



As an au pair you are also entitled to holiday

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# **As an au pair you are also entitled to holiday**

To the au pair

## **INDEX**

<b>1. INTRODUCTION – TWO HOLIDAY MODELS .....</b>	<b>2</b>
<b>2. AS A MAIN RULE, THE DANISH HOLIDAY ACT APPLIES.....</b>	<b>2</b>
<b>3. DIFFERENCES AND SIMILARITIES BETWEEN THE TWO MODELS.....</b>	<b>2</b>
3.1. MAIN SIMILARITIES .....	2
3.2. MAIN DIFFERENCES .....	3
<b>4. AN EXAMPLE OF THE IMPLICATIONS OF MODEL 1 AND MODEL 2 .....</b>	<b>3</b>
<b>5. THE MAIN FEATURES OF THE TWO MODELS .....</b>	<b>5</b>
5.1. MODEL 1 – THE DANISH HOLIDAY ACT IN GENERAL .....	5
5.2. MODEL 2 – SPECIAL HOLIDAY RULES IN GENERAL.....	6
<b>6. PLEASE NOTE THE FOLLOWING SPECIAL CONDITIONS .....</b>	<b>6</b>
<b>7. FURTHER INFORMATION.....</b>	<b>7</b>

## 1. Introduction – Two holiday models

Two holiday models exist that may apply to you as an au pair with your host family and between which you and your host family must choose.

When you are employed as an au pair, you and your host family must decide which holiday model will apply to you during your stay.

This folder sets out the main points of the two models you can choose between.

At the end you will find a list of conditions that should be noted.



## 2. As a main rule, the Danish Holiday Act applies

You are automatically entitled to holiday according to the Danish Holiday Act (**model 1**), but you and your host family can arrange that instead you will take your holiday according to the special holiday rules set out in the Danish Act Respecting Certain Conditions of Employment in Agriculture, etc. (**model 2**).

## 3. Differences and similarities between the two models

The two models resemble each other on various points, but differ in others.

### 3.1. Main Similarities

- You are entitled to take five weeks' paid holiday annually.
- You are entitled to take a certain part of your holiday as a consecutive period during the period from 1 May to 30 September (if your employment period allows this).

- Your host family cannot decide that you should take your holiday after the expiry of your employment period.
- You take paid holiday and receive a holiday supplement of totally 1 per cent of your pay.

### 3.2. Main differences

- Under model 1 the holiday year is staggered in relation to the qualification year. You must take the holiday you earn in a calendar year during the holiday year starting on 1 May after the qualification year and ending the next year on 30 April. According to the Danish Holiday Act you are therefore entitled to *paid* holiday only when you have earned the holiday. But you are always entitled to take up to five weeks' holiday during each holiday year.

Under model 2 both the qualification period and the holiday period follow the employment period. That means that you are entitled to holiday with pay already during the first year of employment as you earn the holiday.

- Under model 1 you are entitled to take three weeks' holiday as a consecutive period during the period from 1 May to 30 September within the employment period.

Under model 2 you are entitled to take at least two fifths of your holiday as a consecutive period during the period from 1 May to 30 September if your employment period allows this.

- Under model 1 your host family must pay holiday allowance for the days of holiday you have not taken upon termination of your employment.

Under model 2 your host family must as far as possible ensure that you take your holiday before the expiry of your employment period.

## 4. An example of the implications of model 1 and model 2

The following example shows some of the rights to holidays of an au pair and illustrates differences and similarities between the two models. The example will give you a general idea of the implications of each model so that you can choose the holiday model you prefer.

*Grace is going to work as an au pair with a family for 18 months from 1 September 2007 to 28 February 2009. She works five days a week during the stay.*

	Model 1 – the Danish Holiday Act	Model 2 – special holiday rules
How many days of paid holiday will Grace earn during her stay?	37.48 days (4 x 2.08 days + 25 days + 2 x 2.08 days).	37.48 days (4 x 2.08 days + 25 days + 2 x 2.08 days).
How many days of the earned holiday can Grace take during her stay?	<p>She can take 8.32 days of paid holiday during her stay.</p> <p>The qualification year is staggered in relation to the holiday year.</p> <p>Holiday year 2007-2008: Grace has not earned the right to paid holiday during this holiday year. But she may choose to take a holiday for up to five weeks at her own expense.</p> <p>The 2008-2009 holiday year: In 2007 Grace earned 8.32 days of paid holiday during this holiday year. But she may supplement the days of holiday with a holiday for up to five weeks at her own expense.</p>	<p>Grace can take 37.48 days' paid holiday during her employment.</p> <p>The qualification period and the holiday period correspond to the employment period.</p> <p>Therefore she can take all 37.48 days during her employment.</p>
	Model 1 – the Danish Holiday Act	Model 2 – special holiday rules
Which payment is Grace entitled to when she takes holiday during her stay?	Grace is entitled to holiday with pay as well as a holiday supplement of totally 1 per cent of her total pay during the qualification year.	Grace is entitled to paid holiday as well as a holiday supplement of totally 1 per cent of her total pay.
For how many days of holiday must the host family pay holiday pay upon Grace's termination of her employment?	<p>Up to 37.48 days of holiday.</p> <p>The holiday year 2008-2009: If Grace has not taken the 8.32 days of paid holiday for this holiday year before termination of her employment, the host family must settle those days.</p>	None. Grace must take the days of holiday before termination of her employment.

	The holiday year 2009-2010: The host family is to settle 25 days of holiday.	
	The holiday year 2010-2011: The host family is to settle 4.16 days of holiday.	

## 5. The main features of the two models

Should you wish to know more about the two models, the main features of each of them are described on the following pages.

### 5.1. Model 1 – The Danish Holiday Act in general

In the Holiday Act **the holiday year is staggered in relation to the qualification year**. That means that the holiday you earn e.g. during the 2007 calendar year is to be taken during the holiday year starting on 1 May 2008 and ending on 30 April 2009.

You **earn** the right to take five weeks' paid holiday annually. If you work at a maximum five days a week, you earn the right to 25 days of holiday annually (2.08 days of holiday for each month of employment). If you work more than five days a week, you earn the right to 30 days of holiday annually (2.5 days of holiday for each month of employment).

According to the Holiday Act you are therefore entitled to *paid* holiday only when you have earned the holiday. You are always entitled to take up to five weeks' holiday per holiday year, but you cannot demand that your host family pay the days of holiday if you have not earned the holiday.

You are **entitled to take up to 15 days of holiday as a consecutive period** during the period from 1 May to 30 September. Generally other days of holiday should be taken as a consecutive period of at least five days. Your host family must make allowance for your wish with regard to the timing of the holiday, but in the final instance your host family decides when you can take your holiday during your employment.

You are entitled to take **paid holiday**. The pay during holiday is your ordinary regular pay at the time of the holiday. To this amount is added the value of any fringe benefits which are not available to you during the holiday. Your host family must also pay a holiday supplement of a total of 1 per cent of your pay during the qualification year. The value of board and lodging is calculated on the basis of the rates fixed by the National Tax Board for the year in question.

As a main rule you must take your holiday during the holiday year. If you do not, your host family must as a main rule **pay the holiday with pay not taken and the holiday supplement to the Labour Market Holiday Fund**. In certain situations the holiday pay can be paid out to you even though the holiday has not been taken. You can read more about those rules on the website of the National Directorate of Labour [www.adir.dk](http://www.adir.dk) under "Ferie" or "Holiday". Please note that the website is under construction.

When you **terminate your employment, your host family must pay holiday allowance** for the days of holiday you have not taken upon termination. In general, your holiday allowance is calculated at 12 ½ per cent of your taxable pay and fringe benefits earned during the qualification year. The value of fringe benefits is calculated on the basis of the rates fixed by the National Tax Board for the year in question. As a general rule your host family must pay the holiday allowance to FerieKonto, but if you are no longer going to work in Denmark, your host family can pay the amount direct to you upon termination of your employment.

## 5.2. Model 2 – Special holiday rules in general

In the special holiday rules set out in the Danish Act Respecting Certain Conditions of Employment in Agriculture, etc. **both the qualification period and the holiday period follow the employment period.** That means that you are entitled to paid holiday already during your first year of employment. You are entitled to take five weeks' paid holiday annually. If you work at a maximum five days a week, you are entitled to take 25 days of holiday annually (2.08 days of holiday for each month of employment). If you work six days a week you are entitled to take 30 days of holiday annually (2.5 days of holiday for each month of employment).

You are entitled to take **at least two fifths of your holiday as a consecutive period** during the period from 1 May to 30 September if your employment period allows this. Any remaining holiday can be taken as a period that is split up or as a consecutive period according to your wishes. Your host family must as far as possible make allowance for your wishes regarding the timing of the holiday.

You take your **holiday with full pay** including board-wages if board-wages are part of your pay. Your host family must also pay a holiday supplement of totally 1 per cent of your total pay. The value of your board is calculated on the basis of the rates fixed by the National Tax Board for the year in question.

Your host family must as far as possible ensure that you **take your holiday before the expiry of your employment period.** Where this is not possible on account of sickness or injury, your host family must instead pay you wages and the tax value of your board and the holiday supplement for every day of holiday lost.

## 6. Please note the following special conditions

You are **automatically covered by model 1.** If you and your host family wish to employ model 2, you must agree in writing that you will not follow the rules of the Danish Holiday Act, but that you will instead follow the special holiday rules set out in the Danish Act Respecting Certain Conditions of Employment in Agriculture, etc. This means, in other words, that in the absence of an agreement you are covered by model 1.

Irrespective of whether you choose model 1 or model 2, you are not permitted to work during your holiday.

## 7. Further information

You can read the rules concerning holiday in their entirety on the website of the National Directorate of Labour [www.adir.dk](http://www.adir.dk) under “Ferie” or “Holiday”. Look under “Special holiday themes”. Please note that the website is under construction.

Should you have questions concerning the **Danish Holiday Act**, you are welcome to contact:

National Directorate of Labour (Arbejdsdirektoratet)

Holiday Office

Stormgade 10

P.O. Box 1103

DK-1009 Copenhagen K

Tel. +45 38 14 84 84

Telephone inquiries: Monday, Tuesday, Thursday and Friday: 12 am to 2 pm –  
Wednesday closed

E-mail: [adir@adir.dk](mailto:adir@adir.dk)

Should you have questions concerning the **Danish Act Respecting Certain Conditions of Employment in Agriculture, etc.**, you are welcome to contact:

Ministry of Employment (Beskæftigelsesministeriet)

Ved Stranden 8

DK-1061 Copenhagen K

Tel. +45 72 20 50 00

Telephone inquiries: Monday to Thursday: 8:30 am to 4 pm, Friday: 8:30 am to 3:30 pm

E-mail: [bm@bm.dk](mailto:bm@bm.dk)

Should you have questions concerning payment of **holiday allowance from FerieKonto**, you can read more on FerieKonto's website at [www.atp.dk](http://www.atp.dk) under “Privat/FerieKonto”, or you can contact:

FerieKonto

Kongens Vænge 8

DK-3400 Hillerød

Tel. +45 70 11 49 10

Telephone inquiries: Monday to Friday: 9:00 am to 3:00 pm

E-mail: [fk@atp.dk](mailto:fk@atp.dk)

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