

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

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

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

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

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

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

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

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

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
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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
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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 99th
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.



City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 100651

Date Passed: May 25, 2010

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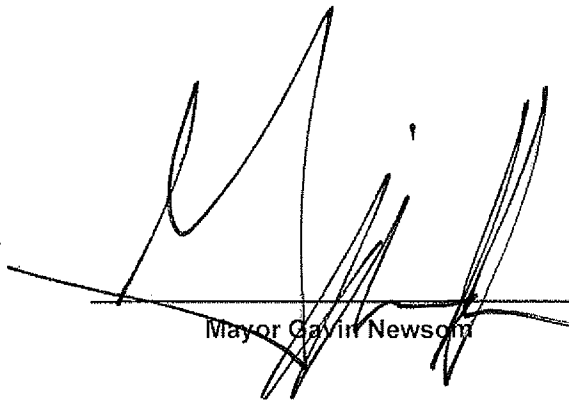
May 25, 2010 Board of Supervisors - ADOPTED

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell and Mirkarimi


Absent: 1 - Elsbernd

File No. 100651

I hereby certify that the foregoing Resolution was ADOPTED on 5/25/2010 by the Board of Supervisors of the City and County of San Francisco.



Mayor Gavin Newsom



Angela Calvillo
Clerk of the Board

6/02/2010
Date Approved