

PRESS RELEASE

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Report to the Flemish Parliament

Au pairs

At the request of the Flemish Parliament, the Court of Audit examined the au pair system. In the existing regulations for non-EU au pairs, their stays have a hybrid character: they mention cultural exchange and light household tasks, but these are concepts insufficiently developed, which complicates inspection. The Court recommends that the competent authorities should work out a better legal framework and should also pay attention to EU au pairs, for whom currently no regulations do exist.

Current system and possible authorization frameworks

Flanders had 353 non-EU au pairs in 2017, almost half of them from the Philippines and South Africa. The number of EU au pairs is unknown because registration is missing. The Flemish Region, which has been responsible for the au pair system since the sixth state reform, has not yet drafted any new regulations. After all, the Consultation Committee had decided that for the time being the au pair arrangement could remain a federal competence. The existing 1999 regulation only provides a framework for non-EU au pairs. It allows the au pair to work up to 20 hours a week. Furthermore, the au pair should receive 450 euros payment in pocket money and the work should consist of light household tasks, including childcare.

The au pair statute has a hybrid character. The main purpose of the stay is cultural exchange. But there is also a labor aspect: the au pair performs household tasks in exchange for pocket money and a stay with a host family. The current legal framework leaves too much room for interpretation as the concepts of cultural exchange and light household tasks have not been sufficiently developed.

Administrative accessibility

EU au pairs can come to a host family without formalities on the base of the EU free movement of persons principle. For a non-EU au pair, the host family must first apply for a work permit, after which the au pair must apply for a residence permit. These procedures are sufficiently accessible.

Au pair agencies

Host families and au pairs can rely on specialized agencies to find a suitable candidate or host family. There is no sector overview: only a few Flemish agencies are responsible for most of the placements, but they do not make out the entire sector. Partnerships are often concluded with foreign agencies. In addition, agencies established abroad can enter au pairs in Flanders via online mediation. For EU au pairs regulation possibilities are restricted, given

Europe's free movement of services principle. For non-EU au pairs a new European guide line allows regulation of au pair agencies.

Flemish social inspection: supervision of au pairs and host families

The Flemish social inspection (FSI), which belongs to the Department of Work and Social Economy, actively carries out checks on host families and au pairs. In one third of the cases irregularities are detected, often with regard to the amount of pocket money or the number of hours worked. Inspection is hampered by the fact that some concepts in legislation are unclear (e.g. light household tasks).

Conclusions and recommendations

The Court of Audit suggests a number of ways to improve policy. A number of solutions however, fall outside the competence of the Flemish Region. Thus, the creation of an employee status is a federal competence. Given the hybrid status, Flemish government can develop a better legal framework for non-EU au pairs and regulate the sector of au pair agencies. For EU au pairs, it needs to work out a registration system and to guarantee equal rights and obligations.

Information for the press

The Court of Audit exerts an external control on the financial operations of the Federal State, the Communities, the Regions and the provinces. It contributes to improving public governance by transmitting to the parliamentary assemblies, to the managers and to the audited services any useful and reliable information resulting from a contradictory examination. As a collateral body of the Parliament, the Court performs its missions independently of the authorities it controls.

The audit report on *Au pairs* has been sent to the Flemish Parliament. The full version and this press release can be found on the Court's website: www.courtofaudit.be.