of a work permit is free of charge but visa costs amount to approximately EUR 220.³⁶ This fee is in principle the responsibility of the au pair. If the host family chooses to cover any of these costs, they cannot be deducted from the pocket money and do not entitle the family to ask for more work in return.³⁷

Host families in Belgium are also required to pay medical insurance for the au pair. In practice, even if families pay for the insurance fees, au pairs have to pay most medical expenses upfront and ask for a reimbursement themselves. As most families choose cheaper insurance, this means that many expenses are not reimbursed and directly covered by au pairs.³⁸

In the **Netherlands**, the maximum amount that au pairs should pay in fees should be EUR 34. The application fee for the family also amounts to EUR 34. In practice, some au pairs also have to pay additional fees to private agencies for their placement services.³⁹ FairWork Netherlands reports that the Dutch legislation does not specify who should pay for plane tickets. This creates disparities between au pairs, as some pay for the tickets themselves while some agencies require the host family to cover the costs.⁴⁰

33 Survey response, Luxembourg-ASTI, 5 May 2022.

34 Guichet.lu (official website of the Luxembourg public administration), '[Hosting an au pair](#)', accessed on 8 June 2023.

35 Service Public Fédéral, '[Travail au pair en Belgique](#)', accessed on 31 March 2023.

36 Ibz – Immigration Office, '[Fee](#)', accessed on 13 April 2023.

37 Survey response, Belgium-FAIRWORK, 5 May 2022.

38 Information shared by FAIRWORK Belgium via email on 24 May 2023.

39 Survey response, The Netherlands-FairWork, 9 May 2022.

40 Information received by FairWork Netherlands via email on 25 May 2023.

THE ROLE OF AU PAIR AGENCIES

Au pair agencies and platforms often play an important role in matching prospective au pairs and host families. Their role is not set by EU law and, in the surveyed countries, agencies are not subject to stringent regulations and controls at national level. Au pairs may become trapped in a vicious circle by being reliant on agencies for receiving basic information and support, despite the fact that such non-official commercial entities do not always have their best interests at heart.

In **Belgium**, au pair agencies are not an official part of the Belgian au pair program. They have no official authority nor recognition and are not supervised by any governmental authority. The agencies act independently and many are one-person companies with no resources to provide reliable and quality services.⁴¹ In practice, these agencies provide misleading or incorrect information to au pairs and host families, which contributes to the exploitation of au pairs. In certain cases, agencies even prevent au pairs from filing a complaint to the labour inspectorate or to reach out to other organisations for support. Other fraudulent practices often carried out by agencies include the request to pay illegal penalties or fines when the au pair decides to leave earlier, and the use of private (and extra-legal) documents that impose additional responsibilities on the au pair.

Au pair agencies' liability for abuses or bad practices is, however, very limited. As they are not required to obtain official permission to operate, there are not clear rules about the possibility to proceed against them. FAIRWORK Belgium reported the case of a 'host mother' who committed several infractions vis-à-vis the au pairs she hosted herself, but whose au pair agency continues operating. Even in the face of irregular practices (such as requiring the au pair to undertake extra-legal obligations and costs), there is no legal basis to initiate an official investigation against these agencies.⁴²

In **Germany**, there are many private agencies that offer their services to au pairs and host families, but they are not monitored in any way.⁴³ The lack of information provided by national authorities leaves a lot of leeway for agencies to take advantage of au pairs and families. Since there is no national regulation, German NGOs developed quality guidelines to offer safe ways to find either a host family or an au pair and to find serious and trustworthy agencies.⁴⁴

FairWork **Netherlands** reports that agencies may be considered reliable in terms of logging all relevant administrative tasks, but are not good at keeping personal contact with the au pair and the host family in case problems arise. Competition between au pair agencies often leads the cheapest service providers, not those taking the best care of au pairs, to survive in the market. Agencies are also not incentivised to support au pairs in reporting abuses, as this can negatively influence their business.

41 Survey response, Belgium-FAIRWORK, 5 May 2022.

42 FAIRWORK, 'Rapport Annuel 2021', pp. 17-18.

43 Survey response, Germany-KOK, 10 May 2022.

44 See note 22.

CONCLUSION

Au pair programmes for non-EU nationals are supposed to offer the opportunity for young people to be admitted to the EU for an exchange period, in which they can experience the life of a local family and learn more about the culture of the host country. However, the experience of au pairs can be very different. Research conducted by PICUM highlights many grey areas in the implementation of Directive 2016/801, where member states' transposition and practices can lead to abuse.

Issues range from au pairs given extra responsibilities, tasks and obligations, to cases where au pairs are treated as full-time domestic help for pocket money which is often less than a quarter of the minimum wage of a domestic worker or a nanny. The ambiguity of the rules that are in place at the EU and national level also makes it difficult to establish when au pairing actually amounts to an employment relationship, which would give rise to a series of rights in terms of the au pair's working conditions and remuneration. Moreover, the lack of information, as well as the lack of official support and safe complaint mechanisms, often discourages au pairs from reporting abusive conditions. The lack of regulation of placement agencies is another grey area where different practices emerge at national level, with negative consequences for both au pairs and host families.

The evaluation of Directive 2016/801 represents an opportunity for the European Commission to address these issues, provide additional guidance to member states, reinforce the monitoring of implementation at national level and promote good practices. However, while rules relating to au pairing need to be better enforced, the Commission and EU member states must also address systemic issues that create a demand for cheap domestic labour from au pairs, including the working conditions in the care sector and the lack of regular migration pathways for domestic and care workers.

RECOMMENDATIONS TO THE EUROPEAN COMMISSION AND MEMBER STATES CONCERNING DIRECTIVE 2016/801

1. Working conditions of au pairs

- Guidance:
 - » The European Commission (EC) should issue guidance to the member states on the definition of 'light' work contained in Article 3. This has been interpreted in different ways at national level, giving way to exploitation and abusive practices.
 - » The EC should provide guidance on the implementation of Article 22(3) with regard to the criteria according to which au pairs are to be considered to be in an employment relationship and granted equal treatment in line with the Single Permit Directive (2011/98).
- Monitoring:
 - » The EC should monitor member states' rules and practices on the monthly allowance (pocket money) available to au pairs and provide relevant recommendations and guidance on the minimum level that should be provided.
 - » The EC should more closely monitor the implementation of maximum number of working hours that au pairs can carry out weekly. In both Germany and the Netherlands permitted working hours go above the 25-hour limit set in article 16 of the Directive but, in practice, statutory limits are often not respective in all surveyed countries.
 - » The European Commission should explore regulation and monitoring of au pair agencies at EU level, including a role for the European Labour Authority.
 - » The EC and member states should look at how good practices, such as NGO-led quality standards initiatives can be implemented across the EU to better control the work of agencies and provide safeguards to both au pairs and host families.

2. Better information provision for au pairs

- The European Commission should consider introducing stringent rules and/or additional guidance on the provision of information for au pairs and host families, including contact information on the organisation that support au pairs, and available complaint mechanisms.
- Good practices that can be replicated at the state, regional or local level include proactively reaching out to au pairs and families and introducing occasions for direct contact and orientation with the competent authorities, NGOs and support organisations, as well as among au pairs and families themselves.

3. Effective complaint mechanisms

- Au pairs should always be able to report abuse without fearing consequences for their residence status. The EC should review the rules that limit the possibility for au pairs to change host families within the duration of their permit. Au pairs should always be able to change family if they are not granted adequate living and working conditions, or experience abuse. In such cases, PICUM recommends renewing their permits for at least one year, to provide them with the opportunity to find another family and complete their au pair experience in the country.

4. Addressing the structural causes that lead to the abuse of au pair schemes⁴⁵

- The EC and member states (MS) should recognise the demand for labour force in the sector, by ensuring that domestic and community and home care work are considered eligible under general work permit schemes for admission for people from outside of the EU.
- The EC and MS should set concrete actions to promote decent work for all care workers, regardless of their migration or residence status. In addition to the minimum standards set out in EU law, key aspects include the issuing of renewable permits of reasonable initial duration; equal treatment and rights, including the right to bring family members and social protection (including portability); real possibilities to change employer and status, including time to be unemployed; pathways to settled status and citizenship.
- MS should implement schemes for regularisation of workers currently performing domestic and care jobs with irregular or precarious status, ensuring autonomy of workers and mitigating risks of exploitation, as well as regularisation of their immediate family members.

45 See also [Joint recommendations for the European Care Strategy regarding migrant care providers and service users](#), March 2022.



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