

NATIONAL DOMESTIC WORKERS ALLIANCE

FAQ: The National Domestic Workers Bill of Rights



Won't the Bill of Rights be too costly for consumers and/or care agencies?

The need for care will continue to skyrocket for all of us, but our country hasn't done enough to invest or prepare a sustainable workforce. There's already a high cost from the lack of investment in our care workforce--the women we count on to care for our loved ones and homes can't take care of their own families or plan for their future. The pandemic has shown just how essential this workforce is. When people have good jobs, they stay in those jobs. Retaining workers saves companies and consumers money and provides better quality care.

The Bill of Rights is part of a bigger solution to not only create quality jobs, but to make care affordable and accessible to everyone. To address affordability, the Bill of Rights includes:

- Increased funding for Medicaid to support seniors, people with disabilities, and others that rely on Medicaid to pay overtime or paid sick days for the domestic worker they employ.
- A Standards Board that includes worker and employer seats, including seats to address the experiences of a person with a disability who employs a domestic worker through a Medicaid-funded program and a family caregiver who pays a domestic worker with private funds, and
- The Bill of Rights is part of a bigger effort to address care affordability including proposals like the [Better Care, Better Jobs Act](#)



Will the Bill of Rights be costly to the federal government?

In order to ensure that our country is ready for the increasing need for care, we'll have to invest in our care workforce. The Bill of Rights includes an increase in federal Medicaid funding in states to ensure consumers that rely on Medicaid for care can cover additional costs. To ensure that states can comply, there would be a two year delay to allow time for adjustments in state budgets, which is in line with the 2013 homecare rule.



How can we ensure that small employers in particular are able to comply?

Similar to how small businesses must comply with other workplace laws, the Bill of Rights will require the Department of Labor to provide templates and draft notices and translate those materials into multiple languages. The bill also includes funding for outreach, education and community-based enforcement support to help employers and domestic workers understand their rights and comply with their responsibilities.



How will the Bill of Rights impact undocumented workers?

Immigrants that work in the U.S. are currently protected by existing federal labor laws. However, immigrant domestic workers' immigration status is often used as a way to intimidate and silence them on the job. The Bill of Rights will strengthen anti-retaliation protections, and reinforce the workplace laws that protect ALL working people



How will the National Domestic Workers Bill of Rights impact other kinds of care workers and workers in other sectors?

Our country's care needs are only increasing; home care work will grow more than any other occupation in the country. Given the need for living wage jobs, many workers in other industries also look to the care sector to supplement their income. Care work is the future of work. By strengthening the care workforce, we can help strengthen the economy for the many people that depend on these jobs.

The innovative legislation in Bill of Rights can also serve as a model for workplace protections for other sectors by:

- Expanding Title VII to include domestic workers and other workers in small businesses, by decreasing the employer threshold from 15 workers to 1 so that anyone that works will be protected from discrimination, including sexual harassment at work.
- Creating the first ever national Standards Board that would enable domestic workers and consumers to improve care work by making recommendations based on their direct experiences in the care economy. This board would serve as a worker and employer model for other sectors.



How will this bill strengthen protections for trafficked domestic workers?

The lack of workplace protections in the care sector has created a spectrum of abuse and exploitation, from disrespect to various forms of harassment and

abuse, including labor trafficking. Domestic workers that live and work in their employers' homes (typically called live-in's) are dependent on their employers not only for salaries but in many cases for shelter, food and immigration status, and can be particularly vulnerable to labor trafficking.

The Bill of Rights is meant to establish a basic floor of workplace protections so that this a standard for employers to follow and be held accountable to. It includes several key provisions to establish privacy and autonomy for domestic workers, ensuring that domestic workers who live where they work have guaranteed privacy and have access to phone and internet. The bill helps establish a hotline to call if they are worried about their safety.

The Bill of Rights is part of the solution to guarantee dignity and respect for domestic workers, but to adequately address labor trafficking, we need comprehensive trafficking legislation.



Is this bill advocating for all domestic workers to be paid “on the books”?

The Bill of Rights is focused on raising the floor for all domestic workers and ensuring that they are treated with dignity and respect, paid fairly, have a say in improving their working conditions, and given the opportunity to not just survive but thrive.

This bill does not address the issue of “on the books” directly, but it does direct the Secretary of Labor to issue a rule to facilitate the use of fiscal intermediaries that enable payments between domestic workers and domestic work hiring entities, to improve transparency, enforcement, and working conditions of domestic workers.



Does this bill include au pairs?

The workplace rights of au pairs are covered under the Fair Labor Standards Act, as well as state and local wage protections. The Bill of Rights affirms current protections, clarifies existing rules, and ensures that au pairs are properly notified of their rights.

Efforts to carve au pairs out of worker-protective legislation are damaging not only to au pairs but to the entire care sector. Devaluing au pair work reinforces the gendered and harmful stereotype that care work is not real work deserving of equal labor protections.



Won't this bill reduce and restrict the services that people with disabilities receive?

Our current patchwork system of long-term supports and services is not working for anyone. It's confusing, unaffordable, outdated, and reaching a breaking point—for families and for care workers. Medicare does not cover long-term care, Medicaid is only available after you've spent your life's earnings and are living below the poverty level, and private insurance is out of reach. The lack of a robust care infrastructure often results in families forced to make impossible choices between needed care and their financial future.

NDWA is committed to addressing this and ensuring that people with disabilities and their families have the support they need. When we talk about long-term services what we're really talking about is the home health aides, personal assistants and medical professionals connected to people's care. And the more we invest in making sure those jobs are good, sustainable jobs, the more we can recruit care workers, reduce turnover and ensure the best possible quality of care.

The Bill of Rights addresses this by adding additional funding to Medicaid to cover and account for the provisions in the bill that improve job quality and increase fairness for domestic workers like overtime pay, earned sick days and fair scheduling provisions.