



The Legal Aid Society

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**New York State Assembly Standing Committee on Labor
Public Hearing: Domestic Working Circumstances and Conditions
November 21, 2008, 11 a.m.**

The Legal Aid Society is the nation's oldest and largest not-for-profit law firm dedicated to serving low-income families and individuals. The Society's Civil Practice includes approximately 125 attorneys and paralegals who provide legal services to the City's low-income residents on issues including employment law, health care, housing, economic development, public assistance, immigration, domestic violence, and disability-related issues. Annually, the Legal Aid Society's Civil Practice provides legal assistance to low income families and individuals in more than 30,000 legal matters from neighborhood offices in all five boroughs of New York City and specialized city-wide units. The Society's Employment Law Project is comprised of four attorneys and four paralegal casehandlers who provide representation and advice in the areas of wage and hour laws, employment discrimination, unemployment insurance benefits, and other areas affecting the rights of low-wage employees.

The Legal Aid Society submits this testimony in support of the Domestic Workers' Bill of Rights, A.00628. The bill would amend the Labor Law by adding a new Article 19-C, which would require employers to provide each domestic worker with a day of rest and overtime pay for hours worked over 40 in a week at time-and-a-half of the workers' regular rate. The bill would require employers to provide health benefits, or to supplement a workers' hourly wage

rate by an amount no less than the lowest available cost of health benefits described in section 4326(c)(4) of the insurance law. The bill also requires an annual cost of living adjustment, paid time off, and certain other employment benefits. For the reasons described in this testimony, we strongly support the proposed legislation.

Our experience representing domestic workers has shown that all too often, domestic workers suffer under working conditions that are reminiscent of servitude. Domestic work is a unique institution. The indices of servitude resound in each of our cases. We have seen women trapped in their employers' homes by physical force or psychological coercion. We have seen abusive employers engage in violence when a worker brings home information about her rights. We see women who are paid less than \$2 an hour, working 24 hours a day, seven days a week. These examples demonstrate that we have a culture in which employers see domestic workers as little more than property - something most of us might think had been eradicated long ago. It is essential for our lawmakers to send a strong message that substandard working conditions are not tolerated in New York and pass the Domestic Workers' Bill of Rights.

Labor law protections for domestic workers in New York State are woefully inadequate. Domestic workers are not afforded statutory protections that make a job decent and sustainable, like a day of rest, and overtime pay over forty hours per week. Critically, domestic workers are explicitly excluded from both federal and state labor relations protections. For this reason, legislation on behalf of domestic workers must do more than fix glaring holes in long-standing statutory protections available to other workers. Domestic workers need holidays, paid vacation, sick pay, family and medical leave, the fundamental protections that most employees receive, often through a collective bargaining contract.

Absent a statutory requirement, employers of domestic workers will not agree to these basic components of a job with dignity. As we have witnessed through our clients' experiences, when challenged to improve conditions employers of domestic workers tend to respond swiftly with termination in the best case or resort to violence in the worst. And while most employees have the option of banding together for leverage, the law does not allow domestic workers to bargain collectively. In addition, the one-on-one nature of the industry – one employer-one employee – makes it virtually impossible for domestic workers to negotiate for better conditions. Because we have a culture in which employers have been allowed to abuse domestic workers with impunity, and because of the intimate and individual nature of the industry, the kinds of protections that most of us obtain through our unions must be legislated for domestic workers.

We must also understand that legislating these protections for domestic workers is necessary because it will raise standards for all workers, and for our communities as a whole. Domestic workers usually devote their entire lives to caring for others' families while struggling to make ends meet for their own. After decades of low pay and no benefits, these workers are often terminated when the families they have worked for no longer need their services. They have no savings, no retirement benefits, and, sometimes, no home of their own. The Bill of Rights will lessen poverty by ensuring that the workers who care for our children and our senior citizens do not continue to sacrifice their health and welfare for their jobs.

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