

1 [Urging the California State Legislature to Pass Assembly Bill 241]

2
3 **Resolution urging the California State Legislature and the Governor to pass Assembly**
4 **Bill 241, the Domestic Worker Bill of Rights, to provide respect, protection, rights, and**
5 **dignity to domestic workers and to value the work they perform caring for our children,**
6 **elderly, and our families.**

7
8 WHEREAS, California's domestic workers—comprised of housekeepers, nannies, and
9 caregivers for children, persons with disabilities, and the elderly—work in private households
10 to care for the health, safety and well-being of the most important aspects of Californians'
11 lives, their families and homes; and

12 WHEREAS, Domestic workers play a critical role in California's economy, working to
13 ensure the health and prosperity of California families and freeing others to participate in the
14 workforce, which is increasingly necessary in these difficult economic times; and,

15 WHEREAS, Domestic workers across the state of California have joined together to
16 form the California Domestic Workers' Coalition to achieve social and economic justice and
17 secure much-needed protections for domestic workers under California's labor laws; and,

18 WHEREAS, The National Domestic Workers Alliance is organizing domestic workers
19 across the United States to end the exclusion of domestic workers from federal labor
20 protections, and the International Domestic Workers Network, made up of domestic worker
21 organizations across the world, has formed to fight exploitation and abuse by creating and
22 advancing international standards in the industry; and,

23 WHEREAS, The treatment of domestic service workers under federal and state laws
24 has historically reflected stereotypical assumptions about the nature of domestic work,
25 specifically that the relationship between employer and "servant" was "personal," rather than

1 commercial, in character; that employment within a household was not “real” productive work;
2 and that women did not work to support their families; and,

3 WHEREAS, The Fair Labor Standards Act of 1938 (29 U.S.C. Sec. 201 et seq.), which
4 Congress enacted to ensure a fair day’s pay for a fair day’s work, excluded domestic workers
5 from its protection at a time when 60% of African American women workers were employed
6 as domestic workers; and,

7 WHEREAS, The majority of domestic workers are women of color and are largely and
8 increasingly immigrants who, because of race and sex discrimination and fear of deportation,
9 are particularly vulnerable to unlawful employment practices and abuses; and

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

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

16 WHEREAS, Most domestic workers work to support families and children of their own
17 and more than half are primary income earners, yet two-thirds of domestic workers earn low
18 wages or wages below the poverty line; and,

19 WHEREAS, Many live-in domestic workers are not permitted to make basic decisions
20 regarding the food they eat or to cook or heat their meals; and,

21 WHEREAS, In the worst cases, domestic workers are verbally and physically abused
22 or sexually assaulted, forced to sleep in conditions unfit for human habitation, and stripped of
23 their privacy and dignity; and,

24 WHEREAS, Many employers desire to treat their caregivers and housekeepers fairly,
25 but do not have the information to guide them in setting terms of employment, and may never

1 develop a formal contract or clearly establish the rights and obligations each party owes to the
2 other; and,

3 WHEREAS, Domestic workers are still excluded from the most basic protections
4 afforded the rest of the labor force under state and federal law, including the rights to fair
5 wages, safe and healthy working conditions, workers' compensation, protection from
6 discriminatory and abusive treatment, and to engage in collective bargaining; and,

7 WHEREAS, Domestic workers are excluded under the National Labor Relations Act
8 (29 U.S.C. Sec. 151 et seq.), leaving them unprotected when asking for respect of their basic
9 rights and unable to collectively bargain for conditions allowing them to labor in dignity; and,

10 WHEREAS, Domestic workers whose primary work is to care for children, the elderly,
11 or persons with disabilities are excluded from overtime protections, meal and rest breaks, and
12 reporting time pay under California law, and the federal Fair Labor Standards Act exempts
13 live-in domestic workers from overtime provisions and exempts "companions" for the elderly
14 and the infirm, and "casual" babysitters, from federal minimum wage and overtime provisions;
15 and,

16 WHEREAS, Domestic workers are excluded from the protections of the California
17 Occupational Safety and Health Act of 1973 and therefore do not have the right to work in a
18 healthy and safe environment, leaving them unprotected from dangerous and unhealthy
19 working conditions on a regular basis; and,

20 WHEREAS, State and federal antidiscrimination laws apply only to employers with
21 certain minimum numbers of employees, and domestic workers are often unprotected against
22 discrimination based on race, color, religion, sex, national origin, age, and disability; and,

23 WHEREAS, Domestic workers do not have the right to a minimum number of
24 consecutive hours of uninterrupted sleep, they are often woken up repeatedly throughout the
25

1 night, leaving them sleep deprived, vulnerable to illness, and unable to provide proper care for
2 those in their charge; and,

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

7 WHEREAS, In 2012 Assemblyman Tom Ammiano introduced AB 889 "Domestic
8 Worker Bill of Rights", which would have provided domestic workers with equal overtime pay,
9 equal right to a safe and healthy workplace, equal right to worker's compensation, equal right
10 to notice before termination, equal right to five hours of uninterrupted sleep under adequate
11 conditions, rights to annual cost of living wage increase, and rights to paid vacations and sick
12 days; and

13 WHEREAS, Despite being supported by 45 Asseblymembers and 21 Senators as well
14 as having 128 endorsers, including the California Nurses Association and the California Labor
15 Federation, AB 889 was vetoed by Governor Jerry Brown; and

16 WHEREAS, Assemblyman Ammiano has reintroduced the "Domestic Worker Bill of
17 Rights," AB 241, and

18 WHEREAS, AB 241 has been endorsed by such groups as POWER, California NOW,
19 California Nurses Association/National Nurses Organizing Committee, United Educators of
20 SF, San Francisco Labor Council and California Immigrant Policy Center, Gray Panthers of
21 San Francisco, San Francisco Labor Council, Young Workers United, Unite Here Local 2,
22 Coleman Advocates, Filipino Community Center, Chinese Progressive Association, and
23 Interfaith Council on Economics and Justice; now, therefore, be it

24 RESOLVED, By the Board of Supervisors of the City and County of San Francisco that
25 coverage of domestic workers under state and federal labor law should be an expression of

1 respect for their dignity and equality and the importance of the work they perform, and a
2 rejection of antiquated and long-discredited stereotypes about domestic work; and be it

3 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges the
4 California legislature and the Governor of California to pass the "Domestic Worker Bill of
5 Rights" supported by the California Domestic Workers' Coalition; and be it

6 FURTHER RESOLVED, That the San Francisco Board of Supervisors directs the clerk
7 to distribute this Resolution to all of San Francisco's state legislators urging them to endorse
8 this Resolution.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



City and County of San Francisco
Tails
Resolution

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

File Number: 130467

Date Passed: May 21, 2013

Resolution urging the California State Legislature and the Governor to pass Assembly Bill 241, the Domestic Worker Bill of Rights, to provide respect, protection, rights, and dignity to domestic workers and to value the work they perform caring for our children, elderly, and our families.

May 21, 2013 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 130467

I hereby certify that the foregoing Resolution was ADOPTED on 5/21/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned

Mayor

May 31, 2013

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board