

“Essential but Undervalued: Examining Workplace Protections for Domestic Workers”

Workforce Protections Subcommittee in the House Education and Labor Committee

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Statement of Ai-jen Poo, President, National Domestic Workers Alliance and Executive Director, Caring Across Generations

Introduction

Chairwoman Adams, Ranking Member Keller, and Members of the Committee, thank you for the opportunity to testify in support of H.R. 4826, the Domestic Workers Bill of Rights, introduced by Congresswoman Pramila Jayapal in the House of Representatives and by Senators Kirsten Gillibrand and Ben Ray Lujan in the Senate.

My name is Ai-jen Poo, and I am the President and co-founder of the National Domestic Workers Alliance (NDWA) and Executive Director of Caring Across Generation (CAG). Founded in 2007, NDWA is the home for the 2.2 million domestic workers who work as nannies, home care workers, and house cleaners in private homes, providing care and cleaning services. Our community includes over 395,000 domestic workers across 76 local organizations and our online network in all 50 states, working to achieve economic security and opportunity.

Caring Across Generations was founded in 2011 to bring together family caregivers, care workers, people with disabilities and older Americans to advocate for a strong care infrastructure that would support us all to live, work, care and age with dignity. Caring Across Generations is working to create a culture that values care and caregiving, and policies that support universal access to long-term services and supports, childcare, paid family and medical leave benefits and a strong care workforce. We work with a diverse network of over 100 national, state and local advocacy organizations and unions, including caregiver, aging, disability rights and justice, disease prevention groups, women’s organizations and more.

Together, NDWA and Caring Across Generations have worked for a decade to bring attention to the growing need for a strong care infrastructure, and the urgency of transforming domestic worker jobs into good jobs with family-sustaining wages and benefits.

In my testimony, I will trace the historical exclusion of domestic workers from core workplace protections to the substandard wages, benefits and working conditions that domestic workers experience today. I will explain how the Domestic Workers Bill of Rights would help this uniquely vulnerable and undervalued workforce by ending the ongoing exclusions from federal laws and by strengthening core workplace protections. I will also explain how investing in domestic workers will not only support the economic security of this workforce, but directly benefit the families they care for and support the overall health of our economy.

Domestic Workers Have Historically Been Underpaid and Undervalued

Persistent and systemic racial and gender discrimination have diminished the value of labor done inside the home, such as cooking, cleaning, child care, and care for the aging and people with disabilities. The work has long been relegated to “women’s work” and “help,” or less than real work, as opposed to the dignified profession it is for millions of workers. Congress codified this devaluation in New Deal era laws when it enacted the Fair Labor Standards Act (FLSA) to establish the minimum wage and the National Labor Relations Act (NLRA) to guarantee employees the right to organize and form labor unions.¹ Although these landmark pieces of legislation transformed our economy and workplace conditions for many workers, the explicitly excluded domestic workers and agricultural workers. Southern congressmen refused to support the labor law provisions of the New Deal if they covered the two occupational categories where Black workers were concentrated at the time.²

Domestic workers remained entirely excluded from the FLSA until 1974, when the organizing of domestic workers led to more domestic workers being included in minimum wage and overtime protections.³ Domestic workers were subsequently excluded – and remain largely excluded today – from the protections of the Occupational Safety and Health Act, Title VII of the Civil Rights Act of 1964, and the Family and Medical Leave Act. The legacy of discrimination against and devaluation of domestic workers continues to shape the reality of domestic workers today; the Domestic Workers’ Bill of Rights could change this trajectory, and help transform these jobs into good, family-sustaining jobs.

Similar to when the New Deal was enacted, Black women and other women of color are highly concentrated in the domestic workforce. Today, the domestic workforce is 90 percent women, over half of whom are women of color, and over a third who are immigrants.⁴ Approximately 63 percent of home care workers,⁵ 67 percent of house cleaners,⁶ and 43.5 percent of in-home childcare workers are women of color.⁷

Domestic workers do the essential work that enables other caregivers, mostly women, to go to work – a need made abundantly clear during the height of the COVID-19 pandemic. They

¹ National Labor Relations Act, 29 U.S.C. §§ 151-169 (1935)

² Sean Farhang and Ira Katznelson, The Southern Imposition: Congress and Labor in the New Deal and Fair Deal, *Studies in American Political Development*, p. 15 (2005).

³ Fair Labor Standards Amendments of 1974, Pub. L. No. 93-259, § 7, 88 Stat. 55, 62 (1974).

⁴ Julia Wolfe, Jori Kandra, Lora Engdahl, & Heidi Shierholz, Economic Policy Institute (EPI), Domestic Workers Chartbook (May 14, 2020), *available at* <https://www.epi.org/publication/domestic-workers-chartbook-a-comprehensive-look-at-the-demographics-wages-benefits-and-poverty-rates-of-the-professionals-who-care-for-our-family-members-and-clean-our-homes/>.

⁵ Christian Weller, Beth Almeida, Marc Cohen, & Robyn Stone, Leading Age, Making Care Work Pay, (Sept. 2020) *available at* <https://leadingage.org/sites/default/files/Making%20Care%20Work%20Pay%20Report.pdf>.

⁶ EPI, Domestic Workers Chartbook, *supra* note 5

⁷ *Id.*

constitute one of the fastest growing sectors of the economy due to the growing need on the part of working families for care - from child care to support for older adults and people with chronic illnesses or disabilities. Yet, domestic workers are routinely underpaid, earn poverty wages, and suffer economic insecurity. Because these are occupations that can't be outsourced or automated, they will be a large share of the jobs of the future, further underscoring the urgency of improving the quality of the jobs.

According to a 2020 report by the Economic Policy Institute, the typical domestic worker is paid just \$12.01 per hour. In contrast, a typical non-domestic worker is paid \$19.97 – a nearly 40 percent wage differential.⁸ Depressed wages run across various domestic worker occupations. On average, house cleaners are paid \$11.89 an hour, nannies are paid about \$11.60 an hour, non-agency home care workers are paid about \$11.89 and agency-based home care workers are paid about \$12.08 an hour.⁹

Domestic workers are also three times as likely to be living in poverty compared to other workers and more likely to fall below the twice-poverty threshold.¹⁰ House cleaners have twice-poverty rates of nearly 55% and nannies have twice-poverty rates of 39%, compared to roughly 17% of workers in nondomestic occupations.¹¹

Furthermore, domestic workers are far less likely to receive benefits and basic-needs assistance. Fewer than one in ten domestic workers are covered by an employer-provided retirement plan and one in five receives health insurance coverage through their job.¹² According to a 2011 survey conducted by NDWA of more than 2,000 domestic workers, 82% of domestic workers were not entitled to a single paid sick day.¹³ Although access to paid sick leave has improved, a 2022 report by PHI looking at state paid sick leave laws across the country revealed that while four states implemented new paid sick leave policies during the first year and half of the COVID-19 pandemic (May 2020 to August 2021), just 18 states have paid sick leave policies, and eligibility for some of those policies varied based on tenure, hours worked, and/or employers size.¹⁴ In addition, many immigrant domestic workers are excluded from much-needed safety net programs, such as nutrition, healthcare and housing assistance.¹⁵

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Linda Burnham and Nik Theodore, Home Economics: The Invisible and Unregulated World of Domestic Work (“Home Economics”) (2012), at 30, *available at* <https://www.domesticworkers.org/wp-content/uploads/2021/06/HomeEconomicsReport.pdf>.

¹⁴ Kezia Scales & Stephen McCall, PHI, Essential Support: State Hazard Pay and Sick Leave Policies for Direct Care Workers During COVID-19 (July 12, 2022), *available at* <http://www.phinational.org/resource/essential-support-state-hazard-pay-and-sick-leave-policies-for-direct-care-workers-during-covid-19/>.

¹⁵ National Immigration Law Center, Overview of Immigrant Eligibility for Federal Programs *available at* https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

Domestic workers' low wages and high poverty rates impact not only domestic workers themselves, but also their families. Most domestic workers are parents. In February 2022, NDWA conducted a survey of more than 900 Spanish-speaking domestic workers, where we learned that approximately 7 in 10 domestic workers are parents or guardians to at least one child under the age of 18.¹⁶

The failure to include domestic workers in federal protections, combined with intersecting biases, means that most domestic workers work incredibly hard, and still can't make ends meet. The COVID-19 pandemic exacerbated the vulnerabilities of the domestic workforce, pushing the workforce toward a financial cliff almost overnight. Over the course of 2020 and 2021, our members endured persistent food and housing insecurity, income loss, and unemployment.¹⁷ Over two years into the pandemic, domestic workers continue to face low wages and high levels of joblessness. An NDWA survey of our members showed that in the second quarter of 2022, 20% of respondents were jobless.¹⁸ The same data showed that 79% of domestic worker respondents faced food insecurity, and 42% experienced housing insecurity.

In the next three sections, I will expand on three key issues which highlight the substandard wages and poor working conditions that domestic workers face: workplace harassment, wage theft and lack of paid sick leave.

Domestic Workers Experience Disproportionate Levels of Workplace Harassment

Domestic workers are particularly vulnerable to workplace harassment and abuse. Domestic workers who are directly employed by private households are excluded from anti-harrasment and anti-discrimination protections under Title VII of the Civil Rights Act of 1964 because the protections apply only to employers with 15 or more employees.¹⁹ Even domestic workers who work for an employer, such as an agency, with 15 or more employees are vulnerable to exploitation.

Women in low-wage jobs and predominantly female occupations experience higher rates of sexual harassment and assault, but despite the prevalence, their experiences are often overlooked.²⁰ Domestic workers in particular tend to work alone and in isolated environments

¹⁶ NDWA Labs, Domestic Workers and Family Caregiving: Findings from a Survey of Spanish-Speaking House Cleaners, Nannies, and Homecare Workers (March 2022), available at https://static1.squarespace.com/static/5fa48611e8c1e35b60fa89a7/t/624381dfa12bbc4561ed531c/1648591328025/Domestic+Workers+and+Family+Caregiving_NDWA+Labs.pdf.

¹⁷ NDWA Labs, Domestic Workers Economic Situation Reports (from January 2021 to June 2022) available <https://www.ndwalabs.org/publications/#economic-situation>.

¹⁸ NDWA Labs, Domestic Workers Economic Situation Report, June 2022, available at <https://www.ndwalabs.org/economic-june-2022>.

¹⁹ 42 U.S.C. § 2000e(b).

²⁰ New America, Making Ends Meet in the Margins: Female-Dominated, Low-Wage Sectors (2018) available at <https://www.newamerica.org/better-life-lab/reports/sexual-harassment-severe-and-pervasive-problem/making-ends-meet-in-the-margins-female-dominated-low-wage-sectors/>.

because their workplaces are private households. Harassment is then compounded by lack of connection to other workers, immigration status, and language barriers.²¹

In a set of June 2022 surveys conducted by NDWA and NDWA Labs of more than 700 domestic worker members and affiliated workers, workers frequently identified other forms of discrimination, such as verbal, psychological, or physical abuse as a key safety concern. These recent surveys echo older NDWA survey data. A 2011 survey of more than 2,000 domestic workers found that 36 percent of live-in workers and 19 percent of all domestic workers had been threatened, insulted, or verbally abused in the previous 12 months.²²

Even in cases where domestic workers want to report workplace violations, they may be deterred by retaliatory consequences, such as termination and the inability to support themselves and their families, and in some cases, threats of violence.²³ Immigrant workers may fear the threat of detention or deportation, and live-in domestic workers risk being without a place to live.

One of our members named Deborah, from New York state, got her first job as a nanny when she was 16 years old. She was excited to be able to help her family financially. She cared for a 3 year-old boy while his parents were at work. One day, her employer, the child's father, arrived home and immediately went to take a shower. He called for her to help him with something. When she arrived at the bathroom door with the child, he exposed himself to Deborah. She was paralyzed by shock and fear. She took the child to another room, but the father followed them. He began to touch and sexually assault Deborah in front of his child. Luckily, a neighbor knocked on the door and she was able to get away from him. She ran out of the house, and left the job. Out of fear and shame, she kept silent about the experience for almost two decades.

Nina, a homecare worker from Florida, worked as a live-in caregiver to a male employer. On her very first night on the job, he asked her to get into bed with him. Over the course of the next several months, he groped her repeatedly. Nina felt she could not tell the agency who assigned her because she knew they would take her off the job, and she needed the income. Isolated and alone, she did not know where to turn for help. She left as soon as she could find another job, and it wasn't until months later that she learned he had harassed others who worked there. The trauma has stayed with her for years.

Domestic Workers Are Subject to Rampant Wage Theft

Domestic workers, like workers in other low-wage industries, suffer high rates of wage theft, further compounding the economic insecurity of working in a sector where low wages with few benefits and protections are the norm. Wage theft takes many forms: payment of wages below the minimum wage, failure to pay over time, asking employees to work off the clock, late payment, employers taking unlawful deductions, and misclassifying employees as independent contractors, among others. A 2008 survey of more than 4,000 workers in low-wage industries

²¹ Vox, [Women of color in low-wage jobs are being overlooked in the #MeToo moment](https://www.vox.com/identities/2017/12/19/16620918/sexual-harassment-low-wages-minority-women) (Dec. 19, 2017) available at <https://www.vox.com/identities/2017/12/19/16620918/sexual-harassment-low-wages-minority-women>.

²² *Home Economics*, *supra*, n.14.

²³ *Id.*, at 34 (identifying common reasons domestic workers did not report problems at work).

revealed that 26 percent were paid less than minimum wage in the week prior to the survey, and nearly 1 in 5 surveyed workers suffered overtime violations.²⁴

The violations in the domestic work sector are equally, if not more, pervasive. A 2014 report by the National Employment Law Project estimated that 17.5% of home care workers experienced minimum wage violations, and 82.7% experienced overtime violations.²⁵ Wage theft is another reflection of the undervaluing of domestic work and the impunity that is too often the norm in this industry.

Similarly, a survey of domestic workers in New Jersey conducted in 2020 found that more than half (57 percent) of the domestic workers had suffered wage theft, and many faced multiple forms.²⁶ The same study found that workers are often knowledgeable about their rights, but face significant barriers to enforcement. Few felt empowered to enforce their rights, some because they worried that complaints could lead to immigration-based threats or threats of firing, and others because they did not know how to enforce their rights.²⁷

In my experience with domestic workers, the structure of the workplace, inherent in domestic work — intimate, one-on-one relationships with employers who likely only have one or two employees — makes it extremely difficult for workers to report violations, and poses some unique challenges for enforcement agencies.

For example, one NDWA member, Lorena,²⁸ lives in a border town in Texas. 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. The employers held all of her belongings; she was only allowed two changes of clothes. They withheld her wages, and threatened to call immigration to report her. Because of these threats, Lorena felt that her only option was to leave her job.

Another member who lives in California, Diana has worked as a domestic worker for nearly 10 years, in a range of jobs - as a nanny, a house cleaner, and a caregiver. In one of her jobs as a live-in nanny, she worked between 12 and 20 hours a day for a total of \$350 a week, without overtime pay. She was routinely paid late. One day, out of the blue after working during a

²⁴ Anette Bernardt, et al., Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities, NELP (2009), <https://www.nelp.org/publication/broken-laws-unprotected-workers-violations-of-employment-and-labor-laws-in-americas-cities/>.

²⁵ Catherine Ruckelshaus, et al., Who's the Boss: Restoring Accountability for Labor Standards in Outsourced Work, NELP (May 2014), at 14, <https://www.nelp.org/wp-content/uploads/2015/02/Whos-the-Boss-Restoring-Accountability-Labor-Standards-Outsourced-Work-Report.pdf>.

²⁶ Center for Women and Work, Rutgers University, Domestic Workers in New Jersey, (Sept. 2020), at 14, https://smlr.rutgers.edu/sites/default/files/Documents/Centers/CWW/Publications/cww_domestic_workers_report.pdf.

²⁷ *Id.*, Domestic Workers in New Jersey, at 15-16. See also, National Employment Law Center, Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities, (2009) available at <https://www.nelp.org/publication/broken-laws-unprotected-workers-violations-of-employment-and-labor-laws-in-americas-cities/>

²⁸ Name changed to protect privacy

family trip, she was fired upon return, without notice or severance. If not for a friend who gave her a place to stay that night, she would have had nowhere to go.

The consequences of wage theft are not marginal. Rampant wage theft deprives workers in low-wage industries billions of dollars annually — workers who often have the least economic security as it is — and the theft of their income can cause workers to rely more on the public safety net, straining public resources and poverty reduction efforts. A study conducted by the Economic Policy Institute looking at just one form of wage theft — payment of less than the applicable minimum wage — in the 10 most populous U.S. states, found approximately 17 percent of the low-wage workforce was subjected to this form of wage theft, amounting to the theft of more than \$8 billion annually.²⁹

Domestic Workers Generally Lack Access to Paid Sick Leave

Most domestic workers have no access to paid time off of any kind, including sick leave. Some cities and states that have passed paid sick days and paid leave legislation have included protections for domestic workers, but those are the exception. Therefore, taking time off means losing income; no work, no pay, no matter the circumstances — childbirth, illness, or care for a loved one in need. As noted above, few domestic workers have access to paid sick days, the consequences of which became dire during the pandemic.³⁰

For example, Gail is a house cleaner, and one of our NDWA members from New York City. She does not have paid sick time or paid time off of any kind and lives paycheck-to-paycheck. When she had to have surgery for fibroids, the recovery time was two months. She wanted to be sure she was fully healed before she went back to work. However, she spent her recovery worrying about how to pay rent, as she did not have paid time off and only one of her clients continued to pay her wages. It was a hard time for Gail as her bills piled up.

During the pandemic, domestic workers were at a greater risk of contracting COVID-19 because they generally work indoors and, by necessity, in close proximity to their employers and the children or adults for whom they may care. Domestic workers frequently work for multiple employers, further increasing the likelihood of exposure to the virus,³¹ putting them, their families, and their clients at greater risk. Among Black immigrant domestic workers surveyed in

²⁹ Economic Policy Institute, *Employers Steal Billions from Workers' Paychecks Each Year*, (2017) available at <https://www.epi.org/publication/employers-steal-billions-from-workers-paychecks-each-year/?gclid=Cj0KCQjwz96WBhC8ARIsAATR252qMs5XUqOjEu3iu24Y5-aleUb-TYd5gRC0oQzmQyN kWcitHf9-nEaAtWfEALw wcb>.

³⁰ See, *supra*, n.14-15; Institute for Policy Studies, Rebekah Entralgo, *The Fight for Equal Pay Must Include Domestic Workers* (March 4, 2021), available at <https://inequality.org/great-divide/equal-pay-domestic-workers/>.

³¹ Adding to the risk, health and safety protections are routinely overlooked for domestic workers. A 2020 survey of Black immigrant domestic workers in Massachusetts, Miami-Dade, and New York City revealed that 73% had not received personal protective equipment from their employers. See Institute for Policy Studies, *Notes from the Storm: Black Immigrant Domestic Workers in the Time of COVID-19* (2021), available at <https://www.domesticworkers.org/wp-content/uploads/2021/06/IPS-WDiB-survey-brief-English.pdf>.

February 2021 in Massachusetts, Miami-Dade, and New York City, 50 percent had worked in environments where they or others had COVID.³²

The lack of paid time off and other benefits puts workers at increased risk. June, a home care worker and NDWA member in Miami, Florida, shared, “Another home care worker I know got COVID at work from her boss’s children. She was from Haiti and undocumented and didn’t have health insurance. She was afraid to go to the hospital and she died. We buried her.”³³

Once the pandemic started, teleworking and taking paid time off was not an option for these frontline workers. Few had a safety net to fall back on when they were met with abrupt cancellations from clients and did not know when their clients would contact them again for work. According to a survey conducted by NDWA during the first 6 months of the pandemic, only 14% of respondents had applied for unemployment insurance, and less than a third received an economic stimulus payment.³⁴

Lack of paid sick leave also created barriers to domestic workers accessing COVID-19 vaccines. Although interest in vaccination and vaccination rates among our surveyed domestic worker members was high, nearly half of the domestic workers we surveyed in June 2021 identified side effects from the vaccine as a “very important reason” regarding the inability to take time off work to recover. More than a third of unvaccinated domestic workers surveyed identified the inability to take time off work to get vaccinated as a “very important reason” that they had not done so yet.³⁵

Given that the typical domestic worker is a mother and the primary breadwinner, unpaid loss of work, whether because of sickness or COVID-related loss of income, led to almost immediate and persistent food and housing insecurity for their households.³⁶ As a result, domestic workers often have few options but to keep going in person to work, whether in the face of a global pandemic or routine illnesses, placing themselves, their families, and their clients at increased risk.

³² Institute for Policy Studies, *The Other Side of the Storm: What Do Black Immigrant Domestic Workers in the Time of Covid-19 Teach Us About Building a Resilient Care Infrastructure?*, (June 2022), available at <https://www.domesticworkers.org/wp-content/uploads/2022/06/The-Other-Side-of-the-Storm-June-2022-Final.pdf>.

³³ *Id.*

³⁴ NDWA Labs, *6 Months in Crisis: The Impact of COVID-19 on Domestic Workers* (Oct. 2020) available at https://www.domesticworkers.org/wp-content/uploads/2021/06/6_Months_Crisis_Impact_COVID_19_Domestic_Workers_NDWA_Labs_1030.pdf

³⁵ NDWA Labs, *73% of Domestic Workers Report Having Received at Last One COVID-19 Vaccine Dose* (June 23, 2021), <https://www.ndwalabs.org/vaccine-june-2021>.

³⁶ NDWA Labs, *2021 Overview: Domestic Workers Economic Situation* (May 2022) available at <https://static1.squarespace.com/static/5fa48611e8c1e35b60fa89a7/t/627956863246664d2800e17b/1652119175329/2021+Overview+%Domestic+Workers+Economic+Situation.pdf>

H.R. 4826 Would Provide Domestic Workers with Federal Recognition and Strengthen Workplace Protections

Congress should enact H.R. 4826, the National Domestic Workers Bill of Rights,³⁷ which was re-introduced this Congress by Congresswoman Pramila Jayapal and Senators Kirsten Gillibrand and Ben Ray Luján. It is the first national legislation designed to grant core workplace protections to domestic workers throughout the country.

H.R. 4826 builds on NDWA's organizing over the last decade, advocacy that has resulted in the passage of domestic worker bills of rights in ten states and two major cities.³⁸ In addition, domestic workers in Chicago now have a right to a written contract and paid sick days;³⁹ domestic workers in San Francisco have the right to paid sick leave;⁴⁰ and domestic workers in New York City are covered under anti-harrasment and anti-discrimination protections.⁴¹ These new city and state level laws have helped to establish new norms, allowing domestic workers to assert equal rights as workers, negotiate for fair pay and working conditions and file complaints in situations of abuse.

In states like Virginia and New Mexico, domestic workers now finally enjoy the rights to state minimum wage law protections, and more domestic workers in Hawaii are covered under its state minimum wage law. In New York, Illinois, California and Oregon, the passage of state-level domestic worker bills of rights meant that domestic workers were entitled to overtime pay under state law or were entitled to it at the same rate as other workers. These local and state laws also typically extend protections against discrimination and harassment, paid time off, meal and rest breaks, a right to notice of termination, and enhanced retaliation protections.

While local and state laws are critical to protecting domestic workers' rights, much more is needed to establish a national standard. Basic fairness and safety at work should not depend on the good will of an employer or the particularities of a state. The Domestic Workers Bill of Rights would provide the equal rights, dignity, and recognition that the workers who work in our homes deserve.

H.R. 4826 ends the remaining exclusions from overtime protections, ensuring domestic workers who are privately paid and live in their employers homes receive fair compensation and treatment. Furthermore, this bill will improve workplace protections — including ensuring that domestic workers have paid sick leave to take care of themselves or family members who are ill. It will also strengthen workplace harassment and discrimination protections and safe and

³⁷ Domestic Workers Bill of Rights, H.R. 3670/S. 2112 (2019) <https://www.congress.gov/bill/116th-congress/house-bill/3760/text>.

³⁸ The ten states are Oregon, California, Connecticut, Illinois, New York, Massachusetts, Hawaii, Nevada, New Mexico and Virginia. The two major cities are Seattle and Philadelphia.

³⁹ Chicago Municipal Code 6-120-020, Contracts for domestic workers; Chicago Municipal Code 6-105-045, Paid sick leave.

⁴⁰ San Francisco Paid Sick Leave Ordinance, Administrative Code, Chapter 12W

⁴¹ New York City Admin. Code § 8-107(23). *See also* Local Laws of the City of New York, No. 88 (2021), available at <https://www1.nyc.gov/assets/cchr/downloads/pdf/amendments/Local-Law-88.pdf>.

healthy measures. Finally, this bill makes protections real by providing resources for community education and outreach and anti-retaliation provisions to address barriers to implementation and enforcement.

The bill also includes a standards board to bring domestic workers, employers, and government together to make on-going recommendations and ensure that implementation takes into account the perspectives of stakeholders and the unique complexities of this sector.

H.R. 4826 is an Investment in Workers, Families and the Economy

Addressing the needs of domestic workers is a win-win-win which will provide a direct benefit to this workforce and their families, while strengthening support for the families they care for, enabling their contributions to the growth and health of the US economy and society.

Improving Economic Security for Domestic Workers

The Domestic Workers Bill of Rights will, first and foremost, boost job quality and domestic workers' economic security. Domestic work is among the few categories of jobs that cannot be outsourced or automated, where the demand is set to grow due to the growing aging population that is opting to age at home and in the community, as opposed to in nursing homes. We cannot risk continuing to relegate this class of work to poverty wage work.

For individual domestic workers, better job quality – fair wages, time off, strong protections, training and access to benefits – will offer economic resilience and more freedom. In turn, that will have a ripple effect in improving food security, housing access and health outcomes for their families.⁴² By investing broadly in the domestic workforce – 90 percent women, the majority of whom are women of color and immigrants – Congress can address longstanding inequality in our economy and labor market, while strengthening our workforce as a whole, with more support for our shared caregiving and domestic needs.

Providing Support for Working Family Caregivers

Improving the quality of work for domestic workers directly benefits the families they care for. Nannies, house cleaners and direct care workers allow people to go to work knowing that their homes and family members are in the hands of professionals. In turn, those families and their workplaces are better able to thrive. That is why we call these job-enabling jobs.

That domestic workers are integral to the rest of the workforce came into sharp focus during the pandemic. By April 2020, nearly 22 million jobs were lost, more than half of which were held by women – in part because of increased caregiving responsibilities.⁴³ There were especially high numbers of departures from low-wage jobs among women living with children.⁴⁴ This was also

⁴² Aspen Institute, *To Build Back Better, Job Quality is the Key* (April 2021) available at <https://www.aspeninstitute.org/wp-content/uploads/2021/03/To-Build-Back-Better-Job-Quality-Is-the-Key.pdf>

⁴³ National Women's Law Center, *Women's Jobs Are Being Added Back to the Economy But Many Need Improving* (June 2022), available at <https://nwlc.org/resource/womens-jobs-are-being-added-back-to-the-economy-but-many-need-improving/>.

⁴⁴ *Id.*

true for domestic workers. NDWA's survey data from February 2022 found that 8 in 10 domestic workers reported having to reduce their work hours or leave a job altogether.⁴⁵ If there is an adequate supply of paid caregivers, it enables millions of other working-age adults to go to work — across every industry in the economy.

If our domestic workforce is secure, the working parents and family caregivers who rely upon them are more secure, and the businesses *they* work for, are in turn more secure.

Benefits for Care Businesses and the Broader Economy

In the home care industry, low wages and lack of meaningful workplace protections has resulted in high turnover rates and chronic worker shortages. The constant turnover ultimately hurts the quality of care received by older adults and people with disabilities and complex medical needs. The turnover is costly to agencies that constantly need to hire and train new workers, and also leads to higher costs for taxpayer supported programs that fund home care services. Ensuring that domestic workers have financial security and job satisfaction will improve job performance and reduce turnover, both of which will improve an employer's bottom line.

Strengthening wages and protections for domestic workers will help stabilize and grow the economy. Low-quality, low-paying jobs in domestic work creates insecurity, inequality and instability for the domestic workforce, their families, the families they serve and industries across the economy. At the same time, this workforce is growing, due to the growth in demand on the part of working families and an aging nation. These are jobs that cannot be outsourced, or automated. We have an historic opportunity to protect these jobs, and put the workforce on a pathway to economic mobility. Good jobs for domestic workers benefit everyone.

Conclusion

Domestic workers take care of some of the most precious elements of our lives, from our children to our parents to our homes. The pandemic reinforced just how essential they are as many households nearly collapsed without their support. And yet, domestic work remains among the most vulnerable and least protected jobs. The workforce has been systematically written out of most workplace protections, as a reflection of a long history of racial exclusion in our law and policy and a byproduct of outdated and unjust cultural norms that define work in the home as “help,” or less than real work. The stark power imbalance, isolation and the unique challenge of having the home as a workplace requires the establishment of the specific protections outlined in the Domestic Workers Bill of Rights. The professionals responsible for nurturing the potential in our children, or supporting the dignity of our aging loved ones and loved ones living with disabilities, should not have trouble feeding or caring for their own children and families. By passing the Domestic Workers Bill of Rights, Congress can honor and protect the labor of care that serves as the foundation of our economy.

⁴⁵ NDWA Labs, Domestic Workers and Family Caregiving, *supra*, n.17.