

File No. 100651

Committee Item No. \_\_\_\_\_

Board Item No. 16

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Board of Supervisors Meeting

Date May 25, 2010

### Cmte Board

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|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

### OTHER

(Use back side if additional space is needed)

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Completed by: Annette Lonich Date May 20, 2010

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document is in the file.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

**INTRODUCTION FORM**

By a member of the Board of Supervisors or the Mayor

BY \_\_\_\_\_  
MAY 18 PM 1:30  
Time Stamp or Meeting Date

I hereby submit the following item for introduction:

- \_\_\_\_\_ 1. For reference to Committee:  
An ordinance, resolution, motion, or charter amendment
- x   2. Request for next printed agenda without reference to Committee
- \_\_\_\_\_ 3. Request for Committee hearing on a subject matter
- \_\_\_\_\_ 4. Request for letter beginning "Supervisor \_\_\_\_\_ inquires..."
- \_\_\_\_\_ 5. City Attorney request
- \_\_\_\_\_ 6. Call file from Committee
- \_\_\_\_\_ 7. Budget Analyst request (attach written motion).
- \_\_\_\_\_ 8. Substitute Legislation File Nos.
- \_\_\_\_\_ 9. Request for Closed Session
- \_\_\_\_\_ 10. Board to Sit as A Committee of the Whole

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

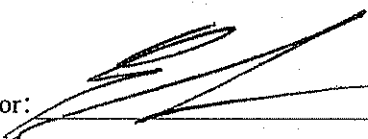
- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.]

Sponsor(s): Mar, Campos, Avalos, Chiu, Maxwell, Duffy  
*MIRKAYIMI*

**SUBJECT:** Resolution Calling on State, Federal, and International Lawmakers to Ensure Fair and Just Treatment of Domestic Workers.

The text is listed below or attached:

Signature of Sponsoring Supervisor: \_\_\_\_\_  


**For Clerk's Use Only:**

100657

1 [Calling on State, Federal, and International Lawmakers to Ensure Fair and Just Treatment of  
2 Domestic Workers]

3 **Resolution calling on State, Federal, and International Lawmakers to ensure fair and**  
4 **just treatment of domestic workers.**

5 WHEREAS, domestic workers – including housekeepers, nannies and caregivers for  
6 children, persons with disabilities and the elderly – work in private households to care for the  
7 health, safety and well-being of the most important aspects of our lives, our families and  
8 homes; and,

9 WHEREAS, Domestic workers are the backbone of the economy, working to ensure  
10 the health and prosperity of families and freeing others to participate in the workforce, which  
11 is increasingly necessary in these difficult economic times; and,

12 WHEREAS, Domestic workers across the state of California have joined together to  
13 form the California Domestic Workers' Coalition to achieve social and economic justice and  
14 secure much needed protections for domestic workers under California's labor laws and are  
15 calling on the California legislature to pass a Resolution, Relative to Domestic Workers  
16 Rights; and,

17 WHEREAS, The National Domestic Workers Alliance is organizing domestic workers  
18 across the United States to end the exclusion of domestic workers from federal labor  
19 protections; and,

20 WHEREAS, The International Domestic Workers Network, made up of domestic  
21 worker organizations across the world, has formed to fight exploitation and abuse by creating  
22 and advancing international standards in the industry; and,

23 WHEREAS, Domestic work in the United States has its roots in slavery, where African-  
24 American women worked in the fields and in the homes of plantation owners caring for their  
25

1 families and children, thereby supporting the plantation economy that provided the resources  
2 and materials for industrialization in the United States; and,

3 WHEREAS, International, national and state laws' treatment of domestic service  
4 workers historically reflected stereotypical assumptions about the nature of domestic work,  
5 specifically that the relationship between employer and "servant" was "personal," rather than  
6 commercial, in character; that employment within a household was not "real," productive  
7 work; and that women did not work to support their families; and,

8 WHEREAS, The Fair Labor Standards Act of 1938, which Congress enacted in  
9 response to ensure a fair day's pay for a fair day's work, excluded domestic workers from its  
10 protection at a time when 60% of black American women workers were employed as  
11 domestic workers, in order to satisfy segregationists who controlled Congress at that time;  
12 and,

13 WHEREAS, The vast majority of domestic workers are women of color and migrants  
14 who, because of race and sex discrimination and fear of deportation, are particularly  
15 vulnerable to unlawful employment practices and abuses; and,

16 WHEREAS, Domestic workers usually work alone, behind closed doors and out of the  
17 public eye, leaving them isolated, vulnerable to abuse and exploitation, and unable to  
18 advocate collectively for better working conditions; and,

19 WHEREAS, Domestic workers often labor under harsh conditions, work long hours for  
20 low wages without benefits or job security, and face termination without notice or severance  
21 pay leaving many suddenly without both a job and a home; and,

22 WHEREAS, Most domestic workers work to support families and children of their own  
23 and are primary income earners, yet the vast majority of domestic workers earn low wages or  
24 wages below the poverty line; and,

1           WHEREAS, Many live-in domestic workers are not permitted to make basic decisions  
2 regarding the food they eat, or allowed to cook or heat their meals, and employers often take  
3 unjust deductions in the workers pay for food; and,

4           WHEREAS, In the worst cases domestic workers are verbally and physically abused or  
5 sexually assaulted, forced to sleep in conditions unfit for human habitation, and stripped of  
6 their privacy and dignity, while employers deduct pay as in-kind payment for rent; and,

7           WHEREAS, Many employers desire to treat their caregivers and housekeepers fairly,  
8 but do not have the information to guide them in setting terms of employment, and may never  
9 draw up a formal contract or clearly establish the rights and obligations each party owes to  
10 the other; and,

11           WHEREAS, Domestic workers are still excluded from the most basic protections  
12 afforded the rest of the labor force under state, federal, and international laws, including the  
13 rights to fair wages, safe and healthy working conditions, workers' compensation, protection  
14 from discriminatory and abusive treatment and the right to engage in collective bargaining;  
15 and,

16           WHEREAS, Domestic workers are excluded under the National Labor Relations Act,  
17 leaving them unprotected when asking for respect of their basic rights and unable to  
18 collectively bargain for conditions allowing them to labor in dignity even though freedom of  
19 association is a fundamental right under the ILO; and,

20           WHEREAS, Domestic workers whose primary work is to care for children, the elderly  
21 or persons with disabilities ("personal attendants") are excluded from overtime protections,  
22 meal and rest breaks and reporting time pay under California law, and Federal Labor  
23 Standards Act exempts live-in domestic workers from overtime provisions and exempts  
24 "companions" for the elderly and "casual" babysitters from federal minimum wage and  
25

1 overtime provisions and exempts employers of live-in workers from keeping accurate wage  
2 and hour records; and,

3 WHEREAS, Domestic workers are excluded from state, federal, and international  
4 Occupational Safety and Health protections and therefore do not have the right to work in a  
5 healthy and safe environment, leaving them exposed to dangerous and unhealthy working  
6 conditions on a regular basis; and,

7 WHEREAS, Household employees who work less than 52 hours in the previous 90  
8 days before an injury are excluded from California workers' compensation coverage, leaving  
9 many domestic workers without an adequate remedy for injuries suffered in the course of  
10 their employment; and,

11 WHEREAS, Because state and federal anti-discrimination laws only apply to  
12 employers with certain minimum numbers of employees, domestic workers are unprotected  
13 against discrimination based on race, color, religion, sex, national origin, age and disability;  
14 and,

15 WHEREAS, Because domestic workers do not have the right to a minimum number of  
16 consecutive hours of uninterrupted sleep, they are often woken up repeatedly throughout the  
17 night, leaving them sleep-deprived, vulnerable to illness, and unable to provide proper care  
18 for those in their charge, and this time when workers are available to their charges and  
19 providing that service of care is normally uncompensated; and,

20 WHEREAS, Because the vast majority of domestic workers receive no health benefits  
21 from their employers and have no right to paid sick days, many workers cannot take time off  
22 to deal with illness or medical emergencies, thereby endangering their own health and the  
23 health of the families they care for; and

24 WHEREAS, That coverage of domestic workers under state, federal, and international  
25 labor law would be an expression of respect for their dignity and equality and the importance

1 of the work they perform, and a rejection of antiquated and long discredited stereotypes about  
2 domestic work; and,

3 WHEREAS, San Francisco provides an example with the Paid Sick Leave Ordinance  
4 of how to ensure paid sick leave for domestic workers, while in other places the vast majority  
5 of domestic workers receive no health benefits from their employers and have no right to paid  
6 sick days, many workers cannot take time off to deal with illness or medical emergencies,  
7 thereby endangering their own health and the health of the families they care for; and

8 WHEREAS, Coverage of domestic workers under state, federal, and international  
9 labor law would be an expression of respect for their dignity and equality and the importance  
10 of the work they perform, and a rejection of antiquated and long discredited stereotypes about  
11 domestic work; now, therefore, be it

12 RESOLVED, That the San Francisco Board of Supervisors, urges all employers of  
13 domestic workers, including agencies, small businesses, and individuals, to treat domestic  
14 workers with the respect and dignity that this valuable work deserves; and

15 FURTHER RESOLVED, That the Board of Supervisors finds that domestic workers are  
16 entitled to industry-specific protections and labor standards that eliminate discriminatory  
17 provisions in the labor laws and guarantee domestic workers basic workplace rights to ensure  
18 that domestic workers are treated with the respect and dignity they so richly deserve; and

19 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges the  
20 California State Legislature to pass the Resolution, Relative to Domestic Workers Rights; and

21 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges the US  
22 Department of Labor to implement regulatory reforms to ensure fair deductions and minimum  
23 standards for food and lodging, compensation for sleep time when a domestic worker is on-  
24 call, and requiring employers of domestic workers to keep accurate records of hours work and

1 pay, and to do all in its power to ensure the creation and enforcement of just labor standards  
2 for domestic workers; and

3 FURTHER RESOLVED, the San Francisco Board of Supervisors urges the US  
4 government, employer, and worker representatives on the domestic work issue at the 99<sup>th</sup>  
5 International Labor Organization Conference, namely John Kloosterman of Littler Mendelson  
6 representing the US employers and Juana Flores of Mujeres Unidas y Activas and the  
7 National Domestic Worker Alliance representing US workers, to support a Convention plus  
8 Recommendation for Decent Work for Domestic Workers that will ensure that all domestic  
9 workers around the world are afforded minimum and dignified legal standards that address  
10 the historic and structural exploitation of this work; and

11 FURTHER RESOLVED, That copies of this Resolution shall be delivered to President  
12 Barack Obama; Senators Dianne Feinstein and Barbara Boxer; Speaker of the House of  
13 Representatives, Nancy Pelosi; Secretary of Labor, Hilda Solis; Employer and Worker group  
14 US representatives to the ILO Conference, John Kloosterman and Juana Flores; California  
15 Governor, Arnold Schwarzenegger; California Attorney General, Jerry Brown; and the entire  
16 California State legislature.