



HOME IS WHERE THE WORK IS:

Inside New York's Domestic Work Industry

EXECUTIVE SUMMARY

DOMESTIC WORKERS UNITED & DATACENTER

“We have a dream that one day, all work will be valued equally.”

Domestic Workers United

Executive Summary

New York City is a leading force in the global economy, but it couldn't be without the 200,000 domestic workers who sustain the city's families and homes. Domestic workers¹ enable New Yorkers to work and have leisure time knowing that their children, elderly, and homes are taken care of. Domestic workers also enable their employers to meet the demanding hours required for the smooth functioning and productivity of the professional sectors. Domestic work forms the invisible backbone of New York City's economy.

This groundbreaking report shines a spotlight on the hidden workforce of domestic workers who keep the city's economic engine running every day. It delivers legal, historical, anecdotal, and unprecedented survey-based information. The data are the result of the first ever industry-wide analysis of domestic workers by domestic workers, based on 547 worker surveys, 14 worker testimonies and interviews with 7 employers. An overview of exclusionary labor laws illustrates the explicit legislative discrimination against domestic workers, while an economic history of domestic work in the U.S. and analysis of present day global pressures that impact the industry illustrate structural dynamics that foster worker abuse.

Survey results show that immigrant women of color make up nearly the entire domestic workforce. The wages domestic workers earn cannot cover New York's famed high cost of living. Domestic workers lack basic labor and health protections and often, face exploitive work conditions. Many endure verbal or physical abuse. Domestic work may be a labor of love, but it isn't one that loves its laborers. For too long, worker exploitation has remained invisible in an industry that is rarely documented and goes largely unmonitored – until now.

Survey results clearly point to the need for industry standards that will ensure fair labor practices, recognition, and humane treatment. The report proposes a set of long overdue policy recommendations to create an industry that is fair, equitable, and dignified.

About the Study

The data presented in this report are based on results of a survey of 547 domestic workers conducted by members of Domestic Workers United between 2003-2004, 14 worker testimonies and 7 employer interviews. Domestic workers played a significant role in the design and analysis throughout this industry investigation. Workers were surveyed at meetings, social gatherings, in playgrounds and parks, on the subway and commuter trains, and various other locations. Employer interviews were collected through employer and worker networks and through outreach in parks and playgrounds and were conducted by Jews For Racial and Economic Justice and the Brennan Center for Justice at New York University.

A Lifetime of Bondage

Domestic workers stay in the industry, often with the same employer, for significant periods of their lives. They are a stable workforce; yet endure working conditions that violate their rights as workers and as human beings.

- Half of the workers earn low wages. An additional 26% make wages below the poverty line or below minimum wage. Half of workers work overtime – often more than 50-60 hours a week. Sixty seven percent (67%) of workers don't receive overtime pay for overtime hours worked. Domestic workers are primary providers of their families in the U.S. and in their home countries, but face severe financial hardships.
- Thirty-three percent (33%) of workers experience verbal or physical abuse or have been made to feel uncomfortable by their employers. One third of workers who face abuse identify race and immigration status as factors for their employers' actions.
- Nine out of ten domestic workers do not receive health insurance from their employers. One third of workers could not afford medical care needed for themselves or their families. Less than half of workers receive basic work place benefits such as regular raises and paid sick days.
- Forty-six percent of domestic workers experience stress at work. Employers cause stress by requiring domestic workers to perform multiple jobs, to do work not in their job descriptions, and to work for someone other than their employer.

	% of Workers
Worker Hourly Wages²	
Below minimum wage (less than \$5.15/hr) ³	8%
Below poverty line (\$5.16-\$8.97)	18%
Low wage (\$8.98-\$13.46)	41%
Livable wage (\$13.47 and above)	13%
No response	20%
Overtime Hours Worked	
Live-out Workers work overtime	48%
Live-in Workers work overtime	63%
Sometimes or never receive overtime pay	67%
Amount of Overtime Hours Worked	
Worked 50 hours/week or more	43%
Worked 60 hours/week or more	35%
Primary Providers for their Families	
Primary Income Earner	59%
Joint Income Earner	18%
Financial Hardships Experienced by Workers	
Unable to pay rent or mortgage	37%
Sometimes/often not enough food to eat	21%
Unable to pay electricity and gas	25%
Unable to pay phone	40%
Abusive Treatment by Employer	
Experienced at least one of the below abuses	33%
Employer made me feel uncomfortable	24%
Verbal Abuse (yelled at, threatened, called insulting names)	21%
Physical Abuse (pushed, beaten, raped or sexually assaulted)	1%
Factors Workers Report contributed to Employer Abusive Actions	
Immigration status	33%
Race or ethnicity	32%
Language	18%
Lack of Access to Healthcare and Health Benefits	
Employer does not provide health benefits	90%
Could not afford medical care when needed	36%

¹Domestic worker is defined here as anyone employed to work in a private home by the head(s) of household, including nannies, housekeepers, elderly companions, cleaners, babysitters, baby nurses and cooks.

²Wage breakdowns are modeled after Restaurant Opportunities Center of New York report *Behind the Kitchen Door: Pervasive Inequality in New York City's Thriving Restaurant Industry* 2005, p. 11. The breakdowns are based on 2004 Department of Health and Human Services federal poverty line and low wages are 1.5 above the poverty line.

³Minimum wage, although increased to \$6.75 in NYC, is shown here as \$5.15 since surveys were conducted before the wage increase.

Valuing Domestic Work

The struggle of domestic work is to be recognized as “real work.” Its historical roots in slavery, its association with women’s unpaid household labor, its largely immigrant and women of color workforce and exclusion from legal protections devalue their work.

Historically, African slaves, indentured servants or hired maids performed housework. After the abolition of slavery, the paid domestic workforce became predominantly Black women until the Civil Rights movement opened doors to other occupations. Since the 1970s, a growing workforce of immigrant women of color seeking to escape poverty created by U.S.-driven neoliberal policies abroad occupies the industry. Survey results found 99% of domestic workers in New York are foreign-born. Race and gender-

based legal exclusions by the U.S. and New York state governments have shaped the domestic work industry in New York. Domestic workers have been written out of major federal and state laws that protect workers. Ninety-five percent of domestic workers in New York are people of color, and 93% are women.

History of Domestic Work in the U.S.

1450-1860:

African slave trade provides labor that builds colonial economy.

1870-1970:

Slavery abolished. Domestic work becomes “black women’s work.”

1970-2006:

Immigrant women of color provide domestic labor that supports U.S. economy.

History of Exclusion

National Labor Relations Act (NLRA)

3 29 U.S.C. § 152(3)

The NLRA guarantees U.S. employees the right to organize, but specifically excludes domestic workers from its definition of “employee.”³

Fair Labor Standards Act (FLSA)

4 29 U.S.C. § 213(a)(15)
5 29 U.S.C. § 213(b)(21)

The FLSA sets a federal minimum wage rate, maximum hours, and overtime for employees in certain occupations. Until 1974, domestic workers were completely excluded, and today the Act still excludes from coverage “casual” employees such as babysitters and “companions” for the sick or elderly.⁴ Furthermore, live-in domestic workers, unlike most other employees in the U.S., cannot get overtime under FLSA.⁵

Occupational Safety and Health Act (OSHA); Civil Rights Laws

6 29 C.F.R. § 1975.6
7 42 U.S.C.A. § 2000e

OSHA regulations explicitly exclude domestic workers from the Act’s protections “[a]s a matter of policy.”⁶ Civil Rights Laws: Title VII bars employment discrimination on the basis of “race, color, religion, sex, or national origin,” but applies only to employers with 15 or more employees.⁷ Thus, virtually every domestic worker in the U.S. is de facto excluded from Title VII’s protections.

New York Labor Law

8 12 NYCRR § 142-2.2

Under New York State Law, while domestic workers who do not live in their employer’s home are entitled to overtime at a rate of one and a half times their regular rate after 40 hours of work in a week, live-in domestic workers are only entitled to overtime at a rate of one and a half times the minimum wage and then only after 44 hours of work in a week.⁸

Women's Worth – Domestic Workers Struggle for Dignity

Interviews with employers show they are unclear about their legal and ethical responsibilities and are in need of industry standards. In 2003, New York City Council passed the Nanny Bill, which requires employment agencies to provide domestic employers with a “code of conduct” that explains labor laws and to inform workers of their rights. It is a good beginning. But in an informal industry based in private homes, domestic workers require a comprehensive solution that guarantees their rights to fair working conditions and recognizes their work. The Domestic Workers’ Bill of Rights is a New York State legislative proposal which addresses the long-standing, unfair exclusion of domestic workers from labor protections, and the unique conditions and demands of the industry in which they work, by amending the New York State Labor Law to ensure workers:

- Receive a livable wage and are paid for overtime;
- Are given time off for family care and medical care. In addition, they are given at least one day of rest off each week and receive paid personal days, sick days, vacations and holidays;
- Are given advance notice of termination and paid severance in accordance with number of years worked;
- Are protected from trafficking.



In addition, the Bill proposes to eliminate language excluding domestic workers from the definition of “employee.” It also eliminates exclusion from coverage of other New York State Labor Law and Human Rights law provisions to end the cycle of slavery and gender and race-based exclusionary laws at last.

It is only fair that those that care for our homes and loved ones are given the same respect and dignity for the work they perform.

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