



Working During the Coronavirus Emergency FACT SHEET FOR AU PAIRS

1. Am I eligible for paid sick leave?

Yes. Paid sick leave is time when you are paid as usual, but do not have to work. Under the federal Families First Coronavirus Response Act, au pairs are eligible for 80 hours of paid sick leave if: (1) you were advised to self-quarantine by a healthcare provider, or (2) you have coronavirus symptoms and are seeking a diagnosis.

Au pairs are jointly employed by the sponsor agency and the host family employer. Each employer must ensure that au pairs get paid sick leave. This does not mean au pairs get twice as much leave. Instead, it means that you can request leave from either your sponsor agency or your host family employer.

If your state or city has its own paid sick leave law that covers domestic workers, you may be eligible for additional paid sick leave.

2. Am I eligible for unemployment insurance?

No. Unemployment insurance is money to replace your income if your hours are cut or you are no longer working. Au pairs and some other workers are excluded.

3. Am I eligible for workers' compensation?

Maybe. Workers' compensation is a state program that provides a safety net for workers who have suffered work-related injuries. Eligible workers may be entitled to money for lost wages and medical expenses incurred as a result of becoming sick in the course of employment. If you get coronavirus in the course of your work as an au pair (for example, if you are exposed to a host family member who has coronavirus), you might be eligible. Talk to an attorney for more details.

National Domestic Workers Alliance
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4. Am I eligible for the stimulus check?

No, only certain people are entitled to the stimulus check. The stimulus check is money from the federal government to provide relief during the coronavirus emergency. Au pairs and some other people are excluded.

5. Do I have to do extra work?

No. Under the contract between your sponsor agency and your host family employer, your work is limited to providing childcare for 45 hours per week or 10 hours per day. Your employer is not allowed to ask or require you to do other work (for example, cleaning or teaching) or to work additional hours.

6. If I've been denied paid sick time or other employment rights, what should I do?

If you have questions about your rights, or think your rights may have been violated, please contact one of the organizers listed below. The organizers can provide support and refer your case to NDWA lawyers, who can do an intake interview and provide legal advice.

Massachusetts: Julia Beebe, Matahari Women Workers' Center, organize@mataharijustice.org

D.C.—Maryland—Virginia: Antonia Peña, NDWA DC Chapter, antonia@domesticworkers.org

Washington State: Doris Garcia, Fair Work Center/Working Washington, doris@workingwa.org

7. If my sponsor agency or host family employer finds out that I'm asking questions about my working conditions and/or seeking legal advice, can they terminate me as an au pair?

No, retaliation is illegal. Au pairs are protected against retaliation under employment laws in the United States like other workers. This means that your joint employers—the sponsor agency and the host family employer—cannot take adverse action against you for asserting your rights. Adverse actions include keeping your wages, terminating your contract, or reporting you to the State Department to cancel your J-1 visa. If you fear or suspect that they may retaliate against you, it is important for you to seek legal support immediately.

For further questions, please contact: Rocio A. Avila at rocio@domesticworkers.org
or Miranda Mammen at miranda@domesticworkers.org.

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