

NATIONAL DOMESTIC WORKERS ALLIANCE

FEDERAL DOMESTIC WORKER BILL OF RIGHTS



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Introduction

The National Domestic Workers Alliance is excited to announce the reintroduction of the National Domestic Workers Bill of Rights, groundbreaking legislation affording rights and protections to millions of domestic workers throughout the country.

Domestic workers are one of the fastest growing workforces in our nation. The pandemic has shown how essential the domestic workforce is. We have an historic opportunity to transform care across the lifespan so the economy can work for all of us, whether we are domestic workers or consumers of care. The nannies, housecleaners and home care workers who comprise the domestic workforce often have no benefits, little protections, and no real pathway for worker voice or enforcement. They have historically been excluded from most basic labor protections. It's time to transform these essential jobs into good, family-supporting jobs.

Ten states and two major cities have passed bills of rights for domestic workers as a result of the relentless leadership of domestic workers organizing their communities. Federal recognition and comprehensive rights and protections for this workforce is long overdue.

Sponsors: Senator Kirsten Gillibrand (D-NY), Senator Ben Ray Luján (D-NM) and Congresswoman Pramila Jayapal (WA-07).



What is in the National Bill of Rights for Domestic Workers?

1

Including Domestic Workers in Common Workplace Rights and Protections

- **Overtime Pay:** Some domestic workers remain excluded from key wage and hour protections. Our bill provides additional protections to include privately paid live-in domestic workers with overtime protections.
- **Paid Sick Days:** The people who care for others need to be able to care for themselves and their families. This bill ensures that domestic workers can afford to take time to care for themselves and their loved ones when they are sick or need medical care.
- **Workplace Harassment and Discrimination** - Currently, many domestic workers are excluded from harassment and discrimination protections. The bill extends civil rights protections to domestic workers.
- **Safety and Health** - The bill makes cleaning supply safety information more transparent and provides safety and health education grants for domestic workers to community-based organizations.
- **Meal and Rest Breaks:** Domestic workers deserve the right to take breaks like other workers. This bill provides domestic workers the right to meal and rest breaks, with consideration for the well-being of the person in care.
- **Protections for Live-In Workers:** Requires adequate termination notices to find a new home and access to communications to help prevent workplace abuses.
- **Privacy:** Ensures common sense privacy protections so that domestic workers may not be recorded in their private spaces or have their privacy restricted.

2

New Workplace Rights and Benefits and Addressing the Unique Challenges of Domestic Work

- **Written Agreements:** Creates a standard written agreement to ensure that workers and employers understand the rights domestic workers have under the law, and that full terms, duties, and conditions of their employment are clear and explicit.
- **Fair Scheduling:** Ensures pay for shifts that are scheduled and then canceled last minute, with consideration for emergencies. Provides the right to request and receive time off for personal events like caregiving, health and legal needs.
- **National Domestic Worker Hotline:** Establishes a national hotline for domestic workers to call in cases of non-life threatening emergencies or to seek support.

- **Sexual Harassment Prevention and Survivor Support:** Requires a study and new recommendations to improve federal supports like mental health counseling and housing assistance for survivors of workplace harassment in low-wage, vulnerable, and marginalized sectors including domestic work.
- **Standards Board:** Establishes a Domestic Worker Standards Board to investigate standards in the industry and make recommendations to promote health, safety, and well-being, for domestic workers. The Board is a mechanism for domestic workers to organize and have their voice heard at work.
- **Affordable Healthcare and Retirement Benefits:** The bill acknowledges that domestic workers need support to have affordable health care and to save for their retirement. It requires a study of domestic worker access to benefits that will include recommendations to improve access to existing programs and consider new, affordable benefit options for domestic workers.
- **Training and Workforce Development:** Creates new domestic worker training programs, including new grants for sector-wide training programs, as well the first national study of long-term career development and training standards for domestic workforce with a focus on how to ensure that improved skills and training lead to better wages and career opportunities.

3

Ensuring that Rights are Real through Implementation and Enforcement

- **Know Your Rights:** Establishing new rights is only the first step. Employers and workers need to know what they are and how to implement them. The bill provides resources for education and outreach, including grants for community-based outreach and education for workers and employers.
- **Implementation:** The bill creates and funds an Interagency Task Force on Protecting Domestic Workers' Workplace Rights, including DOL, HHS, and EEOC, to support enforcement and address barriers to implementation and enforcement. It also includes grants for worker organizations to assist workers in the enforcement of their rights. The bill also encourages the use of payment systems or other fiscal intermediaries to help improve transparency, enforcement and the accessibility of benefits for workers.
- **Preventing Retaliation:** The Bill of Rights strengthens protections against retaliation for domestic workers who exercise their rights.
- **Affordability of Care:** To ensure that consumers who need care do not lose access to the services they depend on, the bill includes a funding provision to cover additional costs that Medicaid-funded consumers may face as a result of this bill.



Data and Facts about Domestic Workers

Type of workers

- Housecleaners
- Nannies
- Home care workers working in private homes and paid directly by their employers, agencies and/or the state (via programs like Medicaid)
- Some of these workers live in the home where they work, some live out.

Population

(Source: [EPI Report](#), 2020)

- In 2020, there were an estimated 2.2 million domestic workers in the United States
- Over 90% of domestic workers are women
- More than half of all domestic workers are women of color: Black, Latinas or Asian
- More than half of housecleaners are Latina immigrants

Salary, Benefits and Poverty

(Source: [EPI Report](#), 2020)

- Domestic workers are three times as likely to be living in poverty as other workers.
- The typical domestic worker is paid \$12.01 per hour.
- Even when compared with demographically similar workers, domestic workers on average are paid just 74 cents for every dollar that their peers make.
- Domestic workers make approximately 40% less per hour than other workers, and Latinas are the lowest paid
- Nearly half work part time, often because they want but cannot get full-time work hours.
- Fewer than one in 10 domestic workers are covered by an employer-provided retirement plan and just one in five receives health insurance coverage through their job.

Domestic Workers Survey: Working Conditions

(Source: [Worker Consultation](#), 2021)

- Only 16% of domestic workers have a written agreement with their employer.
- Over one-third of domestic workers do not get meal and rest breaks and of those that do, only 34% of those who get meal and rest breaks are paid for those breaks.
- 81% of domestic workers receive no pay if their employer cancels on them with less than three-days notice, and 76 % receive no pay if their employer cancels on them after they show up for work.
- 23% of domestic workers do not feel safe at work.

States with Bills of Rights

As of July 2021, ten states have bills of rights for domestic workers: New York, Illinois, Oregon, California, Nevada, Connecticut, Massachusetts, Hawaii, New Mexico, and Virginia. In addition the cities of Seattle and Philadelphia both passed municipal domestic workers bills of rights.



Stories

More leaders will be available throughout the campaign.

Etelbina Hauser - Seattle, WA

Etelbina is a housecleaner and home care worker, and a leader of the National Domestic Workers Alliance and its We Dream in Black campaign. She is a Black immigrant from Honduras, has four daughters, three sons, and several grandchildren. Etelbina migrated to the United States 18 years ago to give her children a better quality of life and education. As a domestic worker, she experienced sexual harassment and assault on the job in all of the cities where she worked, including New York City, Denver, and Seattle. These experiences were particularly painful because she is the survivor of child sexual abuse. To make sure these experiences don't happen to other women, Etelbina worked actively in the campaign to pass the first Domestic Workers Bill of Rights in Seattle.

Arlene - New York

Prior to Covid-19, Arlene was working a regular 8am to 6pm schedule as a nanny, taking care of one child, working overtime only sometimes. When the outbreak happened, Arlene was asked to go to the Hamptons with her employer's family to "avoid the virus," but instead of just providing childcare, Arlene was forced to work from 8AM to 11PM nannying, taking out the garbage, cooking and cleaning and doing many other jobs outside of her scope of work. The work was emotionally, mentally, and physically taxing. Arlene was paid a bit more - but not enough - for all of the extra work she was doing. After a month of working nonstop, she said she needed a break and asked to return home to New Jersey. When she returned to New Jersey and stopped working, the employers stopped paying her. Arlene lives with a roommate, and they are both careful to protect themselves from COVID-19 when going out to buy, for example, groceries. She worries about her financial situation, as many of her friends have lost their jobs. She does not currently have health insurance, and the family she works for has never offered it to her. The toll of isolation has been hard on Arlene, who was used to socializing and leaving the house every day.

Glenora Romans - Houston, TX

Glenora Romans is a leader with We Dream in Black Houston and has been a caregiver for more than twenty years. Originally from Jamaica, she first came to Florida and did homecare work for the elderly before moving to Texas. Glenora is a mother to small children and has recently gotten her degree in Medical Records Management. She has experienced chronic low pay and wage theft on the job, made worse by lack of written contracts. Earlier this summer, she was offered a job cleaning a building and was offered \$70 for a seven hour cleaning shift. She took the offer even though the pay was low because she would be able to bring her children with her while she cleaned. When she finished, her employer only paid her \$50, promising to pay the remaining amount later. She still has not been paid the remaining \$20. Without a written contract, she feels that she doesn't have much hope of recovering her lost wages. During the pandemic, she lost all of

her work. She is now picking up care work as a house cleaner, a nanny and a homecare worker to try to support herself and her children.

Amalia Hernandez

Amalia Hernandez has lived in Albuquerque, New Mexico for 35 years and has been a caregiver for 6 years. She became a caregiver after her sister became ill and needed in-home care. Amalia manages a caregiving coop connecting caregivers to clients. Since the pandemic, she's had to work 40 hours or more a week, but only gets paid for half of that because the coop's clients need care and she cannot not deny them necessary care.

Throughout the pandemic, she's struggled to get PPE and disinfectant for the careworkers in her homecare coop. She knows that she and her coworkers were putting their own health in danger to care for their clients, but they needed to keep working to keep afloat financially. Everyone in her family - husband and two children, all had their jobs cut or hours cut down because of the pandemic.

Lee Plaza from Pilipino Worker Center (PWC) has been working as a caregiver for five years. She doesn't have sick leave or benefits or a retirement fund. She noted that many PWC members end up going back to the Philippines when they are too old to take care of elders. Not having retirement or medical benefits is a major issue for PWC members. An example she gave was of her friend, Lilian, who was getting sick, but couldn't take any time off because there was no paid sick leave. She is 75 years old, and has been a caregiver for over 20 years. She lost her job when she had a stroke. And now wants to go home to the Philippines so her relatives can take care of her, but she's not sure how. She doesn't have a retirement fund to support her.

Thanks to the workforce training at PWC, Lee now asserts her need to take a break. But she noted that several years ago, before she was educated as a caregiver, she thought she didn't have rights. She learned she has a right to take breaks. When she tried to go and eat and take a break before, her employer told her to eat beside her in case she needed her. She and her colleagues (who work in a facility, but are paid by the family as private caregivers) would often eat quickly in the restroom. When she learned she had a legal right to breaks, she told her employer this and now things have changed for the better.



Resources

Economic Policy Institute: [Domestic workers chartbook](#)

[6 Months in Crisis](#): The Impact of COVID-19 on Domestic Workers

[Notes from the Storm](#): Black Immigrant Domestic Workers in the Time of COVID-19

[Home Economics](#): The Invisible and Unregulated World of Domestic Work

[CLASP](#): The COVID-19 Crisis Underscores the Need for Sustainable Domestic Worker Protections

[My Home is Someone's Workplace](#): Re-envisioning Domestic Employment in New York State

The Century Foundation: [Domestic Workers Bill: A Model for Tomorrow's Workforce](#); [Toward a More Secure Retirement for Domestic Workers](#)

[Working Conditions in Texas](#): Living in the Shadows: Latina Domestic Workers in the Texas-Mexico Border Region

[Working Conditions in Atlanta & Durham](#): Pay, Professionalism & Respect: Black Domestic Workers Continue the Call for Standards in the Care Industry

[PHI Report](#): U.S. Home Care Workers: Key Facts