



New Jersey Domestic Worker Bill of Rights (S4044/A6090)

S4044 is co-sponsored by Senators Codey and Weinberg and A6090 by Assemblyperson Timberlake

It is time for the New Jersey to vote in favor of the New Jersey Domestic Worker Bill of Rights, to guarantee and promote the labor rights of their essential workforce of domestic workers!

OVERVIEW



Who is covered by the New Jersey Domestic Worker Bill of Rights?

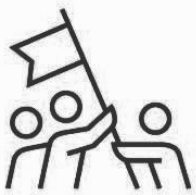
“**Domestic workers**” work in a private residences, they may be caregivers to children, aging adults or persons with disabilities, and/or perform household duties such as cleaning, cooking, laundry, etc. There are approximately **50,000 domestic workers in New Jersey**. These include around **10,550 house cleaners, 6,630 nannies, and 33,500 home care workers** (both working through and without agencies). (Economic Policy Institute, Domestic workers chartbook).

A domestic worker may: work for 1 or more employers, earn hourly or salaried wages; be an employee or independent contractor; work on a part-time, full-time or temporary basis.

Domestic workers do not include:

- Family members, (i.e. spouse, child, parent,) related by blood, marriage, or adoption;
- Workers primarily engaged in house sitting, pet sitting, or dog walking;
- Individual working at a business operated primarily out of the residence, such as a home daycare business;
- Workers who primarily perform household repair or maintenance, (i.e. roofer, plumber);
- An individual less than 18 years of age.
- A home health care worker while paid through public funds (Medicaid/Medicare);
- An individual established as a kinship legal guardian, or who participates in the Kinship Navigator Program, as authorized by the Department of Children and Families,

Hiring entities of domestic workers are responsible for compliance with this bill. These include employers who are persons or businesses, referral and employment agencies, or internet online platforms that directly or indirectly provide compensation to a domestic worker and/or act in the interest of the employer in relation to the domestic worker.



Striking Exclusions

The New Jersey Domestic Worker Bill of Rights strikes necessary exclusions in multiple areas of laws to put them on par with other workers in New Jersey, including guaranteeing them protections from discrimination, unsafe working conditions and retaliation for asserting their rights.

- **New Jersey Law Against Discrimination & Equal Pay Act** - Strikes the exclusion of domestic workers from the definition of employee from Section f of the New Jersey Law Against Discrimination of NJ Rev Stat § 10:5-5 (Definitions) and from Section a of the Equal Pay Act, NJ Rev Stat § 34:11-56.1 (Definitions)
- **Minimum Wage Act** - Ensures that all hiring entities of domestic workers are required to adhere to the minimum wage act and strikes exclusion of part-time domestic workers engaged in child care in Section 5a of NJ Rev Stat § 34:11-56a4 (Minimum wage rate, exemptions).
- **Worker Health and Safety Act** - Strikes this exemption of domestic workers from NJ Rev Stat § 34:6A-22 (Exemptions) to ensure coverage for health and safety protections. It delineates unique investigation procedures to enforce the rights of domestic workers under NJ Rev Stat § 34:6A-6 (Enforcement of act; entry and inspection) in order to protect the privacy interests of employers of domestic workers with regards to inspections of their homes.
- **The New Jersey Workers' Compensation Act** - Adds requirements to all hiring entities of domestic workers, and redefines casual employment to ensure part-time household cleaners are not excluded from protections (NJ Rev Stat § 34:15-36). It harmonizes the Workers' Compensation Act to use the ABC test for evaluating whether a worker is an employee or independent contractor which is already in place for the Unemployment Insurance (NJ Rev Stat § 43:21-19(i)(6)(A)(B)(C)) and Wage & Hour laws (N.J. Admin. Code § 12:56-16.1). Removes exemption of employers of domestic workers from penalties for failure to have workers' compensation insurance and requires them to provide written notice of coverage and cancellation of policies as employers of all other workers would. NJ Rev Stat § 34:15-92 (Domestic help excepted)
- **The New Jersey Unemployment Compensation Law** - Removes unique definition for coverage of domestic workers under unemployment insurance law by changing Section (h) of NJ Rev Stat § 43:21-19 (definitions) for domestic workers to be the same as the coverage definition for any "employee." beginning 2022 - that either the current or preceding calendar year they were paid remuneration for employment in the amount of \$1,000 or more.

Founded in 2007, the National Domestic Workers Alliance (NDWA) is the nation's leading voice for the approximate 2.5 million domestic workers in the United States. Domestic workers are essential to our economy and society. They are the nannies that take care of our children, the housecleaners that maintain our homes, and the care workers that allow our loved ones to live independently and with dignity.



Raising Industry Standards

The New Jersey Domestic Worker Bill of Rights provides key protections that are now considered critical for the domestic workforce such as guaranteeing meal and rest breaks, a weekly day of rest, as well as mandatory employment contracts that delineate information including working hours and rate of pay.

Employer Duties

- **Mandatory Written Agreement** - Must provide a written contract with information such as: list of job duties; hourly wage and overtime wage; weekly schedule including number of hours per week; the manner and frequency of payment; breaks for rest and meals; paid or unpaid leave including sick time; paid holidays; value of housing if provided; sleeping period and personal time for live-in workers; and the term of the contract.
- **Meal & Rest Breaks** - Must provide uninterrupted paid rest-period of not less than ten minutes for each four consecutive hours worked and an uninterrupted 30-minute meal break after more than five consecutive hours worked. If worker is unable to take full break, employers must pay for the time at the domestic worker's regular rate of pay.
- **Notice of Termination** - Must provide a minimum two-week notification period before termination of employment, and for live-in domestic workers a minimum four-week notification period.
- **Ensure Right to Privacy** - May not keep or hold the original copies of any personal documents of a domestic worker; monitor or record a domestic worker in the bathroom, in dedicated living quarters or while dressing/changing, or in their private communications.
- **Prohibition on retaliation** - May not retaliate in response to a domestic worker exercising their rights -- and specifically may not state or imply they will contact a government agency to report them or any of their family members' immigration status.
- **Day of Rest for Live-in workers** - May not require a "live-in" domestic worker to work more than 6 consecutive days without a 24-hour period of rest.

Standards Boards

Establishes a standards board to continue to evaluate the needs of domestic workers and propose effective solutions through the input of a wide spectrum of stakeholders, including representatives from employers and domestic workers themselves.

State Funding

Ensures resources are dedicated to domestic workers to educate them about their rights in the workplace and assist them enforce their rights when violated.

Contact us

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vote in favor of S4044,/A6090
the New Jersey
Domestic Worker Bill of Rights !***