

Testimony before the
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Thank you, Assemblyman Wright and other committee members for giving me this opportunity to speak.

My name is Premilla Nadasen. I am an author and historian. I teach at Queens College (City University of New York) and have written extensively about social policy and domestic service. You are going to hear from a number of domestic workers today about the specific conditions of the occupation, and since they are the experts, I defer to them on that issue. Instead, I will give a bit of historical background on domestic service work and address the issue of why this occupation needs legal protection.

As you discuss and debate the domestic worker bill of rights that is before you, one of the questions that you may be asking or that your constituents may ask is: why should domestic workers receive special protection? Well, domestic work is not like other occupations and has never been treated like other occupations.

First and most important, domestic workers have historically been denied the rights afforded to other workers. When the Fair Labor Standards Act was passed in 1938, domestic service workers, like agricultural workers, were excluded. This meant that the basic labor protections that we all take for granted today, like minimum wage, the eight-

hour day, overtime pay, and mandatory breaks, did not apply to domestic workers. They were also excluded from the New Deal's social security program and the unemployment insurance program.

In addition, even under current law, domestic workers have no right to organize under the National Labor Relations Act. And they are not protected by civil rights legislation or by the Occupational Health and Safety Act because they work in settings with fewer than 15 employees.

Domestic workers were included in the social security system in the early 1950s. And after a long, hard struggle, they were eventually granted minimum wage/overtime pay in 1974.

Despite these advances since the 1930s, domestic workers still lag behind other workers. Many employers simply flout the law and don't pay their workers overtime. Live in workers, to this day, are excluded from the minimum wage/maximum hour provisions of the FLSA provisions. And although employers are required to pay social security taxes on behalf of their household employees, we know from several high-profile cases that even employers who can afford to, don't fulfill this mandate. The vast majority of domestic workers don't have access to health care and the nature of the occupation is one in which they are frequently let go, with little regard for their own well-being.

There are several reasons why domestic workers have not been assured the same rights as other workers.

First, the workforce is primarily poor women of color who lack political clout, which is why they have been marginalized and excluded from provisions of labor law. During the New Deal when most labor laws were enacted, the vast majority of domestic workers were African American women. Southern congressmen were simply unwilling to cede racial control of their region's workforce. They agreed to support the New Deal package only if the predominantly black agricultural and domestic workers were excluded. Today, the workforce is still women of color, and in many cases, undocumented immigrants. Many speak English as a second language. And they still lack political power.

Second, domestic work is located in the ostensibly private space of the home. Because of this domestic work has not been considered real work. Household employees are often treated as personal servants—at the beck and call of their employers. Not only their labor, but their very bodies are owned and controlled by the people for whom they work. They have been subject to verbal abuse, sexual abuse, and physical abuse.

Third, domestic workers are particularly vulnerable because they labor alone, apart from other workers. They have no opportunity to organize and little opportunity to speak out on their own behalf. They are isolated from friends and family. And in many cases have no one to turn to for support. The power that employers wield over their employees is unlike anything we see in other occupations. They can be fired without recourse and are

often threatened with being turned over to immigration officials. This can, and has, led to extreme abuses, as we saw most recently with the case in Muttontown, Long Island.

The basic components of the bill of rights will ameliorate some of these conditions. It will recognize not only the labor rights of these workers, but their human rights. Many domestic workers have children and families who they support. Domestic workers have to pay rent, buy food, and plan their budgets. When the cost of living goes up, they need higher wages to meet these rising costs. They need health care, sick days, and vacation time. And when they are laid off, which happens frequently as employers' needs change, they need advance notice in order to look for and secure other employment. In short, the bill of rights will enable domestic workers to care for themselves and their families with a measure of security, as they perform the critical care work that middle-class New Yorkers depend on.

In the midst of this enormous financial crisis, the question might be raised: is this really the moment to enact a bill to guarantee such protections for domestic workers? I would answer with a resounding yes. There is no question in my mind that the current economic crisis can be attributed, in combination with other factors, to the widening income gap over the past decade. At the beginning of this year, the gap between the rich and poor was wider than it has been any other time in U.S. history since the 1920s. In these hard economic times, domestic workers are the most vulnerable and least protected. Seventy years ago, the Great Depression—and there are numerous parallels to what we are experiencing today—spawned the infamous Bronx slave market. It was appropriately

named because it was a space where domestic workers, desperate for work, gathered and waited for employers to hire them for the day. Exploiting their desperation, employers bargained to pay as little as they could. If they were paid at all, domestic went home after a day of back-breaking labor with as little as fifteen, twenty or twenty-five cents an hour.

Our economic system has functioned best when the working people of this nation—and domestic workers are among the hardest workers—have their rights protected and a minimum standard of living guaranteed. This bill will reestablish that core principle that has guided US social and economic policy for over half a century.

This bill of rights will be the first one passed on the state level and has enormous implications for the treatment of the most exploited sector of our workforce. It is not a panacea for the abuses domestic workers face. And, even after passage, we need to be vigilant to ensure enforcement. But this bill of rights is a milestone that will move us in the right direction and give the backing of law to the notion that all workers, regardless of their race, gender, immigration status, or political power, have the right to basic protections.