

Au pair in Denmark:

Cheap labour or cultural exchange

– A study of the au pair programme in Denmark
with special focus on Filipino migrants
by PhD Fellow Helle Stenum



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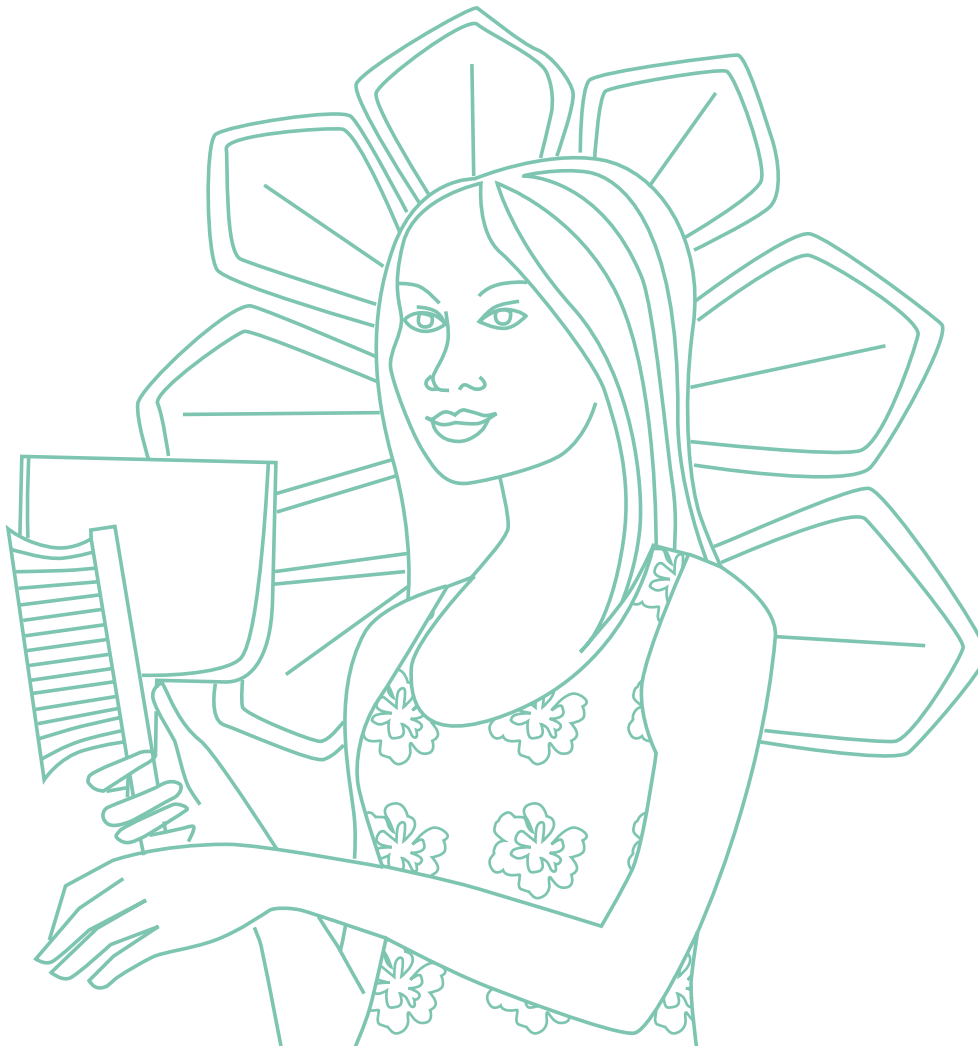
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We need new knowledge about au pair

The au pair concept hits the headlines at frequent intervals. Usually, the press coverage is concerned with specific cases; a concrete case of abuse or unreasonable conditions offered to a girl who visits Denmark as an au pair.

In recent years, the number of au pairs in Denmark has been rising steeply. The residence permits issued to prospective au pairs are five or six times higher than in the mid-90's.

Au pair was once a programme for young (West) European and North American girls, i.e. girls who travelled to another country and learned about the host country's culture and language for a period. To a certain extent, the programme is also still discussed in that framework. However, it is no longer the way the au pair system works.

By now, residence permits to prospective au pairs are issued to Philippine girls primarily, and to some degree, though a declining one, to girls from Eastern Europe. This trend may be corroborated by a review of the statistics posted on the website of the Immigration Service. Thus, naturally, the au pair concept has also become part of globalisation.

But what do we really know about the au pair situation? How do au pairs live in Denmark and what do they think? Neither specific cases nor statistics can give anything but a superficial picture, and there has been no Danish material to date that has presented an in-depth study of au pair conditions.

FOA has therefore commissioned this report, based particularly on interviews with au pairs and host families.

FOA has previously raised a number of au pair cases. They have usually been made complicated by the status of the au pair programme as a cross between the original cultural exchange and the more current system of import of domestic workers.

At FOA, we think an independent disclosure of au pair conditions had very naturally been a task for official Denmark. We are surprised that with the numerous specific cases, the steep rise in the numbers and the complete change in the countries of origin of au pairs, such a study has not been launched long ago.

However, until a more comprehensive analysis may be started up, this report presents a unique set of material. FOA has not made any editorial changes in the report prepared by PhD fellow Helle Stenum.

Jakob Bang
Union secretary, FOA

1 Background

In the past 11-12 years, the number of au pair residence permits has risen remarkably. In 1996 the authorities issued 318 au pair residence permits, while the total number of residence permits to au pairs in 2007 was 2207, meaning an increase by 694 per cent. In the first three quarters of 2008, the number of residence permits issued to au pairs was 1892.

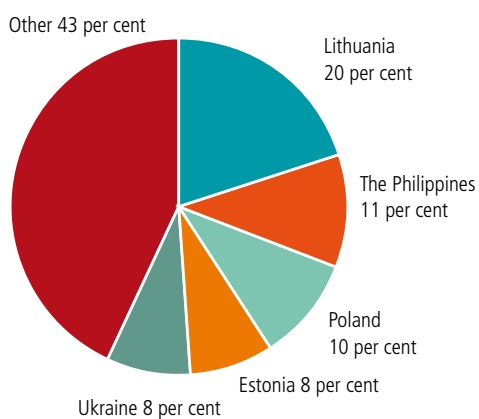
In the same period, the share of these permits issued to young women from the Philippines also rose substantially. From 1999, when the number of permits issued was 21, equal to 4 per cent of the total number of residence permits issued, this share had risen to 68 per cent by 2007, corresponding to 1510 au pair residence permits to young persons of Philippine nationality.

The following figures illustrate the trend 2002-2007:

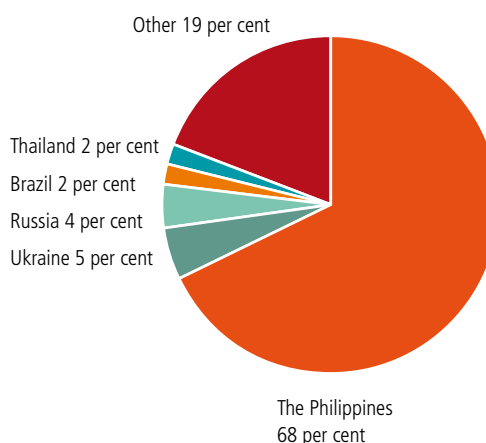
Residence permits issued to au pairs 2002-2007

Nationality	2002	2003	2004	2005	2006	2007
Philippines	124	211	475	569	955	1.510
Ukraine	90	125	198	191	170	105
Russia	86	64	82	87	79	80
Brazil	19	20	34	43	41	49
Thailand	8	20	23	23	39	34
Other	829	793	688	558	509	429
Total	1.156	1.233	1.500	1.471	1.793	2.207

Residence permits issued to au pairs shown by the biggest nationalities 2002



Residence permits issued to au pairs shown by the biggest nationalities 2007



“Tal og fakta på udlændingeområdet 2007”, p. 21
 Ministry of Refugee, Immigration and Integration Affairs

The au pair system is structured formally as a cultural exchange programme and current Danish legislation contains a set of rules that set guidelines for arranging the relation between the host family and the au pair.

The dramatic increase in both the number of au pairs in Denmark and the number of Philippine au pairs raises several questions as to how this au pair programme really works, for the au pairs who come to this country as well as the families who are hosts to au pairs:

- Does the au pair programme work, in reality, as a guest worker programme for domestic servants, or does it work as a cultural exchange programme?
- If the au pair programme is more in the nature of a guest worker programme, then how does it work in practice?

These questions are at the core of this study.

Since the far greater group of au pairs is from the Philippines, the focus will be on this group. However, au pairs of other nationalities will also be integrated in the study.

Denmark: Need to have an au pair in the family?

On 7 March 2007, then Family Minister Carina Christensen said in an interview in the national newspaper Berlingske Tidende about the situation of Danish families and, in particular, about women's position in the family:

»There are far too many expectations of families today. Many have the image of the perfect mother who is baking her own bread and always there to back everything. Why isn't it okay to have an au pair? Or to a higher degree let the husband take over and do a greater part of the domestic chores.«

But you say that mum and dad ought to relax more. What is it they should not do?

»Well, for example, rather than baking their own buns for a birthday, they could buy some. They could pay for a little cleaning help. It should be okay to have an au pair. There may be many things that make people opt out of having babies because they feel they cannot live up to the ideal. I think women in particular have a talent for exaggerating this. We ought to get that pattern eliminated.«

It is not unusual to see in the media, when more or less well-known career women are portrayed and asked to explain how they "survive" with a family, that they reveal that they "have" an au pair.

When a family minister makes the statement that "the perfect mother" may be reinterpreted by the hiring of an au pair, then it is a clear signal of new standards evolving. It is also, however, a reflection of the fact that, in practice, the phenomenon of employing an au pair is a realistic strategy for a growing number of families, helping them ensure that both parents can have a career

or, perhaps more rightly, the female part of a couple can be relieved of the responsibility for the domestic work in their home.

When the family minister refers to “having” an au pair, she does not have focus on cultural exchange and this dimension as beneficial for the family’s development – the key aspect is help with domestic duties, primarily to release time for the mother in the family and liberate the woman in society.

The need to get assistance from outside to do domestic work in the home is rooted both in the way we have organised our family welfare; who cares for the children while the parents work and how; who in the family cares for children and domestic chores primarily; how available are day care measures and where are they located; what are the standards around “the good family”, etc. and in the way we have organised the labour market: are jobs equally available to the two genders; is the job market gender segmented and what standards and traditions are prevalent around “the good working life”, “a career”, etc.

For example, it has been shown in a study by the Social Research Institute SFI (Bonke 2002) that the extent of domestic work in the individual family has risen considerably since the eighties: from 274 minutes in 1987 to 364 minutes in 2001. In addition, in 1987 the woman in the family carried out 65 per cent of the domestic work while in 2001 she did 59 per cent of this work.

At the same time, another study by the Social Research Institute SFI from 2006 (Deding et al. 2006) shows that almost half of families with children – 44 per cent of women and 39 per cent of men – find their daily life stressful and in eight of ten families both parents have a job.¹

This present study will not dig deeper into these issues. It would be beyond its scope. However, it should be emphasised that they may be important for the understanding of why the au pair phenomenon has expanded so much in recent years.

The question in the context of this study is to look into how families seek to cover their needs, which are assumed to be rooted in the organisation of family welfare and labour market, through their hiring of an au pair. We encounter a third condition here, which is crucial to the understanding of the au pair situation, namely the migration or immigration regulations that set the premises for letting foreign citizens – and in most cases from third countries outside the European Union – come to Denmark as au pairs.

The Philippines: The need to work as an au pair?

Since the great majority of au pairs in Denmark are from the Philippines, it is relevant to look into the basis from which Filipinos go to Denmark to work as au pairs.

Over the years, the Philippines have developed a comprehensive system for “exporting”, labour, meaning the organised flow of migrant workers into many parts of the world who, in the far greater part of the cases, also send money back to the Philippines.

In 2001, Philippine nationals working abroad sent more than \$ 6 billion back to the Philippines

¹ Rasmussen og Nielsen: Familie- og Arbejdslivskommissionen: Chance for Balance – Et Fælles Ansvar. Hovedrapport, maj 2007

through the formal channels (the real figure is estimated to be far higher), which corresponded to 8.4 per cent of the gross national product (O'Neil 2004). Between 2004 and 2005 the remittance rose by 25 per cent, and in 2005 Philippine nationals working abroad sent back more than \$ 10 billion. (POEA: 2005)

When the Philippine government started developing state exports of labour, the focus was on sending young males to the Middle East, primarily. In 1975, only 12 per cent of all labour migrants were women, while in 1987 the share had risen to 47 per cent and in 1995 there were more women than men who travelled out to work. (Parrenas 2003)

It is a very large number of Philippine workers who travel abroad to take work. In 2004, about eight million Philippine nationals lived outside the country's borders – 3.2m with permanent residency, 3.6m with temporary residence and approx. 1.2m without any residence permit – as irregular migrants.

The government regulates temporary labour exports through POEA (Philippines Overseas Employment Administration), making agreements with the governments of other countries, companies, etc. on "supplying" manpower. Those who travel out to work through POEA are also given certain rights; access to a pre-migration programme, life insurance, pension plans, healthcare schemes, etc.

In general, it has substantial impact on the Philippine society that so many leave the country to work. Family structures and family life are affected severely by this labour migration.

A very large share of the women who travel out to work do it as domestic workers and often look after children for families in the West. Many families lead a transnational life, meaning for example that the mother works abroad to support her family, while other family members take over the social maternal role so to speak.

It is outside the scope of this study to go into details about this issue; I just wish to indicate here that, even if women in the Philippines are often those who support the family and do as the government expects, namely take an active part in employed life – and even if Philippine nationals attain very high scores in the World Economic Forum's Gender Gap Index as no. 6², then it is often such that – also in the Philippines – women are reckoned to be the persons with primary responsibility for the family.

² World Economic Forum Gender Gap Index: www.gendergap.org

2 The study

This present study was carried out on the basis of a variety of documents such as acts, executive orders, guidance notes etc. concerned with the au pair system in Denmark as well as other relevant Danish and foreign reports, statistics, etc. and also empirical material in the form of interviews with au pairs, host families and actors around au pairs in Denmark.

In addition, the study has included international research, to which the text refers directly to a limited extent.

The qualitative part of the study was concentrated around a range of semi-structured interviews, which are part of a larger research project on "Migration Management".

The interviews were conducted in the period October 2007-June 2008 and comprised:

- 24 au pairs in the Greater Copenhagen Area, 21 from the Philippines, one from Russia, one from Uganda and one from Nepal. Of the 24 au pairs, three had ended their stay as au pairs but were still in Denmark, one of them without a residence permit and two with other residence permits than au pair permits. All the au pairs interviewed were women. The interviewees had been contacted through many different channels: the internet, at flea markets, in language school classes, churches, etc.
- 6 host families in the Greater Copenhagen Area, who had had between two and eight au pairs employed in their homes.
- 8 actors who had been in touch with au pairs in Denmark, either as authority representatives or civil society persons (from associations, churches, etc.), i.e. a civil servant in the Immigration Service, two priests and four centrally placed persons who were active in the Philippine and church-based club environment and one language teacher.

In addition, the study comprised a range of informal talks with and enquiries to many other people in the mentioned three categories, and they have naturally contributed to qualifying the analysis though they have not been a direct part of it.

The interviews have in most cases been tape recorded and transcribed, though some participants did not want the interview to be recorded. The interviews lasted from 30 minutes to 2¾ hours and some persons were interviewed several times, as well as some individuals wrote e-mails before and/or after the first interview, describing stories and experiences.

All interviewees have been anonymised in the report.

The objective of the study was not to present a representative account on a quantitative basis of the au pair situation in Denmark but rather, through in-depth interviews with both au pairs and families and also persons with knowledge around the au pairs, to illustrate and analyse how the au pair relation is lived and experienced and how it works against the background of the official rules on which the relation between the au pair employee and the host family/employer is based.

Thus there are also a wide range of issues that the material pinpoints – for example around care

chains, care drain, brain drain, brain waste, gender and racialisation problems, the transnational family and transnational networks, the relations between Philippine au pairs and the Philippine community in Denmark (Danish residents with a Philippine background), poverty and culturalisation, migration viewed in relation to global inequality and economic development, etc. – which will not be addressed in this context.

3 Governmental framework for staying as an au pair

Denmark

The Danish au pair programme is based on an Executive Order from 1972³, which marks Denmark's ratification of the convention usually referred to as the Council of Europe Au Pair Convention or, more correctly, the European Agreement of 24 November 1969 on Au Pair Work.

Au pair actually means 'on an equal footing' and the concept was used in the late 19th century to denote, for example, young English women who went to France to study the language and, in return, taught English. Over time, the programme developed into some sort of 'older sister'/nanny/housewife trainee system, typically for young women who had just completed secondary or upper secondary school.

As the Council of Europe Convention of 1969 does reflect, it was intended to offer protection considering that

"Increasing numbers of young persons in Europe, young women in particular, travel abroad in order to work in an 'au pair' position"

And that

"Many of these young persons are minors, who have to do without the support of their family for long periods of time and, therefore, should be ensured special protection in respect of their practical conditions and the moral code of conduct of the host country."

Now as then, the concept is strongly feminised. It appears from both written documentation and practice that this is an arrangement for women primarily, and it is in fact also mentioned in the Convention that the states parties may choose to define an au pair exclusively as a woman.

Several countries find that this Convention does not afford au pairs sufficient and up-to-date protection. Sweden has not ratified the Convention, for example, finding that the Swedish rules – under which the au pair is regarded as an employee – offer better protection.⁴

After several years during which the interest in the au pair system was receding, there was, as mentioned above, a steep increase from around the year 2000 in the number of au pair residence permits, particularly to applicants from countries outside Europe and in particular from the Philippines – in parallel, by the way, with a general strong tightening of the migration regulation for third world country citizens in Denmark.

As a basis for an au pair residence permit in Denmark, the prospective au pair must have found a host family and the host family and the au pair⁵ must apply for the residence permit together.

The residence permit does not include a work permit and, to the au pair, it is tied to her stay with the family who has applied.

In connection with and as a prior condition for an application for a residence permit, the au pair and host family/employer must enter into a contract on pay and working conditions by filling in a standard agreement to be attached to the application.

³ Bekendtgørelse af europæisk overenskomst af 24. november 1969 om "au pair"-ansættelse
Ministry of Foreign Affairs, 20 January 1972

⁴ Answer to question no. 169 addressed by the Parliamentary Labour Market Committee to the Minister for Refugee, Immigration and Integration Affairs on 20 May 2008

⁵ As regards terminology, the report uses both au pair, au pair employee and au pair person as well as host family and host employer

The maximum au pair stay is 18 months as a main rule. Other conditions related to pay, employment and accommodation of the au pair will be illustrated in the analysis below.

The large contingent of Philippine nationals among au pair applicants is also reflected at the website of the Immigration Service, which brings a service message aimed particularly at applicants from the Philippines:

'The applicant must file the application with a Danish representation in the country of the applicant's residence. If an applicant stays legally in Denmark, the application may be filed with the local police or the Service Centre of the Immigration Service.

Please note: If the applicant lives in the Philippines, the application must be filed with the Norwegian Embassy in Manila.

This underscores the fact that, in practice, there is a special relation between Denmark and the Philippines in this area, for which reason it is relevant to widen the national perspective and make it comprise also the transnational connection between Denmark and the Philippines in this area – also in respect of government regulation.

The Philippines and Denmark

In 1998, the Government of the Philippines prohibited its citizens to work as au pairs in Europe. It was done after media debate in the Philippines in which stories about gross misuse, discrimination and prostitution in the Netherlands and Scandinavia had raised a stir about the au pair conditions for young Philippine women in Europe. The Government of the Philippines then chose to prohibit its own citizens to travel to Europe to work as au pairs.

In 1999, the Embassy of the Philippines in the Netherlands declared that

»In the case of au pairs from the Philippines, then it has turned out to be the same as domestic workers – not cultural exchange as assumed in the 1969 Agreement.«⁶

Some Filipino citizens decide to travel out as au pairs anyway because, after all, the programme provides them with a chance to support their family as migrant workers or save up money for their future.

Because these Filipinos decide to travel despite the prohibition they become a sort of 'illegal emigrants'. This means most frequently that they have to pay bribes to be able to leave the country, often from borrowed money, and it also means that they do not expect to be able to receive help from their embassies in the countries to which they go. This situation makes the young Filipino migrant workers vulnerable in relation to protection from their native country.

Sweden has chosen to adhere to the prohibition imposed by the Philippine Government. Thus, Filipinos cannot obtain an au pair residence permit in Sweden.

⁶ The 1969 Agreement is the Council of Europe Convention (Anderson 2000 page 25)

In Norway, the authorities initiated a study of au pair conditions a couple of years ago. It was prompted by media coverage of misuse. The study showed that the prohibition and the Philippine Government's recommendation that countries should rather let Filipinos enter the country to work as migrant domestic workers on regular terms were well known. There had been a meeting with the Ambassador and even if the civil servants write in the report that it could be desirable to respect the ban and do like certain other countries, like Sweden, »it was however decided to continue the practice of the past.«⁷

In Norway – as in Denmark – there has also been a surge in the number of Philippine women who obtain au pair residence permits:

Au pairs	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filipinos	77	88	74	39	38	54	69	138	235	423	587	1103
Total	202	261	293	382	277	666	743	948	1019	1209	1243	1760
Filipino share	38%	34%	25%	10%	14%	8%	9%	15%	23%	35%	47%	63%

UDI (March 2008)

At the Norwegian Embassy in Manila, which is also the Embassy serving the Filipino women who go to Denmark, au pairs are alerted to the fact that if they run into problems when leaving the Philippines, the Norwegian Embassy is unable to help them.

"Au-pair: IMPORTANT NOTICE TO AU PAIRS

The Royal Norwegian Embassy is drawing your attention to the fact that the Republic of the Philippines thru the Department of Foreign Affairs enforced a ban on the deployment of Filipino female migrant workers under the Au-Pair program. This was enforced effective 5 November 1997 per DFA Circular Note Number 981289 dated 20 April 1998. Consequently, the Philippine Overseas Employment Agency (POEA) will not authenticate work contracts under Au-Pair program.

In case a work permit is granted and a visa issued, the Embassy is not in a position to assist if you will not be allowed exit by the Philippine immigration authorities at the airport. The Embassy is also not in a position to certify or authenticate any employment contract.

The Embassy is encouraging you to inform your prospective employer of the above mentioned facts."⁸

The Netherlands also permit Filipino au pairs and have, after a decline around 1999-2000, when the ban entered into force, seen an increase again: In 2006, 154 of 720 au pairs were Filipino, and in 2007, 248 of 965 au pairs were Filipino.⁹

⁷ UDI: Utredning av au pair-ordningen [Report on the Au Pair Programme] 13.01.2006

⁸ <http://www.norway.ph/info/dkinfo/work/work.htm>

⁹ IND: Immigration and Naturalisation Service, 280308

Denmark has chosen to ignore the Philippine Government's prohibition. On 30 May 2008, the Minister for Integration Affairs answered in relation to this issue as follows:

A residence permit in Denmark – including an au pair residence permit – will be granted irrespective of whether rules may exist in the applicant's country of origin or residence that are aimed to prevent the country's citizens from leaving the country in order to use a residence permit granted in Denmark. Such rules must be a matter between the particular state and its citizens.¹⁰

The Ministry of Integration Affairs is aware that Filipino citizens are denied exit from the Philippines when it is disclosed at the departure control that the citizen in question will be working as an au pair overseas. According to our information this is because under the law of the Philippines it is prohibited to take au pair jobs and recruit au pair workers. In addition, Philippine law sets requirements that the recruitment of overseas workers must take place through organisations that have been authorised for such activity by the Philippine Minister of Employment. According to the information received by my Ministry, the background to these rules is the wish to protect Filipino citizens by securing the best possible working conditions.

I do understand the Philippine authorities' wish to protect their citizens who travel overseas to serve as au pairs. I find that the Philippine government's concern has been accommodated by the Parliament's (Folketingets) unanimous adoption of Bill No. L198 of 28 March 2007 (Strengthening of the measures to counter misuse of the au pair programme), which introduced an exclusion period for host families who misuse the au pair programme, for example.¹¹

¹⁰ Answer to question no. 170 addressed by the Parliamentary Labour Market Committee to the Minister for Refugee, Immigration and Integration Affairs on 20 May 2008

¹¹ Answer to question no. 171 addressed by the Parliamentary Labour Market Committee to the Minister for Refugee, Immigration and Integration Affairs on 20 May 2008

4 Is the au pair program concerned primarily, in practice, with cultural exchange?

The au pair programme is defined, formally, by the Danish state as a cultural exchange programme.

The following definition of an au pair is posted on the website of the Immigration Service:

"A person who stays with a host family for the purpose of improving his/her language skills and possible academic knowledge and insight into the host country."

One way of viewing the arrangement's consistence with this description, if any, may be to check out the motives and the practice that are acted out in specific au pair relations in host families.

A consistent and dominant trend in the interviews conducted for this study of both au pairs and host families is that, as a starting point, the au pair relation is viewed as a work/performance for money/pay arrangement and only next as a relation with elements of cultural exchange and differences.

Lynn, who is 27 years old and has high school as her final education and a two-year-old daughter, is from a family of eight children, of whom she is the second. Her younger siblings are still at school. About her situation in the Philippines and the reason she went to Denmark as an au pair, she says:

My father is a farmer and my mother is a plain housewife. My brother is studying in secondary. I have a daughter, but I'm not yet married with her father, but we are still having communication. When I already have a daughter, I work of course for my daughter (...) that's why I planned to go to Denmark.

Thus, Lynn sends money home to both her child and her child's father, who live with his family, and to her parents and siblings. The possibility of making money has been decisive for making her go abroad, particularly after she had her baby:

I can not find a job in the province, because there is no company. It's really hard. I can't ask my mother: "Can you buy this and that for my daughter", because they also need help from me.

About her expectations for being an au pair here she says, for example, that she expected that she would be working hard and receive the minimum wage, but she was favourably surprised:

I expected that I had to work, I expected that they will only pay me the minimum salary, but when I came here they paid me more than I expected, so it's not so hard for me here.

I: You knew about the salary?

Yes of course I read it the contract, it's 2.500. So I only expected that amount. I read the agreement, so I'm aware. When I came to my host family they were also aware of it.

Yvonne, who is 21 years old, had to interrupt her nurse training to help support her family.

*I came here to earn money for my studies and also for my family (...)
My mother is a teacher but her salary wasn't enough for us, so we must sacrifice everything to have money for me to continue my studies. And my father is a politician but he is only in the local. We are very poor there in the Philippines.*

Eve, who is 23 years old, has also interrupted her nurse training in order to help her family. She is the youngest child of 11 siblings. One of her brothers has helped her financially, but she has apparently felt guilty about accepting the money when other members of the family did not receive any money:

I have only my mother because my father died a long time ago. I'm interested in coming here so I can help my family, my mom and my grandmother. Because I would like to make them happy, because in the Philippines it's complicated. All my sisters married at a young age; fourteen, sixteen, so they make a lot of kids, so I feel guilty to their kids because they can't afford, so I want to help my nephews and nieces.

Naomi of 29 years decided to give up her job as a veterinarian in the Philippines because her father got badly ill and died some years ago. In connection with his illness her mother had raised an expensive mortgage on their house and, in addition, two sisters are still taking education at college. Naomi and two of her sisters decided to go overseas to make money:

We just decided to come here to pay the mortgage of our house, and the education.

Of the 24 au pairs who were interviewed, two mentioned that they used the au pair programme both to travel in Europe, which is otherwise difficult for third-country citizens, and to improve their qualifications for the job market in their home country.

The rest of the 24 indicated that working to earn money – for themselves and/or their family – was the main reason they came to Denmark as au pairs. The decision to go overseas was made most frequently, in the case of the majority, because of difficulties with finding a well-paid job in the Philippine job market.

Also the host families are not blind to the fact that the au pairs are here to earn money, although the maintenance of the cultural exchange set-up and the au pair being part of the family is also emphasised by some of the interviewed families.

One of the interviewed actors, whose own estimate is that she has counselled about 100 au pairs within six months, believes that 80-90 per cent of the Filipino au pairs remit money back to their family.

Several of the interviewees talked about the Danes' lack of understanding of why they remit money back to their family, but to them this is an important part of being a member of an extended family, whether it is presented as "culture" or financial necessity.

All of the interviewed actors in the Filipino community say consistently that the Filipino au pairs come to Denmark primarily to work and earn money.

The host families also consider the domestic work that is carried out in relation to the salary they pay.

One au pair employer mentions that the expense for an au pair may be compared to the money the family used to spend, before the au pair time, on cleaning help and childcare and that they now get more for their money. All host families mention the work that the au pair carries out, be it domestic work or childcare, as the reason they have taken on an au pair – because it lifts some of the pressure in their daily life. None of them mentioned cultural exchange as their primary reason to employ an au pair.

Is domestic work a job?

The practice in relation to the activities carried out in the home around the au pair also appears, in the far greater number of cases, to be structured as a job – with scheduled activities like cleaning, washing clothes, cooking, shopping and caring for children, which are defined as work in more regular domestic worker arrangements.

The work tasks of an au pair are described in the contract as:

“... carry out chores such as a limited amount of domestic chores and caring for children.”

“The au pair must carry out chores between 3 and 5 hours a day, i.e. between 18 and 30 hours a week, and the au pair must be granted at least one day off every week. Examples of domestic chores are: doing the laundry, tidying up and cleaning.”

In connection with the signing of the contract, a weekly table must be filled in. The table should show the work tasks to be carried out and on what days:

¹² Utlendingsdirektoratet, www.udi.no

¹³ Human Rights Watch vol. 17 no. 10. Hong Kong's contract for migrant domestic helpers

Ugedag	Mandag Monday	Tirsdag Tuesday	Onsdag Wednesday	Torsdag Thursday	Fredag Friday	Lørdag Saturday	Søndag Sunday
Aktivitet							
Huslige pligter (antal timer) / Domestic chores (state the number of hours)							
Børnepasning (antal timer) / Caring for the children (state the number of hours)							
Fridag(e) (sæt kryds) / Day(s) off (check box)							
I alt (antal timer) / Total number of hours							
	Max. 5 timer / hours	Max. 5 timer / hours	Max. 5 timer / hours	Max. 5 timer / hours	Max. 5 timer / hours	Max. 5 timer / hours	Max. 5 timer / hours
	Max. 30 timer ugentlig / Maximum 30 hours per week						
Hvilke typer af huslige pligter skal au pair-personen udføre hos værtsfamilien? / Which types of chores will the au pair be responsible for? (sæt gerne flere kryds / mark as many as necessary)							
<input type="checkbox"/> Tøjvask m.v. / Laundry				<input type="checkbox"/> Madlavning / Cooking			
<input type="checkbox"/> Oprydning og rengøring / Tidying up and household cleaning				<input type="checkbox"/> Andre, hvilke? / Other, please state which:			
<input type="checkbox"/> Børnepasning / Caring for children				_____			

In the Norwegian au pair "standard work contract" handed out in connection with the au pair work permit (in which the au pair stay is defined as work) the tasks are described as light domestic work, caring for children, looking after pets, etc.¹²

A look at the practice of the authorities of Hong Kong, where a migrant domestic worker receives a residence permit tied to a specified family for two years (which is in fact similar to the Danish model), shows that the work tasks are described in the standard contract as follows:

Domestic chores

Cooking

Looking after elderly family members

Baby sitting

Child care

Other tasks¹³

Also here, domestic chores are defined as paid work.

Thus, it is difficult to disregard the fact that domestic chores may be and indeed are defined as – paid work.

As it is the case in other employment relationships, in which new employees may be hired successively as long as the job exists, the trend in host families is indeed that one au pair replaces the other. The interviews with both au pairs and host families present a picture of the au pair stays as part of a long serial process in the families. Two of the interviewed families had had eight and six au pairs, respectively, and plan to continue to have au pairs until their children are older. One host family explained that the children in the family could not at all remember family life without an au pair in the home.

Among the interviewed au pairs there were also relatively many who were “one of a series” of au pairs in the host family.

As in other employment relationships, in which the employee may decide to change to a different job, there is also a highly prevalent trend among au pairs to plan to move on to or come from a similar employment situation as an au pair/domestic help.

These trends contribute to underscoring, in the case of both host families and au pairs, that the au pair stay in Denmark may be characterised as an employment relationship rather than a one-time experience of a cultural nature.

The families organise au pairs as paid help in their homes, while the au pairs earn money for themselves and their family by being the paid help in the homes. The domestic activities are described and defined as scheduled work performed in proportion to the agreed pay and a set of rules governing the relationship.

Also the section on pay and working conditions considers the discussion of work vs. not work.

5 The au pair programme in Denmark and other types of domestic help programmes for migrants in Europe

Although domestic work may be said to be work in a labour market, domestic work cannot be equated with any other job. Special conditions characterise the sphere of domestic work:

- The intimate character of the social sphere in which the work is carried out
- The social construction of domestic chores (and childcare) as women's work
- The special emotional and personal relation between employee and employer, and a frequently high degree of mutual dependency
- The logic and character of the specific work that is performed (Lutz 2008)

In a historical perspective, migrant domestic workers cannot be referred to as a new phenomenon in Europe, but many researchers agree that the present migration of domestic helpers or workers is characterised by a range of specific conditions (Lutz 2008):

- A growing demand for domestic help has led to rising feminisation of the migration into Europe – particularly in Italy, Spain, Greece, Turkey and Poland.
- The pattern of migration is from East to West, South and North Europe – and from South to North, meaning from Asia, South America and Africa into the EU countries.
- The migrant women are more well-educated than their predecessors; they are older when they migrate and have attained a certain level of education and they migrate alone – meaning that they leave a family in their home country

But, at the European level, what is the background to these trends?

In the EU area, there are great variations in the scope and nature of migrant domestic help arrangements. The organisation of welfare in the child/social care area and women's participation in the labour market play a significant role. In addition, immigration policy, which may be referred to as migration regulation, is of substantial importance for the development and extent of migrant domestic help arrangements.

The organisation and practice in the area of domestic work and childcare in the family may thus be viewed, generally, as the point of intersection of the welfare regime¹⁴, labour market organisation, distribution of work and the degree of gender equality.

In Denmark we have for many years had a very high rate of children in day care outside the home, primarily in day care centres operated by public authorities and to a lesser extent in the private homes of child-minders. In addition, the women's share of the workforce has been very high and gender equality in the domestic sphere has been discussed intensely¹⁵. Special measures are also in operation in connection with parents' participation in the labour market, for instance maternity and paternity leave, personal days, etc. that are viewed by the politicians as gender equality programmes. The framework within which gender equality is, in reality, implemented is shaped by both social standards and ideals and our concrete practice and legislation.

¹⁴ 'Regime' is viewed here as the way the state or states organise institutional frameworks and policies (e.g. in relation to labour market, market and family) – under a certain rationale/a certain approach to thinking society and politics

¹⁵ A new study by the Social Research Institute (SFI 08:16 "Daily life and wellbeing of 11-year-old children") shows, however, that the traditional gender roles around domestic work have been cemented around the age of 11

In the countries in Southern Europe these cross currents have moved differently; women's rate of participation in the labour market has been smaller, the number of day care centres is not as high and the standards and legislation relating to gender division of labour and equality are different from those of the Nordic countries.

A trend that has emerged in Europe in the past few years is a rising degree of market driven services in the social care area and a decline in public-sector provision of care. Great Britain, Spain, Finland and France have introduced subsidisation of or tax allowances for the employment of nannies and care helpers in private homes (Williams et al 2008), and through the past 10 years, the Netherlands have introduced a high degree of individualisation of care obligations and marketisation of the availability of such services, (Knijn 2001) which has resulted in a distinct coupling of income levels (and/or social network) and the rate of care services available. (Lutz 2008)

For many years, one of the ways to organise care in the family in Southern Europe, when women had paid work outside the home, has been to employ migrant domestic workers with or without a work and residence permit. However, also in Germany, Austria and other West European countries there has been a growing demand for migrant domestic help. These migrant domestic workers are typically from countries like Ukraine, Rumania, the Philippines, Ecuador, Peru, Russia, etc.

When third country au pairs, here predominantly from the Philippines, are part of the organisation of domestic work and childcare to an ever increasing extent, the field of intersection will be the migration regime – meaning the way immigration is organised in Denmark.

A look at Northern Europe (Scandinavia, Germany and the Netherlands) (Lutz 2008), shows that domestic helpers or workers are not included in the migration regulation that has otherwise been introduced – possibly because the need for domestic help is not recognised politically. But it does not mean that migrant domestic helpers do not exist in these countries. They only stay there on a different basis. In Germany they are frequently irregular migrants without any residence or work permit, while in Denmark and Norway the au pair scheme is the preferred way to organise migrant domestic help.

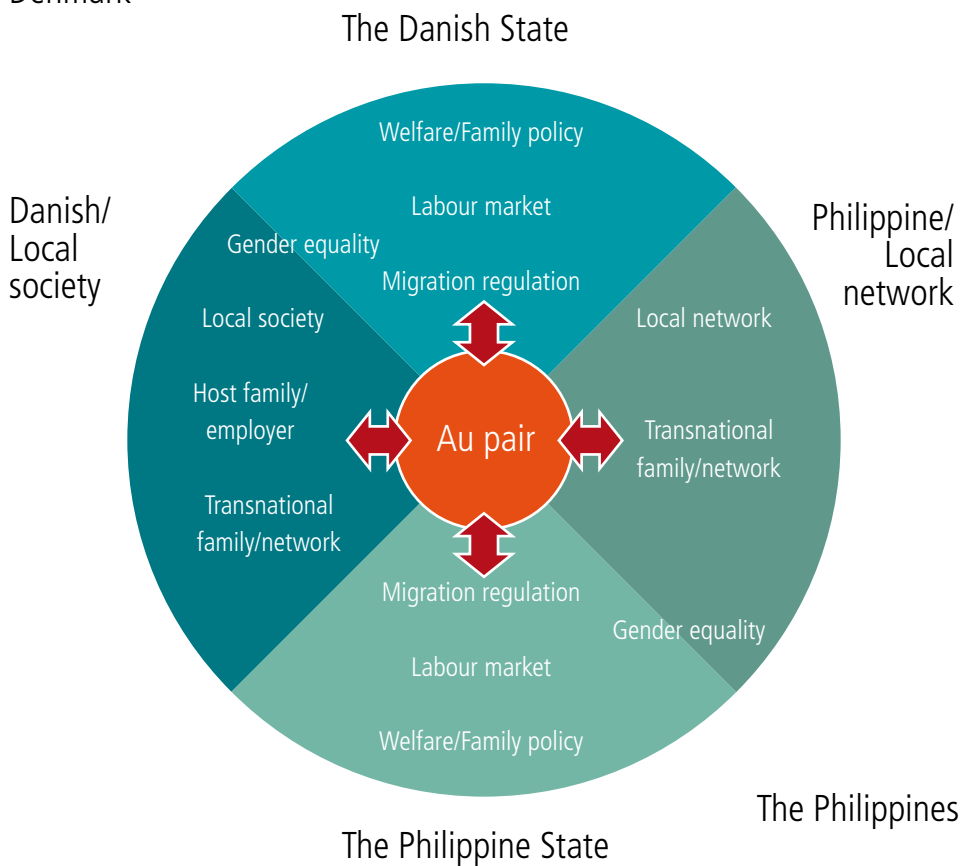
In Great Britain the au pair programme is a widely used channel for recruitment of domestic help. It is reserved, however, to 17-27 year old citizens from the EU and applicant countries.

In Sweden, the demand for domestic help is also rising, often relying on intra-EU (plus Ukrainian and Russian) au pairs, but also with young (Swedish) girls taking domestic jobs. A couple of years ago, Sweden had intense moral debates in the public on the appropriateness of having domestic help – "Pigdebatten". (Gavenas 2006)

The following figure seeks to illustrate elements of understanding that are important when we seek to explain why host families are increasingly hiring au pairs, from the Philippines primarily, and why – mainly Filipino citizens – take work in Danish families as au pairs or domestic workers.

There are obviously also other more or less structural conditions involved, which are not comprised by this model, such as global inequality and economic development, colonial history, levels of poverty and prosperity, transnational networks, etc., but the key aim here is to seek to understand the migration at either side of the national communities and states, for this is the reality experienced by the transnational migrant who comes to Denmark to work.

Denmark



6 How is the au pair relation lived and experienced and how does it work in light of government regulation?

Introduction

In addition to the descriptions above concerning the interviews carried out for this study, the following can be added about the interviewed au pairs, as this will constitute the primary material of the study:

- The age distribution of the interviewed au pairs and former au pairs, in respect of the 21 who were serving in an au pair relationship at the time of the interview, is about half in the range 21-24 years and the other half in the range 25-29 years.
- The Philippine au pairs are from many different regions of the Philippines. Some are from rural areas, others are from urban areas.
- Their level of education is remarkably high; 17 of the 24 have completed or partially completed higher education and the qualifications cover a broad span, including university degrees in literature and languages, veterinary science, a graduate engineer, an accountant, a biologist, a midwife, a nurse, a teacher, a book-keeper, etc.
- Five of the interviewed au pairs have children aged 1-4 years to support.

This chapter is structured around two of the circumstances that make domestic work a very special kind of work – particularly if it is organised as it is in Denmark, where the au pair must live with the host family.

The workplace is the home – the host family's home – and inversely the workplace is thus also the home of the au pair, which may mean that the separation of working life and private life may be difficult.

In addition, the following chapter will consider how pay and working conditions are handled, implemented and perceived by the au pairs and the host families.

6.1. The home as a workplace

A home is most frequently associated with private life – something non-public – and when the home must serve as a workplace at the same time, this private life character will typically dominate: It is a closed room and thus also a closed workplace – what goes on behind the four walls of a home is usually of a private nature. In principle, the public has no access to the home and thereby also not to checking out how the home functions as a workplace for those who are employed in the home.

It is most often a single workplace and a place filled with feelings and special traditions.

Work tasks

In a workplace, the employee is expected to carry out a more or less specified piece of work in return for an agreed rate of pay.

In the au pair contract, the work in the home is referred to as domestic chores and the pay is called pocket money. The interpretation of this framework will be described below.

The work is, as described above, specified as follows:

- Taking the laundry etc.
- Cooking
- Caring for children
- Tidying and cleaning
- Other tasks

Most families use a schedule, setting out concrete tasks specified for each day.

"And they'll give me a schedule of what I should do in that day, for example Monday I'll clean the bathroom upstairs and vacuum downstairs and then I can do ironing at night."
(Nelly)

"The first time we met they gave me a schedule about what time I should (be in) the house, and the schedule for cleaning. They also told me that it is up to you if you want to clean the cabins, it is up to you, but in the whole week you have to do what is written in the schedule." (Naomi)

Work planning

One of the interviewed au pairs explained that her role was more like that of a housekeeper, as she is the one who is in control of what has to be done in the house. The only daily task is shopping and cooking in the evening when she and the family eat together.

When asked whether she was given a work schedule when she started her stay with the family, she said:

"No, he told me: "You can do what you want, because I know you can manage". The first day he saw I cleaned the house well. He will never say; "Can you do this?" I can make my own schedule; I can take rest any time I want."

"In the morning I make them breakfast, they wake up 6.30, so I have to wake up 6 or 6.10, after I have made breakfast for them I go to bed or watch TV, because I will not start cleaning while they are still in the house. When they are gone I will start to clean the house. It's a big house but it's not so dirty. (...) In the evening I will make dinner for the three of us. They have dogs, but I never walk the dogs, I just let them out in the garden. But I feed the dogs, the birds and the chickens." (Lynn)

Lynn emphasises spontaneously that she thinks it is a great advantage that she can herself control things and, otherwise, she is very happy with her family, which consists of a single father and his son. She thinks herself that the absence of a woman employer in the house is what gives her self-determination and relative freedom.

Particularly the workload imposed on the au pairs varies substantially, but also the types of work task are different.

I have a schedule as an au pair. Monday, Tuesday ... Tuesday I have to work five hours in the afternoon only, I have to work from two to seven o'clock. For me it's not very difficult because I just have to go to the market and cook for them, that is my work Tuesday and Thursday. And Monday just vacuum and washing. Then Friday is general cleaning; dusting and everything.

But sometimes if they are busy they ask me a favour that is okay. They ask me in my duty time, so it's okay. (Nancy)

Nancy is happy with her family and does not, according to herself, work more than the rule-determined five hours a day, while other au pairs have a workload and a type of work that is significantly different.

Ellain cleans, takes the laundry, irons, is a babysitter on and off, cleans windows and generally works a good deal more than the five hours a day. She is also asked to work outside the house:

I have the list ... , but I don't know, because yesterday she (said to) me to please clean outside the house. The terrace is too dirty ... I want to answer her; No, it's really cold outside, and it's not my job, but you know she is telling me, Ellain, can you please clean outside and you need to wash it and brush it ... I am just staring at her ... and I know I will do it, but it is not a part of the job anymore ...

Management

The day-to-day management of the au pair's work is handled in the far greater number of cases by the female employer – if there is one in the home.

As mentioned above, Lynn, who works in a family consisting of a single father and his son, considers her work freedom as a result of the fact that there is no female employer in the home.

Several of the interviewed host families explained that it was the male part of the couple who recommended having an au pair in the house, while it is the woman who gets/has the day-to-day managerial responsibility.

However, two of the interviewed host families explained that in one of the cases, the husband had the primary contact in daily life, while in the other case there was a 40/60 (male/female) gender work distribution in communication with the au pair. The informant in the second family (the male part) said himself:

(the au pair's name) "prefers to approach my wife, which I think is a bit frustrating for I'm used to viewing myself as an equal member of the household. But I think it is culturally determined." (Anders)

From the au pairs' descriptions it might look as if, in many homes, the management style is relatively detail oriented and controlling.

Domestic chores have traditionally been considered as women's work, and it looks as if it also applies when a domestic helper comes into the picture. The work is maintained as primarily the woman's work and responsibility – now only with the work distribution that the migrant woman carries out the domestic chores and the permanently resident woman manages and controls it.

In addition, there is also a trend that, in situations of conflict, the male part of the household serves either as a conciliator/mediator or as the one who raises the level of conflict – giving orders.

Another element related to management is the situation in which the female and the male employer may issue different and contrasting instructions to the au pair, which can make her work situation unclear and diffuse.

Levels that are raised

An issue which several of the interviewed au pairs have emphasised as problematic is when the demands as to their work performance rise during the period, meaning that they are given more work tasks to do and they take longer time.

Evelyn's experience describes a big burden of work that develops over time:

In the beginning it's just the same, it's to clean the house in the morning when the children already leave the house at nine o'clock, so I will start clean the house, and then wash their clothes, while I'm cleaning the house. I'm supposed to finish all those things before the children come. So I have from 9 to 14.30

I: Should you clean the house every day?

E: Yes, every day because every day the children make a mess.

I: What should you do?

...

E:.. wash the floor, every day you have to vacuum, every day you have to clean all the rooms, every day change the bed sheets, do the dusting ... and also they have a special table that gets fingerprints.. it's a glass table. So it's very difficult because all the time the kids are there you have to clean ...so the fingerprints aren't there anymore..

I: Bathroom?

E: Yes bathroom, toilet, the bath, and the shower and fix all their things. Putting back their clothes because sometimes she is in a hurry, so the clothes are everywhere ... the childrenthe shoes ...so everything. They have a mouse, so the mouse also makes a lot

of pooh. So I really need to wash the floor and vacuum the floor.

I: Everyday the same procedure?

E: Yes but every week I have a general cleaning .. also the things should be .. .and wash there everywhere, and also the frames.

(...)

And also twice a week I do gardening.

I: Gardening?

E: Yes because they said, that they are going to pay my tax and the school

I: Okay, so gardening was one of the things they added to your plan?

E: Yes after three months

I: Then came gardening and ... ?

E: And the window from outside – before, I just do every day just inside

I: Every day?

E: Every day because the fingers of the children, because the children they play really, really just like: ‘arghhh’.”

Thus, Evelyn must tidy and clean the whole house every day plus a more in-depth cleaning once a week. After three months, gardening and outside cleaning of windows were added to a list of tasks that was already very comprehensive.

In the case of Evelyn and other au pairs it may be so that the level of cleanliness in the home is very closely associated with access to au pair manpower in the home and that the domestic standards, with daily cleaning of all rooms, window cleaning, floor wash, etc. plus gardening a couple of times a week, are therefore allowed to spiral up due to the access to cheap labour.

Susan’s work situation – far too much work

In the case of one of the interviewed au pairs this situation, in combination with scheduled extra cleaning in the neighbourhood, would develop into a work day that could run into 12-14 hours. According to her own reports, the au pair in question lost 10 kg the year she stayed with the family and she was clearly severely affected by both the hard work and the psychologically straining situation she had experienced.

To illustrate the rising pressure of work on the au pair, the table below shows two days of the work schedule she was given when she arrived and the same two days from the schedule to which she worked after 10 months (and which was written by the au pair’s employer):

Work schedule 1

Work schedule 2

Monday at start

Breakfast

Clean 2 bathrooms, ground and 1. floor
Vacuum clean ground floors

Wash ground floor
Clean both living rooms

- dust off
- wash white shelves + furniture
- wash window frames plastic and wooden
- wash doors, door frames and skirting boards

Pick up (child nr 1) 15.00 – 16.00
Bring (child nr 2) to swim lesson at 17.00

Monday after 10 months (changes printed in blue)

[All days start at 9.00 am with doing the beds and tidy up the house](#)

Clean 2 bathrooms, ground and 1. floor,
[including skirting boards](#)

Vacuum clean ground floors

Wash ground floor

Clean both living rooms

[\(look for spider webs\)](#)

- dust off
- wash white shelves + furniture
- wash window frames plastic and wooden
- wash doors, door frames and skirting boards

[- the laundry and ironing](#)

[Do the shopping in Netto](#) and pick up
(child 1)

[Prepare dinner 18.30, make orange juice for next morning.](#)

[And do the dishes](#)

Tuesday at start

Breakfast

Clean kitchen

- wash shelves
- wash cupboard outside
- wash sink
- wash microwave
- wash gas cooker hood
- wash fridge inside and outside
- wash dustbin

Tuesday after 10 months

[All days start at 9.00 am with doing the beds and tidy up the house](#)

Clean kitchen

- wash shelves
- wash cupboard outside
- wash sink
- wash microwave
- wash gas cooker hood
- wash fridge inside and outside
- wash dustbin [inside and outside](#)

[- scrub kitchen floor](#)

[Do the laundry and ironing](#)

[Do the shopping in Netto](#) and pick up
(child 1)

[Prepare dinner 18.30, make orange juice for next morning.](#)

[And do the dishes](#)

In work schedule 2, estimated time has been added for each of the work tasks, which add up to 7.5 hours in all within a time frame with a starting time at 9.00 a.m. and ending time about 9.00 p.m.

The host family has made a calculation in work schedule no. 2 of the au pair's total number of hours, which is intended to illustrate that the family receives (only) 54 hours of work in two weeks, "even if" the au pair works one or two times a week cleaning for a different family – and this is the argument used to show that the host employer keeps within the rules that say that the work must not exceed 30 hours a week. However, they also write that, by the way, caring for children has not been included:

"We can not put time on your helping the kids during the day as you are, of course, a part of the family and therefore all hours are not filled out."

Thus, there has been a substantial increase in the burden of work – as well as the common breakfast has been removed from the programme. The host family says that the au pair works from 9 to 5, but with all the listed tasks she is unable to get them all done within the time (which is otherwise already 2.5 hours in excess), and the absence of a standard for what the tasks involve and the time allocated to them means that the hours are arbitrary and ultimately fixed by the employer.

Otherwise, the au pair in question did not eat breakfast with the family after some time and also stopped eating supper with them after an incident where the au pair had cooked a meal for the family and some guests, while the employer had not put a plate for her on the dinner table.

"I cook, I serve them. It's like a restaurant,"

she said in the interview, and also explained that the female host employer referred to her as a maid:

"The girl called me "the maid". She said to some of her friends: "My maid is from the Philippines. "When I read in the papers, an au pair is not a maid."

Doing something about one's situation?

When this tightening of the work requirements happens, it is often associated with deep frustration, strain and bewilderment, and in the case described the au pair long tried to survive and keep up and cope with the employer's treatment. She earned DKK 2,500 from the family and an extra 1,000 from the extra work. She had a child to support in the Philippines and remitted the greater part of her pay to her mother, who cared for her daughter. She was fully aware that she was really not permitted to work outside the family, but she had chosen this way of adding to her income and, at the same time, she had also opted out of taking Danish language classes to spend her time on work instead.

But it was primarily the fact that she knew that she had acted contrary to the rules, which could put her residence permit at risk, that made her decide not to try and change her situation. She was afraid that the host family would report her for having taken undeclared work and that she

would be expelled and thereby lose the basis on which she provided for herself, her daughter and her mother.

However, the situation became so conflict-laden and she felt so pressed that, nevertheless, she chose to seek help in her – not very big – network.

When she had stopped working for the family she sought to make them pay money they had withheld but received an angry letter from the family, in which they threatened to report her to the authorities for having taken undeclared work. This threat contributed significantly to making her apologise subsequently, saying she was sorry, in a letter as well as by telephone, for her “behaviour”.

Is childcare work?

In another case it was the au pair’s responsibility to care for six children at the same time as she cleaned, folded laundry and ironed. In families in which the workload is big there is a tendency to make childcare invisible, as something that is done at the same time as the ‘real’ duties.

In contrast to this tendency, Amy has described the only rule in her host family: that the children should always be put before cleaning:

“The rules are that I must prioritise the children. If I’m cleaning and the children cry, I don’t have to continue cleaning, the special rule is that we prioritise the children, not the cleaning.”(Amy)

Floating and interrupted time, no workmates, difficult to protest

Other aspects of the au pair’s work and the work planning may be

- that working time and free time will often slide over each other as long as the au pair is in the home. If, in the evening after supper, the employer asks if she would like to participate in baking bread – then is it work or free time?
 - The work is often organised in a time-staggered pattern with breaks of a couple of hours’ duration, but without this time being real time off for the au pair – one reason being that she is often expected/feels expected to be in the home and thus be able to step in should the need arise – for example if a child is ill.
 - The absence of workmates in one’s daily work may be of importance for the working environment, particularly in a situation where loneliness may already be felt like a big problem (loneliness is emphasised by several of the interviewed actors as a substantial problem for a group of au pairs)
 - The au pairs feel it is difficult to object to the employer’s planning of the work, not least in the light of the au pair’s weak residence basis, with her stay being tied to one particular family.
-

6.2. The workplace as a home

Except for the voluntary choice of working in his/her home and reverse, then most people in the Danish labour market would most likely prefer physical separation of their working life and private life.

To the au pair it is not a choice. A condition for obtaining a residence permit is that the au pair lives with the host family, viz. lives at the workplace. This is the phenomenon that is also referred to in international literature as "live-in" domestic workers – in contrast to "live-out" workers. (Anderson 2002)

The physical framework

The physical framework of the au pair's private home varies a lot, but the far greater number of the interviewees had, in all their stays, had the availability of a home/a room of their own. A couple had chosen to live with a relative somewhere else than in the family's house, and a couple had asked the family if it was possible to live outside the home. A few had been placed involuntarily with another au pair.

The quality of the dwelling ranges from the small room of 10 m² or a small room with glass walls adjacent to an office area, separated only by glass and curtains, to the au pair's own flat with a bathroom and kitchen and a separate entrance door. Many rooms are placed in the basement of the houses.

The rooms/dwellings are fitted out in different ways, but a benefit of great importance is access to a computer and the internet. The internet is of great importance, particularly to the Filipino au pairs when they have to maintain contact with their family and friends. The au pairs who have no internet access will obviously have a bigger telephone bill, which will often be a strain on a budget that is tight already. The web is used for telephony, writing e-mail and surfing – to maintain social contact, to search for new families and to keep informed about rights and opportunities – particularly in relation to what will happen and what will be possible after the au pair stay in Denmark.

Privacy

A home and the feeling of having a home have a lot to do with privacy and intimacy. This applies to the private space, the possibility to decide on who to let in and who to keep out, it applies to the possibility of choosing the food one eats and having access to privacy in connection with personal hygiene, and it applies to the possibility of creating one's own social space with whoever one wants and having the chance to be left in peace.

To those who work on a "live-in" basis in their employers' home it is often difficult to create separation between working life and private life and have the feeling of being off, also when they are in their rooms, unless a set of clear boundaries are established physically and psychologically between the au pairs' work and free time.

However, the nature of live-in domestic work makes it highly difficult to establish a clear-cut boundary between activities that are work and activities that are “voluntary”, one reason being that this work involves some very special ingredients tied to emotional relations between the employer and employee, and because the au pair is excluded from going elsewhere to get privacy. As the arrangement is wired, she is tied by her residence permit, which requires that she lives with her employer – and that she lives with this particular employer. Her possibility of choosing an alternative living arrangement is non-existent and her chance to switch to a different employer will depend on her ability to find a new one within a certain time limit and on a renewed approval procedure in the Immigration Service.

A baby’s cot in the au pair room

In Angela’s room there is a cot next to her bed. She has a very close relationship with the family’s two-year old son, so close that she is the one he talks to when they are eating and the one he wants to play with, also when his parents are home. But Angela also has the feeling that she is available to the family constantly – in connection with childcare in particular.

Up to her weekly weekday off, Angela has experienced several times that in the evening the parents have placed the baby in her room, so that automatically she would be the one to bring him to his day nursery in the morning – even if it is her day off – the day she goes to school.

She described a situation in which the parents sent her a text message at one o’clock in the morning, to ask her if she could drop off their son the following morning. When she did not answer there was a knock on the door after a while and the father brought the sleeping baby into her room with a remark that his son had now found her.

“Even at one am he brings the boy into my room, knock on my door, yes how many nights he does that, knock on my door: “Oh he is finding you”. I’m very, very angry, but I don’t want to get angry. They are disturbing my... I’m sleeping and they are disturbing me...”

(...)

But in the middle of the night when he brings him to my room: “Oh he finds you”, okay I can’t do any more, I can’t do anything, just lay down. And some times when he sleeps in my room, of course, he wakes up in the middle of the night: “I want water”. But it’s okay, it’s not a big deal for me, I like to look after him, because he is the only one. But they are disturbing my rest time, my privacy.”
(Angela)

In Angela's case, the host employer shows a distinct lack of respect for Angela as a private person and, first, transgresses the boundary of her physical space – her room – and, second, at a time – at one o'clock in the morning – when she is in bed, which aggravates his transgression of her sphere of intimacy.

That the baby's cot is placed in the au pair's room merely makes this violation of the au pair's right to privacy into a physical manifestation of this being a normal situation.

Several of the interviewed au pair employees stress that it is difficult to maintain the boundaries of their private life – for example when the employer asks for a favour outside the normal working hours, when there is no key in the door to the au pair's room, and when the employer enters the room when she is not there.

I: How do you feel about them going into your room?

E: It is really unconvincing, it is my privacy actually. Why? That is really the question why they enter my room without letting me know.

I: Can you lock the door?

E: There is no lock, it is just a handle, there is no lock (Ellain)

Other au pairs explain that they are at home so much that they might as well take part in the work in the family in their free time anyway.

The au pairs who have the disposal of a room/flat located separately, for example with a separate entrance door, bathroom and kitchen and with the opportunity of an independent private life, express great happiness with it.

The host family's private life

However, "private life" may also be something an au pair can feel excluded from – namely the host family's private life.

Ana, who lives in a room of about 10 m² in a small house in a provincial town says:

"I can't say I feel like part of the family. Not because they are bad. (...) I don't want to ruin their spare time. He is doing so much. (...) He works, he cooks.. Maybe he and they want to be with his son, not the au pair."

In Ellain's case there is a rule that she must be in her room after 8 p.m. and thus not in the living room, for the reason that the host couple needs some peace and privacy.

One of the interviewed host families also explained that they had concerns before their first au pair arrangement as to the implications in terms of responsibility and the family's daily life. However, the interviewed host said that it was "much easier than she had imagined", but also that she was aware that it was important to have a rule that the au pair and the family must eat supper together

every evening. However, her experience was that it was very difficult to get the au pair to join them in the sitting room at night. She would only be there when there were TV programmes about the Philippines on, pointing out that it was important for the family to get to know something about her cultural background – learning something about her native country. The host family also invited her to join a skiing holiday, to which she thanked no. The au pair in question had both family and a network in Denmark and apparently prioritised to spend her free time with them.

Another family has organised things in such a way that the au pair lives in a separate part of the family's house and therefore also lives a separate life in her free time in her flat – often with many visitors.

"She has a big circle of Filipino acquaintances, who invade her flat every weekend, and then there are four girls sleeping on top of each other, having a really nice time, I believe."

Apparently, this arrangement is to everyone's great satisfaction, the family's as well as the au pair's. However, the children in the house often cross these boundaries and go and see the au pair in her flat.

One of the interviewed au pairs lives with her sister's host family in the area in which she is herself employed and she is very happy with it and stresses especially the great quality involved in having time off "outside".

However, the closeness to the host family's/couple's private life may also be perceived as unpleasant and obstructing for one's own privacy. One of the au pairs does not invite guests because the host couple quarrels frequently:

Yes they are always fighting, so I don't want my friends to go there and hear, for me it's okay, but if my friends come and visit me, and they are doing like that... I don't want... I get embarrassed about them also. (Amelia)

The fight about time

One of the interviewed au pairs described how difficult it was for her to set boundaries for the time when the host family might intervene in her own time. She did not have Sunday as a regular day off. Instead, she was off from Friday at 6 p.m. till Saturday at 5 p.m., which meant that she only had a chance to see her friends on Saturdays until 5 p.m.

A: "Yes until five, then I need to go back and baby-sit, give the child a bath, sometimes they are going out and I'm still at home, they are not in but I'm still at home, I'm not to go anywhere because I'm already back, but some times they will say to me: "Okay you can go out but you need to come back by this time". They are like holding my time. It's my privacy, but even when I'm out they will call me: "Where are you?" It's my off day, I

know they are concerned about me, but it's too much. "Where are you?" "Okay I'm at my friend's". And sometimes: "I'm going out now" "Where are you going?" "I'm going to my friend" "Okay give me the address"

I: "The address?"

A: "Yes, they are asking for the address. Are they caring about me? Yes I know, they are concerned about me, they are concerned wherever I go and whatever happens to me, at least they will know. But it's too much, I don't like it." (Amelia)

"They are holding my time" she says. They take her time!

Another interviewee says that she prefers to go out when she is off:

N: I go out

I: You prefer to go out?

N: Yes

I: Why is that?

N: Because I need to rest, and I want to do what I want to do. Because when I'm in the house I'll not just sit there and watch the mess in the house, so I have to pick it up or clean it up. I want some free time.

I: So it's difficult to relax and not be part of working in the family while you are there?

N. Yes. (Nelly)

It is obvious here that the mix-up of home and workplace may have the result that an au pair feels that she is not really off unless she moves completely outside the host family's house.

Food, meals and baths

Another aspect of the workplace also being one's home may be the access to food, the setting for meals – and the access to having baths and using the bathroom.

Some of the interviewed au pairs talked about the food as a problem and about going to bed hungry and waking up hungry at night for a variety of reasons.

The food tradition in the Philippines and Denmark is different and often the Filipino au pairs feel that it is difficult to get access to the food they like. Raw vegetables, salads and rye bread are mentioned as some of the inedible things in Denmark, where rice, chicken, fried vegetables, noodles, etc. are the foods they demand, but it seems as if the communication around food is troubled in many cases:

A: *But the thing is, I didn't eat well, because it's a salad, for me it is more important with the rice, because I came from Asia, it's very different. Now I said to myself; I need to get this and this. Sometimes I buy for myself, because now they never put any money there, never again. Now I buy for myself, and they said: "I saw you had some noodles, how much is that?" Okay sometimes they pay me.*

I: Are you often hungry?

A: Yes, you see we are so skinny.

I: Did you lose weight after you came here?

A: I think so, (...) I always get hungry in the middle of the night, I can't just go out because they are still awake, and I'm very shy to take the food, I always think that sometimes it's my fault, because I always think negative, because I don't want them to take advantage of what I'm doing, because I know already that I'm very careful about what I do. (Angela)

Here, it is in connection with the host employers' holidays:

A: When they go overseas for a holiday for two weeks, I'm alone, he bought for me like for salad, he knows that I don't eat that.

I: You told him?

A: Because he said: "Before we go do you want me to leave money?" "Of course, you don't need to ask me, of course you need to". "Never mind, I'll buy for you, what do you want?" "I want rice, chicken and some vegetables", I didn't specify what I wanted, I just said some vegetables. He bought rice, bread, carrots, onion, mushrooms (...) that's it.

I: No meat, no chicken?

A: No, but there is meat in the freezer, but they never ask me to eat that, I don't touch it if they don't tell me. When they left: "This food will last for a week", when they left they leave 350 kr. They never ask me to get that. But before, of course, they were on holiday, and I understood that I could use that, so I used it. Then they came back, and they never ask me, so it means that it is for my food.

I: You didn't spend it?

A: I spent 250 and the 100 I left there with the receipt" (Angela)

To another au pair the food is also of great importance. She feels she does not get the food she needs or can eat and has asked if she can get money for meals so that she may buy her own food:

"And one time I really approached the guy, because I said can you please allow me ... maybe it's not too much for you to give me a food allowance ... they said why? I said you know I am almost here in the house all the time. I can't imagine the day where I eat breakfast, lunch and dinner, I said to them you know what ... I can only recall that I eat only dinner I said to them ... Why? The fridge is open to you, everything in the fridge. Come on I said, what should I eat from there? a cheese? a chocolate, the square ones ... what do you want me to eat from there? I am a Filipino I said to them. And she said to me maybe I can buy you something ... So what is the best thing to do I said, because every now and then you are not here in the house. I am just the only one here, what do you expect me to eat. I am just alone. And I said to them, maybe you can buy me a food permit or you can buy me some rice, and they are always telling me there is food in the fridge." (Ellain)

Thus, the host employers – who are the ones who do the shopping in many cases – think there is food in the fridge, while the au pair feels, for one thing, that she can eat only a little of the food in there and, for another, that the food in the fridge is under close scrutiny from the female host employer, who checks how much the au pair is eating.

You know I have the attitude – I will not touch her food in there ... I don't know the attitude of such a girl ... woman ... I don't know if she has memorized everything inside her house. (Ellain)

Meals as social space is another issue. In the interviews conducted there was a tendency, in the families in which the au pair does not feel at ease or in which there are conflicts, that the practice around the meals and the way they are experienced will also be problematic. However, shyness or restraint, which some of the Filipino au pairs themselves ascribe to their cultural background, may play a part:

H: Sometimes I don't like the food, but I need to eat because I'm shy to complain. But sometimes I'm the one to decide what to cook. (...)

I'm free to get something, but sometimes I don't like the dinner so sometimes I go to bed really hungry, because I just eat a little bit. I have my own food like chocolate." (Hazel)

One element is the food that is served; another may be the communication that takes place in connection with the meal. In some homes the talking at the dinner table is in English, in other homes it is in Danish. Naturally enough, the au pair will typically feel socially excluded if the conversation takes place in Danish and will be sitting very quietly, as one of them expresses it, and she may for example hear her own name being mentioned without being able to understand the conversation and the context.

Eating is a basic need for all human beings and often also a field associated with many feelings and with sociality. One side is the cultural moulding – what a person is used to eating and what kinds of food a person likes – and the other is the social dimension – the setting in which people eat their meals, how they are used to eating, the way they feel at ease when eating and the importance it has.

The au pairs who express most satisfaction with their meals are those who feel they have influence on both the food that is served and the social space in which the meals take place.

Access to a bathroom is another area associated with privacy and intimacy. When asked, many au pairs say that it could be nice to have a bathroom of their own, which would allow them to decide for themselves when they wanted to take a bath without having to adjust to the family's needs.

In one case the au pair is barred from the bathroom after 8 p.m., which makes her frustrated because she would like to take a bath at night as she is used to from the Philippines.

“Even though I want to use the bathroom in the night I can’t make it really, but in the Philippines we are used to that, because when practising such a thing that is because I go to take a bath for me to feel fresh or something like that, and in the morning I want to take a bath again, but here in Denmark I can’t make it, I just only take a bath after they have left already, I’m just using the bathroom because I’m the only one there, so that is the time I can use the bathroom.” (Ellain)

House rules

When the workplace is one’s home there may also frequently be a mix-up of rules for the au pair’s conduct at the workplace and in her private life.

There may be rules that determine where in the home the au pair may be at certain times, when the bathroom may be used, how the au pair may spend her free hours, whether guests may visit her room, that it must be reported to the host family if the au pair has a boyfriend and where the au pair will be staying over weekends, etc.

As mentioned above, Amelia feels heavily administered and controlled by her host family, who insist on their part – or insist partly – according to Amelia that the rules are based on care about her.

In another case, the female host employer reacted with considerable anger when she realised that the au pair had a Danish boyfriend.

Part of the family?

In the social construction of the au pair arrangement, it is an important element that the au pair is here as part of the family – on an equal footing with the family.

In addition, it is stated in the au pair contract:

The idea of an au pair stay is for young people to stay with a host family with children under 18 ‘on equal terms’ with the other members of the family.

During his or her stay, the au pair must be regarded as a part of the family ...

Slightly fewer than half the interviewed au pairs said that they considered themselves as part of the family or, rightly, that they had been in at least one family in Denmark in which they viewed themselves as/had felt like part of the family. A single au pair had a host family who were actually family.

Some of the au pairs explained that they were very happy with their host families, feeling included in the family.

For example, one of the au pairs replied to the question of whether she felt like part of the family, as follows:

"Yes of course. They join me to the weddings (...) So they always show me when they are to attend a wedding, and they will ask me if I want to attend. If they have some family reunions I also go, and if they have a birthday I also go. (...) All the family knows me, even the cousins and their auntie, they already meet me also. When they call they know that I'm the one who answers the phone.

(...) I was very thankful, because I have a good family. (Amy)

In addition to the social integration into the family, Amy's host family has also sought to help her with applying for jobs on regular conditions in order for her to be able to apply for a work permit. Other au pairs, actors and families also mention their own or someone else's experience with families who help or are planning to help the au pair with changing to an alternative basis on which to stay in Denmark – as a student for example.

Ellen has a very positive feeling, viewing herself as included in the family:

I: If you should describe your relationship with the family what would that be?

E: The way they treat me is like totally family

I: So you feel like a member of the family?

E: Yes. I like them, the way they do when there are guests they are introducing: "Oh this is Ellen, she is studying Danish". It's very cool; they don't treat me like a servant or like a slave." (Ellen)

It is obvious that in Ellen's understanding of the meaning of being part of the family it is not so much a matter of her being 'similar' to the family or being 'like' the family but rather of the respect the family shows for her and their recognition of her. She is not a servant or a slave – she is recognised as Ellen who is studying Danish, which in the social hierarchy brings her on a par with the family.

Lynn mentions that her host family had checked out the possibility of her getting her child brought to Denmark, which was not possible, and that the family now uses its network to find a new au pair stay for her in Norway.

Other au pairs explained that their host family had intervened in relation to fellow au pairs who had problems – either by contacting the family concerned or by offering accommodation and helping with finding a new host family.

Some of the interviewed host families also referred to continued contact with the au pairs who had stayed in their home.

However, several au pairs do not feel like part of the family, even if some feel they try hard to be so:

"I: How would you describe your role or your position in your host family?"

H: I think I care for everything. Inside the house there is a lot of mess, for example the money can be everywhere, so I need to take all that away. I care for it, because I want them to feel what I'm doing inside the house, I want them to feel they have also to care for me.

I: Do you feel that they care for you?

H: I don't think so. Just like the kids...I feel just like also my family for the kids, because I have been taking care of them for eight ... seven months. I feel care or love for the kids because we are always together." (Hazel)

Other au pairs feel directly used and treated like servants and slaves:

"They're taking advantage of the au pairs' weaknesses, because they know that we cannot do anything just say "yes" to what they say. It's not right or it's not fair to treat us like slaves. That's why we're here just to work and not be treated as slaves." (Susan)

Certain other au pairs dissociate themselves from the family relation, seeking recognition in alternative ways.



7 Pay and working conditions

Employment, work and pocket money?

In the Executive Order from 1972, which is the foundation of the current au pair rules and based on Denmark's accession to "the Council of Europe Convention on Au Pair Employment" of 24 November 1969, the au pair is referred to as an au pair employee and the relationship is described as au pair employment. Au pair employment is defined as:

"temporary reception into a family in return for certain services of young foreign nationals, who have come to improve their linguistic and possibly also their education background and widen their cultural horizon by obtaining better insight into the host country."¹⁶

The Executive Order provides, in respect of pay, as follows:

An »au pair« employee must be given free room and board by the host family and, if possible, have a room of her own.¹⁷

The »au pair« employee must be given a certain amount of pocket money. The size of this amount and the frequency of payments must be fixed in the agreement referred to in Article 6.¹⁸

Thus, the Executive Order refers to an employment relationship, which is not an ordinary employment relationship after all, but operates with an amount of pay that is proportionate to 'certain services'.

The au pair guidelines and contract, which are accessible at www.nyidanmark.dk express the same duality.

In relation to insurance, the au pair relationship is referred to as employment:

Host families employing au pairs for more than 400 hours/year must have a relevant insurance policy.

But in relation to pay, this is referred to as pocket money and the employment as domestic duties:

- The au pair must be paid a minimum monthly allowance of DKK 2,500 by the host family.
- The au pair may carry out daily chores between 3 and 5 hours a day, i.e. 18 to 30 hours a week. The au pair must be granted at least one day off every week.

In addition, it is underscored that the au pair does not work – or that the au pair's work is not work – and that working is punishable and will result in a fine or prison sentence and expulsion.

It means that the au pair must not carry out domestic duties for more than 30 hours a week with the host family, not even if the family would offer extra pocket money. In addition, the au pair must not carry out paid or unpaid work elsewhere than in the host family's home, for example for neighbours or friends or in a host family's business. Such work is illegal – not only for the au pair but also anyone who has the work carried out.

At the website of the Immigration Service it is mentioned almost in the same sentence that the domestic duties are not work, but the relation between the au pair and the host family is still

¹⁶ Bekendtgørelse af Europæisk Overenskomst af 24. november 1969 om "au pair"-ansættelse. Ministry of Foreign Affairs, 20 January 1972

¹⁷ Ibid article 8(1)

¹⁸ Ibid article 8(4)

defined as a relationship between an employee and employer – and the pay is taxable:

An au pair is granted a residence permit but not a work permit because the duties the au pair carries out for the host family are not considered as work.

However, the employment as an au pair is considered as an employee/employer relationship and it is therefore subject to Danish holiday legislation and the Danish tax rules.

This means that the au pair must be paid at least DKK 2,500 a month plus free room and board for a maximum of 30 hours of work/domestic duties, which may be placed in any way within the 24 hours of the day, only with the limitation that the au pair must have at least one weekly day off.

Thus, there is considerable intrinsic contradiction and inconsistency in the way the au pair employment and the work carried out are designated and defined. It could suggest that in the areas of tax liability, holiday rights and employers' liability insurance the domestic work is work, while in the areas of pay, regulation of working conditions, conflict resolution through the labour law system, etc. and, in particular, work permits (that would make it possible to change to a different job), the domestic work is not-work.

Pay, hourly rates and tax

Even though the domestic work is not defined as work and the pay is called pocket money and not pay, the income is taxable as if it were pay.

According to the tax authorities¹⁹ the au pair must pay tax on both pocket money and the value of free room and board.

At the minimum rate of DKK 2,500 a month, the calculation for 2007 is as follows:

Pay (pocket money)	DKK 30,000
Board: 365 days at 65.00	DKK 23,725
Room for 12 months	DKK 7,680

With a personal tax deductible of DKK 39,500 this means that the au pair who receives DKK 2,500 a month must pay social security contributions at a rate of 8 per cent, corresponding to DKK 2,400 a year.

In addition, the employer must pay ATP (contributions to supplementary labour market pension).

Accordingly, based on these calculations, the total monthly minimum expense/total pay relating to an au pair employment relationship is DKK 5,117.

Converted to an hourly rate including the value of room and board and with a working week of 30 hours, this results in an hourly rate of approx. DKK 42.

¹⁹ Reported from an information meeting held by the Immigration Service on 27.11.2007, Kim Splidsboel, International Tax Centre, Copenhagen. According to www.skat.dk au pairs are liable to tax on their pocket money and free room, but in principle they are not liable to tax on free board, as described in section 16(11) of the Tax Assessment Act. "The reason is that the place of work of an au pair must normally be considered as a temporary place of work. The value of a free room is fixed by a specific estimate, since au pairs are not covered by the directions of Executive Order No. 1357 of 20 November 2007". The calculation examples are based on inclusion of the value of both room and board

In addition, the host family must pay for the transport to and from Denmark (for au pairs from outside Europe) and possible expenses for Danish language classes, etc. For the au pair from the Philippines there are expenses for bribes and an intermediary, if any.

At a working week of 18 hours, which is the minimum number of hours, the hourly pay including room and board is approx. DKK 70.

At a monthly pocket money rate of DKK 5,000, which is the highest amount among the interviewed au pairs, and with weekly working hours of 30 hours, the hourly pay is DKK 63. For 18 hours it is DKK 105 an hour.

	30 hours/week	18 hours/week
Hourly rate at DKK 2,500 + room and board	DKK 42	DKK 70
Hourly rate at DKK 5,000 + room and board	DKK 63	DKK 105

An alternative way to calculate the pay could be to convert the total pay to hours, assuming a minimum hourly rate of DKK 90 and DKK 100, respectively:

Assuming a minimum pay of DKK 2,500 + the value of room and board, totalling DKK 5,117, the calculation would be as follows:

At a minimum hourly rate of DKK 90, the au pair can work 14 hours a week at most.

At a minimum hourly rate of DKK 100, the au pair can work 12.7 hours a week at most.

Assuming monthly pocket money of DKK 5,000 and including room and board, the maximum weekly working hours calculated on the basis of a minimum hourly rate of DKK 90 and 100 would be 21 hours and 19 hours, respectively.

	Minimum pay per hour DKK 90	Minimum pay per hour DKK 100
Number of hours at DKK 2,500 + room and board	14 hours/week	12,7 hours/week
Number of hours at DKK 5,000 + room and board	21 hours/week	19 hours/week

Among the interviewed au pairs there was broad consensus that the minimum pay is low.

"I like children, but it wasn't because I like children I came here. I came to earn money – not much, but I earn money. (...) But I was disappointed. (...) I didn't realize that the prices were so high. (Ana)

I: Do you work with other families? Cleaning?

E: No, I'd like to, but it's not allowed here. (...) I'm quite scared, but some of the girls, maybe they are not content with the salary, especially if they have children, they have no choice. The salary is not so good. (Ellen)

How much is your allowance?

A: It's only 2,500, that is not much. (Amy)

... I already know how difficult life is. Now I'm here and I'm earning not much." (Amelia)

The majority of the interviewed au pairs received the minimum pay of DKK 2,500 with varying extra payment by the host family of expenses like their bus travel card, telephone subscription, tax, Danish language classes, ATP (pension) and clothes.

The highest amount of pay/pocket money paid was DKK 5,000.

When asked whether they would still employ an au pair in their home if the "pocket money" was raised to DKK 5,000, most of the interviewed host families replied that it would probably be too expensive. One mentioned that if the pocket money were increased there should also be the possibility of extending the period the au pair employee is allowed to stay.

The payment of ATP (labour market pension contributions) which, based on the interviews, there is only little focus on – does not seem logical because it is a pension arrangement that will have no effect whatsoever for the au pairs on the current premises for their stay. As they are non-EU citizens it seems highly unlikely that, at their age of retirement, the ATP pension amount would then be conveyed to the Philippines, so to speak.

Transport to Denmark

For almost all of the interviewed au pairs, the applicant host family has paid for the flight ticket to Denmark. However, some host families have subsequently thought they were entitled to deduct the price of the ticket from the au pair's pay, but it is a small minority.

However, the au pairs who have travelled direct from the Philippines have all paid bribes to the Philippine immigration authorities and/or airport officers. The reason they have to pay bribes is, on the one hand, the Philippine government's prohibition against going to Europe to serve as an

au pair and, on the other, the Danish authorities' approval of the fact that Filipino women go to Europe as au pairs.

*Because in the Philippines ... This programme really depends ... The Philippine government doesn't allow the citizens to go out as an au pair. Except for overseas workers (...)
Yes it's a lot of money, because au pairs also ... it's also bad because (she) doesn't have papers from the POW – The Philippines Overseas Workers, because you should also apply or else you can't go out of the country.... so instead of not leaving the Philippines most people rather need money to get out. Because it is also difficult to get a visa, and it is also difficult to travel on a tourist visa if you don't have much money. And if you need help, there is nothing to do there. (Evelyn)*

The amounts paid to bribe officials vary considerably. Several au pairs have pointed out the implications of the level at which au pairs know the officials, because the logic is that if they start bribing at a low level in the organisation (and thus do not have good connections) it is expensive because in that case the 'corruption chain' will be long.

With the material available it is not possible, however, to assess the mechanisms in the Philippine practice of bribery, but it is not unknown that corruption is pervasive in the Philippines. According to "Transparency International"²⁰, which ranks countries by the prevalence of corruption, the Philippines was no. 131 of 180 in 2007 and no. 141 of 180 in 2008. In 2008, Denmark was ranked as no. 1 and Somalia as no. 180.

The lowest amount of a bribe has been 8,000 pesos, equivalent to DKK 910, while the highest has been 80,000 pesos, i.e. the equivalent of DKK 9,100.

In the majority of cases, the bribery expense is 15,000-25,000 pesos for each stay, i.e. between about DKK 1,700 kr. and 2,900.

In the far greater number of the cases, the au pair has borrowed this money as an investment in travelling out, and in a few cases the host family has paid. The awareness among host families of this expense is not too common. Some of the interviewed families had paid a 'fee' in connection with the fare to Denmark but were surprised to hear that this fee was a bribe, and the au pairs rarely tell them anything about this bribe because, at the same time, it will bring focus on the fact that Filipinos are not allowed to go to Europe as au pairs.

However, Evelyn tried to make her host family pay the bribery 'fee' by telling them about this 'fee', but the family rejected it:

E: They said it is really not their problem (...) because usually they got an au pair from Lithuania and she doesn't need to pay anything, only for the bus. They just took a bus, and it's just very cheap compared with the plane ticket. So they said that the plane ticket cost a lot of money, and the immigration also need to pay a lot of money, and fixing a lot of papers. So I think that some families use the advantage of that problem. So they see the opportunity that people want to go here. (Evelyn)

²⁰ "Transparency International, the global civil society organisation leading the fight against corruption, brings people together in a powerful worldwide coalition to end the devastating impact of corruption on men, women and children around the world. TI's mission is to create change towards a world free of corruption." <http://www.transparency.org>

The au pairs mainly borrow from their close network, parents, siblings or cousins, but may also depend on lending by persons further out in the network – often at higher interest rates than those charged when the lenders are family.

Most frequently the borrowing means that the Filipino au pairs must prioritise the repayment of their debts – either as the first thing they do or along with the family support obligations they may also have – for instance to support their own children. Thus, the debt must be repaid out of the remainder of their pay, which is in many cases about DKK 2,500 a month.

One of the au pairs had to interrupt her nurse training because her family could not afford to let her continue and take the last two semesters. The tuition fee amounted to 20,000 pesos per semester. The family lent her 15,000 pesos for the bribery ‘fee’ in the airport, enabling her to travel out and earn money in Denmark where, first and foremost, she now supports the family while at the same time she tries to save up to complete her nurse training.

There is generally a feeling of discontentedness among the au pairs with the Philippine government’s circular that prohibits citizens from going to Europe as au pairs.

Among the interviewed host families there was general surprise that this type of bribery is necessary to get out of the Philippines as an au pair.

The transport from the Philippines to Denmark may get particularly expensive if an intermediary is hired to assist, as the intermediaries often charge exorbitant prices for arranging contact between a Philippine national and a family in Denmark.

In the Philippines, Amy got in touch with a Filipino woman, living in Denmark, who offered to get her domestic work. Amy did have work but was lured by the prospect of making a lot of money. She was told that the pay was at least DKK 5,000 and that the wording of the contract was just a formality. She did not know any au pairs in Denmark and let herself be persuaded to pay 120,000 pesos to get the intermediary to find a family for her and handle the paper work. In addition, she also paid her own flight ticket, i.e. 44,000 pesos, and 20,000 pesos to get out of the Philippines. Thus, she started her life as an au pair in Denmark with debts of 184,000 pesos, or about DKK 21,200, which she borrowed and now repays out of everything she can spare – and she does not expect to have paid off the debt until after 12-14 months in Denmark at the earliest.

Of the interviewed au pairs she is the only one who has paid an intermediary, but the phenomenon is not unknown, neither to several of the interviewed actors nor some of the Filipino au pairs.

Work beyond and alongside the rules

Work beyond the rules is defined by the Immigration Service as illegal work, which is punishable and may lead to withdrawal of a residence permit and expulsion of the au pair:

The participation of the au pair in the family household is not the type of work which requires a work permit. As a result, an au pair is solely granted a residence permit.

This means that the au pair may not carry out chores for more than 30 hours a week in the home of the host family, even if the family offers the au pair a higher allowance. Likewise, the au pair may not carry out paid or unpaid work outside of the host family's home, e.g. in the home of neighbours or friends, or in a business belonging to the host family. Such work is against the law – not just for the au pair, but also for the party that has ordered the work. (The guidelines from the Immigration Service).

In practice, this means for example that domestic chores in the home for 30 hours a week at a rate of about DKK 42 per hour (the minimum pay including room and board) is legal work, while babysitting for a neighbour at DKK 100 per hour is illegal work. In addition, there is the issue of undeclared work – meaning the work for which no tax is paid.²¹

Generally, in Denmark the acceptance of undeclared work is substantial. A Eurobarometer survey in 2007²² showed that the general prevalence and acceptance of undeclared work, interpreted as "paid activities that are legal per se" is relatively high in Denmark. On average, 9 per cent of the population of the EU admits that they have bought clandestine services, while one in four persons in Denmark admitted that they had bought clandestine services within the past year.

In that connection, the European Commission voiced concern that there is a general trend in the EU towards rising possibilities to order and carry out undeclared work, in particular due to:

"... the increasing demand for domestic, child-minding and care services as a result of the sociodemographic changes, perhaps in combination with shorter working hours."

The findings of the survey also suggest that "there is a big market for undeclared work throughout the European Union, particularly in the area of domestic services."²³

The general prevalence of undeclared work in Denmark means the existence of a structure and practice for arranging the clandestine services, which can naturally also be used in relation to the variety of undeclared work types that are defined as illegal. Whether this is done to any major extent involving au pairs is difficult to assess.

Of the interviewed au pairs, six explained that they had/had had actually organised and paid work outside the family in their employment period. Eight mentioned spontaneously, when asked the question of whether they worked outside their families, that they would like to work more, meaning make some more money, but that they did not dare or that their host families had prohibited them to do it.

Several of the interviewed host families know or have a presumption that the au pair has done or does undeclared work/illegal work outside the family. However, several host families also underscored that this is something they talk about with the au pairs more directly now than they did previously (particularly after media coverage of the phenomenon). This means that they now forbid their au pairs to take work on the side, where previously they would turn a blind eye to it.

²¹ The definition of undeclared work actually assumes that it is legal work which has not been declared to the tax authorities. Here, domestic work beyond 30 hours in the same family is criminalised. "Undeclared work" means paid activities that are per se legal but not reported to public authorities," COM(98)-219: Communication from the Commission on Undeclared Work

²² Special Eurobarometer 248, October 2007

²³ COM(2007) 628 final: Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. Stepping up the fight against undeclared work

In about half the au pair stays that the interviewed au pairs had been through/were serving, the au pair would be working more than 30 hours a week or more than five hours a day and/or doing work outside the family.

The nature of the employment in the home and with the host family may contribute to making it difficult to make the distinction between time when the au pair is "part of the family" and time when the au pair is at work. A couple mentioned, for example, that they still take part in the domestic duties, totally of their own free will and even despite the family's reminder that they should take time off – for instance at weekends.

But there are also au pair relationships that look like gross exploitation of the au pair's work and her vulnerable position on the labour market which she is not allowed to be part of.

Lucy's experience: many changes, unstable conditions

Lucy describes a stay in Denmark that has been characterised by changing and unstable working conditions:

The first stay lasted only two weeks with a family in the provinces. Lucy says herself that she was sad when she arrived in Denmark and felt badly homesick, which made her cry often.

At the same time she was asked to start on a comprehensive work programme the day after she had arrived in the family. She had to clean, make lunchboxes, tidy up and wash clothes in a family with three children and a big house within her working hours, which had been scheduled to be from 7 in the morning until 14 or 15 in the afternoon, with a lunch break of half an hour.

The female employer and Lucy never got along well together. The employer complained because Lucy cried and could not understand why Lucy was crying constantly. When Lucy wanted to take language classes she was told that she had to pay for it herself, which she did not think she could afford because she had to send money back to her family.

At one point Lucy was accused of having stolen the daughter's telephone and, on that basis, she was given notice. The employer helped her pack and thereby had the opportunity to check out Lucy's things. She took her to the train station.

The employer refused to give her any pay for the two weeks Lucy had stayed with the family – and for her last money Lucy bought a ticket that could bring her to Copenhagen, where her cousin stayed as an au pair.

After a month she had found a new host family through the network and everything had apparently fallen into place. However, she did not live with the host family; she had been installed in a room in East Central Copenhagen. After two weeks the first employer called host family no. 2, talking unfavourably about Lucy, which had the result that Lucy was also given notice by this family.

The family agreed to pay for the room for her while she looked for a new family. She shared the room with another au pair, and there were 10 rooms sharing one bathroom.

Also host family no. 2 did not pay Lucy anything for the two weeks she had been with them, so by that time Lucy had to continue to borrow money from her cousin and her friends to buy food.

Still through the same network she succeeded in finding a third host family, but this stay was made complicated by the fact that, in a period immediately after the start of her stay, the family was to vacate their house while it was repaired and therefore it was arranged that Lucy had to stay with another au pair in a different house, receive money for meals and go to work when the family's stay in the temporary home had fallen into place. The work tasks were not fixed and, the contact between Lucy and the employer had apparently also been fluctuating. After a trip to Spain, on which Lucy came along, the family moved in with another family and Lucy now had to work for both families – clean, wash clothes, iron etc. for two families from 7 to 17, but still live in a different house. She saw nothing of any money for meals and she was asked to extend the stay in the other house herself, through an agreement with the landlord.

After some months the family moved house again and Lucy came along as a domestic help to her host family – and to the new household. At that point she worked from 8 until around 18-19. The last thing she had to do before she left in the evening was lay the table, but usually she was not supposed to be there at the meals. She remembers only three times where the family invited her to join the meal, apart from the weekly evening when she had to babysit. The landlord in the house where she lived intervened at one point, asking the host employer to give Lucy money for meals, and through the last month she received money for meals but not for the other four months.

At the end of that month it became clear, apparently, that the repairs of the host family's home would be protracted and Lucy was asked if it would not be better if she found another family.

She found the fourth family via www.ung-i-huset.dk, but was unlucky there too. She also had to work a lot in that family and clean two places. This time, the room was in the basement of one of the houses, squeezed in between old furniture and stuff.

Each time, a new contract was established and approved without this making the authorities intervene. Lucy tried with a varying degree of success, at any rate in relation to the last family, to insist on her right not to work as long as the case was being dealt with by the Immigration Service.

Lucy also tried to call the Immigration Service to get advice on what to do. This required, in the first place, that she could get access to a telephone, for she could not afford to buy a telephone to make calls from. When she succeeded in making the call, the advice she was given from the Immigration Service was: find another family.

Termination, dismissal, vacuum

In the au pair contract, the provisions concerned with termination and dismissal are worded as follows:

"Each of the parties is entitled to terminate this agreement with a two weeks' notice. Furthermore, each of the parties is entitled to terminate the agreement with immediate effect in case of serious breach of contract on the part of one of the parties, or if other serious circumstances make necessary immediate termination."

The authorities have not set up a body that can deal with breach of an au pair contract, as well as they have not indicated any body to which the parties may turn in case of disagreements, for instance concerning the settlement of pay, etc.

A critical element in the au pair's residence permit to carry out domestic non-work is that the residence permit is tied to one family.

Thus, termination and dismissal will automatically involve loss of the residence permit. If the au pair has not succeeded, within 14 days, in finding a new host family who can apply for a renewed residence permit for the au pair, she will, formally, no longer be staying legally in this country.

In addition, the residence permit is also conditional upon the au pair's living with the host family, but as Lucy's story illustrates, for example, the host family may choose to "evict" the au pair at the same time as the dismissal, and in reality the au pair is not able to do anything about it.

At the same time, apparently, the immigration authorities recommend a change of family as a solution to conflicts and contraventions of the rules and, in addition, this approach – a change of family – is also the strategy and recommendation used among au pairs and actors – perhaps because, when disputes and conflict arise, the au pair's legal position is so unmistakably weak.

However, the responsibility for the change of family is left to the au pair. There is no entity, neither public nor private, that is automatically available to offer help with finding a new family and new accommodation for a period, if this should be necessary.

One of the interviewed host families prefers to recruit au pairs who are ready to change family, in order to conduct an 'appointment interview', for example, at which both parties may get an impression of each other and discuss the employment. This family had also had the experience, after taking on a Filipino au pair, of receiving a call from her previous host family who spoke unfavourably about her, which they ignored, however.

One of the interviewed au pairs only lasted/endured five days in her first family and described both an unreasonable employer, who dismissed her without any notice, and how she was totally dependent on her having a network in this country, who could help her:

"The first day after dinner they asked me to clean the bathroom upstairs. I said yes OK. After that, in the morning she asked me to clean the whole house. After she came home from work, she was angry with me – she yelled at me. I cried. She said she didn't want a

sad au pair. (...) Thursday she asked me to babysit her son, who was sick ... something's wrong with his head. She asked me to look after the child while cleaning the whole house. I'm not a superwoman ...

At three in the afternoon, I was still cleaning, the child was crying and shouting... he went into my room and was throwing my clothes into the living room, and he banged his head to the floor. I didn't know what to do, so I just hugged him. And then she called and she could hear him cry ... "What are you doing to him, did you hit him?" No, why should I do that? And then she came home, she talked to her son but she didn't come to me.

I was really afraid that she would call the police and say that I hit the child. I was crying and walking out of the house ... She drove in her car and found me and she said that it would be best if I found another family ...

A friend of my sister helped me.

(...)

What should I do if I had no friends here? I don't know where I should have turned.

Where would I go ... of course, I don't know who should help me." (Beatriz)

Holidays and days off

In respect of days off, it is in fact provided in the Notice to Promulgate the Council of Europe Convention, on page 43, that at least once a month the au pair must have a Sunday off and must be given "full access to satisfying her religious needs".

This (the Sunday) is not mentioned in the guidelines issued by the Immigration Service. It uses a softer wording instead:

"The domestic chores and child care should be scheduled in a way that allows the au pair sufficient time to follow language courses and pursuing cultural and professional interests, including participating in religious activities."

In addition, it is provided that:

" ... the au pair person must have at least one day off every week." (Immigration Service)

Basically, most of the interviewed au pairs have every weekend off – some from Friday morning until Monday morning, while others are off from Friday night until Sunday night.

Some of the interviewees have, however, got other scheduled days off – for instance every Wednesday and every Sunday off.

Some will work anyway, even if it is their designated day off, as mentioned above, either voluntarily or at the request of the host family.

Finally, there is the group who work outside the family on their days off.

Sunday is – particularly to many Filipinos – a very important holiday. It is the day when they can meet others and the day they can meet at church – at any rate if they are part of a Christian religious community.

Many Filipino au pairs also wish to attend the parties and cultural events organised in the Philippine community in Denmark, which take place typically on either a Saturday or a Sunday.

A few of the interviewed au pairs did not have Sundays off:

A: "... so my off days are Tuesdays or sometimes Friday night until five pm in the Saturday, that is my off.

I: You don't have Sunday off?

A: Sometimes I have, but it is only seldom, not always. Mostly it is Friday from six o'clock until five pm in Saturday.

I: When do you see your friends?

S: Only Saturday

I: Until five?

S: Yes until five so I need to go back and babysit, give the boy a bath, sometimes they are going out and I'm still at home, they are not in but I'm still at home." (Amelia)

It is felt like something badly missed by Amelia, who cannot see her friends and also cannot go to church:

I: Do you want to go to the church?

A: I want to go to the church because I have been here seven months now, I have never been to the church, I want to. They know that I'm a catholic, they know that I want to go to the church but it's not necessary, if they need me I understand, but sometimes I think that they need to cooperate with me also: "Okay I think you need to go to" and then give me some extra time. I have already asked my hosts: "Why?" I'm not comparing to my friends, but why do they have Saturdays, Friday night, Saturday and Sunday off, why don't I have it?

I: What did they say?

A: I said that it is in the contract, they said: it's not in the contract. They said that it is not ... Okay, that's okay for me, I don't want to argue anymore, at least I let you know what I want, but they said: "It's not in the contract that you have Saturdays and Sundays off".

The host employer refers to the wording in the contract, saying that the au pair is only entitled to one weekly day off and that it is not specified that this day must be a Sunday. They do not take account of the provision concerned with participation in religious activity and Amelia has not pointed it out to them either.

A: I have lots of friends, but they are all free Saturday and Sunday: "Okay let's go to the church, let's hang out, or watch a Filipino concert", I can't. The last time I asked for a Christmas party: "Can I go out Saturday, because we are having a Filipino Christmas party?" And they said: "Okay". They are always saying: "If you are having an appointment, you must tell us earlier". I told them earlier and when I told them in a minute only they changed their mind: "You can't go, it's a Christmas party, you can't go because we are having one too."

After having described the Christmas party incident, Amelia said:

"... it is very tough also, a very tough job. But its okay, I still can take it, I just told myself: be happy, stay cool, be more patient."

In several families it may be a bit of a problem getting the au pair informed of religious and public holidays – and in good time before, allowing her to plan ahead. Some times the au pair only finds out too late that it has been a holiday or public day off.

Holidays and holiday pay

The application guidelines of the Immigration Service contain the following, somewhat cryptic rules concerning holidays:

Before the au pair arrives, the host family must decide whether the au pair will be covered by the Holidays Act or the Act on Certain Employment Relationships in Agriculture. The host family must determine if the applicant is entitled to holiday pay and inform him/her in writing. More information is available from the National Directorate of Labour (www.adir.dk)

The two sets of regulations referred to in the guidelines – which the host family must choose between – mean that:

- The au pair is entitled to five weeks of paid holidays every year.
- The au pair may demand to take a certain part of the holidays in sequence in the period from 1 May to 30 September (if the period of employment makes it possible).
- The host family cannot decide that the au pair must take her holidays after the expiry of her employment period.
- The au pair takes holidays with pay and with a holiday allowance of 1 per cent of the au pair's monthly pay.

The basic difference between the two holiday models is concerned with whether the 'paid holidays' must finance the holidays taken during the au pair's stay, or whether it has to be paid out at the end of the au pair stay against the au pair's own payment for his/her holidays during the stay.

In addition, the two models are different as to the length of the period of holidays the au pair is entitled to take in sequence in the summer period.

The general impression left by the interviews with all parties concerned is that, in practice, this area is organised quite independently of whatever rules may exist.

Some of the interviewed au pairs did not experience any problems with getting holidays:

I: What about vacations?

E: Yes they also give me vacation; their holiday is my holiday also.

I: But you don't go with them on your holiday?

E: I have my own holiday if I ask: "I want to go on holiday". And then they say: "Sure no problem", and they buy me a ticket. (Ellen)

The general impression is that the au pair is expected to take time off primarily while the family is on holiday. To some, this is a satisfactory arrangement, while to others it is frustrating:

H: The holiday? Yes that is something I also can't understand, because I asked them about that. For example the family has a holiday for two weeks so they say it's also my holiday. But what if I want to visit my family in the Philippines for three weeks, how can I get that? So I don't understand that situation. They said if we have a holiday it's also your holiday, but they didn't say in advance so how can you prepare also for yourself? They didn't say in advance so that you can plan your own vacation and where you want to go. (Hazel)

Other au pairs are asked to give the home a cleaning overhaul or to take care of other practical things and/or they do not, or will only to a limited extent have a possibility to take real holidays during the family's vacation.

They said when they are on their holiday, it's also my holiday that time – Is it a holiday, if they will leave a list of what I will do in their house when they are on the holiday. I will clean, I will feed the rabbits, I will clean the glass windows. Will you call that a holiday? (Susan)

In relation to paid holidays, the general impression among the interviewed au pairs was that the pay in the au pair relationships that were not 'crisis struck' continued unchanged during her/the family's holidays.

However, only one au pair described that after the end of a stay with a host family she tried to make the host family pay her the holiday allowance:

And then I wrote them a letter asking for my holiday allowance, because before they said that there are no rules about the holiday allowance of an au pair. And the guy wrote me a very long letter that "I should be ashamed of myself" because the guy said that I will not earn the money I earned here in the Philippines. And with the things that I've done, that's why I went to Denmark, because it's not easy to earn money in the Philippines, I went here just to work and to support my family, it's a big sacrifice to go here and leave my family in the Philippines. It's not easy to work with a family, it's hard, so I sacrificed a lot and maybe I deserve to have a holiday allowance, not only me but also the other au pairs. (Susan)

The same au pair also explained that she had made a deal with the family, which subsequently she felt they cheated her out of:

When I was still in the Philippines, we agreed that after one year of stay in Denmark they will allow me to have a vacation in the Philippines and they will pay for the ticket, but when we knew that the contract of the au pair is only one year and a half, I told them that I will not have a vacation and they can just give me the money so I can save it. (Susan)

In conclusion, it may however be said that in this as in most other areas concerned with the employment relationship, the au pair is at the mercy of the particular family and the way they decide to interpret the rules and practise their role as employers.

Possibility to file complaints

The possibilities to file complaints about conditions in the au pair employment are in practice close on zero. The only formalised way to complain for an au pair is to contact the Immigration Service which, in reality, cannot or does not have the powers to order a host family to change its practice, settle unpaid pay or holiday pay or resolve other disputes that may arise. The Immigration Service may give a crisis-struck au pair a little extra time to find a new family and may, of course, also report a family to the police, but it will rarely have any consequences such as damages or compensation to the aggrieved party.

The possibility of bringing an action before the courts exists as well, but so far there are no precedents that suggest that it is realistically a useful approach or effective way for an au pair to obtain compensation, rehabilitation, recognition of rights, etc.

Not even a non-governmental counselling body, manned by volunteers and professional advisors who can support au pairs in distress, exists.

When asked whether the Filipino au pairs could imagine that they might contact the Embassy of the Philippines, the vast majority answered that they did not consider it a possibility:

A: I don't think so, because we came out and that is something that they don't recognize, so I don't know if the Philippine Embassy can help us because we are going out of the country illegally and they are not accepting it. If they are not accepting it, how can we consult somebody who before had said no? (Amy)

Pointing out that there is no established and reliable system to deal with complaints and counselling is not the same, however, as saying that no one ever intervenes on behalf of au pairs, using more voluntary and private channels. It could be from one host family to another or it could be resident family members in the country who intervene, or it could be a lawyer, a trade union or another network. However, without stronger formal protection of au pairs, the current situation may be characterised as a patched-up solution.

8 Conclusion

That the au pair programme in Denmark today should work first and foremost as a cultural exchange programme, is a social construction which it is increasingly difficult to sustain.

This study supports the assumption that, to a dominant degree, the purpose of practising the au pair arrangement today is not the cultural exchange.

As it is wired up today, the au pair scheme is defined formally as a cultural exchange programme, but for all intents and purposes it works very much like a migrant worker programme for domestic workers from third countries.

Since the au pairs who move into Danish homes are from third countries, cultural elements and cultural encounters and differences will naturally come into play when the concept is practised, but it is rarely the objective – neither to the host family nor the au pair – it is rather an inevitable side effect.

The au pairs in Denmark are often here in a role as sole supporters or co-supporters of a family and they come here because the au pair programme is an opportunity (though a restricted one) to work and earn money.

The host families who take in an au pair will often give the reason that “a helping hand” in the home will make it possible for both parents to balance work and family life. The families mention that an au pair in the home means less stress in their daily life, fewer matrimonial rows over the domestic chores, more flexibility in relation to bringing and fetching children and having sick children and it means greater security in the children’s daily life, etc.

In the public and media controlled space, it is also this perception of the au pair programme – the extra domestic manpower – that is reflected in political statements, portraits of modern families and career women (and men), etc.

In the light of its being like a public secret, the results of the study are not very surprising. The question that may be asked is why, nevertheless, it is important in the political sphere to maintain the construction of the au pair system as a cultural exchange programme.

To the question of how the au pair programme (viewed as a programme for migrant domestic workers) then works in practice, the first part of the answer will be: Differently indeed.

The study shows that the ways the au pair system is practised in the various homes are highly different.

The study lists a large number of problem areas, in which the particular au pair depends completely on the family’s approach:

- determination of work tasks
 - work planning
-

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- amount of work
 - working hours
 - management issues
 - health and safety
 - borderline between work and time off/private life

But also in relation to conditions that are apparently regulated more specifically in the au pair contract, such as pay conditions, transport to Denmark, illegal work, holidays, time off and dismissal, the au pair is, in reality, placed in a situation in which she depends extensively on the host family's attitude and conduct.

There are au pair relationships in which the au pair receives a relatively high level of pay, feels included and respected in the family, where conditions are far better than assumed in the contract, the au pair has extensive freedom, the family seeks to help her to get into the Danish education system or the Danish job market, she gets a paid Christmas holiday in the Philippines, has her own dwelling and, generally, has many privileges compared to the basic framework for the stay, because of the host family's approach and, presumably, financial circumstances.

But there are also au pair relationships characterised by an absolutely unreasonable exploitation of the au pair's labour, unacceptable management conditions, a difficult psychological work climate, non-existent demarcations between work and free time, unreasonable restrictions on her private life, lack of holidays and holiday pay, deductions from the pay for flight tickets and food, withholding of pay, etc.

And there are all varieties in between.

Part of the reason for these differences should be found in the character of domestic work as such:

It takes place in a private home; there are no standards for defining tasks and how long they take; there are no workmates, no real possibilities to file complaints or conduct supervision; the work is in many cases invisible – both literally, because it is carried out within the four walls of the home, and figuratively in the sense that domestic work is traditionally gendered as women's work and unproductive, and it is carried out in a framework that may be strongly influenced by emotional interdependency and personal relations/conflicts.

If the domestic worker also lives with the family, as au pairs usually do, the impact of these conditions will be intensified.

Thus, the character of paid domestic work will per se produce a framework that may make the domestic worker's position vulnerable in respect of pay and working conditions, management, demarcations between work and free time, psychological climate, etc.

Another significant part of the reason why there are such big differences between the particular

au pair relationships has to do with the character of migration regulation and the weak position in which it places the au pair.

Since the au pair in Denmark is not recognised as domestic worker and her labour not as work, she does not get a work permit with her residence permit. At the same time, her residence permit is tied to one family, on which she is therefore dependent if she wants to continue to stay in this country.

Thus, she finds herself in a position where she comes here to work and make money but is not allowed to work beyond the standard set in the au pair contract, which is a minimum of DKK 2,500 kr. for a maximum of 30 hours of work per week. Her possibility to complain about the family is, in practice, limited to giving notice to the family and then trying, on her own, to find a new family before she is expelled. The risk of being expelled/losing her basis of residence will in many cases contribute strongly to making her 'put up with the situation' and in that way make her unreasonable conditions invisible.

Overall, it may be concluded that:

- The basis on which au pairs stay in Denmark creates a very vulnerable position for third country au pairs in the context of their rights, since the residence permit does not give them a right to work and since the residence permit is tied to one family.
- The au pair relationship is subject to certain rules concerned with pay and working conditions but, in practice, in the far greater number of cases, it is left to the host family to define the content within the framework – and some do this within the rules, others do it better than the rules, while some do it to standards that are poorer than the rules.
- Even though the Immigration Service carries out spot check control and, in some cases, also intervenes in relation to 'bad' host families, it is unrealistic to believe that it is possible to establish an efficient control system that can secure observance of the rules, as long as the same rules and the character of domestic work will still create a very vulnerable position for the particular au pairs in terms of their rights.
Only a few of the interviewed au pairs knew of the Immigration Service hotline and even fewer could imagine themselves calling the service, because this is also the body with authority to grant and withdraw residence permits.
- Finally, it may also be discussed if it is only a matter of observance or misuse of the rules, as long as, today, the rules also lead to the following conditions, which are legal:
 - low pay²⁴
 - binding of the au pair's accommodation and private life to the workplace – no possibility of any free choice
 - in reality no regulation of the domestic work
 - no real supervisory control of the work
 - no real possibility to lodge a complaint
 - no independent counselling
 - very low protection of legal rights

²⁴ The au pairs who contributed to the study had remarkably high levels of education, which is consistent with trends elsewhere in Europe, where competence requirements in terms of education are taken into account in the recruitment of migrant domestic workers, for instance. It is a trend that combines high skills with low pay

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- In respect of the Filipino au pairs, the acceptance by the Philippine authorities as well as the Danish of the contravention of the Philippine prohibition against going to Europe as an au pair contribute to increasing this vulnerability:
 - through debts for and payment of bribes that are necessary to travel out
 - lost rights in the area under POEA's authority
 - lack of belief in any help from Philippine authorities in Denmark
 - greater vulnerability in Denmark

Au pairs who live with a host family that does not exploit this vulnerability may have a fine and satisfactory stay and even at a fair hourly rate of pay, while other au pairs are at the mercy of host families who, deliberately or negligently, exploit this vulnerability. However, the great problem is that this is an effect of the way the system is structured, which in reality makes the protection of the au pair very weak.

The problems associated with au pairs in Denmark cannot be isolated to an issue of taking action to prevent misuse – i.e. increased control and tougher sanctions on au pairs or host families who do not stay within the rules.

For one thing the observance of the rules in a home is highly difficult to check out and, for another, the primary problem is inherent in the framework provided for the au pair stay, especially the very limited protection of the au pairs.

Possible improvements of the au pair's position may be introduced at several levels. It might, for instance, be done as follows:

Level 1 – improvement of the existing programme

Higher minimum rate of hourly pay

Saturdays and Sundays off

Paid Danish language classes

Paid public transport

Time-related residence permit, not tied to one family

Possibility to live out

Establishment of independent counselling/meeting points

Establishment of an independent complaints and conciliation body

Establishment of a certified au pair agency (family change) that could also pay control and follow-up visits to host families

Measures to secure protection of workers' rights

Level 2 – au pair as a stepping stone to the job market

Longer period of residence permit

Work permit

Possibility to work a number of hours outside the family

Possibility of formal competence evaluation

Targeted Danish language education

Possibility of bringing own children

Level 3 – alternative to the existing programme – a free choice model

Possibility for third country citizens to choose between the au pair programme and a work permit for (perhaps certain) jobs in the labour market.

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In 1996, the authorities granted 318 au pair residence permits in Denmark. In 2007, they granted 1510 to Filipino migrants alone. This happened even if the Philippines have a prohibition for its citizens against working as au pairs. In this study, Helle Stenum, PhD fellow at Aalborg University, gives the first answers to the question of whether, today, au pair is the cultural exchange programme it was originally intended to be. Or if it is merely cheap labour, with the au pairs being driven by the wish to earn money.



As a union, FOA has dealt with a number of specific cases related to the steep rise in the number of au pairs, often concerned with au pairs in trouble. Each time it has been obvious that we lack knowledge and insight into the surge in the number of au pairs staying in Denmark. We have wondered why official Denmark has not long ago closely scrutinised the situation, writes FOA Secretary Jakob Bang in his preface, describing Helle Stenum's study as a unique piece of work.



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