

European Communities

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DOCUMENT 1-797/83

Report

drawn up on behalf of the Committee on Youth,
Culture, Education, Information and Sport

on the recognition of the status of au pairs in
the Community

Rapporteur: Mrs Phili VIEHOFF

PE 85.649/fin.

At its sitting of 15 February 1982, the European Parliament referred the motion for a resolution by Mrs VIEHOFF and others on the recognition of the status of au pairs in the Community (Doc. 1-961/81) to the Committee on Youth, Culture, Education, Information and Sport as the Committee responsible and to the Committee on Social Affairs and Employment for an opinion.

On 20 January 1983, the Committee on Youth, Culture, Education, Information and Sport appointed Mrs VIEHOFF rapporteur.

The Committee considered the draft report at its meeting of 29/30 September 1983 and adopted it unanimously.

The following took part in the vote: Mr BEUMER, Chairman; Mr HAHN, Vice-chairman; Mr FAJARDIE, Vice-chairman; Mrs VIEHOFF, rapporteur and Mr BEYER DE RYKE.

The opinion of the Committee on Social Affairs and Employment is attached.

The report was deposited on 3 October 1983.

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A.

The Committee on Youth, Culture, Education, Information and Sport hereby submits to the European Parliament the following motion for a resolution together with explanatory statement :

MOTION FOR A RESOLUTION

on the recognition of the status of au pairs in the Community

The European Parliament

- a) - noting the increasing number of young people who go abroad to be placed as au pairs ;
 - b) - recognising the contribution that this system can have towards international understanding, through the acquisition of knowledge of other languages and cultures ;
 - c) - aware, however, of the many difficulties which can arise, particularly in the areas of education and social security ;
 - d) - having regard to the Council of Europe's European Agreement on Au Pair Placement ;
 - e) - having regard to Motion for a Resolution Doc. 1-961/81 ;
 - f) - having regard to the report of the Committee on Youth, Culture, Education, Information and Sport and the opinion of the Committee on Social Affairs and Employment (Doc. 1-797/83),
1. believes that the au pair system is one which serves a very useful purpose in providing an opportunity for young people to live in a country other than their own as part of a family, thus acquiring a deep knowledge of the language and culture of the host country ;
 2. is concerned, however, at the various problems which can arise, both through lack of adequate information and preparation, and the lack of any defined or standardised conditions governing au pair placements ;
 3. aware of the significant contributions made by organisations in the Member States towards improving the situation relating to au pair placements, in particular by recognising the problems and providing information and back-up services ;

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4. recognises the significant contribution made by the Council of Europe in its European Agreement on Au Pair Placements, the full implementation of which would resolve many of the problems involved ;
5. points out that not all Member States have yet been able to ratify this Agreement ;
6. calls on the Commission to ascertain the real reasons for this reluctance to ratify the Agreement, and to report back to Parliament, also giving its Opinion as to the validity of these reasons ;
7. believes that the long-term solution should be the ratification by all Member States of the Council of Europe Agreement ;
8. points out, however, that the reservation allowed that "any Contracting Party may declare that it reserves the right (a) to consider that the term person placed "au pair" should apply only to females" is contrary to the principle of equality, and as such could not be availed of by any Community Member State ;
9. pending the ratification of the Council of Europe Agreement, calls on the Member States to implement, on a voluntary basis, those provisions essential in the interests of au pairs, in particular those concerning information, education and social security ;
10. calls on the Commission to ascertain as far as possible the number of au pairs in each Member State, their country of origin, age, sex, level of education and/or professional status, bearing in mind the difficulties encountered by the Council of Europe in trying to obtain the same statistics ;
11. calls on the Commission to prepare a Recommendation on the status of au pairs before March 1984 which, based on the proposals of the Council of Europe Agreement, will :
 - define the status of the au pair and will set out generally accepted standards relating to living and working conditions, and educational and social security provisions ;
 - propose an Agreement, based on the standards above, setting down the rights and duties of the host family and the au pair - to be made available to intending au pairs and hosts, and to be the basis of a signed agreement ;
 - calls for the setting up of state advisory and information structures, as part of the educational services of each country, for the au pairs and the host families, which will have inter alia the task of registering au pair agencies and language schools ;

- establish a parallel structure within its own services to coordinate the activities of the national bodies, and monitor progress.

12. calls on its President to forward this Resolution to the Commission, Council, Member States and the Council of Europe.

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EXPLANATORY STATEMENTIntroduction

The institution of "Au Pair" placements has existed for some time and continues to flourish. There is general agreement that the au pair system serves a very useful purpose in allowing for young people to go abroad to improve their knowledge of the language and culture of another country, and that many of these young people benefit considerably from this experience, as do their host families.

However, there is also a considerable amount of evidence to suggest that there have been many problems involving the exploitation of the young au pair. There have also been problems for the host family, faced with an insuitable or ill-prepared au pair. Many of these arise from the lack of information and advice for either party. Another problem is the complex question of social security coverage. The considerable work done by several bodies in the Member States (to name but one - International Youth Welfare) has documented these issues in detail.

In addition, the nature of the au pair system has changed over the years. "Arranged in the past on a friendly basis between families known to each other or through mutual acquaintances, it became a unique social phenomenon because of its frequency and the large number of persons involved".(1) And more recently, the economic crisis, accompanied by massive unemployment and stringent immigration policies in some countries, have caused a re-thinking of attitudes to the au pair system.

All of this calls for an examination of the system at Community level, with a view to achieving a standard status recognised by the governments of the Member States, pending the ratification of the Council of Europe Agreement on Au Pair Placement (2).

Council of Europe Agreement on Au Pair PlacementContents

The Council of Europe prepared an Agreement on Au Pair Placement, in 1969, which dealt in an excellent and thorough fashion with the problem. It

(1) See explanatory report on European Agreement on Au Pair Placement - Strasbourg, 1972.

(2) See European Treaty Series N. 68 - Strasbourg 1969

sought to "define and standardise, in all Member States, the conditions governing "au pair" placement" (Preamble).

It defines au pair status as follows :

"Au pair placement is the temporary reception by families, in exchange for certain services, of young foreigners who come to improve their linguistic and possibly professional knowledge as well as their general culture by acquiring a better knowledge of the country where they are received". (Art. 2)

In the Preamble, it points out that as au pair placements transcend national boundaries, they take on a European complexion ; au pairs are neither students nor workers and therefore need special appropriate arrangements ; as they are mostly minors, they need special protection and, finally, only the public authorities can fully ensure and supervise the implementation of the principles in the Agreement.

- Art. 3 limits the placement period to one year, extendable to two years maximum.
- Art. 4 sets an age limit of from 17 years to 30 years.
- Art. 5 calls for a medical certificate for the au pair.
- Art. 6 provides for a written agreement between au pair and host family.
- Arts. 7 to 9 deal specifically with the living and working conditions of the au pair, to be listed in the Agreement, relating to accomodation, provision for language classes and cultural activities, free time (at least one full day per week, at least one Sunday per month), pocket money, family duties (maximum five hours per day).
- Art. 10 deals with social security benefits - where these cannot be officially covered, the host family must take out private insurance.
- Art. 11 states that the Agreement may be terminated at two weeks notice.
- Art. 12 calls for the appointment by each Member State of the public body "and may appoint the private bodies to be entitled to deal with Au Pair Placement."
- Arts. 13 to 22 deals with procedures for applying, signing and ratifying the Agreement.

- Annex II allows for reservations as to whether the term "au pair" shall apply only to females.
- Finally, a Model Agreement between the host and the au pair is included (Annexed).

Ratification of European Agreement

To date, the only Community countries to ratify the Agreement are France, Denmark and Italy, while Belgium, Luxembourg, Germany and Greece have signed it. Thus, the U.K., The Netherlands and Ireland have neither signed nor ratified the Agreement. Of the other Council of Europe countries, only Norway has ratified and Switzerland has signed.

The apparent reason for the reluctance to ratify the Agreement lies with the legal nature of the contract provided for under Article 6 of the Agreement.

The Commission, answering questions (1), recently said it would ask Member States who have not yet done so to ratify the Agreement. It should be called on to find out from the Member States what are the real reasons for their reluctance to ratify, and to assess whether these are valid, and whether it can call on the Member States to ratify the Council of Europe Agreement.

Statistical Information

The Council of Europe has been unable to assess with any accuracy how many au pairs there are in Europe and in what countries.

Some Proposals

Thus, while in the long term the ideal solution is the signing, ratification and implementation by each of the Community Member States - and the applicant countries - of the Council of Europe Agreement, and by the Community as a whole, this will not provide any solutions in the short-to-medium term ; and solutions are needed immediately.

However, the Agreement can serve as a useful, even essential, guideline to the Member States and to the Commission in assessing the situation of au pairs and implementing measures to obviate the existing problems. The following points would seem essential :

- (i) The Council of Europe's definition of au pair must be rigorously applied. The au pair experience is essentially an educational and cultural one involving participation as a member of the host family.

(1) Question N. 748/80 - O.J. C 283/80
Question N. 1003/79 - O.J. C 19/80

If this point is insisted upon, and accepted in the long term, the grounds for the objection to written agreements should disappear. It could also serve to obviate the problem of young unemployed people being exploited as cheap domestic labour, under the guise of au pairs.

- (ii) Greater public involvement is necessary in the organisation of au pair placements - ideally through the educational authorities - and a permanent coordinating structure should be set up in each Member State which would, *inter alia*, ensure the provision of information both to outgoing and incoming au pairs, the host families and authorities, and would supervise the signing and implementing of a written agreement.
It would also be responsible for recommending suitable language schools and teachers and registering agencies (in the short term - it should eventually replace these).
- (iii) A parallel office or structure should be set up at Commission level, to supplement and coordinate the activities of the national offices. This office or structure could work in conjunction with the officials who deal with student and teacher exchanges, or possibly the Young Worker's Exchange Programmes. It would also be responsible for monitoring the implementation of Community decisions in this area.
- (iv) Registration for language courses should be compulsory. The Council of Europe Agreement does not insist on this, on the basis that there may not be organised courses in a particular town. However, in this case, private lessons should be provided by a recognised teacher and written evidence to this effect should be made available to the appropriate authority.
- (v) Adequate provision for social security must be made. The relevant parts of the Council of Europe Agreement are vague on this subject. However, in the Community framework it should be marginally easier to find a solution. Some Member States already have specific provision for au pairs (1). Options could include :
(a) the provisions relating to students studying abroad ;

(1) Guide : Social Security provisions - Au Pair Agreement : Strasbourg.

- (b) the arrangements made for young workers participating in the Exchange of Young Workers Programmes. Particular attention would have to be given to au pairs from Third Countries.

Conclusion

The most appropriate Community instrument at this point in time would appear to be a Recommendation. If the Council of Europe is having difficulties getting its Agreement through, it is likely to be at least equally difficult to have a Directive accepted. A Recommendation will at least raise public awareness - not least for those interested in au pairs - in the problems involved, and all sources suggest that lack of information is the cause of most problems. In addition, the existence of a generally accepted Agreement should help, even if it is not legally binding ; for if the host or au pair is not prepared to agree beforehand to reasonable conditions that should be an adequate warning. Such a Recommendation should base itself on the Council of Europe Agreement, putting its proposals into a Community context, in particular :

- calling for the establishment of appropriate authorities to deal with all aspects of the au pair placement procedure
- the drafting of a Model Agreement covering all the rights and duties of the au pair and the host family - to be signed by both host and au pair.

The Commission should also prepare a report on the whole question, including consideration of some Member States' reluctance to ratify the Council of Europe Agreement, and should also ascertain the number of au pairs in each Member State, their country of origin, age, sex, level of education and/or professional status.

There is a definite positive Community role which can be played in finding lasting, positive solutions to the problem of the au pair placement system, so that it can fulfil its potential in improving the understanding and knowledge of the different languages and cultures in the Community with the ensuing positive contributions towards international understanding.

MOTION FOR A RESOLUTION (Doc. 1-961/81)

tabled by Mr Viehoff, Ms Clwyd, Mr Albers, Mrs Hoff, Mr Griffiths, Mrs Weber, Mr Enright, Mr Hansch, Mr Key, Mr Horgan, Mr Pattison, Ms Quin, Mr Collins, Mr Adam, Mr Boyes, Mrs Salisch, Mr Peters, Mrs Castle and Mrs Seibel-Emmerling on behalf of the Socialist Group
pursuant to Rule 47 of the Rules of Procedure
concerning the recognition of the status of au pairs in the Community

The European Community,

- recognising the contribution made to international understanding by the existence of the "au pair" system, through the learning of other languages and the acquiring of knowledge of other cultures,
 - aware however of the difficulties which can arise in many areas, including social security and educational facilities,
 - welcoming the work done in this area by the Council of Europe,
1. Believes that there should be one clearly defined principle combining educational employment and social requirements prevailing within the Community;
 2. Calls on the Commission to
 - say to what extent it is possible to do so
 - to make proposals towards defining a recognised "au pair" status
 - to estimate the number of "au pairs" in the Community at present

OPINION OF THE COMMITTEE ON SOCIAL AFFAIRS AND EMPLOYMENT

Draftsman: Mr Fred TUCKMAN

At its meeting of 18 th Jan. 1983, the Committee on Social Affairs and Employment appointed Mr Fred TUCKMAN draftsman of the opinion.

The opinion was discussed at the meeting of 13 June 1983 and, at the same meeting, adopted unanimously.

The following took part in the vote: Mr Papaefstratiou (Chairman); Mr Frischman (Vice-Chairman); Mr Tuckman (rapporteur); Mr Alexiadis (substitute member), Mr Calvez, Mr Chanterie, Mr Damette, Mrs Duport, Mr Eisma, Mr Ghergo, Mr Kaloyannis (deputizing for Mrs Cassanmagnago-Cerretti), Mrs Kellett-Bowman (deputizing for Sir David Nicolson), Mrs Maij-Weggen, Mr McCartin, Mr Patterson, Mr Simpson, Mrs Vandewiele (deputizing for Mr Estgen), Mr Vgenopoulos (deputizing for Mrs Charzat) and Mrs Wawrzik (deputizing for Mr Brok).

DRAFT OPINION

of the Committee on Social Affairs and Employment

Draftsman: Mr Fred TUCKMAN

1. 'Au Pair', meaning as an equal or one of the family, is a status that, in the case of the United Kingdom, dates back to agreements it made with Switzerland in 1924 and with Austria in 1930. Article 2 of the 'European Agreement on Au Pair Placements', drawn up by the Council of Europe in 1969, defines Au Pair status as follows: 'Au Pair placement is the temporary reception by families in exchange for certain services of young foreigners who come to improve their linguistic and possibly professional knowledge as well as their general culture by acquiring a better knowledge of the country where they are received'.

2. Since the Second World War, increasing numbers of young people, and notably young women, have been going abroad to work as Au Pairs with a view to acquiring, in a friendly family environment, a sound knowledge of the language and culture of the country. While reliable statistics are at present impossible to come by, the Council of Europe has confirmed that the United Kingdom is the country receiving the greatest number of Au Pairs, followed by France and the Federal Republic of Germany. The demand for other countries is small (probably less than a hundred a year), but some of these are keenly interested in the matter as many of their nationals want to go abroad as Au Pairs.

3. The European Agreement on Au Pair Placement covers such matters as upper and lower age limits for Au Pairs, duration of Au Pair placement, working conditions, social security, free time and facilities for study, the nature and form of the contract to be established between Au Pair and host family. However, of the 21 Member States of the Council of Europe, only four have so far ratified the Agreement: France, Denmark and Norway in 1971, and Italy in 1973; while another five have signed but not yet ratified the Agreement: Belgium and Luxembourg (1969), Switzerland (1970), the Federal Republic of

Germany (1976) and Greece (1979). The United Kingdom, Ireland and the Netherlands have still not even signed.

4. Belgium, the Federal Republic, Luxembourg (and Austria) appear to have problems similar to those of the United Kingdom with regard to the legal nature of the contract provided for under Article 6 of the Agreement (while Sweden has difficulties linked to the application of some parts of the social security legislation).

5. In the view of the Council of Europe and of bodies such as the British Standing Conference of Overseas Friendship Associations, a very considerable step forward would be accomplished if clear and detailed information were made available to potential and actual Au Pairs and host families by the appropriate authorities in all the countries concerned (along the lines of the explanatory leaflet formerly issued by the British Home Office), including a list of recommended bodies dealing with Au Pair placement.

6. The present employment situation in Europe may bring some young people to apply for Au Pair posts who would not have done so in more prosperous times. However, it is unlikely that more than a handful of Au Pair openings offer enough scope for being turned into fully-paid fulltime posts.

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7. The Committee on Social Affairs and Employment invites the Committee on Youth, Culture, Education, Information and Sport to include the following points in its draft motion for a resolution:

The Committee on Social Affairs and Employment:

- (a) Endorses the value of the Au Pair arrangement as an ideal opportunity for young people to learn a foreign language in a family environment and to gain an insight into another culture, thereby furthering international understanding;

- (b) Recognises, at a more down-to-earth level, that the Au Pair arrangement must be to the mutual advantage of both parties, i.e. in exchange for providing the Au Pair with a home from home and a unique educational opportunity, the host family is also entitled to some help in the house in return, limited in time and physical effort;
- (c) Recognises, therefore, the need for both parties, in concluding the arrangement, to have a clear idea of what they can expect from one another, in terms, in particular, of duration of employment, working conditions, social security, free time, facilities for study (including transport) and the type and form of the contract, and is convinced that much of the success of the Au Pair arrangement is dependent on the good will of both sides;
- (d) Considers it desirable that there should also be easily accessible bodies to which Au Pairs and, if appropriate, host families could turn for advice and which, wherever possible, should provide facilities for Au Pairs to meet other young people;
- (e) Deplores any arrangements which discriminate against boys and young men having this educational opportunity;
- (f) Welcomes the continuing efforts of the Council of Europe to protect the interests of Au Pairs and their host families on the basis of the "European Agreement on Au Pair Placement";
- (g) Notes, however, that of the 21 Member States of the Council of Europe, only four (Denmark, France, Italy and Norway) have ratified this Agreement which entered into force on 30 May 1971, and observes that, as there have been no further ratifications since 1983, there are obviously provisions in the Agreement which the vast majority of Member States are unwilling or unable to accept;

- (h) Hopes nevertheless that the remaining 7 Member States of the European Community which have not yet ratified the Agreement will at least respect its basic provisions;
- (i) Urges all Member States to ensure that adequate provision is made for protecting the interests both of Au Pairs and host families, and that clear information in this respect is made available on demand;
- (j) Requests Member States to provide useful, clear and easily understood explanatory leaflets;
- (k) Proposes that persistent complaints about misrepresentation and abuse made by a minority of girls and by some organisations be investigated; in their allegations, they speak of misleading and even false descriptions of the host families and their homes, ill treatment and exploitation;
- (l) Suggests that a careful line be drawn between matters which can be settled through legal channels and those which can only be handled at the individual level;
- (m) Stresses the fact that the success of the relationship between Au Pair and host family depends almost entirely on the personalities and good will of those concerned, and that the introduction of official regulations and the setting up of bureaucratic machinery might very well destroy an arrangement which by and large has proved highly successful and, moreover, prevent potential Au Pairs and host families from embarking on such a venture;
- (n) Calls on the Commission to consider the possibility of Community action towards defining and improving the status of Au Pairs at national and Community level and to come forward at the earliest opportunity with its conclusions and any specific proposals.