H.1750/S.882: An Act Establishing the Domestic Workers’ Bill of Rights modifies Massachusetts state labor laws to guarantee basic work standards and protections for domestic workers as well as a means of enforcing these standards.

## Domestic Worker Rights

Give domestic workers the same rights as other workers in Massachusetts

Maya Jacob ’13
Meredith van der Walde ’15

### The Bill

H.1750: An Act establishing the domestic workers’ bill of rights.

### Excerpt from Storybook

“I’d love paid sick time. I got sick last Friday and woke up and thought ‘thank goodness it’s Friday and I have the whole weekend to get better!’ Otherwise I’d have to go to work sick and do everything even though I felt bad.” (Ana, domestic worker in eastern MA)

“‘An injury to one group of workers is an injury to all workers everywhere. If we don’t stand together, we fall together.’ Bringing up pay standards and working conditions for one group of workers, such as through the Domestic Workers’ Bill of Rights will ‘secondarily bring them up for others… Anyone who works has a basic self-interest that others’ rights are promoted.’” (Gillian Mason, Community Organizer with MA Jobs with Justice)

### Elevator Speech

Hello, my name is Meredith and this is Maya and we are Brandeis University students and Massachusetts voters. We can all agree that workers deserve equal rights, but unfortunately, individuals participating in domestic work, such as nannies, elder caregivers, and housekeepers, are treated as an inferior class of laborers. Ever since the 1935 National Labor Relations Act, largely influenced by sexism and racism, domestic workers have been excluded from receiving basic workers’ rights and protections under state and federal labor laws. As a result, they are subject to unsafe working conditions, sexual harassment, low pay, and other indignities. To remedy these injustices, bill H.1750/S.882, entitled “An Act Establishing the Domestic Workers’ Bill of Rights,” will extend existing...
workers’ rights to include domestic workers. These rights include but are not limited to: meal and rest breaks, overtime pay, and payment of at least minimum wage. As residents of the forward-thinking state of Massachusetts, it is our responsibility to uphold the ideals of equality and fairness in the workplace. We therefore request that the Committee on Labor and Workforce Development issues a favorable report on H.1750/S.882. Thank you for taking the time to consider this proposed legislation.

Letter to the Legislator

Dear Senator Brian A. Joyce,

My name is Meredith van der Walde, and I am a student at Brandeis University and a voter within your district. Regardless of whether labor takes place in the public setting of a corporation or the privacy of a home, work is work. However, domestic workers, such as nannies, elder caregivers, and housekeepers, have historically been excluded from receiving benefits under state and federal labor laws due to systemic racism and sexism. Domestic workers deserve the same rights and privileges enjoyed by other laborers, yet they suffer an array of injustices, including unsafe working conditions, low pay, and sexual harassment.

Domestic workers form the backbone of the Massachusetts economy. By taking care of their employers’ homes and families, domestic workers enable their employers to pursue their own jobs. Notwithstanding their integral function within society, domestic workers are not treated with the respect and dignity they deserve. Domestic work is undervalued because it has traditionally been performed by housewives and servants, and thus domestic workers’ rights have been ignored.

In order to remedy the injustices that domestic workers have long faced, S.882, entitled “An Act establishing the domestic workers’ bill of rights” has been proposed to extend existing workers’ rights to include domestic workers. The bill is currently being considered by the Joint Committee on Labor and Workforce Development in the Massachusetts State House. This legislation will guarantee domestic workers basic rights, such as meal and rest breaks, overtime pay, and payment of at least minimum wage.

Due to your participation in the Elder Affairs Committee, I want to bring S.882 to your attention, as it will directly benefit the wellbeing of senior citizens who employ domestic workers. While many personal care attendants are already covered by other labor legislation, many are not. By standardizing the industry and improving the health and safety of domestic workers, all employers will receive the highest quality care for themselves and their families. Passage of this bill will thus facilitate better relationships between domestic workers and their elderly employers.

S.882 has never been proposed in Massachusetts before, yet counterarguments to the legislation can be assumed by looking to New York and California’s recent efforts to pass similar legislation. One major argument against the passage of the Domestic Workers’ Bill of Rights in New York was that by increasing the cost of domestic work for employers, demand for domestic workers would decrease. Despite concerns from opposition, such as business groups and local Chambers of Commerce, that the number of jobs for domestic workers would decline due to added expenses, demand in New York did not change upon passage of the legislation in 2010. Therefore, while similar resistance can be expected in Massachusetts, it is unlikely that domestic workers will suffer a significant job loss as a result of the passage of S.882.

Increased protection for domestic workers will protect the safety of Massachusetts’s communities and strengthen the state economy by allowing more individuals to participate in the paid workforce. Please help by supporting the bill in the State Senate. Thank you for considering S.882.

House Ways and Means Script

As part of New Deal legislation, the United States federal government enacted the National Labor Relations Act of 1935 to protect the basic rights of employees in the private sector. However, in a concession to Southern lawmakers, domestic workers were deliberately excluded from these provisions because they were often women, often of color, and did work traditionally done by servants or slaves. Today, over 75 years later, domestic workers in Massachusetts and throughout the country continue to be denied the same workplace rights enjoyed by those in other industries. This has caused domestic workers to be treated as an inferior class of laborers, forced to suffer long hours and low pay with no safeguards against hazardous working conditions, discrimination, or sexual harassment. In spite of this mistreatment, domestic workers help support the Massachusetts economy by fulfilling household needs so that their employers can work outside the home. Protecting domestic workers protects the safety of Massachusetts’s communities, ensures the health and well-being of families, and strengthens the state economy by allowing more people to participate in the workforce. Domestic workers therefore deserve the same workers’ rights as other Massachusetts employees.
The proposed bill, ‘An Act establishing the domestic workers’ bill of rights,’ H.1750, seeks to revise Massachusetts labor laws to guarantee basic work standards and protections for domestic workers such as: meal and rest breaks, paid sick time, freedom from discrimination, etc. H.1750 does not create new rights; it merely extends labor protections enjoyed by almost all other Massachusetts workers to include domestic workers as well. The bill demonstrates that domestic work is a professional industry, with hardworking individuals deserving the same rights as those in other sectors of the economy. By standardizing Massachusetts’ domestic work industry and improving the health and safety of domestic workers, H.1750 will ensure that employers receive the highest quality care for themselves and their families.

H.1750 can only be truly realized if both domestic workers and employers understand its intentions. Therefore, in order to provide effective workplace protections for domestic workers, the bill will require clearly stated penalties for violations of the law and provisions for enforcement. The bill is primarily an amendment to existing Massachusetts labor laws and will therefore not require the creation of new infrastructure. As a result, even the community organizations and politicians working on the bill have not yet fully worked out the nuts and bolts of how it will be implemented and what the fiscal implications will be. However, it is known that H.1750 will be enforced by the Massachusetts Attorney General’s office, as are other labor laws in the state. In addition, because H.1750 will reform legislation governing workplace conditions in private homes, it will place the financial onus on employers instead of the Massachusetts state government. The means of implementing the law and processing complaints regarding its violation are therefore already in place and the only projected cost is the possibility of hiring an additional staff member for the Attorney General’s office. Therefore, passage of the bill will not necessitate extensive public spending and represents an affordable, cost neutral improvement to Massachusetts labor laws.

H.1750 has never been proposed in Massachusetts before, yet potential sources of dissent can be assumed by looking to New York and California’s recent efforts to pass similar legislation. For example, California Governor Jerry Brown, who vetoed a similar law in late 2012, worried that a domestic workers’ bill of rights could burden working families who already struggle to afford domestic help. He feared that by mandating employers to pay domestic workers at least minimum wage, receive overtime compensation, etc., H.1750 will force employers not already offering these benefits to pay more for care services and housekeeping. However, by refusing to recognize domestic work as the professional industry that it is and denying domestic workers the same labor rights as those in other sectors, the profession remains undervalued and unregulated. Once Massachusetts labor laws are amended to include domestic workers, the industry will have standards and be monitored, thereby leading to the highest quality care for employers and increased rights and respect for workers. In addition, after passage of a similar domestic workers’ bill of rights in New York, demand for domestic workers did not suffer and the same outcome can be expected in Massachusetts.

Dissent can also be expected from “third-party agencies” or large corporations that act as a middleman between private families and domestic workers. These agencies could be resistant to H.1750 because it will require them to pay minimum wage and overtime. This higher cost of doing business would cause them to disburse a larger percentage of their profit to their employees and potentially lose money. However, H.1750 addresses these concerns in that the bill will only apply to private employers and will exclude state registered or licensed staffing agencies.

Families that hire domestic workers to work in private homes are legitimate employers and therefore should be subject to the same rules as employers in other industries. These employers already have to follow worker protection laws, so extending labor rights to domestic workers should be within reach. Though domestic workers are viewed as being outside the traditional workforce, their labor keeps the Massachusetts economy functioning by allowing other individuals to pursue their own jobs. Work is work and domestic workers deserve the same rights and respect allotted to other employees. Domestic workers’ exclusion from existing labor laws stems from racism and sexism of the early 20th century – discrimination that has no place in the forward-thinking Commonwealth of Massachusetts. We therefore request that the Committee of Ways and Means issues a favorable report on H.1750.

**Excerpts from Campaign Journals**

**Maya**

In our second trip to the State House, Meredith and I visited the offices of different legislators sitting on the Joint Ways and Means Committee [the committee who will ultimately hear the bill] who had not yet signed on as co-sponsors of the Domestic Workers’ Bill of Rights. We
had meetings at the offices of: Senator Robert Hedlund, Senator Barry Finegold, Representative Nicholas Boldyga, and Representative John Rogers. All but our meeting with Representative Rogers was with legislative aides. The meetings each lasted about fifteen minutes, during which we gave our elevator speech framing the many problems facing domestic workers and requesting that the legislator support the proposed bill. We answered whatever questions we could and suggested that further queries be directed to the Massachusetts Coalition of Domestic Workers.

Our last meeting of the day was the most substantive, in which we met with John Rogers, a Brandeis alumnus who represents Norfolk County as a democrat. Rogers is a practicing attorney and was pleased that the Brandeis Legal Studies Department offers students experiential learning classes designed to explore all aspects of the legal system. While he was unfamiliar with the specific issues facing domestic workers and had not yet heard of the proposed bill, he expressed verbal support. Rogers was excited that we were learning about the legislative process by participating in it and encouraged us to take an even more active role in advocating for the Domestic Workers’ Bill of Rights by testifying in its hearing to the House Ways and Means Committee. I was happy to finally make our case to a legislator and receive such a positive reception.

Meredith

I attended the Jobs with Justice Annual Dinner at Suffolk Downs in East Boston on Thursday, March 14, 2013. The purpose of this dinner was to celebrate Massachusetts Jobs with Justice's advocacy efforts throughout 2012 and to raise both activists’ and workers’ morale for the upcoming year. A variety of people attended the event, including those working on behalf of community organizations, low-wage workers, and interested individuals like myself. Upon first arriving, I actively sought out two members of Jobs with Justice with whom I had spoken prior to that evening: Lily Huang, Public Education Campaign Organizer, and Gillian Mason, Caring Across Generations Organizer. Gillian pointed me in the direction of the “MA Coalition for Domestic Workers” table, at which domestic workers and coalition members were seated. With Gillian's help, I was fortunate to meet two domestic workers, both of who were originally from Brazil, and learn a bit about their current livelihoods as housecleaners. I was also pleased to meet Heloisa Galvão, Executive Director and co-founder of the Brazilian Women's Group. My partner Maya and I had had a phone interview with her about a month earlier, so it was great to actually speak with her in person.

During dinner, prior to the speakers’ presentations and the award ceremony, I found it somewhat difficult to connect with additional individuals other than those I had already met. Lily and Gillian were extremely busy orchestrating the event, and I didn't want to overwhelm the domestic workers and coalition members I had been speaking with by asking too many questions. Although I didn't end up communicating with as many people associated with the coalition as I had hoped to, I was able to learn a great deal from a man named Bill Okerman from Needham, MA. The classmate I traveled to the dinner with knew Mr. Okerman from his hometown, and he turned out to be a great resource. Passionate about workers’ rights, Bill was incredibly knowledgeable about the Domestic Workers’ Bill of Rights and shared facts and information with me in order to better my understanding of the legislation.

My favorite portion of the evening, however, took place after dinner when awards were presented. Awards were given to the Campaign for Justice at Verizon, the Massachusetts Stands Up to Walmart Campaign, and the Massachusetts Coalition for Domestic Workers, among others. The room was filled with the sounds of people clapping, cheering, and chanting, and the spirit of coalition members, workers, and dedicated individuals was palpable. Right before I left, a speaker from Jobs with Justice began to shout, “Chant if you are tired of labor exploitation, debt bondage, and wage theft. We’re fired up; we can’t take it no more!” And as listeners repeated after her, it was clear that everyone at the event was passionate, uniting for the common purpose of bettering the lives of low-wage workers in various sectors of the workplace.

■ Update

As of January 22, 2013, H.1750 is in the Joint Committee on Labor and Workforce Development awaiting a hearing date.

For more information

Massachusetts Jobs with Justice
http://www.massjwj.net