



DOMESTIC WORKERS BILL OF RIGHTS

We have a dream that one day, all work
will be valued equally

Domestic workers are a cornerstone of the New York economy. Over 200,000 nannies, caregivers, and housekeepers in the New York Metropolitan area keep New York families functioning and make all other work possible.

But New York domestic workers are workforce in crisis. We need a Bill of Rights. Now.

THE CRISIS.

- ✗ Historic exclusion from legal protections.
- ✗ A workplace without standards. Anything goes.
- ✗ Long hours, low pay, no benefits.
- ✗ Physical and sexual abuse. Dehumanizing treatment.
- ✗ Extreme vulnerability to abuse, mistreatment, and labor violations.

Domestic workers bear the brunt of the current financial crisis. Even in a healthy economy, domestic workers are uniquely vulnerable to abuse and exploitation. We are excluded from basic legal protections guaranteed to other workers. We work alone, isolated in our employer's houses. We often get no time off, even to deal with medical emergencies. Domestic workers keep New York families healthy and functioning, but the precarious nature of our employment keeps our own families in constant crisis. With the economic downturn, that crisis has deepened.

THE SOLUTION.

- ✓ **The Domestic Workers Bill of Rights: urgently needed protections for the workers who make all other work possible**

The Domestic Workers Bill of Rights (A01470, S02311) amends New York State labor law to guarantee basic work standards and protections: time-and-a-half for every hour over 40 hours per week; one day off per 7-day calendar week; a limited number of paid vacation days, holidays, sick days, and personal days; protection from employment discrimination; advance notice of termination; severance pay based on the number of years worked; an annual cost of living increase tied to the Consumer Price Index; and health care coverage for all workers, either provided by employers or as a wage supplement. The bill provides a means of enforcing these standards in court.

The Domestic Workers Bill of Rights applies to domestic workers in the downstate MTA region, which includes New York City and Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester counties.



DOMESTIC WORKERS BILL OF RIGHTS: PROTECTING A WORKFORCE IN CRISIS

Domestic workers are the bedrock of a functioning society, yet they are a workforce in crisis.

The Domestic Workers Bill of Rights takes on a new urgency in the wake of the current financial crisis. Among New York's least protected workers, domestic workers are among the first and hardest hit by any economic downturn. In these times, domestic workers are even more vulnerable to abuse and exploitation. Now more than ever, New York must act to protect the basic rights and human dignity of domestic workers!

Domestic workers call on the New York legislature to pass the Bill of Rights and . . .

1. End the Epidemic of Workplace Abuse

Working behind closed doors, in their employers' homes, domestic workers are uniquely vulnerable to abuse. Without the legal protections guaranteed to other workers, domestic workers routinely endure verbal abuse, dehumanizing treatment, and exploitation. In the worst cases, this lawless industry results in situations where domestic workers are physically abused or sexually assaulted, forced to sleep in quarters unfit for human habitation, and stripped of their privacy and dignity. The extreme vulnerability of domestic workers has led to a physical and mental health crisis. New York must take action to end this crisis now!

2. Give Caregivers the Ability to Care for Themselves

Nannies and caregivers work long hours to ensure the health and safety of the children, disabled relatives, and elderly parents of New Yorkers. Yet these workers can't afford to look after their own health and the health of their families. The vast majority receive no health benefits from their employers, and with no legal entitlement to paid sick days, many workers cannot take time off to deal with illness or medical emergencies. Some are denied sick leave entirely – paid or unpaid. For others, losing even a day or two of pay to see a doctor may mean not being able to afford both food and rent for that month.

3. Standardize an Industry that Leaves Too Much to Chance

Without established and enforceable standards, both workers and employers are left to make them up. In the worst cases, this means employers can do what they please – withholding pay, renegeing on promises, restricting a worker's basic freedom of movement. In the best cases, well-meaning employers simply don't have the information to guide them in setting terms of employment, and they may never draw up a formal contract or clearly establish the rights and obligations each party owes to the other. As a result, domestic workers never know what to expect from their employers, and the treatment they receive is largely a matter of luck. This lawless existence leaves too much to chance. Domestic workers must be able to rely on basic standards that they can expect from each and every employer.



DOMESTIC WORKERS BILL OF RIGHTS: PROVIDING A SET OF NECESSARY PROTECTIONS

DOMESTIC WORKERS ARE VULNERABLE.

- Most workers are protected by federal law when they organize for better working conditions, but because domestic workers are specifically excluded from the National Labor Relations Act, we can be fired just for *asking* for a raise or time off.
- The lack of legal protection creates steep barriers to negotiation for a domestic worker, who may be afraid to negotiate the terms of her employment, for fear she will be fired without warning.
- Domestic workers are extremely vulnerable to abuse, mistreatment, and labor violations because we usually work alone, behind closed doors and out of the public eye.

THE BILL OF RIGHTS PROVIDES PROTECTIONS.

The Bill of Rights would provide domestic workers with:

✓ **overtime pay**

✓ **one day off a week**

- Unlike other New York workers, domestic workers have no right to a day off, and live-in domestic workers do not have full overtime protections.

"I lived with the family and worked Monday to Sunday, seven days a week. . . . I worked more than a hundred hours a week, with no days off. Sometimes my employer allowed me some time off to see friends in the city, but that was only a few times each year."

– Wilma

✓ **advance notice of termination**

✓ **severance pay**

- Notice and severance pay will allow a domestic worker to speak to her employer about things like raises, days off, and other concerns, because she will have the reassurance that the law will protect her from being fired on the spot. These provisions give domestic workers the security they need to seek the enforcement of their rights.
- A live-in worker who is fired faces the sudden and simultaneous loss of her job and her home.

"Two and a half years later, my employer . . . [told] me that I no longer had work. . . . I asked her for permission to stay in the house that night so I could go out and find another place to live – I could not even sleep thinking about where I would go next. No one knows what I went through that night."

– Maria

✓ **annual cost of living increase**

- The power dynamic between a domestic worker and her employer often prevent workers from requesting even minimal cost of living increases.

"When the amount of money that my employer owed me accumulated, she started to humiliate me."

–Lou.

BILL OF RIGHTS PROTECTIONS (CONTINUED.)

✓ **health care**

✓ **paid sick days**

- Access to healthcare gives workers in abusive situations an opportunity to get the help they need.
- If a domestic worker falls ill, she often must work through her illness, or be denied pay during her recovery. She is often unable to make a doctor appointment during work hours.
- Despite caring for children when they are sick, many domestic workers lack even minimum health coverage for themselves.

“[My employer] called me two days after my surgery and demanded . . . that I come back to work right away. I went back to work 4 days after my surgery with stitches in my right breast and a bandage over my chest. . . . I had appointments every six months to see the endocrinologist . . . [They] would always make it hard for me to keep these appointments.”

– Carolyn

✓ **paid holidays, personal days, and vacation days**

- Domestic work can be particularly physically and emotionally draining.
- Long hours mean some domestic workers rarely see their own children and families.
- Personal days, holidays and vacation days provide much needed time for self-care and family care, allowing domestic workers to return to work recharged and better able to take care of others.

“I worked all day and into the night. Most nights I would get three to four hours of sleep. I was never given holidays because Mr. and Mrs. “Connor” said I was not an American so the holidays were not for me.”

– Carolyn



DOMESTIC WORKERS BILL OF RIGHTS: OVERVIEW OF PROVISIONS

Pay

Overtime pay

- Overtime pay of time-and-a-half of the worker's regular rate of pay for every hour over 40 hours worked in a week.

Annual cost of living adjustment

- Domestic worker's salary must be annually adjusted by the amount of the increase in the Consumer Price Index, which measures inflation (averages about 3 to 4% a year).

Time Off

One day of rest per week

Paid time off for sick days, vacation, and holidays

- 5 sick days per year, 5 personal days per year.
- Vacation ranges from 2 to 5 weeks, depending on the number of years working for the family.
- Holidays, including New Year's Day, MLK Jr. Day, President's Day, Memorial Day, Independence Day, Thanksgiving, Labor Day, Christmas Day, and one additional holiday of the worker's choosing.
- If the worker chooses to work on a holiday, she earns time-and-a-half (or double if it puts her over 40 hours worked in the week).

Termination Standards

Advance notice of termination

- 21 days' notice requirement.

Severance pay

- One week's pay for each year she has worked for the employer.

Protection from Discrimination

Domestic workers will be included in New York's employment discrimination law.

Health Care

Employers must provide domestic worker employees with either: (1) health benefits substantially equivalent to those provided by the Healthy New York plan, OR (2) an amount no less than the lowest cost of a Healthy New York plan.

Enforcement

Workers whose rights have been violated may sue their employers in court in order to collect the money they are owed, and in some cases, extra money as punishment against the employer (punitive damages). The Commissioner of Labor and the Attorney General may also bring lawsuits on behalf of domestic workers.

Application

The domestic workers bill of rights only applies to the MTA region, which includes New York City and Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester counties.