



Editorial Introduction

Au pairs play an important role in providing affordable and flexible childcare for Australian families. However, the voices of *au pairs* are largely absent from industry and policy discussion and reliable statistical information on the number and distribution of *au pairs* and associated regulatory structures are lacking. This briefing paper discusses the labour and policy contexts of *au pair* work and the ways these shape the vulnerabilities of *au pairs* to abuse and exploitation.

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Au pairs in Australia: Contexts, vulnerabilities to abuse, and policy implications

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Background

In Australia, as in many countries around the world, growing numbers of families with children are turning to international *au pairs* to provide affordable and flexible childcare to enable their own participation in paid employment. According to *au pair* trade organisations, the demand for *au pairs* is regularly greater than the supply. Certainly, the agencies that match *au pairs* with Australian host families have been growing in number. These agencies are supported by trade organisations, such as the International *Au Pair* Association, which is active in 45 countries, and the Cultural *Au Pair* Association of Australia (CAPAA). Research also suggests that most *au pair* placements in Australia are arranged via the informal labour market (e.g., through online advertisements).¹ Reliable statistical information on both the number and distribution of *au pairs* is lacking as are regulatory mechanisms. This is perhaps unsurprising given the absence of a dedicated visa and lack of official guidelines and definition of *au pair* work.² Submissions to the Australian Productivity Commission conject that there were approximately 10,000 *au pairs* working in Australia in 2014.³

Visa contexts

For the most part, *au pairs* enter Australia on two-year working holiday visas (WHVs; Subclasses 417 and 462) and pay for their own travel. The working holiday maker (WHM) programme enables WHMs aged between 18 and 30 from designated countries to visit Australia for 12 months and support themselves while in Australia through short-term employment.⁴ Officially, employment is not expected to be the main purpose of the visit and WHM's are generally restricted to a six-month period of work with a single employer. Recently, an extension to the 12-month period was made possible. This extension is linked to the 2015 Productivity Commission's recommendation, arising from its national public inquiry into childcare and early learning, that the WHV requirements be changed to make it easier for families to employ *au pairs*.

Au pair placements are considered a matter of ‘cultural exchange’ rather than paid work (nonetheless, WHMs are taxed at 15%) and *au pairs* receive ‘pocket money’ at the discretion of the host family. In effect, the WHV system enables a back-door supply of low-paid labour.⁵ As WHVs are not tied to a specific employer, *au pairs* are free not only to leave their host families but also to seek other kinds of work. However, the decision to leave an *au pair* placement before finding another job may mean not only unemployment but also homelessness.

As outlined by the Department of Home Affairs, changes have been made to the WHV in response to COVID-19 measures. WHM migrants in Australia who are working in childcare, which is currently defined as a ‘critical sector’, will be able to continue beyond the work limitation of a maximum of six months with a single employer. WHVs cannot be extended; however, WHV holders who have completed either three or six months’ work can apply for a second visa and those not yet at the conclusion of their current visas, but who are currently unable to travel home, can apply for a COVID-19 pandemic Temporary Activity Visa (subclass 408) without charge. The ‘pandemic visa’ allows temporary migrants to stay in Australia for the (undefined) duration of the COVID-19 measures.

Labour contexts

Au pair work involves living in a host family’s home and ‘helping’ with a range of often ill-defined childcare duties and domestic chores informally negotiated at the household level. In Oishi and Ono’s 2019 study,⁶ interviews were conducted with 41 *au pairs* working in Australia between

2016 and 2018. Of the *au pairs* interviewed, almost 90% did not have a signed agreement detailing their agreed duties, hours of work and the amount of ‘pocket money’ they were to receive. Further, in many cases, those who had a signed contract with their host families experienced changes to the content of their agreements without consultation. As described on *au pair* websites, the work that *au pairs* can be asked to do spans a range of tasks directly associated with childcare (e.g., preparing and cleaning up after children’s meals, doing children’s laundry and transporting children to school) and household cleaning. Oishi and Ono found that close to 90% of interviewees undertook both childcare and domestic work unrelated to children for their host families, including tasks such as washing cars and gardening.

Au pairs are expected to work between 20 and 40 hours per week. One agency suggests a daily maximum of 10 hours as part of a weekly maximum of 35 hours work. In return for their childcare and housework labour, *au pairs* can expect a private bedroom, board, pocket money and the opportunity for a ‘cultural exchange’. A recent comprehensive study of Australian *au pairs*’ working and living conditions⁷ found that 97% of the close to 1,500 *au pairs* surveyed were female, 70% were under 23 years of age and more than a quarter were under 20 years of age. The average hourly rate of pay received by *au pairs* was as low as one third of the minimum wage. One *au pair* agency argued in a public submission that after a number of deductions, including those related to the value of room and board, and a 20% penalty for ‘lack of Australian recognised knowledge’, the remuneration for 30 hours work should be \$95.60

per week. Additionally, it appears that few *au pairs* experience any type of cultural exchange. Indeed, most *au pairs* report that they engage in minimal social interactions with Australian friends and that they spend most of their time working in their hosts’ family homes.

COVID-19 international travel restrictions have reduced the number of WHM arrivals; however, jobs continue to be advertised for live-in *au pairs* who are already in the country and who may be looking for a new placement. In this case, *au pairs* are expected to self-isolate for two weeks (at their own cost) before joining the host family. *Au pairs* continue to seek positions with host families with indicative arrival dates optimistically assuming lifting of COVID-19 restrictions on international travel. Relatedly, the CAPAA has initiated a petition calling on the Minister for Trade, Tourism and Investment to consider allowing the *au pair* industry to operate under special quarantine arrangements.

Social contexts

Access to and the cost of formal childcare and policy shifts in Australia towards ‘consumer-based funding models’ are often seen as driving the increase in use of *au pairs*.⁸ Countries with close to 100% state-provided kindergarten coverage, such as Norway, are also increasingly turning to *au pairs*.⁹ This points to the flexibility of childcare and the reduction of work/family conflict as a motivating factor. Data from the Household, Income and Labour Dynamics in Australia (HILDA) Survey indicates that in 2017, almost 67% of parents experienced challenges in accessing out of business hours and short-notice

care and business hours and short-notice care and struggled with the complexities of multiple forms of childcare.¹⁰ Author research on the Australian websites revealed that *au pair* agencies promote *au pairs* as an ‘on-demand’ childcare option with the added value of providing help with cleaning and cooking. As one agency states, ‘Our *au pairs* will help you to create the family lifestyle that you deserve. Less stress. Less Rush. More Time’.¹¹

The positioning of *au pairs* as undertaking ‘cultural exchange’ reinforces the view that childcare is a familial and unskilled obligation that is largely the responsibility of women (as opposed to a valuable and skilled form of work). The work of hosting an *au pair* (e.g., the everyday organisation of tasks and timetables) is largely undertaken by ‘host mothers’ rather than ‘host fathers’. When women in Australia return to work after having children, their house and care workloads change only minimally from that which they were doing when they were not in the workforce. The use of *au pair* labour and women’s responsibilities in managing this labour allows the question of unequal male involvement in and responsibility for childcare and domestic work to go unaddressed.

Vulnerabilities

Working alone in a private home in a live-in arrangement places *au pairs* in a situation of potential vulnerability and dependency. This vulnerability may be further exacerbated by the fact that *au pairs* are generally young, and their friend and support networks are often limited, and compounded by the existence of language barriers between *au pairs* and their host families.

International research suggests that many *au pairs* are subject to disrespect and ill-treatment by host

Data sources, such as counselling services, emergency hotlines and court cases in Denmark, Germany, Ireland, The Netherlands and Spain, indicate that labour exploitation is a primary area of abuse and that sexual harassment and physical abuse, including forced isolation, also occurs. As Stenham¹³ notes, cases of verbal and physical abuse are difficult to take to court because the burden of proof is challenging given that *au pairs* work alone in private homes.

Research has highlighted the vulnerability of *au pairs* in Australia. Indeed, around one quarter of the survey respondents in the first national survey of *au pairs* reported ‘feeling compelled’ to work more than they wanted and/or to do tasks other than childcare, 10% had not been paid money owed to them and a substantial proportion experienced verbal abuse (8%) and sexual harm (1%).¹⁴ Worryingly, very few *au pairs* who were subject to such experiences sought help. Indeed, one in six *au pairs* felt that they had no choice but to stay with the host family due to a lack of alternative accommodation options.

Au pairs also appeared to be unaware of their rights or avenues for legal recourse and are at risk of immediate homelessness should their host family react badly. Research in Australian rural communities has identified a lack of formal support for *au pairs*, which is compounded by a lack of transport and friend networks.¹⁵ The means by which *au pairs* find work (e.g., through agency or Gumtree advertisements) does not seem to affect the likelihood of exploitation and/or abuse. The relative short duration of their stay with a host family can demotivate *au pairs* from negotiating with host families to secure better conditions.

The extent to which *au pairs* experience and/or witness domestic violence is unknown.

The number of *au pairs* affected by domestic violence could be quite high, given, for example, that the Australian Bureau of Statistics 2017 Personal Safety Survey found that one in six women in Australia had experienced partner violence since the age of 15 and that one in four women had experienced emotional abuse. Notably, private homes are significant locations for violence and abuse.

As reported in the media at the end of March 2020,¹⁶ the New South Wales Minister for the Prevention of Domestic Violence has noted a dramatic increase in the number of Google searches about domestic violence and a significant increase in demand for temporary crisis accommodation since COVID-19 cases have been recorded in the State. Temporary migrant women’s access to mainstream services is fraught given that they are not Australian citizens and might experience language barriers.¹⁷ The COVID-19 measures exacerbate these risks for *au pairs* who are unable to return home and find themselves confined with host families who are under increased stress due to a loss of income and/or pressures associated with working from home.

Policy implications & options

The role of *au pairs* in meeting the Australian demand for low cost and flexible childcare tends to be absent from policy discussions about migration and childcare provisions in Australia. A key exception is lobbying on the part of *au pair* agencies for a formal *au pair* visa.¹⁸ Overall, the emphasis in *au pair* industry submissions to the Productivity Commission tends to be on migration as a way to lower the costs of childcare. It should be noted that *au pairs* in countries with targeted *au pair* visas are also highly vulnerable. Thus, any such targeted visas need to be accompanied by

regulations that seek to protect *au pairs* from exploitation and abuse.

A report entitled *Abused Domestic Workers in Europe: The Case of Au Pairs*, commissioned by the European Parliament's Committee on Women's Rights and Gender Equity, outlines the procedures that have been adopted internationally to prevent abuse.¹⁹ These include the European Agreement on *Au Pair* Placement, the development of a code of ethics (Germany) and a code of practice (Ireland), hotlines (Germany, Denmark and The Netherlands) and grants to non-government organisations (NGOs) to support *au pairs* (Denmark). The guidelines and standards that have been adopted in many industrialised nations outline minimum working conditions, stipulate maximum hours and require host families to pay full minimum wage.

To date, Australia has not introduced any governmental and/or programmatic targeted regulations and does not provide any support for *au pairs*. This *au pair* work is undocumented and unprotected. Drawing on international experience and in response to *au pair* vulnerabilities to both exploitation and domestic abuse, immediate policy actions should include:

- 1) the development of a mandatory national register of host families and *au pairs*;
- 2) the allocation of targeted funding to develop the capacities of NGOs to provide material and counselling support designed specifically for *au pairs*; and
- 3) the development of enforceable standards that detail the scope, hours of work and minimum pay.

Such actions would also provide crucial (but currently lacking) statistical information about the extent and location of this growing use of unregulated, privatised childcare, which could be used to inform broader childcare policy development. Discussion around the possibility of a targeted *au pair* visa must explicitly seek to reduce the risks and vulnerabilities of *au pairs*. The voices of *au pairs*, to date, entirely absent from industry and policy discussion, are central to effective policy and regulation.

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