

17. Domestic Workers United

Following is an adapted version of information taken from the website of Domestic Workers United (DWU), one of the main organizations of domestic workers in the United States, which recently scored a crucial victory with the passing in November of 2010 of a Bill of Right DWU had fought for many years to achieve. [See Domestic Workers United website, at <http://www.domesticworkersunited.org/>]

“Tell Them Slavery is Done”

After 400 years in the shadows of slavery.....
75 years of invisibility and exclusion under US labor law.....
6 years of a hard-fought struggle in the New York State legislature....
Domestic workers are finally gaining rights, respect, and recognition.
The Domestic Workers Bill of Rights has been signed and will officially go into effect on November 29th, 2010!

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Founded in 2000, Domestic Workers United [DWU] is an organization of Caribbean, Latina and African nannies, housekeepers, elderly caregivers in New York that has been organizing to obtain fair labor standards and to build a movement addressing the root causes of injustice and exploitation facing domestic workers. DWU recognizes however that the domestic workers struggles are tied to those of all workers, poor people, migrants, immigrants, people of the global South and all oppressed communities. Its objectives are:

- to break the isolation and to build the power of the estimated 200.000 domestic workers in the New York metropolitan area whose work literally keeps the city going.
- to educate the public to the importance of domestic work, a work now generally devalued as “unskilled” and taken for granted.
- to expose the racial and gender inequality in the labor market, and fight for the recognition of domestic work as real and skilled work.
- to obtain fair labor standards.

Until less than a year ago domestic workers in NY state, as in most of the United States, were excluded from many of the most basic protections afforded to other workers including The National Labor Relations Act, Title VII discrimination protection, and Occupational Safety and Health protections. For over six years domestic workers in NY have struggled to reverse this situation and make the

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NY State Assembly pass a Bill of Rights placing them on equal stand with other workers. After much campaigning and educational work, on August 31, 2010, “an unforgettable day for DWU and domestic workers,” Governor Paterson signed the bill into law, the first of its kind in the United States.

The new law represents a momentous advance for New York’s domestic workers – housecleaners, nannies, elder companions, and other home-based workers – who have historically been excluded from state and federal labor laws. Thus, the passing of the Bill has been described as “an incredible victory.” It is “the nation’s first Domestic Workers Bill of Rights” and it is guarantee to spur similar efforts across the country. [In California this year, the sister organization *Mujeres Unidas* is concluding a two years drive to have a similar bill placed on the State’s legislation]. Nevertheless, the law falls short of mentioning several of the provisions that were included in the original draft. While it represents improved labor standards, the final version of the law did not include five critical benefits that would confer job security and stability, and better enable domestic workers to stand up for their rights to fair wages and workplaces free of harassment. These are:

1. paid sick days;
2. paid personal days;
3. paid vacation days [it only provides 3 paid days off after one year of employment];
4. advance notice of termination;
5. severance pay.

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It also does not include annual cost of living adjustments, health benefits (except for temporary disability benefits). All these provisions have still to be fought for. Another challenge now is how to make the law count in employers-workers relations, not an easy task given the individual nature of the contract and the isolation in which most domestic worker find themselves. To this end DWU plans to work with the Department of Labor on devising a new form of collective bargaining fit for domestic work and care work, recognizing that due to the specific conditions typical of domestic work, there is a need for an innovative, alternative framework for collective organization.

To this end, DWU is leading “a mass Know Your Rights campaign among workers” with the aim of “engaging employers in community-based dialogues on improving employment practices”. DWU has also been conducting extensive interviews with domestics in the NY metropolitan area, documenting the hardships the majority still faces due to the systemic devaluation of this work and the specific condition of domestic work. The study has revealed that:

1. Domestic workers work more hours for lower wages than other workers. [The average number of hours per week was 44.4, with 73% of respondents employed between 40 and 70 hours per week. Domestic workers also work more hours than other workers in comparable industries].
2. Many do not earn enough to meet their basic needs.
3. Domestic workers lack paid sick and personal days and are unable to choose vacation days. 57% of do-

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mestic workers surveyed do not receive any paid sick days, as compared to 48% of all working New Yorkers.

4. Domestic workers lack notice of termination and severance pay. The Bill will certainly improve labor condition, but due to the isolation, the individual nature of the relation only a major effort not only by domestic workers but also by other civic organization will succeed in altering their work situation.

The New NYS Domestic Workers Bill of Rights Summary

On July 1, the New York State Legislature passed the Domestic Workers Bill of Rights (A1470B/S2311E). Governor Paterson signed the Bill on August 31st, 2010, and the law will go into effect on November 29th, 2010.

Work Hours

- establishes 8 hours as a legal day's work
- overtime at the rate of 1½ of the regular rate of pay after 40 hours for live-out domestic workers and 44 for live-in domestic workers

Day Of Rest

- one day of rest in each calendar week (should try to coincide with a worker's day of worship)
- overtime pay if a worker agrees to work on her day of rest

Paid Days Off

- After one year of employment, entitled to 3 paid days off

Workplace Protection

- Protection against workplace discrimination based race, gender, sexual orientation, national origin, disability, marital status, and domestic violence victim status.
- Protection against sexual harassment by employer.
- Protection against harassment based on gender, race, national origin, and religion.
- Covers full-time and part-time (pending legislative revision) domestic workers for temporary disability benefits.