



# AU PAIR IN NORWAY

Your rights, duties and where  
to get help or more information

## Preface

In 2010, Legal Advice for Women (JURK) was contacted by Caritas, due to the many au pairs contacting Caritas and the Catholic Church of Oslo to get help. We then started a close cooperation with Caritas and Filipino Workers' Organisation, and during 2011 and 2012 JURK has received funding from the The Directorate of Integration and Diversity (IMDi) for developing an information programme for au pairs. This brochure is based on our experiences during these two years, and input from many au pairs both through conversations and legal aid. It aims at helping au pairs helping themselves even better than they do today.

Many people have contributed, directly or indirectly, to this brochure. Tor Egil Fredriksen, Arjay Javier and Lysette Joy Noble of the Filipino Workers' Organisation have shared valuable knowledge and insight, as have lawyer Else McClimans, researcher Helga Aune, Torunn Haugen from the Tax office in Oslo, Christian Seter from UDI and many others.

At JURK, 2 + 2 always equals 5, and the case workers Torill Charlotte Reynolds, Alette Hillestad, Michaela Klausen, Tone Gåsvand, Kristin Isdal Selmer, Synnøve Torske and Maria Kvile, together with "nedtrapperne" Linn Guste Pedersen and Nadja Rosenqvist have corrected the brochure and provided valuable insights and questions during our mapping of the legal situation for au pairs.

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Lene Løvdal  
Project manager

Preface .....	2
1. How to use this brochure .....	5
2. What is an au pair? .....	5
3. Who can become an au pair? .....	6
4. Who can become a host family? .....	7
5. The au pair contract and working hours .....	9
6. Residence permit .....	10
6.1. How to apply .....	10
6.2. How to make the residence permit valid on arrival ..	11
6.3. Losing your residence permit .....	12
7. Power of attorney .....	13
8. ID number .....	14
9. Taxes .....	16
10. Working hours and time off .....	17
11. Food .....	19
12. Norwegian classes .....	19
12.1. The right to attend Norwegian classes .....	19
12.2. The Costs of Norwegian classes .....	20
12.3. The quality of the Norwegian classes .....	20
12.4. More information about Norwegian classes .....	21
13. Holidays .....	21
13.1. The amount of holidays .....	21
13.2. Payment during holidays .....	22
13.3. Who decides when the holiday is? .....	23
13.4. Transferral of holiday to the following year .....	23
14. Leaving your position as au pair .....	24
15. Losing your position as au pair .....	25
16. Changing host family .....	26
17. Insurance .....	26
18. Sick leave .....	27
19. Health care .....	29
19.1. Mandatory tuberculosis testing .....	29
19.2. When you have a valid residence permit .....	30
19.3. When you don't have a valid residence permit ....	32
20. Social security rights .....	33
20.1. When you have a valid residence permit .....	33
20.2. When you don't have a valid residence permit ....	34

21. Returning to your home country.....	35
22. Violence, abuse and mistreatment.....	36
22.1. What is violence and abuse? .....	36
22.2. Where to get more information or help.....	37
22.3. Ensuring evidence of exploitation or abuse.....	39
23. Frequently asked questions .....	39
24. Useful tips and information .....	41
25. Useful addresses .....	42
25.1. Public services .....	42
25.2. Non-governmental organisations .....	44
25.3. Other useful addresses .....	47

## 1. How to use this brochure

<b>Who?</b>	This brochure is intended for the au pairs from outside the Schengen area. If you are a citizen of a Schengen country, other rules apply.
<b>How?</b>	We have tried to give an introduction to the relevant laws and other rules in easy English. When you as an au pair want to claim your rights, you will need to refer to the correct rules. You will find these in footnotes throughout the brochure.
<b>Further help</b>	You will also find information about where you can get more help and information. You can always contact Legal Advice for Women (JURK), and if we cannot help you ourselves we will try to find someone who can. You will find useful addresses and phone numbers in the last chapter of this brochure.
<b>Definition</b>	<h3>2. What is an au pair?</h3> "Au pair" means "on equal terms". It is an exchange programme where you can live with a family in a foreign country, and do light household chores in exchange for free food, your own room to stay in, and a salary. The main purpose of the au pair programme is cultural exchange between the au pair and the host family.
<b>Cultural exchange</b>	You are supposed to be treated as a member of the family, and only perform

light work in the household, such as babysitting and cleaning. You are also supposed to gain knowledge of Norwegian culture and language, through family life, Norwegian classes and various activities in your spare time.

### 3. Who can become an au pair?

**Requirements** To become an au pair in Norway, certain requirements must be met.<sup>1</sup>

- You must be between 18 and 29 years of age at the time of application. You can apply for a renewal when you are 30, but not your first residence permit as au pair.
- As a main rule you cannot have children of your own.
- Your intention should be to return to your home country after your residence permit as au pair has expired. In determining if this requirement is met, the Norwegian Directorate of Immigration (UDI) looks at for example:
  - If you have applied for asylum or other types of residence permits before

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<sup>1</sup> UDI issue paper RS 2012-015 section 3.2.2.

- If there are any practical or legal issues which may make it difficult for you to return to your home country
- The au pair cannot be closely related to any person in the host family, such as siblings, cousin, niece or sister-in-law.

For more information about these conditions, or how to apply for various types of residence permits, you can contact UDI. You'll find their contact information in chapter 25.

#### 4. Who can become a host family?

##### **Couples**

A host family must be either

- a couple with or without children. The couple can be married or unmarried, of the same sex or different sex.

or

##### **Single parents**

- a single parent with one or more children. As a main rule, this parent must have custody of the child at least 50% of the time.<sup>2</sup>

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<sup>2</sup> RS 2012-015 section 3.2.1.

A single person without children cannot become a host family.<sup>3</sup>

### **The host family's duties**

The host family should:<sup>4</sup>

- give the au pair an introduction to Norwegian culture
- speak Norwegian with the au pair
- as a main rule, not come from the same country as the au pair. There are exceptions to this rule. Contact the UDI for more information.
- provide a separate room and food for the au pair. The room must be in the same apartment as the family.<sup>5</sup>
- spend time with the au pair on a daily basis<sup>6</sup>
- protect the au pair against abuse, harassment or other types of mistreatment or degrading behaviour.<sup>7</sup>

### **Family member**

The au pair has to live with the host family.<sup>8</sup> A host family can only have one au pair at a time, and an au pair can only work for one host family.<sup>9</sup>

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<sup>3</sup> RS 2012-015 section 3.2.1.

<sup>4</sup> RS 2012-015 section 3.2.3

<sup>5</sup> RS 2012-015 section 3.3.9

<sup>6</sup> RS 2012-015 section 3.2.4

<sup>7</sup> RS 2012-015 section 3.2.4

<sup>8</sup> RS 2012-015 section 3.3.9

<sup>9</sup> RS 2012-015 sections 3.2.4 and 3.3.2.

For more information about these conditions, you can contact the Directorate for Immigration (UDI) or the Au Pair Center. You'll find their contact information in chapter 25.

## 5. The au pair contract and working hours

### **Standard contract**

It is a requirement for the residence permit that both the au pair and the host family has filled out and signed UDIs standard au pair contract. You can find this contract on the UDI web pages: [www.udi.no](http://www.udi.no). You can choose language and search for the contract at the upper right corner of the web page. You can also get it at a Norwegian embassy or your local police station in Norway.<sup>10</sup>

### **Agree on schedule**

The contract must contain a schedule for when the au pair is supposed to work, and what kind of work you are to perform, see section 6 in the standard contract. This agreement is binding. The au pair can work a maximum of 30 hours per week, and should normally not exceed 5 hours per day. You should only perform light household work, such as looking after children or pets, or light cleaning.<sup>11</sup> You

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<sup>10</sup> RS 2012-015 section 3.3.1

<sup>11</sup> RS 2012-015 section 3.3.4.

should have time to go to Norwegian classes and have regular spare time so you can fulfil the intentions behind the au pair scheme which is cultural exchange.<sup>12</sup>

For more information about the contract you can contact UDI. You can also contact the Au Pair Center, Filipino Workers' Organisation or Legal Advice for Women. You'll find their contact information in chapter 25.

## 6. Residence permit

### 6.1. How to apply

#### **Apply in person**

The au pair must apply in person for a residence permit in Norway.<sup>13</sup> This means that the host family cannot apply on your behalf. You may give other people power of attorney to act on your behalf later on in the application process. See chapter 7 about power of attorney.

#### **Main rule: Apply from your home country**

You must normally hand in the application to the Norwegian embassy in your home country.<sup>14</sup> If your country doesn't have a Norwegian embassy, the Norwegian state might have an agreement with the embassy of another country. This embassy

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<sup>12</sup> RS 2012-015 section 3.3.3.

<sup>13</sup> Utlendingsforskriften § 10-2 (3).

<sup>14</sup> RS 2012-015 section 5.2.1.

can then receive such applications and send them to Norway

**Exceptions** In some cases it is possible to apply from Norway, for example if you have a university degree or special qualifications.<sup>15</sup> You must then have a valid residence permit in Norway or the Schengen area.

See the UDI web page for updated and detailed information: [www.udi.no](http://www.udi.no).

## 6.2. How to make the residence permit valid on arrival

**Before arrival** In order to have a valid residence permit, you must:

- Have signed the contract for cultural exchange with a host family,<sup>16</sup>
- If you are in Norway already, you should register your application online. You should also register your application online if you apply through a Norwegian embassy. You cannot register your application online if you hand in the application at a Swedish or Danish embassy. You will then have to hand in your application on paper.
- Get a positive response from UDI, and

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<sup>15</sup> RS 2012-015 section 5.2.2.

<sup>16</sup> RS 2012-015 section 3.3.1

**On arrival**

- Register at the local police station immediately after arrival in Norway. The contract is only valid after such a registration.<sup>17</sup>

If you want to change host family before arrival or just after, see chapter 26.

See the web pages of the UDI concerning application procedures.

**How long is the permit valid?**

**The residence permit is valid until it expires, or until you get a letter of notification of withdrawal of the residence permit from the UDI.**<sup>18</sup> See also chapter 6.3.

For more information you can contact UDI. You can also contact the Au Pair Center or non-governmental organisations providing free legal aid. You'll find contact information in chapter 25.

**Losing your residence Permit**

**6.3. Losing your residence permit**

The residence permit may be withdrawn on the following conditions:<sup>19</sup>

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<sup>17</sup> RS 2012-015 section 3.3.1

<sup>18</sup> RS 2012-015 section 8.

<sup>19</sup> RS 2012-015 section 8.

## **Lying**

- If the au pair has lied about the requirements for obtaining the residence permit.

## **Withholding vital information**

- If the au pair has withheld information which was vital for the decision of granting you the residence permit.

## **The host family breaching the conditions**

If the host family has breached some of the most important conditions of the contract, UDI may withdraw the residence permit.

This can for example be the case if they don't provide a separate bedroom, or if they make the au pair work too much. The UDI will then give the au pair reasonable time to find a new host family.<sup>20</sup>

For more information you can contact UDI. You can also contact the Au Pair Center or non-governmental organisations providing free legal aid. You'll find their contact information in chapter 25.

## **7. Power of attorney**

### **Definition**

A power of attorney is a paper stating what you allow another person to do on your behalf. The person who gives someone else a power of attorney must sign it, otherwise it will not be valid.

### **Use**

You must apply for residence permit, ID number and other things in person. If you want to, you can give other people a right

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<sup>20</sup> E-mail from the UDI to JURK December 2 2012.

to act on your behalf once the application is handed in, by giving them a power of attorney.

You can give such power of attorney to your host family, to a friend or relative, or any other person.

## **Risks**

You should always be careful about who you give a power of attorney, since this means that they are in a position to make decisions on your behalf, and handle information that is very important to you. You can limit the power of attorney by stating what the person acting on your behalf can do.

For more information you can contact Legal Advice for Women or other non-governmental organisations providing free legal advice. You'll find their contact information in chapter 25.

## **8. ID number**

### **Requirement for many rights**

It is important to be registered in the National Registry and get a personal ID number, as this is a requirement for a number of rights.

### **On arrival**

**Immediately after arrival, you must appear in person to be registered at one of the following tax offices:**

**Where?**

Alta, Arendal, Bergen, Bodø, Brønnøysund, Drammen, Egersund, Fredrikstad, Førde, Gjøvik, Gol, Hamar, Hammerfest, Harstad, Haugesund, Hitra, Kirkenes, Kristiansand, Kristiansund, Lillestrøm, Lyngdal, Mo i Rana, Molde, Namsos, Narvik, Nordfjordeid, Odda, Oslo, Sandvika, Skien, Sogndal, Sortland, Stavanger, Steinkjer, Svolvær, Tromsø, Trondheim, Tynset, Tønsberg, Vadsø and Ålesund.<sup>21</sup>

Not all tax offices register immigrants, so you must contact one of these.

**Bring with you:****You must bring with you the following papers:**

- A passport. People from the Nordic or EU/EEA/EFTA countries may bring another type of ID document. This must contain the cardholder's photograph, citizenship and gender.
- Documented residence permit, such as:
  - a registration certificate for EU/EEA/EFTA nationals
  - a letter from the UDI that grants you residence permit or residence card valid for six months or more.

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<sup>21</sup> <http://www.skatteetaten.no/en/International-pages/Employee/Norwegian-employer/Norwegian-employer/Articles/Report-a-move-to-Norway/#kapitteltekst> read 12.11.2012

- The au pair contract, signed by the au pair and both<sup>22</sup> of the adults in the host family.

**More information** For more information about ID numbers and registering your address, you can call the tax office. You will find their contact information in chapter 25.

## 9. Taxes

**Taxes are deducted from your salary** The au pair must pay taxes off her/his salary and the value of food and lodging. The value of free food and lodging is considered by the tax authorities to be NOK 110 per day in 2012.<sup>23</sup> You do not pay taxes off what the host family pays for your Norwegian classes.<sup>24</sup>

**How to pay your taxes** At the same office where you get your ID number, you can apply for a tax card.

**Bank account** You should get yourself a bank account as soon as you have your personal ID number (see section 6.3). The host family should pay your salary to this account. You should

**Receipt from host family** also get a receipt from your host family every month showing that the taxes have been deducted from your salary. Once a

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<sup>22</sup> UDI, e-mail dated December 2 2012.

<sup>23</sup> <http://www.skatteetaten.no/no/Tabeller-og-satser/Kost-og-losji/>

<sup>24</sup> <http://www.skatteetaten.no/no/Brosjyrer-og-boker/Au-pair-i-Norge/?chapter=187516#kapitteltekst>

**Receipt from tax office** year you should get a receipt from the office.<sup>25</sup>

**Who is responsible?** It is the au pair's responsibility to oversee that the taxes are paid, while it is the host family's duty as employers to actually pay the taxes every month when paying the salary to the au pair, or by paying the total amount once a year.<sup>26</sup> There is a brochure in Norwegian for host families about how they should do this at the tax authorities' web pages <http://www.skatteetaten.no>.

**Keeping out of trouble** You must keep all receipts so that you can prove that you have done what you should. If you do so, you will not be in trouble if your host family have not fulfilled their duty of paying your taxes. It may be difficult for you to obtain another type of residence permit later on if you haven't done what you should with regard to taxes.

**More Information** For more information about taxes, you can call the tax office. You will find their contact information in chapter 25.

## 10. Working hours and time off

**Work hours** An au pair should never work more than 30 hours per week, and normally no more

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<sup>25</sup> <http://www.skatteetaten.no/no/Brosjyrer-og-boker/Au-pair-i-Norge/?chapter=187512#kapitteltekst>

<sup>26</sup> <http://www.skatteetaten.no/no/Brosjyrer-og-boker/Au-pair-i-huset/>

than 5 hours per day. Looking after children counts as work even when the children are asleep, if you are alone with them.<sup>27</sup> It is often difficult to know when you are working and when you are just participating in ordinary family life. It is therefore important to follow the agreement of work hours and tasks in the au pair contract.

**Days off** The au pair is entitled to one day off (24 hours) during each week. At least one such day per month shall be a Sunday. In addition, you shall have at least one fixed afternoon off per week.

**Norwegian classes** You should have time to go to Norwegian classes, to see friends and participate in leisure activities. You also have a right to pursue your religion, for example by attending mass.<sup>28</sup>

**Leisure activities**

**More information** For more information you can contact UDI. You can also contact the Au Pair Center or non-governmental organisations providing free legal aid. You'll find their contact information in chapter 25.

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<sup>27</sup> RS 2012-015 section 3.3.3

<sup>28</sup> RS 2012-015 section 3.3.3

## 11. Food

### **Eat with the family**

The au pair shall participate in family life on equal terms, and eat with the family when they eat together.<sup>29</sup>

### **Treated as family member**

The host family shall provide food for you a on the same terms as other family members, while taking into consideration that you are there on cultural exchange. You have a right to get food that doesn't have a negative effect on your health, for example if you have allergies. This follows from the contractual obligation of providing food and treating you as a family member.

### **More information**

For more information you can contact the Au Pair Center, Filipino Workers' Organisation or Legal Advice for Women. You'll find contact information in chapter 25.

## 12. Norwegian classes

### 12.1. The right to attend Norwegian classes

### **Your choice to attend or not**

The au pair has a right to attend Norwegian classes. You may choose not to attend, but that is your choice alone.

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<sup>29</sup> RS 2012-015 section 3.3.7 and 3.3.4

## 12.2. The Costs of Norwegian classes

### **The host family must pay for Norwegian Class**

The host family must provide for the costs of the Norwegian classes. For au pairs with contracts from before July 1<sup>st</sup> 2012, the host family must pay up to NOK 6.000. For au pairs with contracts dated after July 1<sup>st</sup> 2012, the host family has to pay up to NOK 7.500 plus travel expenses back and forth to the Norwegian classes. It is the date of the application, and not the date of the residence permit, that decides which rules that apply.<sup>30</sup>

### **No taxes deducted**

The au pair pays no taxes off the money for Norwegian class.<sup>31</sup> It is not seen as salary, but part of the cultural exchange.

### **For Norwegian classes only**

The money for the Norwegian classes may be used only for paying for the Norwegian classes. If the classes costs less than NOK 6.000 or 7.500, or you choose not to attend any Norwegian classes, you cannot claim the rest of the money.

## 12.3. The quality of the Norwegian classes

### **Quality of Norwegian class**

The Norwegian classes should normally take place in a well-established school or training institution. The person(s) teaching

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<sup>30</sup> <http://www.udi.no/Sentrale-tema/Studier/Au-pair/>

<sup>31</sup> <http://www.skatteetaten.no/>

Norwegian shall, as a main rule, have academic and teaching qualifications.<sup>32</sup>

#### 12.4. More information about Norwegian classes

**Where to find Norwegian classes** If you want to find a Norwegian class, you can find a list of addresses at <http://www.norway.org>. You can also contact local branches of non-governmental organisations, such as the Red Cross, or the education administration in the municipality where you live. You can also contact the public administration in the municipality where you live, and ask to enrol in their regular Norwegian classes for immigrants.

### 13. Holidays

#### 13.1. The amount of holidays

**25 days of holiday** The au pair has a right to 25 days off during one calendar year. This includes Saturdays. In total you are entitled to 4 weeks and 1 day holiday. If you start working after September 30<sup>th</sup> you are only entitled to 6 working days of holiday (Monday to Saturday) that same year.<sup>33</sup>

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<sup>32</sup> RS 2012-015 section 3.3.6

<sup>33</sup> RS 2012-015 section 3.3.3.

The same rules apply if you change host family. You must be able to prove that you did not use up your right to vacation with your previous host family. <sup>34</sup>

### 13.2. Payment during holidays

#### **First year unpaid**

The first year of working holiday is not paid. You get paid the second year depending on how much you worked the year before. <sup>35</sup>

#### **Examples:**

If you started working July 1 2012, you have a right to a maximum of 25 days off before the end of 2012. But you don't get paid for any days of holiday in 2012.

If you worked in Norway half the year in 2012, you get paid for half the maximum of 25 days of holiday in 2013. This means that if you started working on July 1, you get paid 12,5 days of holiday in 2013. You can still use your right to 25 days of vacation, but the remainder 12,5 days will not be paid.

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<sup>34</sup> RS 2012-015 section 3.3.3.

<sup>35</sup> Ferieloven §§ 4 og 5 1.ledd.

### 13.3. Who decides when the holiday is?

**Who decides?** According to the Holidays act § 6 it is the employer who has the final word when the vacation should take place. But the employee should be consulted at an early stage.<sup>36</sup>

The au pair can claim that 18 working days of holiday, that means 3 weeks of holiday, are between June 1 and September 30.<sup>37</sup>

**More information** For more information you can contact the Au Pair Center, Legal Advice for Women or another non-governmental organisation providing free legal aid. You'll find their contact information in chapter 25.

### 13.4. Transferral of holiday to the following year

**Can transfer up to 12 days until the following Year** The au pair can transfer up to 12 working days, which means 2 weeks of holiday, to the following calendar year. This has to be done in writing.<sup>38</sup>

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<sup>36</sup> Ferieloven § 6.

<sup>37</sup> Ferieloven § 7 (1).

<sup>38</sup> Ferieloven § 7 (2).

## 14. Leaving your position as au pair

**Free to resign** You are free to resign from your position as au pair. There are two different types of resignation, depending on the reasons for the resignation. The main rule is as follows:

### Rules of procedure

### Notice period

- One month notice period before you can stop working
- The notification **MUST** be in writing
- The au pair does not need to say why he/she wants to leave her/his position

As au pair, you have a right to take your vacation during the notification period, if you have enough holiday left that year, see chapter 21.<sup>39</sup>

### Resignation without a notification period

If the host family has breached the au pair contract in a serious way, the au pair can leave her/his position without notice.

### Examples

Examples of situations:

- Not paying the salary as agreed, after the au pair has reminded them to do so
- Forcing the au pair to work more than 30 hours per week
- Beating the au pair
- Sexual harassment/unwanted sexual attention

See chapter 36 for more information about various types of misbehaviour and abuse, and what the au pair can do.

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<sup>39</sup> Ferieloven § 8 (4).

## 15. Losing your position as au pair

**The host family must have a good reason** The host family cannot fire you unless they have a good reason. They must do so in writing, with their signatures.<sup>40</sup>

**In writing** They must also explain in writing why the contract is terminated, if the au pair asks for an explanation.<sup>41</sup>

**One month notice period** There is a one-month notice period. This means that if the letter of notification is received on the 15<sup>th</sup> of March, the au pair must be allowed to live with the host family until the 15<sup>th</sup> of April. The au pair must also be paid until the 15<sup>th</sup> of April.<sup>42</sup>

**Moving out during the notice period** If the host family does not want you to live with them during the notice period, they have to cover your expenses for food and lodging during that period. If you choose to move out, you have to pay for food and lodgings yourself.<sup>43</sup>

You have a right to take your vacation during the notification period, if you have enough holidays left that year, see chapter 21.<sup>44</sup>

**Misbehaviour by the au pair** If you as an au pair do something really bad, such as beating the child or stealing, you may have to leave your position

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<sup>40</sup> RS 2012-015 section 3.3.10.

<sup>41</sup> RS 2012-015 section 3.3.10.

<sup>42</sup> RS 2012-015 section 3.3.10.

<sup>43</sup> This follows from principles of contract law.

<sup>44</sup> Ferieloven § 8 (4).

immediately. Then there will not be any notification period.

**More information** For help or advice, you can contact the Au Pair Center, Filipino Workers' Organisation or Legal Advice for Women.

## 16. Changing host family

**Conditions for changing host family** You can change host family if you want to, on some conditions:

- You must apply for a new residence permit.
- The requirements for being an au pair must still be in place, see chapters 6 and 7 and [www.udi.no](http://www.udi.no)
- You must follow the procedures for resignation described in chapter 24.

**When can you start working for the new family?** You can start working with the new host family as soon as the correct paperwork is handed in to the local police station.

## 17. Insurance

**Host family pays** The host family must pay for insurance for the au pair. The au pair shall not pay for this in any way.

**Covers return to home country** This insurance should cover the expenses of your return to your home country in case of death, illness or injury. It must cover the entire period of the residence permit you have applied for.

- Host family responsible** If the host family doesn't pay for such insurance it is a breach of contract, and they have to cover the expenses above.
- Costs for health care** If the au pair intends to stay in Norway for less than 12 months, he or she will also need a travel insurance covering medical expenses.<sup>45</sup> See chapter 18 about the National Insurance Scheme (Folketrygden). The host family does not have to pay for this insurance unless they and the au pair agree that they should do so.
- More information** For more information about what the insurance covers, you should contact the insurance company. Ask the host family which company they have used.
- What to do?** If the host family has not paid the insurance, and you need help to make them refund the expenses of a return trip, you can contact the Au Pair Center, Legal Advice for Women (JURK) or another non-governmental organisation providing free legal aid.

## 18. Sick leave

- Member of the National Insurance** An au pair is member of the National Insurance Scheme (Folketrygden) if he or she has stayed or intend to stay 12 months or more and have a valid residence

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<sup>45</sup> See chapter 19.

**Scheme if you stay 12 months or more** permit.<sup>46</sup> This gives the au pair a number of rights, such as the right to health care described in chapter 19.

**Sick leave after 4 weeks of work** You have a right to sick leave if you have worked for four weeks.<sup>47</sup> This means that you get paid even if you are too sick to work. You must have a confirmation from a doctor if you are sick more than 3 days.<sup>48</sup> The employer is responsible for paying the first 16 days.<sup>49</sup>

**Lasting illness: Return to home country** If the au pair does not recover from the illness so that he or she cannot perform according to the contract, the insurance shall cover the return trip, see chapter 17.

**More information** For more information about sick leave you can contact the Norwegian Labour and Welfare Administration (Nav), Legal Advice for Women or another non-governmental organisation providing free legal aid. You'll find their contact information in chapter 25.

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<sup>46</sup> Folketrygdloven § 2-1.

<sup>47</sup> Folketrygdloven § 8-2

<sup>48</sup> Folketrygdloven § 8-7.

<sup>49</sup> Folketrygdloven § 8-19.

## 19. Health care

### 19.1. Mandatory tuberculosis testing

**Must test for tuberculosis before working with children!** When you arrive in Norway to be an au pair, it is required by law that the host family ensures that you attend x-ray and skin testing for tuberculosis.<sup>50</sup>

The tests must be carried out before the au pair starts looking after the children. Therefore the host family should book an appointment one of the first days after the arrival.

**Excepted citizens** People from Western Europe, Poland, Czech Republic, Slovakia, Slovenia, Hungary, the United States, Canada, New Zealand, Australia and Japan do not need to be tested for tuberculosis.

**Where?** In Oslo, Asker og Bærum the x-ray test is done at the Diagnosestasjonen<sup>51</sup> at Oslo University Hospital and the skin test at the local health centre (helsestasjon),<sup>52</sup>

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<sup>50</sup> Forskrift om tuberkulosekontroll § 3-1.

<sup>51</sup> <http://www.oslo-universitetssykehus.no/omoss/avdelinger/diagnosestasjonen/Sider/enhet.asp>

<sup>52</sup> [http://www.helseetaten.oslo.kommune.no/folkehelse/smittevern/vaksinasjonsssteder\\_reisevaksine\\_og\\_tuberkulosekontroll/](http://www.helseetaten.oslo.kommune.no/folkehelse/smittevern/vaksinasjonsssteder_reisevaksine_og_tuberkulosekontroll/)

at Folkehelsekontoret i Bærum<sup>53</sup> or at Smittevernkontoret i Asker.<sup>54</sup> For other municipalities and counties, please contact the doctor responsible for combating serious communicable diseases (smittevernlege) in your municipality. You can contact these places for more information as well.

## 19.2. When you have a valid residence permit

### **Right to health care**

All persons who live in Norway have a right to consult a doctor. This includes the specialist health care, such as psychiatrists, gynaecologists, orthopaedists etc.<sup>55</sup> You must get a referral from a general practitioner before you can get an appointment with a specialist in the public health care system

### **“Fastlege”: your “own” general practitioner**

You will be assigned a doctor who is a – general practitioner soon after your registration with the National Registry at the Tax office, as described in section 8. You shall receive a letter about this in Norwegian, at your registered address, see chapter 8. This is the doctor you should

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<sup>53</sup>[https://www.baerum.kommune.no/Organisasjonen/Helse\\_og\\_sosial/Samfunnshelse1/Folkehelsekontoret/Smittevern-og-reisevaksinasjon/Tuberkulose1/](https://www.baerum.kommune.no/Organisasjonen/Helse_og_sosial/Samfunnshelse1/Folkehelsekontoret/Smittevern-og-reisevaksinasjon/Tuberkulose1/)

<sup>54</sup> <http://www.asker.kommune.no/Organisasjon/Helse-og-omsorg/Helseavdelingen/Smittevern/>

<sup>55</sup> Forskrift om rett til helse- og omsorgstjenester til personer uten fast opphold i riket § 1.

consult in almost all matters. If you need urgent help outside office hours, you should contact what is called “Legevakten” in your municipality.<sup>56</sup>

## **EMERGENCY AID** If you need an ambulance or emergency aid you should dial 113.

**Requirement:** If you have lived in Norway for 12 months or more you have full rights to health care, on the same level as Norwegians.<sup>57</sup> If you haven’t been in Norway that long, but intend to stay here for 12 months or longer, the same rule applies.<sup>58</sup> In both cases you must have a valid residence permit for the entire period, see chapter 6.

**Less than 12 months in Norway:** If you intend to stay in Norway less than 12 months, you will have to pay for your own medical expenses. We recommend that you make sure you have an insurance covering such expenses in addition to the compulsory insurance.<sup>59</sup> You can read more about insurance in chapter 17.

**More information** The doctor should be able to provide information about your right to health care.

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<sup>56</sup> You can search for the contact information at this web page, using the open space at the top right of the page: <http://www.legevakten.no/>

<sup>57</sup> Folketrygdloven kapittel 5 jf. § 2-1. Se også Forskrift om rett til helse- og omsorgstjenester til personer uten fast opphold i riket § 2.

<sup>58</sup> See footnote 57

<sup>59</sup> RS 2012-015 section 3.3.5.

If you need further help, you can contact the Au Pair Center, Legal Advice for Women or another non-governmental organisation providing free legal aid. You'll find their contact information in chapter 25.

### 19.3. When you don't have a valid residence permit

**The right to health care when you don't have a valid residence permit** If you are without a valid residence permit, you still have some rights to health care. You are entitled to:

- An assessment by the Specialist Health Care Services to find out what kind of medical or psychiatric help you need<sup>60</sup>
- Emergency health care<sup>61</sup>
- Health care that is absolutely necessary. This means that if the patient does not receive this health care immediately there is a danger of severe injury, pain, lasting disability and/or death.<sup>62</sup>
- Necessary health care before and after giving birth to a child<sup>63</sup>

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<sup>60</sup> Forskrift om rett til helse- og omsorgstjenester til personer uten fast opphold i riket § 1.

<sup>61</sup> Forskrift om rett til helse- og omsorgstjenester til personer uten fast opphold i riket § 3

<sup>62</sup> Forskrift om rett til helse- og omsorgstjenester til personer uten fast opphold i riket § 5 a)

<sup>63</sup> Forskrift om rett til helse- og omsorgstjenester til personer uten fast opphold i riket § 5 b)

- Medically assisted abortion<sup>64</sup>
- In cases of serious communicable diseases, such as tuberculosis.<sup>65</sup>
- In cases of mental illness which makes the person dangerous for others or for herself.<sup>66</sup>

You will have a right to financial support and help to find a temporary place to live until you can get help from your home country or go back there.<sup>67</sup> See chapter 21 for more information about the return trip.

### **More information**

The doctor should be able to provide information about your right to health care. If you need further help, you can contact the Au Pair Center, Legal Advice for Women or another non-governmental organisation providing free legal aid. You'll find their contact information in chapter 25.

## **20. Social security rights**

### **20.1. When you have a valid residence permit**

#### **Emergency aid:**

The social security act includes all persons residing in Norway,<sup>68</sup> as long as you have

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<sup>64</sup> Forskrift om rett til helse- og omsorgstjenester til personer uten fast opphold i riket § 5 c)

<sup>65</sup> Forskrift om rett til helse- og omsorgstjenester til personer uten fast opphold i riket § 5 d)

<sup>66</sup> Forskrift om rett til helse- og omsorgstjenester til personer uten fast opphold i riket § 5 a)

<sup>67</sup> Forskrift om sosiale tjenester for personer uten fast bopel i Norge § 1 (2)

<sup>68</sup> Lov om sosiale tjenester i arbeids- og velferdsforvaltningen § 2.

**food and a place to stay** a valid residence permit.<sup>69</sup> You can contact your local Nav office for help and information. They can provide you with a small amount of money and give you information about temporary places to stay.<sup>70</sup> See also <http://www.nav.no/English>. You may also be entitled to other types of social security services.<sup>71</sup>

**Other types of help**

## 20.2. When you don't have a valid residence permit

**Emergency aid: Food and place to stay** If you don't have a valid residence permit Nav should still provide you with a small amount of money and give you information about temporary places to stay if you have no other means to provide this yourself.<sup>72</sup> You are only entitled to this type of help until you can receive help from your home country.<sup>73</sup>

**Other types of help** Some persons have a right to receive social security benefits in addition to emergency aid with food and lodgings even if they don't have a valid residence permit, for example:

- If you have been forced into prostitution or sexual abuse, and received a permission to stay for up to 6 months,<sup>74</sup>

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<sup>69</sup> Forskrift om sosiale tjenester for personer uten fast bopel i Norge, jf. Lov om sosiale tjenester i arbeids- og velferdsforvaltningen § 2.

<sup>70</sup> Lov om sosiale tjenester i arbeids- og velferdsforvaltningen § 15 og §§ 17-22.

<sup>71</sup> Lov om sosiale tjenester i arbeids- og velferdsforvaltningen chapter 4.

<sup>72</sup> Lov om sosiale tjenester i arbeids- og velferdsforvaltningen § 15 og §§ 17-22.

<sup>73</sup> Forskrift om sosiale tjenester for personer uten fast bopel i Norge § 1.

<sup>74</sup> Forskrift om sosiale tjenester for personer uten fast bopel i Norge § 1 (4), cfr. Utlendingsforskriften § 8-3

- If you have been forced to work, and received a permission to stay for up to 6 months,<sup>75</sup>
- If you have a right to stay in Norway while waiting for your application for a residence permit is being processed.<sup>76</sup>

## 21. Returning to your home country

**Who pays for the return ticket?** For au pairs with contracts from before July 1 2012, the host family only has a duty to pay the return ticket if it is written in the contract.<sup>77</sup>

For au pairs with contracts from after July 1 2012, the host family has to pay for the return ticket. This means the cheapest flight. If the au pair changes host family after arrival in Norway, it is the new host family who has this obligation.<sup>78</sup>

**Exceptions** The host family does not have to pay for a return ticket if you stay in Norway on another type of residence permit, or want to go to another country than your home country.<sup>79</sup>

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<sup>75</sup> Forskrift om sosiale tjenester for personer uten fast bopel i Norge § 1 (4), cfr. Utlendingsforskriften § 8-3

<sup>76</sup> Forskrift om sosiale tjenester for personer uten fast bopel i Norge § 1 (4)

<sup>77</sup> UDI issue paper RS 2010-185 section section 3.3.7.

<sup>78</sup> UDI issue paper RS 2012-015 section 3.3.8.

<sup>79</sup> UDI issue paper RS 2012-015 section 3.3.8.

**The host family cannot deduct from your salary** The host family cannot make you pay for your ticket to or from Norway with the salary or pocket money you should receive from the host family.<sup>80</sup>

**Help to return to your home country** The organisation International Organisation for Migration (IOM) helps people without a valid residence permit return to their home country, you'll find their contact information in chapter 25.

## 22. Violence, abuse and mistreatment

### 22.1. What is violence and abuse?

It can sometimes be difficult to know what the legal term abuse means.

**Physical abuse** Physical abuse is a type of violence that shows. Physical violence can lead to bruises and damages and hurts physically. Examples of physical violence are hitting, kicking, shoving, pulling of hair and stabbing.

**Mental abuse** Mental abuse is a type of violence that hurts inside. Mental violence is violence that makes you feel upset, scared or angry. Examples of mental violence are isolation, threats, or demeaning or controlling behaviour. This means for example refusing the au pair to go outside and meet others, threatening to send you home if you don't do as you are told, or telling you

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<sup>80</sup> UDI issue paper RS 2012-015 section 3.3.8.

that you are stupid, worthless or similar. Controlling your movements, and stopping you from leaving the house or seeing your friends, is also a type of abuse.

**Sexual abuse**

Sexual abuse is when someone misuses you in a sexual way. It can include mental abuse, such as demeaning sexual comments. It can also include rape, which is to make you have sex when you don't do not want to.

**Financial abuse**

Financial abuse can be controlling your finances. Examples are withholding your money and personal documents.

**Material abuse**

Material abuse can be breaking objects, for example kicking furniture, where the intention is to threaten, control or scare you.

All these forms of violence and abuse are illegal.

**22.2. Where to get more information or help**

**Immediate danger**

If you are in immediate danger of physical or sexual violence, you should call 112 to the police. They can take you to a safe house where you can get help. You don't have to make an official report to the police in order to get a room at the safe house.

**Sexual exploitation**

If you are experiencing sexual exploitation, you can contact the ROSA project for help and advice.

**Free legal aid in many criminal cases** Free legal aid means that you don't have to finance a lawyer. You must apply in order to get free legal aid from a lawyer. You can contact any lawyer working with criminal law if you want to know more about free legal aid. You can find a list of lawyers on the web page [www.advokatenhjelperdeg.no](http://www.advokatenhjelperdeg.no). You also have non-governmental organisations (NGOs) providing some legal advice for free without application. You will find the contact information to these NGOs in chapter 25.

**In the future** The government is planning to make a new law which will make it possible to stop host families from having more au pairs for a certain period of time, if they have breached the conditions of the au pair contract. The exact content of this law, and when it might come into force, is not yet decided. It will only be valid for things that happen after it comes into force.

The host family must have treated the au pair badly and/or breached the au pair contract severely, and this must be proven. See chapter 22.3 about how to prove abuse, exploitation and similar. You may then contact the UDI about abuse, and give them the evidence if you have any. This way you can help prevent other au pairs being exploited or abused. See chapter 25 for contact information.

See the UDI webpages or contact the Au Pair Center for updates about this issue.

### 22.3. Ensuring evidence of exploitation or abuse

- Ask your host family to write down your assignments every day. If all au pairs do this, it will be easier for au pairs with host families who abuse them that they work too much.
- Write a detailed diary, specifying time, date and what type of work you did that day, for how long.
- Tell a friend what is happening to you.
- Take pictures of documents or other types of proof if possible
- Keep evidence like text messages, e-mails, photos or letters with someone you trust.
- Try to change host family as soon as possible. Safety first!

## 23. Frequently asked questions

### **Do I have to live with the host family?**

Yes, you are supposed to be on cultural exchange. This means that you must live together with the host family, and not in a separate apartment or with a friend.

**Am I working if I am alone with the children when they are asleep?**

Yes, you are, when you have the responsibility for the children.

**Can I work more than 30 hours per week?**

No, you can't, even if you agree with your host family to do so. You are supposed to be here on cultural exchange, and a condition of staying in Norway as au pair is that you don't work more than 30 hours per week.

**What do I do if the host family wants me to work more than 30 hours per week?**

You and your host family share the responsibility for following the contract. This means that you should say no if they propose such a thing. If you say no, and they still insist, you should talk to the Au Pair Center, Filipino Workers' Organisation, Legal Advice for Women (JURK) or someone else who knows about the rights and duties of au pairs.

**Can the host family withhold part of my salary to cover my ticket to Norway, or the ticket back to my home country?**

No, they cannot. See chapter 21.

**What is work and what is cultural exchange?**

There is no simple answer to this question. It is important to make clear agreements with your host family as to what you should do, and to agree on a regular schedule for

when you are supposed to work. Remember that you are supposed to be on cultural exchange and be treated as a member of the family. See chapters 5 and 10.

## 24. Useful tips and information

### **When you arrive:**

- Get a tuberculosis test before you start working with the children. The host family should take you to the right place.
- Contact the National Registry (Folkeregisteret) immediately for an ID number
- Get your tax card from the tax office (Skatteetaten)

### **When you change host family:**

- Register your new address with the National Registry immediately. All information about taxes and many other important things are sent to your registered address.

### **At all times:**

- Never sign anything you don't understand
- Talk to a friend or legal adviser if you are uncertain about the content of a document somebody wants you to sign.

- Make clear agreements beforehand with your host family about what kind of work you should do, and when. This should be part of the contract.
- If it is difficult to say no to the host family, ask a friend for advice, or talk to people at the Au Pair Center.
- You can always ask the Au Pair Center and Legal Advice for Women (JURK) about your rights, so you can make informed decisions.
- Make sure your taxes are being paid by the host family.

## 25. Useful addresses

### 25.1. Public services

**Emergencies Ambulance: dial 113**

**Fire department: dial 110**

**The police: dial 112**

The police, when not an emergency:

Dial 02800

**The Directorate for Immigration (UDI)**

Telephone: (+47) 23 35 16 00

E-mail: You can fill out a form on their web page; see the header

«Contact us».

Web: <http://www.udi.no>

## **The National Registry (Folkeregisteret)**

For getting ID numbers, needed for all your other rights and duties, and register your address where you will receive all information from public services.

Telephone: From Norway: 800 80 000  
(08:00-15:00)

Press 9 for English menu. Making a call is free, but when calling from a mobile phone, particular rates may apply.

From abroad: + 47 22 07 70 00

Web:

<http://www.skatteetaten.no/no/taxnorway/>

## **The Tax Office (Skatteetaten)**

Telephone: From Norway: 800 80 000  
(08:00-15:00)

Press 9 for English menu. Making a call is free, but when calling from a mobile phone, particular rates may apply.

From abroad: + 47 22 07 70 00

You can also show up at your local tax office. The opening hours for the tax offices are: 09:00 - 15:00. You cannot make reservations. You have to show up and wait in line.<sup>81</sup>

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<sup>81</sup> <http://www.skatteetaten.no>

Web:

<http://www.skatteetaten.no/no/taxnorway/>

## **25.2. Non-governmental organisations**

### **The Au Pair Center**

Information centre for au pairs, run by a non-governmental organisation called Norwegian People's Aid.

Telephone: 45402021

Address: Keyersgate 15, 0130 Oslo

Web: [www.folkehjelp.no/aupair/](http://www.folkehjelp.no/aupair/)

### **Filipino Workers' Organisation**

Helps you with practical issues, such as information about getting your education approved in Norway and advice on how to deal with your host family, and tax issues.

Rodolfo Javier (President)

Mobile phone: 463 76 749

Evelyn Fredriksen

(Contact coordinator)

Mobile phone: 916 93 586

E-mail: [evelyn.rf@hotmail.com](mailto:evelyn.rf@hotmail.com)

Mail: Filipino Workers Organization

C/O Living Word Bible Center

Geitmyrsveien 7 D

0171 OSLO

## **Caritas information centre for work migrants**

Practical help for foreign job seekers in Norway

Telephone: 23 33 43 60

Visitors' address:

Storgata 38, 0182 Oslo. Entrance from Hausmanns gate. (Bus and tramway stop Hausmanns gate)

Web: [http://www.caritas.no/?page\\_id=1002](http://www.caritas.no/?page_id=1002)

You can come by and talk to a case worker the following hours: Tuesdays and Thursdays 10.00 – 17.00  
Wednesdays: 10.00 – 19.00

## **Legal Advice for Women (JURK)**

Non-governmental organisation providing free legal aid, run by law students. Has worked a lot with au pairs. Helps women only.

Telephone: 22 84 29 50

Address: JURK, Arbins gate 7, 0253 Oslo.

Web: <http://www.jurk.no>

New clients are received on Mondays 9.00 to 15.00 and Wednesdays 17.00 to 20.00. In person, at their office, new clients are received on Mondays 12.00 to 15.00 and Wednesdays 17.00 to 20.00.

### **Juss-Buss**

Non-governmental organisation providing free legal aid, in Oslo. Run by law students.

Telephone: 22 84 29 00

Address: Arbinsgate 7, 0253 OSLO

Web: <http://www.jussbuss.no>

### **Jussformidlingen**

Non-governmental organisation providing free legal aid, in Bergen. Run by law students.

Telephone: 55 58 96 00

Address: Sydneshaugen 10, 5007 Bergen

Web: <http://www.jussformidlingen.no>

### **Jushjelpa i Midt-Norge**

Non-governmental organisation providing free legal aid, in Trondheim. Run by law students.

Telephone: 73 51 52 50

Address: Sverres gt. 12

Web: <http://www.jushjelpa.no>

### **Jusshjelpa i Nord-Norge**

Non-governmental organisation providing free legal aid, in Tromsø. Run by law students.

Telephone: 776 44 559  
Address: Terminalgata 38, 9019 Tromsø  
Web: <http://jusshjelpa.no/>

### **International Organisation for Migration (IOM)**

Helps people without a valid residence permit return to their home country.

Telephone:(+47) 800 37 484.  
Web: <http://www.iom.no>

## **25.3. Other useful addresses**

### **Lawyers**

You can find contact information to all kinds of lawyers at  
<http://www.advokatenhjelperdeg.no/>

### **ROSA**

Gives help to victims of trafficking to sexual exploitation.

Telephone: 23 33 11 60.

## CONTACT US

**Telephone:**

22 84 29 50

**Fax:**

22 84 29 51

**Address:**

Juridisk rådgivning for kvinner /

Legal aid for women (JURK)

Arbinsgate 7

0253 Oslo

[www.jurk.no](http://www.jurk.no)

