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Blind to the Plight of Domestic Workers

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By ANNETTE BERNHARDT

All spring, momentum has been building for long-awaited passage of the Domestic Workers Bill of Rights. Domestic workers and their supporters have travelled to Albany to show the swelling support for the legislation that would finally deliver job standards to an industry that employs more than 200,000 New Yorkers but is rarely acknowledged by policymakers.

Albany's latest political circus shouldn't derail this critical bill. All New Yorkers struggle with job insecurity in this time of recession. But the Bill of Rights is doubly important for domestic workers as they grapple with heavier work loads, reduced pay, loss of sick days -- and few ground rules to regulate how they are to be treated.

This weekend, New Yorkers will hold a 24-hour vigil outside New York City Hall, representing the live-in workers and others who work around the clock yet have no job security or overtime. On Sunday, children will lead a march from New York City Hall to support domestic workers.

For the past five years, I have been collaborating with community groups and other researchers in documenting the exploitation that exists in a low-wage industries. The domestic work industry stands out with some of the most unregulated workplaces in the state.

Violations of employment and labor laws are routine, enforcement is rare and even when laws are not formally being violated, the lives of domestic workers can be extremely difficult.

Low weekly pay and long hours mean that domestic workers often don't get paid for overtime, and even risk earning less than the minimum wage. Meal and rest breaks are often irregular or denied because of family schedules; workers with child care or elder care duties are effectively always on call.

Only one in ten domestic workers receive health insurance from her employer, and workers' compensation is rarely if ever provided. Complaints about working conditions can lead to immigration threats or to retaliatory firing. There is also strong evidence of discrimination, in both hiring and pay, on the basis of race and immigration status.

But the problem extends beyond law breaking. Domestic work is often physically exhausting and draining, entailing long hours, emotional labor and, not infrequently,

verbal abuse. Only 13 percent of workers earn a living wage, and only a third receives annual raises. Paid sick days and vacation are not guaranteed, nor is advance notice or severance pay.

The heart of the problem is that the domestic work industry is structurally wired to produce bad working conditions. Workers are alone at their work site and must individually negotiate the terms of their employment, with no industry standards to help them establish even the most basic elements of an employment relationship.

Compounding the problem is that domestic workers are only partially covered by core workplace laws. As a result, compensation and working conditions vary greatly.

Public policy has a unique obligation to step in and help to establish a framework of core workplace standards for the industry. The New York Domestic Worker Bill of Rights is designed to do just that, by setting a baseline floor for working conditions, including sick days, vacation days, breaks, health insurance and annual raises.

Greater regulation of the industry will benefit both workers and employers. First, it will help domestic workers who, because of their structural isolation and lack of collective bargaining rights, are unable to leverage the kind of power that workers in other industries can tap when advocating for improved working conditions.

But responsible employers of domestic workers will also benefit. In our research, employers repeatedly voiced the frustration of having no formal guideposts to help them decide the terms of employment for their domestic workers. The default method becomes asking friends and neighbors for guidance, which results in highly uneven, unstable and unenforceable job outcomes.

Economic opportunity is built on strong labor standards that are fully enforced and that cover all workers. Domestic workers deserve a bill of rights that recognizes the unique characteristics of their industry, as well as their pivotal role as front-line caregivers in families across New York.

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