

No. 11214

MULTILATERAL

European Agreement on *au pair* placement (with annexes and protocol). Done at Strasbourg on 24 November 1969

Authentic texts: English and French.

Registered by the Council of Europe, acting on behalf of the Contracting Parties in accordance with Resolution 54 (6) adopted on 3 April 1954 by the Committee of Ministers of the Council of Europe, on 12 July 1971.

MULTILATÉRAL

Accord européen sur le placement au pair (avec annexes et protocole). Fait à Strasbourg le 24 novembre 1969

Textes authentiques : anglais et français.

Enregistré par le Conseil de l'Europe, agissant au nom des Parties contractantes conformément à la résolution 54 (6) adoptée le 3 avril 1954 par le Comité des ministres du Conseil de l'Europe, le 12 juillet 1971.

EUROPEAN AGREEMENT¹ ON *AU PAIR* PLACEMENT

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

¹ Came into force on 30 May 1971, i.e. one month after the date on which the following three member States of the Council of Europe had signed without reservation in respect of ratification or acceptance(s), or deposited their instrument of ratification or acceptance (A) with the Secretary-General of the Council of Europe, in accordance with article 15 (1):

State	Date of definitive signature or deposit of instrument
France*	5 February 1971 A
Denmark	29 April 1971 s
Norway**	29 April 1971 s

* For the text of the reservation and declarations made at the time of signature, see pp. 274 and 275 of this volume.

** For the text of the reservation made at the time of signature, see p. 276 of this volume.

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

1. *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. 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

1. The person placed *au pair* shall not be less than 17 or more than 30 years of age.

2. 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

1. 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.

2. 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

1. The person placed *au pair* shall receive board and lodging from the receiving family and, where possible, shall occupy a separate room.

2. 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.

3. 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.

4. 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

1. 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.

2. If and insofar 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.

3. 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

1. 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.

2. 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

1. 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.

2. The reports of the Contracting Parties shall be submitted for examination to the Governmental Social Committee of the Council of Europe.

3. 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

1. This Agreement shall be open to signature by the member States of the Council of Europe, who may become Parties to it either by:

- (a) signature without reservation in respect of ratification or acceptance, or
- (b) signature with reservation in respect of ratification or acceptance, followed by ratification or acceptance.

2. Instruments of ratification or acceptance shall be deposited with the Secretary General of the Council of Europe.

Article 15

1. 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.

2. 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

1. 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.

2. 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

1. 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.

2. 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.

3. 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

1. Any signatory State, at the time of signature or when depositing its instrument of ratification or acceptance, or any acceding State when depositing its instruments 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.

2. 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

1. 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.

2. 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

1. This Agreement shall remain in force indefinitely.

2. Any Contracting Party may, insofar as it is concerned, denounce this Agreement by means of a notification addressed to the Secretary General of the Council of Europe.

3. 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.

For the Government
of the Republic of Austria :

Pour le Gouvernement
de la République d'Autriche :

For the Government
of the Kingdom of Belgium :
with reservation in respect
of ratification or acceptance

Pour le Gouvernement
du Royaume de Belgique :
sous réserve de ratification
ou d'acceptation

J. LODEWYCK

For the Government
of the Republic of Cyprus :

Pour le Gouvernement
de la République de Chypre :

For the Government
of the Kingdom of Denmark :

Pour le Gouvernement
du Royaume de Danemark :

Strasbourg, le 29 avril 1971

A. ROSENSTAND HANSEN

For the Government
of the French Republic :¹
with reservation in respect
of ratification or acceptance

Pour le Gouvernement
de la République française¹ :
sous réserve de ratification
ou d'acceptation

Strasbourg, 3 juin 1970

M. DE CAMARET

¹ Reservation and declarations made by the
Government of France at the time of signature:

[TRANSLATION* — TRADUCTION**]

Reservation :

1. The French Government reserves the right, as provided in paragraph (b) of Annex II to the Agreement, 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;

* Translation by the Secretariat-General of the Council of Europe.

** Traduction du Secrétariat général du Conseil de l'Europe.

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¹ Réserve et déclarations faites par le Gouvernement français au moment de la signature :

Réserve :

1. « ... Le Gouvernement français fait usage de la réserve prévue à l'annexe II, b de l'Accord et ... ne retient des deux modalités instituées par l'article 6, paragraphe 1^{er}, que celle prévoyant que la conclusion du contrat devra se faire avant que la personne au pair n'ait quitté le pays de sa résidence; »

For the Government
of the German
Federal Republic:

Pour le Gouvernement
de la République fédérale
d'Allemagne :

For the Government
of the Kingdom of Greece:

Pour le Gouvernement
du Royaume de Grèce :

For the Government
of the Icelandic Republic:

Pour le Gouvernement
de la République islandaise:

For the Government
of Ireland:

Pour le Gouvernement
d'Irlande :

For the Government
of the Italian Republic:
with reservation in respect
of ratification or acceptance

Pour le Gouvernement
de la République italienne :
sous réserve de ratification
ou d'acceptation

CARLO ENRICO GIGLIOLI

For the Government of the
Grand Duchy of Luxembourg:
with reservation in respect
of ratification or acceptance

Pour le Gouvernement du
Grand-Duché de Luxembourg :
sous réserve de ratification
ou d'acceptation

Paris, 12 décembre 1969

GASTON THORN

Declarations:

2. As regards the application of Article 4, paragraph 1, persons placed *au pair* in France must be at least 18 years of age; this age may however be reduced to 17 if the persons concerned can show that they have a legal representative in France, which expression shall be deemed to mean either the father, the mother or a person to whom parental authority has been delegated;

3. As regards the application of Articles 6 and 11, under the existing French regulations the original agreement under which a person placed *au pair* is engaged must cover a period of at least three months.

Déclarations :

2. «... En ce qui concerne l'application de l'article 4, paragraphe 1^{er}, les personnes placées *au pair* en France doivent avoir au moins 18 ans; cet âge est toutefois abaissé à 17 ans lorsque les intéressées peuvent justifier qu'elles ont en France un représentant légal, cette expression désignant soit le père ou la mère, soit une personne à qui a été déléguée la puissance paternelle;

3. «... En ce qui concerne l'application des articles 6 et 11, selon la réglementation française en vigueur, le premier contrat d'engagement d'une personne placée *au pair* doit avoir une durée d'au moins trois mois.»

For the Government
of Malta:

Pour le Gouvernement
de Malte:

For the Government
of the Kingdom of the Netherlands:

Pour le Gouvernement
du Royaume des Pays-Bas:

For the Government
of the Kingdom of Norway:¹

Pour le Gouvernement
du Royaume de Norvège¹:

Strasbourg, le 29 avril 1971

LEIF EDWARDSSEN

For the Government
of the Kingdom of Sweden:

Pour le Gouvernement
du Royaume de Suède:

For the Government
of the Swiss Confederation:
with reservation in respect
of ratification or acceptance

Pour le Gouvernement
de la Confédération suisse:
sous réserve de ratification
ou d'acceptation

Strasbourg, 18 mars 1970

D. GAGNEBIN

¹ With the following reservation:

¹ Avec la réserve suivante:

[TRANSLATION* — TRADUCTION**]

Norway reserves the right to apply, of the two procedures mentioned in Article 6, paragraph 1, only that which lays down that the rights and obligations of the person *au pair* and the receiving family shall be the subject of an agreement in writing before the person placed "au pair" leaves the country in which that person was resident.

La Norvège se réserve le droit, parmi les deux procédures contenues à l'article 6, alinéa 1, d'appliquer exclusivement celle visant que les droits et devoirs de la personne placée *au pair* et de la famille d'accueil, feront l'objet d'un accord écrit avant que la personne *au pair* n'ait quitté le pays où elle résidait.

* Translation by the Secretariat-General of the Council of Europe.

** Traduction du Secrétariat général du Conseil de l'Europe.

For the Government
of the Turkish Republic:

Pour le Gouvernement
de la République turque :

For the Government of the
United Kingdom of Great Britain
and Northern Ireland:

Pour le Gouvernement du
Royaume-Uni de Grande-Bretagne
et d'Irlande du Nord :

ANNEX I

(Article 10)

BENEFITS

[DENMARK]

[TRANSLATION — TRADUCTION]

1. Sickness

On admission to an authorised social security scheme, the person placed *au pair* is entitled to:

- (a) Free medical treatment;
- (b) Free treatment in public hospitals;
- (c) Payment of 3/4 of the cost of medical prescriptions;
- (d) Usually, refund of at least 50% of the cost of preventive dental treatment;
- (e) Free nursing at home;
- (f) Grant towards the purchase of spectacles and certain other medical articles.

2. Maternity

- (a) Free attendance by midwife at confinement, etc.;
- (b) Free medical treatment;
- (c) Free in-patient treatment in public hospitals;
- (d) Daily maternity allowances for up to 14 weeks where the beneficiary has been in paid employment for at least 6 months prior to the date from which the allowances begin to run.

3. Accident

The employer is required to insure the person placed “au pair” against injury at work.

The insurance benefits comprise:

- (a) Daily allowances;
- (b) Disablement benefit;
- (c) Survivors' benefit;
- (d) Allowances for funeral expenses.

[NORWAY]

A person working as *au pair* in Norway shall be insured as an employee in accordance with the National Insurance Act (No. 12) of June 17th 1966.

The National Insurance scheme provides benefits in the event of sickness,

physical handicap, pregnancy and confinement, unemployment, old age, disability, death, and loss of breadwinner.

The following benefits are given in accordance with Chapters 2 and 3 in the National Insurance Act:

1. Medical aid in the event of sickness or physical handicap in accordance with regulations and scale of charges prescribed by the Crown. The necessary expenses for the services of a midwife and a medical practitioner at the time of confinement and of any sickness that may develop in connection with confinement, shall be refunded in full. The same applies to sickness due to employment injuries.
2. Dental treatment for a disease (including extractions).
3. Physiotherapeutic treatment.
4. Treatment for language and speech defects by a speech therapist.
5. Major drugs.
6. In the event of sickness resulting from an employment injury, a full refund shall be given for expenses made for physiotherapeutic treatment, dressings and drugs as well as for the purchase, maintenance and renewal of prostheses, supporting plasters and other suitable aids for repairing the sequels of the injury.
7. Where proper treatment cannot be provided in the patient's home, medical aid shall be replaced by medical treatment and nursing in an approved health institution. In the event of confinement, a full compensation shall be granted for the cost of maintenance in an approved maternity home in lieu of the services of a midwife and medical practitioner.
8. Sickness benefit in accordance with the provisions of Chapter 3 in the National Insurance Act. Sickness benefit shall be paid at a rate of 4 Norwegian Crowns a day, plus 0.1% of annual earnings, brought to the nearest 1,000 Crowns. Earnings below 9,000 Crowns shall, however, be brought up to the nearest 1,000 Crowns.
9. Maternity benefit shall be granted with the same amount as sickness benefit for a period of 72 days, including a period of at least 26 days as from the day of confinement. Maternity benefit shall be paid in respect of every day except Sunday.
10. Where an examination or treatment in respect of which benefit is granted entails travel, the necessary travelling expenses shall be refunded in accordance with the rules prescribed by the National Insurance Office.
11. In the event of an employment injury covered by Chapter 11 of the National Insurance Act, the insured person shall be entitled to a refund of his expenses in connection with home transportation.
12. Expenses for maintenance during the necessary absence from the place of residence in connection with a medical examination or treatment in respect of which benefit is granted, shall be refunded in accordance with the rules and charges prescribed by the National Insurance Office.

13. Examination and treatment at a central health station (family protection centre) in accordance with rules and scale of charges prescribed by the Ministry.
14. Examination and treatment at a psychiatric polyclinic for children and young people in accordance with rules and scale of charges prescribed by the Ministry.
15. Polyclinical examination and treatment in the social medicine department of a hospital in accordance with rules and charges prescribed by the Ministry.
16. Expenses incurred for hearing aids.
17. Expenses incurred for home nursing, home help for incapacitated housewives and domestic help for elderly people.
18. Expenses incurred for serums and vaccines used for preventive purposes.

One would like to draw the attention to some conditions laid down in the Act for certain benefits. As regards benefits in kind a full compensation is in many cases not made. The insured must for instance pay part of the doctor's fee him/herself.

No sickness benefit shall be granted in respect of incapacity for work resulting from an illness that develops before the employment relationship has lasted 14 days. The foregoing rule shall not apply where the person concerned has been insured for a corresponding period immediately prior to such employment, or where the incapacity for work is caused by an accident or employment injury covered by Chapter 11 of the National Insurance Act. Neither shall maternity benefit be payable unless the lying-in woman was insured with the right to sickness benefit during the last 10 months preceding the confinement. Any break of 8 weeks or less in the said 10 months shall be disregarded if the woman was insured with the right to sickness benefit for the first 2 months without interruption.

Au pairs are not entitled to benefits in accordance with Chapter 8 in the National Insurance Act (disability pensions etc.) unless the *au pair* has been insured for at least one year. As a result, the "au pair" is not insured against disability caused by a permanent injury during the first year of her/his stay in Norway, if the injury is not an employment injury. The Ministry of Social Affairs may, however, make exceptions to the rule concerning the duration of prior insurance, when special reasons justify such action. If the condition that the rule concerning the duration of prior insurance has been fulfilled, the disabled *au pair* is entitled to a basic benefit, assistance benefit and disability pension in accordance with the rules laid down in Chapter 8 of the National Insurance Act.

For the sake of order it should also be mentioned that for obtaining old age pensions and survivors' benefits, the insurance period should be at least 3 years.

In the case of employment injury and employment disease, benefits are granted in accordance with Chapter 11 in the National Insurance Act.

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, insofar as one half of any private insurance premiums would be covered by the receiving family and insofar 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.

PROTOCOL

(Article 10)

1. Each Contracting Party makes the statement at Annex I and any subsequent changes thereto, entirely on its own responsibility.

2. The benefits listed at Annex I should ensure, as far as possible, that the cost of medical treatment, pharmacy and hospital care is covered.