



NATIONAL DOMESTIC WORKERS ALLIANCE

Domestic Workers Bill of Rights Survey and Stories

July 2021

The National Domestic Workers Bill of Rights sets a vision for our shared future where we respect all working people, whether they work in an office or in a home; where we can all make the best choices for our families, enabling our seniors to age gracefully and parents to return to work when they are ready, with the support of domestic workers who are treated with dignity and can take care of their own families.

For too many domestic workers, who were one emergency away from a crisis before the pandemic, this last year has been devastating.

During the worst of the pandemic, housecleaners were among the first to lose jobs and the last to receive support. Home care workers continued to work on the frontlines, providing essential care to seniors with people with disabilities, often without adequate protective equipment. Nannies became essential support for families who were juggling the new pressures of working from home and online school, but often at the expense of their own families' health and wellbeing. As a workforce made up of many undocumented Latinx, Black and Asian immigrants, many have been denied COVID relief, including cash assistance and access to a safety net, and many experience structural barriers in vaccine access. The pandemic has illuminated the fact that the domestic workforce is essential, yet it lacks essential rights and protections.

This work is some of the most important and fastest growing work in our economy, and yet it's still undervalued, unprotected and treated as less than real work.

These unjust conditions have deep roots in the legacy of slavery. Among the first domestic workers were enslaved Black women, with Indigenous, Latinx and AAPI women, along with many generations of immigrants, joining their ranks. Our laws — or the explicit exclusion of domestic workers from the protections offered by our labor laws -- normalized the abuses, and the devaluing of the work and the workforce. Today, we have an unprecedented opportunity to shine a light on one of the most critical workforces in our country and prepare ourselves for the future of work

In 2019, then-Senator (now Vice President) Kamala Harris (D-CA) and Rep. Pramila Jayapal (D-WA) first introduced the Domestic Workers Bill of Rights in Congress. Now, Senator Kirsten Gillibrand (D-NY) is the Senate lead along with Rep. Jayapal.

In preparation for the bill's reintroduction, the National Domestic Workers Alliance (NDWA) surveyed more than 2,400 of our members from around the nation¹ — the nannies, house cleaners and home care workers who make up this workforce — to find out about their current circumstances and how this bill would improve their lives.

One of the key findings from the study is that in the ten states² that have a state Domestic Workers Bill of Rights, workers report overall working conditions that are better than those reported by workers who live in states without a Bill of Rights.

Building on those state Bill of Rights, this national Domestic Workers Bill of Rights would be a game changer for domestic workers throughout the United States.

The bill would:

Include domestic workers in common workplace rights and protections like safety and health, protection against workplace discrimination and harassment, meal and rest breaks and paid sick days:

About one quarter of domestic workers report not feeling safe at work. In light of the pandemic, the number one reason workers did not feel safe was the risk of getting COVID-19. Without paid sick days, many were in impossible situations choosing between their jobs and paychecks and health and stopping the spread. Homecare workers also reported concerns about physical strain, a lack of privacy, and harassment. Housecleaners were most concerned about the use of harsh chemicals and fear about being reported to the police or immigration.

¹ The survey reflects responses from 2,406 domestic workers in March 2021. Sixty-two NDWA affiliates and chapters participated in six languages. Of those who responded, 55 percent were housecleaners, 27 percent nannies and 18 percent home care workers. More than three-quarters of respondents identified as Latina/Hispanic (76%), followed by Black (9%), Asian (7%), white (2%), other (2%).

²New York (2010), Hawaii (2013), California (2013 and 2016), Massachusetts (2014), Connecticut (2015), Oregon (2015), Illinois (2016), Nevada (2017), New Mexico (2019), and Virginia (2020). Municipal Domestic Workers Bills of Rights have also passed in Seattle (2018) and Philadelphia (2019).

Today, despite being on the frontlines of the pandemic where they put themselves and their families at risk, domestic workers do not have coverage under the federal law that protects worker safety and health, the Occupational Safety and Health Act.

The Bill of Rights 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. It also makes cleaning supply safety information more transparent to help housecleaners and employers make informed decisions about their safety.

Maria Maldonado is a member of Fe y Justicia Workers Center in Houston. She has cleaned homes for two years and is also a nanny. When Maria first started cleaning homes, she didn't know what products were toxic and harmful. Her employers would ask her to use a certain product and at times it was detrimental to her health.

"We want to do a good job and make sure the house is clean, but we also need to learn what products can be harmful for us. We are cleaning multiple homes and can be exposed to chemicals that hurt our bodies."

Fortunately, she participated in a program at Fe y Justicia on toxic cleaning products and what products not to mix. From the program, she was able to speak with an employer and let her know one of the products provided was harmful and they agreed on using a different one. Maria mentioned how important learning this information was for her health, and the need for healthy communication with her employers, as well as mutual understanding and respect. She noted the pay was low and it wasn't a financial option to bring her own products.

"As domestic workers we need to know our value and prevent our health from deteriorating. Sometimes they want to step on us, treat us badly, but we can educate ourselves and recognize, whether we're documented or not, our worth and value and amplify our voices."

Domestic workers — many of whom are women of color and immigrant women — often work alone in private residences making them particularly vulnerable to mistreatment including sexual harassment. Many have shared their stories of either feeling unsafe or being harassed or otherwise abused. Harassment is then exacerbated by isolation, poverty, immigration status, the lack of familiarity with the law and legal processes, limited networks for support, language barriers and fear of retaliation and deportation. Yet, many

domestic workers are excluded from the federal Civil Rights Act protections against workplace discrimination including harassment because it only covers employers with 15 or more employees.

The Bill extends civil rights protections to domestic workers and strengthens protections against retaliation for domestic workers who exercise their rights, especially including prohibiting reporting or threatening to report on an individual's citizenship or immigration status.

Etelbina Hauser is a housecleaner and home care worker, and a leader of the National Domestic Workers Alliance and its *We Dream in Black* campaign in Seattle, Washington. She is an immigrant from Plataplaya, Honduras and identifies as Black. She is the mother of four daughters and three sons, and has several grandchildren. She made the choice to immigrate to the United States about 18 years ago to give her children a better quality of life and education.

As a domestic worker, she has 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, and the knife scar on her right breast is an "imprint" that has stayed with her. To make sure these experiences don't happen to other women, Etelbina actively participated in the campaign to pass the first Domestic Workers Bill of Rights in Seattle, which supports domestic workers in better pay and more resources to fight sexual harassment.

As we saw during the height of the pandemic, too often, domestic workers are asked to put the needs of consumers above their own health and wellbeing. Caring for babies or ill adults and supporting the daily living activities of people with disabilities sometimes requires intensive hours and consistency. Yet, when those caring for others aren't able to care for their own needs, it hurts them and their families and their ability to provide ongoing care.

Thirty-six percent of domestic workers report not receiving meal and rest breaks during their shifts. And, of those that do, only 34 percent say they are paid for that time. In addition, while this survey did not ask about it, we know from [previous research](#) that 82 percent of domestic workers do not have paid sick days.

The Bill of Rights provides domestic workers the right to meal and rest breaks, with consideration for the well-being of the person in care as well as a minimum of seven paid sick days to take time to care for themselves and their loved ones when they are sick or need medical care.

Lee Plaza from Pilipino Worker Center of Southern California (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.

Create new workplace rights and benefits and address the unique challenges of domestic work:

Domestic workers have long been considered and wrongly treated as informal "help" rather than the essential workers that they are. Too often, domestic workers do not have clarity about their job responsibilities and the terms of their employment. **Today, only 16 percent of domestic workers have written agreements from their employers that set out these expectations.**

The Bill of Rights requires a 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.

Pamela Gresham has been a family caregiver for the past 15 years and is a member of WeDiB Atlanta. Pamela runs her own career center for child care providers and does job placement and professional development. She trains child care providers on seeing the value of their work and profession, how to negotiate wages, and build up confidence. She also works with child care providers to ensure they use written contracts when beginning a job so there is clarity on the scope of work, hours and wages, schedule and changes, as well as severance pay for termination.

As Pamela tells her clients, “everything looks better on paper.” Thanks to her training and placement, and insistence on written contracts, child care providers have clarity around the scope of work and expectations from their employers. She shared how she learned the importance of written contracts the hard way when she worked for a friend of a friend she thought she could trust and then was asked to work outside of verbal agreement with regard to schedule and job description, and was terminated without notice.

Low pay often means that domestic workers have to work more than one job. Lack of benefits and paid time off means they often struggle to manage their own care responsibilities. Last minute scheduling changes mean that people can’t plan — for their families, their second jobs or what their pay is going to be each week. **The survey found that when their work is canceled with less than three days’ notice, only 19% of workers report receiving at least partial pay. If the cancelation occurs once they have shown up for work, only 24% of workers get at least partial pay.**

The Bill of Rights ensures pay for shifts that are scheduled and then canceled last minute, with exceptions for emergencies. It also provides the right to request and receive time off for personal events like caregiving, health and legal needs.

Ensure that rights are real through implementation and enforcement:

When asked about their concerns about the bill, domestic workers — especially house cleaners — mentioned concerns about implementation and retaliation.

The bill aims to address these concerns by providing resources for education and outreach, including grants for community-based outreach and education for workers and employers; creating and funding 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. And, as mentioned above, the bill provides significant anti-retaliation protections.

Lorena³ lives in Alamo, Texas on the border with northern Mexico. She has been a domestic worker for the past 18 years. She left a job as a live-in domestic worker because the situation was unbearable. She only had two changes of clothes. The employer wouldn't give her back her belongings, or pay her wages she had earned, threatening to call ICE on her. Because of these threats, Lorena felt that her only option was to leave.

Isabel, an immigrant from Guatemala was vacuuming her employer's bedroom when he attempted to rape her. She was able to leave and never come back, but many domestic workers aren't. They enter strangers' homes to clean or care for children, seniors or people with disabilities. They deserve to feel safe when they do. But too often they don't.

Linda⁴, a New Mexico-based home health aide, had a 67-year-old male client who was inappropriately touching her breasts and lower back, and refused to stop. Unlike many domestic workers, Linda works for a private agency that contracts out home care services so was able to make a complaint to her employer. However, when she complained, her manager at the agency began sexually harassing her as well. This is unacceptable.

³ Not her real name.

⁴ Not her real name