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**AB-2314 Private employment: domestic workers.** (2017-2018)

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AMENDED IN ASSEMBLY MARCH 19, 2018

CALIFORNIA LEGISLATURE— 2017-2018 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2314**

**Introduced by Assembly Member Ting**

**February 13, 2018**

An act ~~relating to private employment.~~ *to add Section 1455 to the Labor Code, relating to domestic workers.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2314, as amended, Ting. Private ~~employment.~~ *employment: domestic workers.*

Existing law establishes the Department of Industrial Relations and creates the ~~Occupational Safety and Health Standards Board~~ *Division of Labor Standards Enforcement* within it. Existing law commits to the ~~board~~ *division* the *general* responsibility for enforcing ~~all occupational safety and health standards, as specified.~~ *provisions of the Labor Code not specifically vested in any other officer, board, or commission, which includes a variety of provisions relating to wages and hours of employment.*

This bill would ~~state the intent of the Legislature to enact legislation relating to private employment~~ *require the Division of Labor Standards Enforcement to establish and maintain a Domestic Work Enforcement Pilot Program in collaboration with qualified organizations, as defined. The bill would require the program to increase the capacity and expertise of the division to improve education and enforcement of labor standards in the domestic work industry. Among other things, the program would be required to address the education of employees and employers regarding minimum wage, overtime, sick leave, recordkeeping, retaliation, wage adjudication, as well as the creation of enforcement positions that ensure education regarding, and compliance with, laws governing the domestic work industry. The bill would require qualified organizations that collaborate with the division in connection with the program to issue reports and meet quarterly with the division to review the implementation and success of the program.*

Vote: majority Appropriation: no Fiscal Committee: ~~no~~ *yes* Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** *The Legislature finds and declares all of the following:*

(a) As recognized by the State of California in Resolution Chapter 119 of the Statutes of 2010, it is the policy of the state to encourage and protect the rights of domestic work employees.

(b) Domestic work has become a core part of Californians' lives. Two million households in California rely on domestic workers to provide care for children, housecleaning, and support for seniors and people with disabilities. The vast majority of domestic workers are women of color and immigrants and are particularly vulnerable to unlawful employment practices.

(c) Because domestic workers care for the most important elements of their employers' lives, their families and homes, it is in the interest of employees, employers, and the people of the State of California to ensure that the rights of domestic workers are respected, protected, and enforced.

(d) The domestic work industry is fractured and diverse, with employment arrangements ranging from single families that directly hire occasional house cleaners to caregivers employed full time through private home care agencies. Many domestic work employers do not research or seek advice regarding the standards to set for hours, pay, or benefits for their employees.

(e) Domestic work remains a low-wage and largely underregulated industry. Domestic workers usually work alone, behind closed doors, and out of the public eye, leaving them isolated, vulnerable to abuse and exploitation by some employers, and unable to advocate collectively for better working conditions. Four in ten employers pay low wages, which are defined as two-thirds of the median full-time wage in California. One in six domestic work employers fail to pay minimum wage. A substantial number of domestic workers do not complain about these violations because they are afraid they would lose their jobs. This fear has been augmented by the current national political climate and its focus on increased immigration enforcement, further exacerbating the challenges of enforcement of wage laws.

(f) The demand for domestic work will continue to grow due to the aging of the population and the increased reliance on home care. The number of personal care aides alone is expected to grow by 35.8 percent between 2014 and 2024, which is significantly faster than the growth rate for other occupations in California.

**SEC. 2.** Section 1455 is added to the Labor Code, to read:

**1455.** (a) The Division of Labor Standards Enforcement shall establish and maintain a Domestic Work Enforcement Pilot Program in collaboration with qualified organizations. The program shall increase the capacity and expertise of the division to improve education and enforcement of labor standards in the domestic work industry. The program shall include, but not be limited to, the following:

(1) Education and training for domestic work employees and employers addressing minimum wage, overtime, sick leave, recordkeeping, wage adjudication, and retaliation.

(2) Training for domestic worker leaders to provide peer-to-peer support and wraparound service referrals to domestic work employees who have elected to file wage claims or take other actions seeking remedy from employers.

(3) Development of core training curriculum to be used in the education and training of domestic work employees and employers.

(4) Provision of technical and legal assistance to domestic work employees through a statewide telephone help line and the promotion of the help line to domestic worker populations.

(5) Development of an online resource hub to provide information for employers on state labor laws and guidelines on fair employment.

(6) Creation of enforcement positions that ensure education regarding, and compliance with, laws governing the domestic work industry and that promote higher standards in the industry

(b) For the purposes of this section, "qualified organization" means:

(1) A nonprofit organization that has a minimum of five years of experience working with domestic work employees or employers.

(2) An organization that works with a nonprofit organization that has a minimum of five years of experience working with domestic work employees or employers.

*(c) Qualified organizations that collaborate under subdivision (a) shall issue reports and meet quarterly with the Division of Labor Standards Enforcement to review the implementation and success of the program.*

~~SECTION 1. It is the intent of the Legislature to enact legislation relating to private employment.~~