

# · **European Agreement on "au pair" Placement**

**Strasbourg, 24.XI.1969**

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The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve greater unity between its members, in particular for the purpose of facilitating their social progress;

Noting that in Europe more and more young persons, especially girls, are going abroad to be placed "au pair";

Considering that, without wishing to make any critical assessment of this widespread practice, it is advisable to define and standardise, in all member States, the conditions governing such "au pair" placement;

Considering that "au pair" placement constitutes in member States an important social problem with legal, moral, cultural and economic implications, which transcends national boundaries and thereby takes on a European complexion;

Considering that persons placed "au pair" belong neither to the student category nor to the worker category but to a special category which has features of both, and that therefore it is useful to make appropriate arrangements for them;

Acknowledging more particularly the need to give persons placed "au pair" adequate social protection inspired by the principles laid down in the European Social Charter;

Considering that many of these persons are minors deprived for a long period of the support of their families, and that as such they should receive special protection relating to the material or moral conditions found in the receiving country;

Considering that only the public authorities can fully ensure and supervise the implementation of these principles;

Being convinced of the need for such co-ordination within the framework of the Council of Europe,

Have agreed as follows:

## Article 1

Each Contracting Party undertakes to promote in its territory to the greatest extent possible the implementation of the provisions of this Agreement.

## Article 2

- a. "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.
- b. Such young foreigners are hereinafter called persons placed "au pair".

#### Article 3

Placement "au pair" which shall initially be for a period not exceeding one year, may, however, be extended to permit of a maximum stay of two years.

#### Article 4

- a. The person placed "au pair" shall not be less than 17 or more than 30 years of age.
- b. Nevertheless, exceptions to the upper age limit may be granted by the competent authority of the receiving country in individual cases when justified.

#### Article 5

The person placed "au pair" shall have a medical certificate, established less than three months before placement, declaring that person's general state of health.

#### Article 6

- a. The rights and obligations of the person "au pair" and the receiving family, as those rights and obligations are defined in this Agreement, shall be the subject of an agreement in writing to be concluded between the parties in question, in the form of a single document or of an exchange of letters, preferably before the person placed "au pair" leaves the country in which that person was resident and at latest during the first week of the placement.
- b. A copy of the agreement referred to in the preceding paragraph shall be lodged in the receiving country with the competent authority or the organisation chosen by this authority.

#### Article 7

The agreement referred to in Article 6 shall specify *inter alia* the manner in which the person placed "au pair" is to share the life of the receiving family, while at the same time enjoying a certain degree of independence.

#### Article 8

- a. The person placed "au pair" shall receive board and lodging from the receiving family and, where possible, shall occupy a separate room.
- b. The person placed "au pair" shall be given adequate time to attend language courses as well as for cultural and professional

improvement; every facility as regards the arrangement of working hours shall be accorded to this end.

- c. The person placed "au pair" shall have at least one full free day per week, not less than one such free day in every month being a Sunday, and shall have full opportunity to take part in religious worship.
- d. The person placed "au pair" shall receive a certain sum of money, as pocket money, the amount of which and the intervals at which it is paid shall be determined by the agreement referred to in Article 6.

#### Article 9

A person placed "au pair" shall render the receiving family services consisting in participation in day-to-day family duties. The time effectively occupied in such services shall generally not be more than five hours per day.

#### Article 10

- a. Each Contracting Party shall state, by listing them in Annex I to this Agreement, the benefits to which a person placed "au pair" will be entitled within its territory in the event of sickness, maternity or accident.
- b. If and in so far as the benefits listed in Annex I cannot be covered, in the receiving country, by national social security legislation or other official schemes, taking into account the provisions of international agreements or the Regulations of the European Communities, the competent member of the receiving family shall, at his own expense, take out a private insurance.
- c. Any change in the list of benefits in Annex I shall be notified by any Contracting Party in accordance with Article 19, paragraph 2.

#### Article 11

- a. Where the agreement referred to in Article 6 has been concluded for an unspecified period, either party shall be entitled to terminate it by giving two weeks' notice.
- b. Whether the agreement was made for a specified period or not, it may be terminated with immediate effect by either party in the event of serious misconduct by the other party or if other serious circumstances make such instant termination necessary.

#### Article 12

The competent authority of each Contracting Party shall appoint the public bodies and may appoint the private bodies to be entitled to deal with "au pair" placement.

#### Article 13

- a. Each Contracting Party shall send to the Secretary General of the Council of Europe a report at five-yearly intervals, in a form to be determined by the Committee of Ministers, concerning the

- application of the provisions of Articles 1 to 12 of this Agreement.
- b. The reports of the Contracting Parties shall be submitted for examination to the Governmental Social Committee of the Council of Europe.
  - c. The Governmental Social Committee shall present to the Committee of Ministers a report containing its conclusions; it may also make any proposals designed to:
    - i. improve the practical implementation of this Agreement;
    - ii. amend or supplement its provisions.

#### Article 14

- a. This Agreement shall be open to signature by the member States of the Council of Europe, who may become Parties to it either by:
  - i. signature without reservation in respect of ratification or acceptance; or
  - ii. signature with reservation in respect of ratification or acceptance, followed by ratification or acceptance.
- b. Instruments of ratification or acceptance shall be deposited with the Secretary General of the Council of Europe.

#### Article 15

- a. This Agreement shall enter into force one month after the date on which three member States of the Council shall have become Parties to the Agreement, in accordance with the provisions of Article 14.
- b. As regards any member States who shall subsequently sign the Agreement without reservation in respect of ratification or acceptance or who shall ratify or accept it, the Agreement shall enter into force one month after the date of such signature or after the date of deposit of the instrument of ratification or acceptance.

#### Article 16

- a. After the entry into force of this Agreement, the Committee of Ministers of the Council of Europe may invite any non-member State to accede thereto.
- b. Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect one month after the date of its deposit.

#### Article 17

- a. Any signatory State, at the time of signature or when depositing its instrument of ratification or acceptance, or any acceding State, when depositing its instrument of accession, may specify the territory or territories to which this Agreement shall apply.
- b. Any signatory State, when depositing its instrument of ratification or acceptance or at any later date, or any acceding State, when depositing its instrument of accession or at any later date, by declaration addressed to the Secretary General of the Council of

Europe, may extend this Agreement to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.

- c. Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn according to the procedure laid down in Article 20 of this Agreement.

#### Article 18

- a. Any signatory State, at the time of signature or when depositing its instrument of ratification or acceptance, or any acceding State when depositing its instrument of accession, may declare that it avails itself of one or more of the reservations provided for in Annex II to this Agreement. No other reservation shall be admissible.
- b. Any signatory State or any Contracting Party may wholly or partly withdraw a reservation it has made in accordance with the foregoing paragraph by means of a declaration addressed to the Secretary General of the Council of Europe which shall become effective as from the date of its receipt.

#### Article 19

- a. Any signatory State, at the time of signature or when depositing its instrument of ratification or acceptance, or any acceding State when depositing its instrument of accession, shall make known the benefits to be listed at Annex I in accordance with the provisions of paragraph 1 of Article 10.
- b. Any notification referred to in paragraph 3 of Article 10 shall be addressed to the Secretary General of the Council of Europe and shall state the date from which it takes effect.

#### Article 20

- a. This Agreement shall remain in force indefinitely.
- b. Any Contracting Party may, in so far as it is concerned, denounce this Agreement by means of a notification addressed to the Secretary General of the Council of Europe.
- c. Such denunciation shall take effect six months after the date of receipt by the Secretary General of such notification.

#### Article 21

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to this Agreement of:

- a. any signature without reservation in respect of ratification or acceptance;
- b. any signature with reservation in respect of ratification or acceptance;

- c. the deposit of any instrument of ratification, acceptance or accession;
- d. the lists of benefits listed at Annex I;
- e. any date of entry into force of this Agreement in accordance with Article 15 thereof;
- f. any declaration received in pursuance of the provisions of paragraphs 2 and 3 of Article 17;
- g. any reservation made in pursuance of the provisions of paragraph 1 of Article 18;
- h. the withdrawal of any reservation carried out in pursuance of the provisions of paragraph 2 of Article 18;
- i. any notification received in pursuance of the provisions of paragraph 2 of Article 19;
- j. any notification received in pursuance of the provisions of Article 20 and the date on which denunciation takes effect.

## Article 22

The Protocol attached to this Agreement shall form an integral part of it.

In witness whereof the undersigned, being duly authorised thereto, have signed this Agreement.

Done at Strasbourg, this 24th day of November 1969, in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding States.

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## Protocol

(Article 10)

- Each Contracting Party makes the statement at Annex I and any subsequent changes thereto, entirely on its own responsibility.
- The benefits listed at Annex I should ensure, as far as possible, that the cost of medical treatment, pharmacy and hospital care is covered.

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## Annex I

(Article 10)

Benefits

*(Lists notified – Status as of 1 January 2003)*

None.

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## **Annex II**

(Article 18.1)

### **Reservations**

Any Contracting Party may declare that it reserves the right:

- a. to consider that the term "person placed au pair" shall apply only to females;
- b. to adopt, of the two methods specified in Article 6, paragraph 1, only that which lays down that the agreement in writing shall be concluded before the person placed "au pair" leaves the country in which that person was resident;
- c. to derogate from the provisions of Article 10, paragraph 2, in so far as one half of any private insurance premiums would be covered by the receiving family and in so far as this derogation would be brought, before the conclusion of the agreement, to the attention of any person interested in an "au pair" placement;
- d. to defer implementation of the provisions of Article 12 until it has been able to make the necessary practical arrangements for such implementation, on the understanding that it shall endeavour to make these arrangements as soon as possible.