



Regulation of the Au Pair Program in Belgium

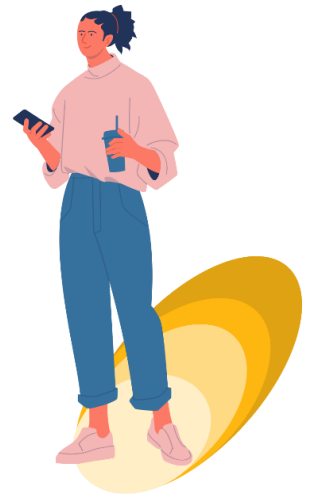
The au pair program in Belgium is regulated at regional level; therefore, there are three different regional laws that apply within their respective territorial jurisdictions:

- **In Flanders and the German-speaking Community**, the Royal Decree of June 9, 1999, for the implementation of the Law on the employment of foreign workers¹ is applicable.
- **In Brussels**, the Decree of the Government of the Brussels-Capital Region of 16 May 2024 implementing the ordinance on economic migration² is applicable.
- **In Wallonia**, Decree of the Walloon Government of June 6, 2024, regarding the admission of foreign workers³ is applicable.

These three decrees are largely similar; however, they present certain differences **that can be substantial**. This guide will indicate when differences exist among the various decrees.

What is an au pair really?

There are many misconceptions about the au pair program, which is why it is important to begin this guide by explaining what is meant by an au pair placement. The definition of an au pair placement is the same in all the different decrees that regulate the program in Belgium.



An au pair placement refers to an official immigration status (and not a work regime) and is defined as:

- a) A young person (m/f/x) aged:
 - **Between 18–25 years old** in Flanders, Brussels, and the German-speaking Community.
 - **Between 18–29 years old** in Wallonia.
- b) Who resides temporarily in Belgium within the framework of a **cultural exchange program**, with the main objective of **learning one of the three official languages** (Dutch, French, or German) and **becoming more deeply familiar with Belgian culture**.

**Once a person turns 26, it is no longer possible to be an au pair in Flanders, Brussels, and the German-speaking Community. Once a person turns 30, it is no longer possible to be an au pair in Wallonia.*

¹ KB houdende de uitvoering van de wet betreffende de tewerkstelling van buitenlandse werknemers/ Arrêté royal portant exécution de la loi relative à l'occupation des travailleurs étrangers -09/06/1999

² Besluit van de Brusselse Hoofdstedelijke Regering houdende uitvoering van de ordonnantie betreffende economische migratie/ Arrêté du Gouvernement de la Région de Bruxelles-Capitale portant exécution de l'ordonnance relative à la migration économique – 16/05/2024

³ Arrêté du Gouvernement wallon relatif à l'admission au travail de travailleurs étrangers – 06/06/2024

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The au pair is welcomed into the home of a host family where she will **receive free food and accommodation**, as well as a monthly pocket money. In exchange for this, the au pair may help around the house only with light household chores.

DID YOU KNOW?

- Au pairs **are NOT domestic workers** and are not in Belgium to work.
- "**Au Pair**" is not a simple word and is **NOT synonymous** with nanny or babysitter.
- The au pair stay is an **official migration status** that is only obtained by signing an **official Belgian contract** and registering it at the town hall.

What are the legal conditions?

As previously mentioned, the au pair program in Belgium is regulated by three different decrees. These three decrees set the legal conditions that both the host family and the au pairs must meet, as well as the conditions of the stay, which must be fulfilled without exception and within their respective territorial scope.



IMPORTANT

The au pair program **is not regulated at European level**; each country has its own regulations (and in the case of Belgium, there are three different regulations). The information contained in this guide includes the **provisions of these three Decrees**, as well as additional information based on court rulings, legal opinions from the Official Labor Inspection Services, and more than 10 years of professional experience that FAIRWORK Belgium has in defending the labour rights of au pairs. If the information you have received from the host family, the au pair agency, or any website, is different from what is contained in this guide, then it is incorrect information **whose sole purpose is to mislead you**.

FAIRWORK Belgium has found that in Belgium, the au pair program is NO LONGER a cultural exchange program. The vast majority of host families who make use of the program do so with the intention of **obtaining cheap domestic labor**. It is important that you read the contents of this guide carefully **to avoid becoming yet another victim of the systematic exploitation of au pairs in Belgium**.

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Conditions for the Host Family

- Must have at least one child under the age of 13.
- The host family is prohibited from requiring the au pair to care for children younger than the following ages:
 - **In Brussels and Wallonia:** the au pair may not care for children **under 5 years old**.
 - **In Flanders and the German-speaking Community:** the au pair may not care for children **under 6 years old**.
 - The host family must arrange daycare services for all children below those respective ages.
- Must grant labour inspectors **access to their home**.
- Cannot host two au pairs simultaneously.

Conditions for the Au Pair

- Must be of a certain age:
 - **In Wallonia:** between **18-29 years old**. Once 30 years old, it is no longer possible to be an au pair (for both European and non-European citizens).
 - **In Flanders, Brussels & the German-speaking community:** between **18-25 years old**. Once 26 years old, it is no longer possible to be an au pair (for both European and non-European citizens).
- Must have completed studies up to at least 17 years of age.
- Must have a **basic knowledge of the host family's language** or commit to taking intensive language classes.
- Must not have previously:
 - **In Wallonia:** held a work permit in the French-speaking area of Wallonia.
 - **In the rest of the country:** held a work permit in Belgium.
- The au pair is prohibited from undertaking any other paid work during their stay.



Conditions of the program



- Both parties must sign an official model contract from the corresponding regional government. The model contract must be registered at the city hall.
- The au pair stay will have a **maximum duration of one year**, and it is not possible, under any circumstances, to extend the stay beyond one year, regardless if you are a European citizen or not.
- An au pair may **change host families ONLY ONCE** and only for the remaining time of the one-year au pair period.

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- The host family is legally required to pay pocket money, **regardless of periods of inactivity** (even if the au pair is sick, traveling, or if the family goes on vacation):
 - **In Wallonia**: at least **€750 per month**.
 - **In the rest of the country**: at least **€450 per month**.
- An au pair can only help for a maximum of **20 hours per week and 4 hours per day**. It is never possible to ask the au pair to work beyond these hours. If the au pair is required to work more than the legal limit, this can be considered **labour exploitation and the au pair may claim the right to be paid at least the minimum wage as a domestic worker**.
- **The au pair is not a worker**. They are only allowed to help with light household chores. They cannot be asked to do all the housework.
- The au pair must be enrolled in an official school to attend language classes (**Dutch, French, or German**).
- The host family is legally required to provide the au pair with a **private room** equipped with all corresponding comforts.
- The au pair **must have free access** to the host family's home.
- The host family is legally obligated to take out health insurance that covers **ALL medical expenses** (consultations, medicines, and hospitalization).
- Repatriation in the event of death or illness must also be covered by the insurance.
- The au pair must have **at least one full day of rest per week**, and they must be guaranteed the ability to practice **their religious beliefs**.

DID YOU KNOW?

- **Language classes are mandatory**. It is illegal for the host family, for any reason, to prohibit you from attending your classes. It is also not possible for you to decide to stop attending your classes; if you do so, you could lose your residency.
- You can only take language classes in the **official language of the region** where you are domiciled with the family. (In Flanders, you must learn Dutch; in Brussels, you can choose between French or Dutch; in Wallonia, you must study French; and in the German-speaking Community, you must learn German). **It is not possible to study languages that are not official in Belgium** (e.g., English).
- If the family goes on vacation and you do not accompany them, **they cannot prohibit you from accessing their home** during their absence.
- The law sets a minimum of one full day off (normally it should be Sunday); however, if during the week you have already reached the 20-hour limit, **you must have both Saturday and Sunday off**.

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Official Model Contract

The legal stipulations of each of the three Decrees regulating the au pair stay **have been incorporated into an Official Model Contract**. Each regional government has its own contract model, resulting in 4 different model contracts, each applicable to its respective region:

- The model contracts in Flanders and the German-speaking Community are based on the provisions of the Royal Decree of 9 June 1999 implementing the Law on the Employment of Foreign Workers.
- The model contract in Brussels is based on the provisions of the Decree of the Government of the Brussels-Capital Region of 16 May 2024 implementing the ordinance on economic migration.
- The model contract in Wallonia is based on the provisions of the Decree of the Government of Wallonia of 6 June 2024 concerning the admission to employment of foreign workers.

These model contracts have significant differences, but generally speaking, the conditions of the program are very similar. These model contracts **are by no means an employment contract, but rather an agreement within the framework of a cultural exchange**.

These Model Contracts **are the only legally valid documents in Belgium** (each within its territorial scope). Any other document is considered invalid.

An au pair stay can only be referred to when both parties (the host family and the au pair) **have signed this model contract** and a work permit has been requested based on it. If no contract has been signed or if a contract different from the Official Model Contract applicable to the corresponding region has been signed, it cannot be considered an au pair stay, but rather **undeclared work as a domestic worker**.



The model contracts include the logo of the corresponding region



BRUSSEL ECONOMIE EN WERKGELEGENHEID
BRUXELLES ÉCONOMIE ET EMPLOI
GEWESTELIJKE OVERHEIDSDIENST BRUSSEL
SERVICE PUBLIC RÉGIONAL DE BRUXELLES



Ministerium
der Deutschsprachigen
Gemeinschaft Belgiens

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All model contracts are **available to both host families and au pairs** through the official websites of the **Regional Ministries of Work**. On these websites, you will also find all the information and documentation required to apply for a work permit. All documents are **available for free download**.

On the FAIRWORK Belgium website, you will find links to each of the official websites of the different regions.



IMPORTANT

The regional model contracts are the only legally valid document within the au pair program in Belgium and does not allow for modifications or annexes. Any other document that **imposes additional, unfair, or abusive clauses, or stipulates conditions contrary to the law, is not legally valid**.

In practice, FAIRWORK Belgium has observed the following:

- Some families use contracts obtained through **AuPairWorld.com** or use a European format dating back to 1972.
- Families use the official model contract to apply for the au pair visa while simultaneously providing the au pair with a **completely different contract** with conditions different from the legal provisions.
- Often, au pair agencies require you to sign **private or "additional" contracts**, annexes, or other documents such as "family guidelines," "code of conduct," etc.

In any of these cases, those private/additional documents or contracts are invalid in Belgium, **even if you have already signed them**. You can report this to the labour inspection.



Non-European Au Pairs

Non-European citizens need to **obtain a work permit and visa** to officially reside in Belgium as an au pair. The host family is responsible for applying for the work permit. The work permit will be **issued by the regional government** where the host family resides (Flanders, Brussels, Wallonia, or the German-speaking Community).

If the application is approved, the work permit will be issued and must be sent to the au pair's home country to start the visa application process at the Belgian embassy. Once in Belgium, the au pair must go to the city hall to apply for a residence permit.

DID YOU KNOW?

The work permit for an au pair is valid only in Belgium and for a single family.

The au pair is **explicitly prohibited by law** from performing **any other paid work** during their stay. For example, the au pair cannot work extra hours with another family to earn extra money. Doing so would be considered undeclared work and could result in the **cancellation of the work permit and loss of residency**.



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! IMPORTANT

The requirement to obtain a work permit **may cause misunderstandings**, and it is important to remember that **au pairs are NOT workers**.

The work permit is required simply because there was **no other specific administrative procedure for au pairs**. The government decided to use the existing work permit procedure.

Are You Exempt from a Tourist Visa?

Citizens of some countries are exempt from a tourist visa in the Schengen Area. Many host families and au pair agencies try to convince prospective au pairs from these countries to come to Belgium as tourists and then start the work permit process from here. Although this is legally possible, **we strongly recommend against it due to the high risk of exploitation for the prospective au pair**.

If you come as a tourist:

- You are **prohibited** from working.
- You do not yet have official residency as an au pair.
- The family is **NOT legally responsible** for your stay.
- You **will not have any medical insurance** (unless you purchase a travel insurance yourself).
- You will **be more vulnerable to abuse** and completely dependent on the host family.
- If for any reason the work permit is not granted within 3 months, **you will be undocumented** and have **no opportunity for regularization**.



In practice, FAIRWORK Belgium has observed the following:

- Often, families and au pair agencies suggest coming as a tourist as a “trial period.” **Trial periods do NOT exist in the au pair program**. This “trial period” is undeclared work and may result in the denial of your work permit.
- Many families decide not to continue with the work permit application (or simply never initiate it) if there is no “click” with you. If the 3-month period has passed when this happens, **you will not have regular residency** and will be forced to return to your home country. **Regularization is impossible**, and you will also be unable to initiate an au pair visa application in any other EU country.
- **Latin American girls**, especially from **Brazil**, are the most common victims of this malpractice.

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DID YOU KNOW?

If you are already in Belgium as a tourist, do not have a work permit, and are working irregularly, **you still have rights!** Despite working undeclared, Belgian labour law applies to you as a genuine domestic worker/nanny:

- You have the right to earn a minimum wage as a nanny: **€14.06/hour or €2,316/month** (if working full-time).
- **Your employer can be prosecuted** for making you work illegally and evading taxes.
- You can report your employer to the labour inspection **without any risk to yourself.**

Nevertheless, we reiterate our recommendation to **never leave your country without the appropriate work permit and au pair visa.** Exploitation in these cases is very common.



European Au Pairs

The au pair program in Belgium was established **without considering European citizens.** Strictly speaking, the au pair regulations in Belgium **do not apply to EU citizens**, and Europeans cannot be au pairs in Belgium.

European citizens, however, have the **right to free movement** within the Union. If an EU citizen wishes to reside in Belgium, they must formalize this right through registration at the city hall (commune) where they wish to reside and thereby obtain **a residence card for EU citizens.** An EU citizen can register, for example, as a worker, student, or as a citizen with sufficient financial means. However, **the law does not provide for the possibility of registering as an au pair.**

In reality, **the commune tolerates the widespread practice** of using an Au Pair Model Contract (signed by both parties) for registration. Since there is no legal provision to register as an au pair, the commune will register the "au pair" as a student or as a citizen with sufficient means to support themselves. This practice, which may seem beneficial for the European "au pair," actually **results in a situation of high vulnerability** for the individual.

DID YOU KNOW?

Although in principle, au pair regulations do not apply to European citizens, once both parties (the host family and the European "au pair") sign a Belgian Model Contract for au pairs, **they are, by civil law principle, subject to the provisions of that contract,** and both parties are required to comply with the legal conditions of the au pair program, including the one-year limit as an au pair.

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In practice, FAIRWORK Belgium has observed the following:

- The commune **NEVER verifies** that the legal conditions of the au pair program are met.
- Since no work permit or visa has been requested, **there is NO oversight** by the labour inspection.
- **Many legal responsibilities** of the host family **are transferred to the "au pair"** (e.g., using the European Health Insurance Card instead of providing full medical insurance).
- Many Europeans **spend years working as "au pairs"** receiving only €450 per month, which is **less than a quarter of the minimum wage** they would be entitled to as a genuine nanny.
- 80% of European citizens **never sign an au pair model contract** or register with the commune. **No authority is aware** of their presence in Belgium.
- There is a **growing demand for European "au pairs"** from host families. Families have realized that this is very convenient as there is **no visa authorization procedure or subsequent supervision by the authorities**.
- Contrary to popular belief, **European "au pairs" are the most vulnerable group in the sector**. Unlike non-European au pairs (who have applied for a visa and whose presence is known to federal and regional authorities), no one knows they are in Belgium, and authorities do not conduct inspections at their workplaces.



IMPORTANT

The vulnerability and exploitation of European citizens residing in Belgium as "au pairs" is real and systematic. **FAIRWORK Belgium strongly advises against moving to Belgium as an "au pair."**

"Au Pair" is not just a word; it is not enough for the family to call you an "au pair" for you to be officially one. The au pair program is **a status of residence** granted to non-EU citizens based on a **specific and previously authorized visa**.

If you are an EU citizen residing in Belgium as an "au pair," it is very likely that you are working undeclared as a genuine nanny. In this case, **you also have rights**, and the working conditions of a nanny are applicable to you, **including a minimum wage**.

In case of problems, you can report this situation to the labour inspection **without any risk to yourself**.

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Change of Host Family

The au pair can change families only once and only for the remaining time left in their one-year stay as an au pair. The maximum one-year limit as an au pair **cannot be extended under any circumstances**.

A proper *rematch* process does not exist in Belgium. When changing host families, the second family must submit an **entirely new application for a work permit**. In this case, just as the first time, **all requirements must be met**, and the au pair and family must wait for the government to authorize (or deny) the second work permit. Keep in mind that **if you are already 26 years old**, it will no longer be possible to switch to a second host family in Flanders, Brussels, and the German-speaking Community (but it is still possible in Wallonia). **If you are already 30 years old**, you will no longer be able to change families in any region of Belgium.

The work permit **is valid for one host family only**. If you change families, the work permit issued for the first family is no longer valid. However, **the residence permit remains valid**, and the au pair can continue using it with the second family.

DID YOU KNOW?

- In the event that the au pair leaves the first family's home prematurely:
- **Neither the au pair nor the second family is obligated** to reimburse the expenses incurred by the first family for the work permit application (e.g., reimbursing the cost of health insurance). **Au pair agencies also do not have the authority** to demand reimbursement of any expenses.
 - If the first family used an au pair agency and you wish to change families, **the agency cannot force you to use their services** for the family change.
 - If you have changed families (in addition to the legal formalities you must comply with at the commune), **neither the first family nor the au pair agency** can force you to give them the personal information of the second family.
 - **You are not obligated to sign any "contract termination"** or similar document that the family or the au pair agency may provide. **These documents are private and not mandatory**. They are often **used to protect the family** in case you decide to file a complaint.



IMPORTANT

If you have left the family's home due to abuse, work overload, or any other type of exploitation, **FAIRWORK Belgium recommends filing a complaint against the family with the labour inspection authorities**. This will help protect your rights, prevent the family from receiving future au pairs, and **contribute to stopping the systematic exploitation** of au pairs in Belgium.



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Pocket Money

The host family is **legally required** to pay the total amount of your pocket money as agreed upon in the contract. The amount to be paid **can never be less than**:

- **€450 per month** in Flanders, Brussels, and the German-speaking Community.
- **€750 per month** in Wallonia.

The family can always pay more, but never less than these amounts! The pocket money must be paid monthly into a bank account and **never in cash**.

- Pocket money **CANNOT be subject to any deductions or discounts**. Paying less than what is stipulated in the contract or less than the legal minimum of €450 or €750 **is illegal and constitutes labour exploitation**.
- Pocket money must be paid in full, **even during periods of inactivity**, such as when you are sick or when you or the family are on vacation.
- If the host family pays you more than the legal minimum, **they cannot require you to work more than what is legally permitted**.

DID YOU KNOW?

Pocket money should be paid each month **starting from the day you arrived at the host family's home**. For example, if you moved in with the family on January 18, your pocket money must be paid on the 18th of each month.



Who pays for What?

By law, **the host family is required to cover certain expenses**; however, there are other expenses that are not, in principle, the family's responsibility.

It is important for both parties **to be informed in advance** about which expenses each one should cover. FAIRWORK Belgium has observed in practice that various au pair agencies misinform both parties about who is responsible for covering specific expenses, **which can lead to unpleasant surprises for everyone**.

The three Decrees that regulate the au pair program in the different regions of Belgium establish certain expenses that are **legally mandatory for the host family**. The family must cover these expenses at all times and **without any exceptions, discounts, or deductions possible**:

- **Food**: The family **must ensure that there is always enough food** available that **suits the au pair's diet**, even when the entire family is away on vacation and the au pair remains at the house.

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- **Accommodation:** The family must provide the au pair **with a personal room with all necessary amenities**. Under no circumstances can the family require the au pair to pay for utilities such as electricity, water, or gas.
- **Pocket Money:** As previously explained, the **family is obligated to pay a minimum of €450 or €750 per month**, without exceptions, discounts, or deductions.
- **Health Insurance:** The family is responsible for covering **ALL medical expenses** of the au pair throughout their stay. The family must arrange for **health insurance coverage** on behalf of the au pair (more information can be found in the Medical Expenses and Insurance section of this guide).
- **Repatriation:** The family is obligated to secure repatriation insurance in the event of death or an accident.

On the other hand, there are certain expenses **not specified in the Decrees as mandatory for the family to cover**:

- **Airfare:** The cost of the plane ticket is generally the responsibility of the au pair, although **the host family may choose** (but is not required) to pay for it.
**In the Brussels region, this expense is specified in the model contract: both parties must agree on who will pay for the flight and what percentage of the cost each party will cover. The Brussels region contract also stipulates that if the host family unjustifiably terminates the au pair's stay, the family is required to cover the cost of the return flight.*
- **Language Classes:** This expense is also typically the au pair's responsibility. Similarly, the family may choose to cover this cost but is not obligated to do so.
**The Brussels region has added a clause to their model contract, requiring both parties to reach an agreement on who will cover this expense.*
- **Visa Costs:** Like the airfare and language classes, visa costs are typically not the host family's responsibility. However, the family may choose to cover these costs voluntarily.
- **Personal Expenses of the Au Pair:** Personal expenses such as clothing, leisure activities, travel, and personal transportation are the au pair's responsibility.

! IMPORTANT

If the host family chooses to pay for expenses that are not legally mandatory:

- They **cannot later deduct these expenses** from your pocket money. **Doing so is illegal**, and the au pair can file a complaint with the labour inspection authorities.
- The family **cannot demand extra working hours** in return for covering these expenses. If they do, the au pair can report this to the labour inspection authorities.



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Working Hours and Tasks

Au pairs are not workers and **are not in Belgium to work**. They are here **to learn a language** and gain a deeper understanding of **Belgian culture**. In this context, **the host family must provide the au pair with a broad cultural experience**. Au pairs are in no way a solution for domestic work or childcare.

In exchange for accommodation, food, and pocket money, **an au pair may assist for a maximum of 20 hours per week**, which can be distributed over the week with a **maximum of 4 hours per day**. Once these hours are completed, the remaining time is free time for the au pair.

There is absolutely no flexibility in the maximum limit of working hours! An au pair should never be asked to work extra hours. **If an au pair works more than the permitted amount**, the law explicitly states that the au pair will be considered to **have been working as a full-time nanny**, meaning they **must be paid the minimum wage** for all hours worked⁴ (not just the extra hours). The family must then regularize **unpaid social security contributions and taxes**. The family may be fined or even face criminal charges for social security fraud.

The 20-hour per week and 4-hour per day limit includes ALL work, including childcare. Au pairs are only allowed to perform **light tasks** and should NEVER be asked to do **all the household chores**.

DID YOU KNOW?

- The 20-hour per week and 4-hour per day limit **is the legal maximum** for how many hours an au pair can work, but it does not mean that these hours must be fully utilized. If the au pair works less than 20 hours in one week, **the family cannot demand that the au pair make up** the unworked hours the following week.
- Under no circumstances can the family and the au pair agree to work extra hours, **whether for additional pay or extra days off**. Working **extra hours is illegal and constitutes** labour exploitation.
- The au pair's childcare responsibilities are very limited:
 - **Children under 5 years (in Brussels & Wallonia) or 6 years old (in Flanders & in the German Speaking Community)** cannot be left in the sole care of the au pair. The host family must prove that these children attend daycare or school.
 - **Babysitting is prohibited for au pairs**. Parents cannot leave the au pair alone with the children at night, nor can they go away for the weekend, leaving the children under the au pair's supervision.

⁴ Legal minimum wage in Belgium (as of 01/01/25) for nannies/babysitters: 14,06€/hour or 2316,45€/month

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Medical Expenses and Insurance

When a host family officially welcomes an au pair into their home, they assume all medical risks. This means **they are legally obligated to cover all medical expenses that may arise during the au pair's stay**. To do so, the family must obtain health insurance for you that covers all medical expenses, including **consultations, medication, and hospitalization**.

An au pair **should never spend their own money on medical expenses** while in Belgium. All medical costs must be covered by the host family, including any payments that need to be made in advance. Many insurers operate on a reimbursement system. In such cases, **it is the family's responsibility to cover the costs upfront and to seek reimbursement from the insurance company**, not the au pair. The host family holds the insurance policy, while the au pair is the beneficiary.

If the family purchased the **cheapest insurance policy** and it **does not cover 100%** of the medical expenses, the family remains legally responsible for covering the remaining costs, which could end up being more expensive for them.



If you are a European citizen and you and the host family have signed and registered an official au pair model contract in the city hall, the **family is legally obligated to obtain comprehensive health insurance** for you as well. Your European Health Insurance Card (EHIC) **is not sufficient!**

Attempting to use the European Health Insurance Card **transfers the family's legal obligation to cover all expenses onto the au pair**. Remember that the city hall never verifies whether the legal conditions of the au pair stay are properly fulfilled by the family. In cases of abuse, **do not hesitate to file a complaint**, as you could **face high medical bills**.

! IMPORTANT

Under no circumstances should the host family or the agency force the au pair to **reimburse the cost of medical insurance**, nor should they deduct medical expenses from the pocket money.

If the family deducts medical or insurance costs from your pocket money, or if the agency pressures you to repay these expenses, **you can report this to the labour inspection authorities**.

If you change families, **the second family is not obligated to reimburse the insurance costs** to the first family.

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Au Pair Agencies

Au pair agencies **do not have any official recognition in Belgium**. No au pair agency, whether Belgian or foreign, is an official party in the au pair program in Belgium, and therefore, **they hold no authority over the program nor any power to impose obligations on au pairs** or require additional conditions for participation.

In fact, anyone can open an agency **without needing an official permit to operate**. As a result, their activities **are not monitored by labour inspections or any other authority**.

DID YOU KNOW?

In Belgium, **it is not necessary to use an agency** for matching a family with an au pair, nor for starting the work permit or visa process. Many families and au pairs use agencies (often paying large amounts of money) **under the belief that this will provide greater legal security** and that the process will be “more legitimate.” However, **this is far from the truth**.

FAIRWORK Belgium has found in practice **that since these agencies are not supervised by any authority, they often misinform both host families and au pairs**, and in many cases, **they are the very source of the abuses suffered by au pairs**. In some cases, agencies even go as far as **to strongly intimidate the au pairs**.

Families can also find themselves in trouble due to this misinformation. In practice, we see that many families fail to comply with certain legal conditions of the program because they have been (mis)informed by the agency, only to later find themselves **investigated, fined, or even prosecuted by the authorities** for non-compliance. The consequences of non-compliance are not borne by the agencies. but by the families.

Before using the services of an au pair agency, it's important to know the following:

- Agencies are often **one-person businesses without adequate infrastructure** to provide quality services.
- Agencies frequently offer **incomplete and/or misleading information** about the legal conditions of the au pair program.
- These **are for-profit businesses**: host families pay for their services, so it is very likely that **they will not be impartial in case of a conflict** between the au pair and the host family. Agencies will always defend the interests of their paying clients.

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- It is likely that they **do not conduct a professional screening or matching process**.
- Foreign agencies are **merely travel agencies with no knowledge of Belgian law** regulating the au pair program.
- Nearly all agencies (whether Belgian or foreign) **use private contracts and unofficial documents** (annexes, "family regulations," "codes of conduct," "termination agreements," etc.) to impose—illegally—additional terms and conditions.
- Many agencies **will try to persuade you to come to Belgium as a tourist** and apply for a work permit from within the country, knowing very well that this will increase your vulnerability to abuse and exploitation.
- Many **impose (illegally) extra-legal conditions for you to become an au pair**:
 - That you are unmarried.
 - That you hold a valid European driving license.
 - That you pay fines if you don't stay for the full year.
 - That you are required to find another family only through them, etc.

! IMPORTANT

Au pair agencies do not hold any authority within the au pair program. If, for any reason, you decide to change families, **you are not obliged in any way to make a rematch with the agency**; you are free to find another family on your own. **You are also not required to hand over any of your documents** or any personal information about your new host family to the agency.

If the agency forces you to sign private documents imposing additional obligations or where you give up certain rights, **these documents are not legally valid**, even if you have already signed them.

If you have any doubt, problem, or experience intimidation by any agency, do not hesitate to contact the labour inspection or FAIRWORK Belgium. You should not be afraid, as the **agencies have no power over you**.

The Au Pair Program in Belgium



Driving in Belgium as an Au Pair

The au pair placement **is a residence status**. In addition to your work permit, you must have obtained a visa and, later on, **a residence card**. This residence permit is long-term (more than three months), and once you are a resident in Belgium, you must possess a **valid European driver's license** in order to drive. Without this, you cannot legally drive in Belgium.

Despite common belief, an **international driver's license is NOT valid once you become a resident**. Only tourists (those without long-term residency) can use an international driving permit. **Since au pairs are not tourists, they cannot drive with an international license.**



IMPORTANT

Driving is **not a required task for au pairs**, and **holding a driver's license is not a requirement** to become an au pair. Neither the host family nor the agency can demand that you have a license or force you to drive a car.

FAIRWORK Belgium and the authorities **strongly recommend that au pairs NEVER drive**, even if you hold a valid European license. Accepting to drive a car **constitutes a civil agreement** between individuals **outside the legal framework of the au pair program**. The law regulating au pairs does not provide protection for any of the parties involved. In the event of an accident, **the au pair may have to bear civil and/or criminal responsibilities**, and the labour inspection cannot intervene.

We emphasize that au pairs should NEVER agree to drive or **transport children in the car**. However, if you still choose to drive, keep the following in mind:

- **You must always have a valid European driver's license**. Some countries have bilateral agreements with Belgium to allow you to exchange your license for a European one.
- If your country does not have a bilateral agreement, **neither the family nor the agency can force you** to take the test to obtain a European license.
- The host family **must register you as a regular driver** with the insurance provider of their car. This is only possible if you have a valid European license. **Always make sure the family does this**; otherwise, you may be held responsible for **any damages or civil liabilities that occur**. In such cases, you could face enormous debts.
- Expenses related to the use of the vehicle **cannot be deducted from your pocket money**.
- Your medical insurance remains valid, **and all medical expenses must be covered** by the family. However, check the conditions of the policy, and if the medical insurance refuses to cover the expenses, **the family remains legally responsible for those costs**.

The Au Pair Program in Belgium

- In the event of an accident, if it is proven that the host family made you work as an actual domestic worker, they must show that they have taken out an insurance for work-related accidents.



How to Report Abuses?

If your host family does not respect any of the legal conditions and you become a victim of abuse, **you can report it to the labour inspection safely and without any risk to yourself.**

DID YOU KNOW?

Failing to pay you the legal minimum amount as pocket money, making you work more than 20 hours a week, preventing you from seeing a doctor or attending language classes, or any other breach of the au pair program conditions, **constitutes labour exploitation, and you can file a complaint.**

Filing a complaint is the only way to assert your rights, and it is completely safe for you. You will not suffer any repercussions for reporting your host family's abuses. In situations of abuse, **you are the victim, and you should have no fear of contacting the authorities.**

Filing a complaint will never harm your migratory status or affect you in any way if you have future plans in Belgium or another European Union country (for example, applying for a student visa).

In Belgium, **the Regional Labor Inspections are responsible** for monitoring and supervising the au pair program. The regional inspection services **ensure that host families comply with the regulations** and do not simulate hosting an au pair while actually employing them as full-time nannies or domestic workers.



IMPORTANT

The Decrees regulating the au pair program in Belgium explicitly **states** that if your host family does not comply with any of the program conditions, **it must be considered that you have worked as an actual domestic worker**, and therefore, you are entitled to a minimum wage and all related legal benefits.

In case of irregularities, FAIRWORK Belgium strongly recommends that you always file a complaint. This can not only **prevent the host family from receiving other au pairs in the future but also allow you to be officially recognized as a domestic worker/nanny** and recover a significant amount of money as unpaid minimum wages.



The Au Pair Program in Belgium

If you are a **non-European au pair** and hold a **work permit** (the blue card), you can file the complaint with one of the Regional Labor Inspections:



Vlaanderen
verbeelding werkt

Flemish Labour Inspection

Central Office

Koning Albert II-laan 35 bus 20, 1030 Brussels
Tel: 02 553 08 88

vlaamse.sociale.inspectie@vlaanderen.be

With offices in: Antwerp, Ghent, Bruges, Leuven, and Hasselt.

Brussels Regional Inspection

Place Saint-Lazare 2

1035 Brussels

Tel: 02 800 35 11

conomie-werkgelegenheid@gob.brussels



BRUSSEL ECONOMIE EN WERKGELEGENHEID
BRUXELLES ÉCONOMIE ET EMPLOI
GEWESTELIJKE OVERHEIDSDIENST BRUSSEL
SERVICE PUBLIC RÉGIONAL DE BRUXELLES

Brussels Regional Inspection



Wallonie
emploi formation
SPW

Wallonia Regional Inspection

Central Office

Blvd. Cauchy 43-45, 5000 Namur

Tel: 081 77 87 94

inspection.coordination@spw.wallonie.be

Con oficinas en: Charleroi y Liège

Ministry of the German-speaking Community

Gospertstraße 1,

4700 Eupen

Tel: 0800 23 0 32

arbeit@dgov.be



Ministerium

der Deutschsprachigen
Gemeinschaft Belgiens

Ministry of the German-speaking

You can contact the regional labour inspection office to **file a complaint**, but you can also reach out to them **if you have any questions or want to verify that the information** provided by the host family or agency is accurate.



FAIRWORK
Belgium
for domestic workers

The Au Pair Program in Belgium



If you are a **European citizen or a non-EU citizen** who has **come as a tourist and do not yet have a work permit**, you should file your complaint with the **Federal Labor Inspection** office corresponding to your place of residence:



- **Brussels:** Rue Ernest Blerot 1, 1070 Brussels • Tel: 02 235 54 01 • tsw.brussel@werk.belgie.be
- **Antwerp :** Italiëlei 124, 2000 Antwerpen • Tel: 02 233 42 30 • tsw.antwerpen@werk.belgie.be
- **Ghent :** Savaanstraat 11/002, 9000 Gent • Tel: 02 233 44 40 • tsw.gent@werk.belgie.be
- **Namur :** Pl. des Célestines 25, 5000 Namur • Tel : 02 233 46 80 • cls.namur@emploi.belgique.be
- **Liège :** Rue Natalis 49, 4020 Liège • Tel: 02 233 46 30 • cls.liege@emploi.belgique.be



What can FAIRWORK Belgium do for you?

FAIRWORK Belgium is an **NGO based in Brussels** with over **20 years of experience** defending the labour rights of migrant workers, domestic workers, and au pairs in Belgium. Through our **Helpdesk for Domestic Workers and Au Pairs**, we offer individual assistance in a safe and confidential manner. **We will inform you about your labour rights** and how you can protect yourself against abuse.

If you wish, we can put you in touch with the labour inspection office and **assist you in filing a complaint against your host family**. We will follow up on your complaint and provide guidance and advice **throughout the process**.

In addition to our Helpdesk, we have created an empowerment project called **FAIRWORK Belgium for Domestic Workers**, which is aimed at migrant domestic workers and young au pairs in Belgium. As part of this project, we organize various sociocultural activities on Sundays to empower participants in a safe, multicultural, and supportive environment. **These activities are conducted in Spanish and English and are completely free of charge**.

The Au Pair Program in Belgium



Special Activities for Au Pairs

Since 2017, FAIRWORK Belgium has been organizing monthly sociocultural activities exclusively for au pairs only (museum visits, guided tours to different cities and points of interest in Belgium, workshops, etc.). We do this so that you can truly enjoy a cultural exchange in Belgium, connect with other au pairs, and expand your network of friends.

During these activities, we will inform you about your rights as an au pair and the obligations your host family must fulfil. All of our activities for au pairs are completely free and are conducted in English and Spanish. Information about your rights can be provided in English, Spanish, Dutch, and French.



IMPORTANT

FAIRWORK Belgium is not an au pair agency and does not intervene in the recruitment of au pairs nor offers help in finding host families.

Our services are completely free, and our mission is to provide assistance and advice to au pairs who are victims of abuse by their host families and/or the au pair agency.

Do you need help?

Would you like to participate in our activities?

Tel. 0800/ 120.19

(Completely free of charge)

Monday & Wednesday: 9:00-13:00hrs

Thursday: 13:00-16:00hrs

Rue Gaucheret 164, 1030 Brussels
(by appointment only)

Omar García

omar.garcia@fairworkbelgium.be



Unni Kolsrud

unni.kolsrud@fairworkbelgium.be



WhatsApp • 0494/18.82.40

www.FAIRWORKBelgium.be (website also available in English)



[FairworkBE DW](https://www.facebook.com/FairworkBE-DW)



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