Recommendation 468 (1966)[1]

"Au pair" employment

Parliamentary Assembly

The Assembly,

1. Considering that more and more young Europeans, especially girls, are going abroad and taking short-term employment, arranged in advance, with private individuals in return for board, lodging, pocket-money, etc. ;

2. Considering that, without wishing to make any critical assessment of this widespread practice, it is advisable to define and standardise in all member countries the conditions governing such "au pair" employment and to establish a proper balance between the work performed and the remuneration given by the receiving families or employers ;

3. Considering that the problems created by the application in member countries of "au pair" employment contracts transcend national boundaries, and thereby take on a European complexion ;

4. Considering that a solution to this important problem, with its legal, cultural and economic implications, can be worked out only at European level by means of multilateral agreements ;

5. Believing that public authorities and specialised private organisations have an important information role to play in this field and in particular drawing the attention of persons wishing to take up "au pair" posts and of families willing to receive them to the importance of approaching these authorities or organisations rather than other bodies not offering the same guarantees and incapable of intervening with the same effect in cases of difficulty ;

6. Having regard to the report of its Social Committee (Doc. 2072),

7. Recommends the Committee of Ministers :

a. to prepare, by way of an international convention or agreement, and taking as a basis the draft appended to this Recommendation, "European Rules for 'Au Pair' Employment" defining the rights and duties of the parties and taking into account the customs prevailing in the various member countries of the Council of Europe ;

b. to institute a "European list" on which member Governments could place public or private bodies, associations, agencies, etc., which are qualified to act as intermediaries for "au pair" posts and undertake to observe the provisions of the "European Rules for 'Au Pair' Employment".

c. to provide these organisations, associations and agencies with an opportunity of undertaking a yearly exchange of information on their experience, the results of the exchange being subsequently made available to the competent authorities of member States of the Council of Europe.

1. Assembly Debate on 29th September 1966 (14th Sitting) (see Doc. 2072, report of the Social Committee). Text adopted by the Assembly on 29th September 1966 (14th Sitting).

Appendix Draft rules for "au pair" employment

Article 1 - Definition

The Signatory States hereby recognise the practice of "au pair" employment, which consists in the reception by families, for a period generally limited to one year or in exceptional cases to two years, of young foreigners who desire to improve their linguistic and professional qualifications as well as their general culture by acquiring a better knowledge of the receiving country, and who offer in exchange some household assistance, although without being regarded on that account as wage-earners.

Article 2 - Age

In no circumstances shall any person under 18 or over 25 years of age be engaged "au pair", save that in exceptional cases the upper age-limit may be raised to 30.

Article 3 - Medical certificate

An "au pair" employee shall produce a certificate attesting that he or she has been medically examined prior to leaving the country of origin.

Article 4 - Prior agreement

Before accepting "au pair" employment, the person concerned - or, if a minor, the legal representative or guardian - shall conclude with the head of the receiving family an agreement, in the form of a contract or an exchange of letters, specifying the rights and obligations of each party in respect of the other. A copy of this agreement shall be lodged with the authorities responsible for issuing residence permits to aliens.

Article 5 - Reception

The agreement shall specify inter alia the extent to which the "au pair" employee is to share the life of the receiving family, while at the same time enjoying a certain degree of independence and, in particular, occupying a separate room.

Article 6 - Duties

The services required of an "au pair" employee shall consist in general household occupations (cleaning, cooking, care of children, etc.), the time thus occupied, together with other time actually "on duty", being approximately half of the normal working day of paid domestic help.

Article 7 - Free time

A person employed "au pair" must have one full free day per week, one at least in every month being a Sunday. All facilities must be given for attending language or other classes as well as religious services if desired.

Article 8 - Pocket-money

A person employed "au pair" must receive some pocket-money to an amount varying according to the custom of the receiving country and the services provided on both sides. It shall in no way be considered as remuneration nor shall it be subject to tax.

Article 9 - Social protection

A person employed "au pair" must enjoy social protection, and should, in particular, be insured by, and at the expense of, the receiving family against sickness and accidents, preferably through affiliation to the national social security scheme, unless the host family is prepared to make its own special arrangements for passing on this responsibility to some official or recognised body.

Article 10 - Third party liability

The receiving family shall accept liability for any injury caused to third parties by an "au pair" employee in the performance of household duties.

Article 11 - Termination of contract

Either party shall be entitled to terminate the agreement by giving the notice normally required in the receiving country in respect of paid domestic staff, though such notice should in no case be less than two weeks.

Article 12 - Disputes

The parties shall be entitled to refer any disputes arising, in the last instance, to the manpower authorities of the receiving country or to the appropriate judicial authorities.