

All in the family: national survey highlights need to protect au pairs from exploitation

1. Summary of impact

While the vast majority of au pairs enjoy their experience in Australia and would recommend it to others, they are routinely paid less than the minimum wage, according to a national survey conducted by UTS Law Faculty senior lecturer, Laurie Berg, and Professor Gabrielle Meagher from Macquarie University.

The anonymous online survey has shed much needed light on the day-to-day experiences of the thousands of au pairs—predominantly young women under the age of 22—who take up childcare and housework duties for families around the country.

The findings—published in *Cultural Exchange or Cheap Housekeeper?*—are the first comprehensive study of au pairing in Australia, and provide empirical evidence to support the introduction of better regulation and more targeted enforcement of it to protect the rights of all involved.

2. The problem

Between 7 and 10 per cent of Australia's workforce holds a temporary visa of some kind. Although they are entitled to the same labour protections as other employees, in practice they can be vulnerable and find it difficult to access these protections. Generally, the young workers au pairing in Australia—it's estimated there may be more than 10,000 of them—are on working holiday visas and so belong to this group.

Au pairs are vulnerable because they depend on host families for accommodation. Many work longer hours than agreed at short notice and are asked to do tasks beyond the childcare and light housework traditionally associated with au pairing.

“Au pairs are traditionally considered ‘members of the family’—which may work in their favour if they enjoy a real cultural exchange but may work against them if the family expects large amounts of unpaid labour in the form of care and housework,” explains Laurie.

There is also a common misconception, on behalf of both au pairs and families, that what au pairs are doing isn’t ‘work’ but a form of cultural exchange.

The regulatory uncertainty around the industry—‘au pair’ has no legal definition in Australia—means there is little recourse if things go wrong. Employment protections may apply but are difficult to access. The Fair Work Ombudsman, the national labour watchdog, is ill-equipped to deal with disputes when the workplace is the family home.

3. Beneficiaries

The survey is the first study of its kind, providing an evidence-based assessment of au pairing in Australia that is likely to benefit the thousands of young travellers who work as au pairs around the country every year, as well as the families that host them.

The report concludes that the day-to-day duties described by survey participants constitute employment under the *Fair Work Act*. Accordingly, it provides much needed clarity for agencies, host families and au pairs about the responsibilities, legal rights and obligations of all parties. It also gives an evidentiary basis from which future government policy can be generated.

4. Approach to impact

The survey was conducted online over two periods in 2016–2017 and late 2017, and participants’ anonymity was protected. It was open to anyone who had au paired in Australia and contained 45 multiple choice questions. However, participants were also

given the opportunity to provide open-ended answers where they could give more detail and/or raise issues that were not covered by the multiple choice questions.

To encourage a diverse range of participants with neutral, positive or mixed experiences to participate, survey participants were given the opportunity to enter into a prize draw to win a \$500 voucher or one of four \$50 vouchers.

A total of 1,479 valid responses were received.

These were used to chart the demographic profile of au pairs, examine their conditions of employment, and explore the ways au pairs arranged their placements, their knowledge of relevant immigration laws, problems they encountered as well as motivations for and attitudes towards au pairing in Australia.

“While it is impossible to say whether the survey sample is representative, since it is unknown how many au pairs live in Australian families each year and precisely who they are, the survey is an important first step in terms of assessing conditions on the ground for au pairs in Australia,” says Laurie.

5. What has changed as a result of this work?

5.1 The outcomes

Cultural Exchange or Cheap Housekeeper? sheds much needed light on au pairing in Australia by describing day-to-day activities of au pairs, the relationships they develop with host families, their expectations about au pairing and their knowledge about their legal rights. It also identifies a small but significant number of cases where the current system has seriously let au pairs down. It is available for download from the [Migrant Worker Justice Initiative](#) website.

While informal arrangements work for many, there remains much confusion amongst both au pairs and their host families about the responsibilities and obligations of host families and visa requirements. Without empirical research into au pairing in Australia, it is difficult for effective policy to be made to improve the situation. The findings are an important step in framing much-needed improvements.

The report has also received widespread media attention, both within Australia and Internationally. This has contributed to the public discussion about young children, their care, and the respect and remuneration appropriate for the people who work with them.

5.2 Impact

Public recognition of the power imbalance inherent in the relationship between families and au pairs is an important first step in bringing government and other stakeholders to the table to improve working conditions for those in the industry. By detailing the day-to-day experiences of au pairs, the report not only gives au pairs a 'voice', but also assists in the development of evidence-based policy to improve regulation and enforcement efforts that are effective on the ground.

In future Laurie Berg hopes that her work can contribute to changed government policy and better safeguards.

“My hope for au pairs is better regulation: a clearer articulation by government that au pairing *does* qualify as employment in many cases and stronger mechanisms to enforce employment protections for this vulnerable group of young foreign workers.”

6. What has helped you accomplish this work?

Laurie is co-director at the Migrant Worker Justice Initiative, a not-for-profit group that conducts research with the aim of improving legal safeguards to improve conditions for temporary migrants globally. Her track record in this field enabled her to draw on a network of expertise in the area and gain the trust of individuals, service providers and au pair agencies who voluntarily assisted with the survey design, translation and distribution.

The willingness of the current and former au pairs in Australia to share information about their experiences and complete the survey was also invaluable.

7. Challenges

As a poorly designed survey instrument could yield inaccurate and unrepresentative responses from participants, Laurie engaged with the au pairing community and au pair agencies to develop the survey—conducting focus groups and interviews and thoroughly testing it to ensure it genuinely reflected the voice of au pairs.

“There is huge potential to harness digital platforms to collect information at a large scale across a broad geographic area, like Australia. It gives researchers the ability to collect information anonymously and in an unmediated way,” says Laurie. “But it shouldn’t be viewed as a panacea. There is a risk that the survey instrument or research instrument could ask a set of questions in order to get certain answers. For example, a survey by a lead firm in a supply chain might design very narrow survey questions that focus only on certain areas to ‘prove’ that conditions in a factory are good.”

However, for Laurie the core challenge for the research is more fundamental—to translate the findings of the survey into government reform that makes a real difference to au pairs.

“Temporary labour migration is quite a recent phenomenon in Australia. Ever since Federation, there have been tight immigration restrictions. Because of this we don’t think of ourselves as a country with a Guest Worker program or as having low-wage workers, including low-wage domestic workers. Unlike Singapore or Hong Kong, we do not think we have ‘foreign maids’. But in fact, as a result of the deregulation of labour markets and immigration rules from around the 80s and 90s, as well as the rapid pace of globalisation, we actually do have young foreign women working as live-in housekeepers in homes across Australia,” she says.

“The government needs to recognise this and do much more to enforce labour rights in general, and especially for vulnerable temporary migrant workers. This is the case whether they be French fruit pickers, Taiwanese abattoir workers or German au pairs.”