HomeEconomics

The Invisible and Unregulated World of Domestic Work

National Domestic Workers Alliance
Center for Urban Economic Development, University of Illinois at Chicago
DataCenter

Research Team

Founded in 2007, the **National Domestic Workers Alliance** (NDWA) is the nation's leading voice for domestic workers, most of whom are immigrant women and women of color. NDWA works to bring respect, dignity, and protection to this growing workforce, both here in the United States and as part of the global movement for domestic worker rights. Since NDWA was started by a handful of domestic worker groups, it has grown to become a powerful alliance of 35 local, membership-based affiliate organizations of over 10,000 nannies, housecleaners, and caregivers in 18 cities and 12 states around the country. **www.domesticworkers.org**

Founded in 2000, **Domestic Workers United** (DWU) is a membership-based organization of nannies, housecleaners, and elder caregivers in New York who are organizing for power, respect, fair labor standards, and to help build a movement for social change. DWU and its broad coalition of partners brought their power to bear when they successfully organized for six years to pass the nation's first Domestic Workers Bill of Rights in New York State. **www.domesticworkersunited.org**

Instituto de Educación Popular del Sur de California (IDEPSCA) is a non-profit organization whose mission is to create a more humane and democratic society by responding to the needs and problems of disenfranchised people through leadership development and educational programs based on Popular Education methodology. IDEPSCA's specific goal is to organize and educate immigrants concerned with solving problems in their own communities. **www.idepsca.org**

La Colectiva de Mujeres (Women's Collective) seeks to achieve economic and social justice for Latina immigrant women, regardless of their immigration status. La Colectiva is a San Francisco Bay Area-based membership organization of Latina immigrant women. It was formed in 2001 by a strong and dynamic group of predominantly undocumented-immigrant women domestic workers. La Colectiva creates a space where women help each other find jobs, receive training, identify community resources, and learn about legal developments in immigration and labor rights. **www.lacolectivasf.org**

Center for Urban Economic Development (CUED) of the University of Illinois at Chicago was established in 1978 to analyze urban economic change and its effects on low- and moderate-income communities. Throughout its history, CUED has consistently sought to move beyond traditional university-community relationships by working in collaboration with community groups, advocacy coalitions, workers' rights organizations, and governments on issues of concern to at-risk communities. Assisted organizations are partners in the initiation, design, and implementation of research projects, and they are central to shaping the Center's research agenda. Recent projects in the area of workers' rights include studies of wage theft in US cities, understanding conditions in informal economic sectors such as street vending and day labor, and providing technical assistance to worker centers and other worker-led interventions in low-wage labor markets. **www.urbaneconomy.org**

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Home Economics

The Invisible and Unregulated World of Domestic Work

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New York, NY

Table of Contents

Tables and Figures

Foreword

Barbara Ehrenreich

This report documents serious and widespread mistreatment of domestic workers – nannies, housecleaners, and caregivers – in the United States. They are underpaid, in many cases less than the minimum wage, and often at levels too low to adequately care for their own families. They are almost universally excluded from coverage by labor laws and usually work without a contract or any kind of agreement, written or oral, with their employers. They often perform work that is physically punishing, involving heavy lifting, long hours, and exposure to potentially harmful cleaning products. They may be subject to physical and verbal abuse by their employers, even enduring, in the case of live-in immigrant workers, conditions indistinguishable from slavery.

Similar forms of mistreatment are widespread in the American workforce. As the strength of unions declines, fewer and fewer workers have contracts defining the terms of their employment. Hazardous working conditions go unchecked by an underfunded Occupational Safety and Health Administration. Hourly wages for workers have stagnated for decades, and actually have declined since the economic downturn that began in 2008. Many employers, including some of the largest corporations, resort to "wage theft" by failing to pay overtime or requiring workers to work well beyond the hours they are paid for – a practice that accounts for an estimated $105 billion a year in stolen wages. Shocking forms of abuse, including beatings and public humiliations, have been inflicted on salespeople who fail to meet their quotas.

What distinguishes domestic workers from, say, retail, hotel, or sales employees, is the *intimacy* of their relationship to their employers. Someone who stocks shelves in a big box store is unlikely to even know the names of anyone higher up in the corporate hierarchy than the store manager, who in turn may know his or her frontline employees only as a "labor cost." In contrast, except for those who work for companies like Merry Maids, most domestic workers are employed directly by the families they serve. They work in their employers' homes. They may even live in their employers' homes, perhaps sleeping in one of the children's rooms.

Domestic work is, by necessity, intensely personal in nature. A nanny is entrusted with the care and well-being of the employers' most precious loved ones. She is a witness to all the family's foibles and dysfunctions, sometimes even a confidante to her employers. Though a housecleaner may make little verbal contact with her employers, they have few secrets from her. She changes their sheets, dusts their desktops, scrubs their bathroom counters, and sometimes overhears their quarrels. The caretaker for an elderly or disabled person often functions explicitly as a companion, providing conversation and emotional support, as well as help with dressing and bathing.

It is the intimacy of domestic work that makes the mistreatment of domestic workers so baffling, at least when compared to the mistreatment of more anonymous corporate employees. Many employers respond to this intimacy by attempting to treat their domestic workers as "members of the family" – taking an interest in their employees' health and financial well-being, including them in family celebrations. But many others are hostile or exploitative toward their domestic workers, in ways that seem almost perverse. Why would anyone want the person who takes care of their children to be suffering from sleep deprivation, a common complaint of live-in domestic workers, or seething with resentment over unpaid back wages?

By and large, employers, no matter how abusive, can count on the strong service ethic of their domestic workers. Even the most miserably mistreated nanny, who may lack a room or bed of her own, tends to develop affection for the children she cares for. Housecleaners typically take great pride in their work even when it goes unnoticed or unappreciated by their employers. What is being exploited in these instances is not just the domestic worker's labor and skills, but her sense of interpersonal responsibility, her capacity for love.

This report presents the employers of domestic workers with a profound moral challenge: Will they continue to rely on the good will of their employees or will they reciprocate with decent wages and dignified treatment? Many will rise to the occasion, just as thousands around the country have already rallied to the support of the National Domestic Workers Alliance. But the best way to bring an end to the abuses documented in this report is to go beyond appeals to individual conscience and codify the rights of domestic workers in contracts and law. As a start, we must insist on the inclusion of domestic workers under the coverage of existing labor laws.

The challenge posed by *Home Economics: The Invisible and Unregulated World of Domestic Work* goes beyond the immediate community of employers. Anyone who reads this report will be forced to reflect on the larger consequences of extreme inequality, which are moral as well as economic. As we should have learned from the crisis that brought on a global downturn, inequality threatens economic stability. It also has a brutalizing effect on the people who perpetuate it, especially the affluent employers who live in intimate dependency on people far poorer than themselves. *Home Economics* offers a way out of this shameful situation, a clear course of action toward a society in which everyone's work is respected and valued.

Barbara Ehrenreich is a journalist, activist, and author of *Nickel and Dimed: On (Not) Getting By in America*. She is the founder of the recently launched Economic Hardship Reporting Project, which supports innovative journalism about poverty and low-wage work in America.

Executive Summary

Domestic workers are critical to the US economy. They help families meet many of the most basic physical, emotional, and social needs of the young and the old. They help to raise those who are learning to be fully contributing members of our society. They provide care and company for those whose working days are done, and who deserve ease and comfort in their older years. While their contributions may go unnoticed and uncalculated by measures of productivity, domestic workers free the time and attention of millions of other workers, allowing them to engage in the widest range of socially productive pursuits with undistracted focus and commitment. The lives of these workers would be infinitely more complex and burdened absent the labor of the domestic workers who enter their homes each day. Household labor, paid and unpaid, is indeed the work that makes all other work possible.

Despite their central role in the economy, domestic workers are often employed in substandard jobs. Working behind closed doors, beyond the reach of personnel policies, and often without employment contracts, they are subject to the whims of their employers. Some employers are terrific, generous, and understanding. Others, unfortunately, are demanding, exploitative, and abusive. Domestic workers often face issues in their work environment alone, without the benefit of co-workers who could lend a sympathetic ear.

The social isolation of domestic work is compounded by limited federal and state labor protections for this workforce. Many of the laws and policies that govern pay and conditions in the workplace simply do not apply to domestic workers. And even when domestic workers are protected by law, they have little power to assert their rights.

Domestic workers' vulnerability to exploitation and abuse is deeply rooted in historical, social, and economic trends. Domestic work is largely women's work. It carries the long legacy of the devaluation of women's labor in the household. Domestic work in the US also carries the legacy of slavery with its divisions of labor along lines of both race and gender. The women who perform domestic work today are, in substantial measure, immigrant workers, many of whom are undocumented, and women of racial and ethnic minorities. These workers enter the labor force bearing multiple disadvantages.

Home Economics: The Invisible and Unregulated World of Domestic Work presents the results of the first national survey of domestic workers in the US. It breaks new ground by providing an empirically based and representative picture of domestic employment in 21st century America. We asked a sample of domestic workers a standardized set of questions focusing in four aspects of the industry:

- pay rates, benefits, and their impact on the lives of workers and their families;
- employment arrangements and employers' compliance with employment agreements;
- workplace conditions, on-the-job injuries, and access to health care;
- abuse at work and the ability to remedy substandard conditions.

We surveyed 2,086 nannies, caregivers, and housecleaners in 14 metropolitan areas. The survey was conducted in nine languages. Domestic workers from 71 countries were interviewed. The study employed a participatory methodology in which 190 domestic workers and organizers from 34 community organizations collaborated in survey design, the fielding of the survey, and the preliminary analysis of the data.

Summary of Findings

The survey revealed that substandard working conditions are pervasive in the domestic work industry. Wage rates are low, the work is often hazardous, and workers rarely have effective recourse to improve substandard conditions.

- Low pay is a systemic problem in the domestic work industry.
  - 23 percent of workers surveyed are paid below the state minimum wage.
  - 70 percent are paid less than $13 an hour.
  - 67 percent of live-in workers are paid below the state minimum wage, and the median hourly wage of these workers is $6.15.
  - Using a conservative measure of income adequacy, 48 percent of workers are paid an hourly wage in their primary job that is below the level needed to adequately support a family.

- Domestic workers rarely receive employment benefits.
  - Less than 2 percent receive retirement or pension benefits from their primary employer.
  - Less than 9 percent work for employers who pay into Social Security.
  - 65 percent do not have health insurance, and only 4 percent receive employer-provided insurance.

- Domestic workers experience acute financial hardships. Many indicate that their most basic needs go unmet.
  - 60 percent spend more than half of their income on rent or mortgage payments.
  - 37 percent of workers paid their rent or mortgage late during the year prior to being interviewed.
  - 40 percent paid some of their other essential bills late during the same time period.
  - 20 percent report that there were times in the previous month when there was no food to eat in their homes because there was no money to buy any.

- Domestic workers have little control over their working conditions. Employment is usually arranged without the benefit of a formal contract.
  - Key provisions in standard employment agreements are often absent for domestic workers.
  - 35 percent of domestic workers report that they worked long hours without breaks in the prior 12 months.

- 25 percent of live-in workers had responsibilities that prevented them from getting at least five hours of uninterrupted sleep at night during the week prior to being interviewed.
- 30 percent of workers who have a written contract or other agreement report that their employers disregarded at least one of the provisions in the prior 12 months.
- Among workers who are fired from a domestic work job, 23 percent are fired for complaining about working conditions, and 18 percent are fired for protesting violations of their contract or agreement.

- Domestic work can be hazardous. Workers risk long-term exposure to toxic chemicals and a range of workplace injuries.
  - 38 percent of workers suffered from work-related wrist, shoulder, elbow, or hip pain in the past 12 months.
  - 31 percent suffered from other soreness and pain in the same period.
  - 29 percent of housecleaners suffered from skin irritation, and 20 percent had trouble breathing in the prior 12 months.
  - 36 percent of nannies contracted an illness while at work in the prior 12 months.
  - 29 percent of caregivers suffered a back injury in the prior 12 months.

- Domestic workers experience disrespect and abuse on the job.
  - Interviews with domestic workers reveal that they often endure verbal, psychological, and physical abuse on the job – without recourse. Domestic workers, who are unprotected by contracts and laws available to other workers, fear employer retaliation.
  - 91 percent of workers who encountered problems with their working conditions in the prior 12 months did not complain because they were afraid they would lose their job.
  - 85 percent of undocumented immigrants who encountered problems with their working conditions in the prior 12 months did not complain because they feared their immigration status would be used against them.

Summary of Recommendations

The report offers a set of recommendations that could transform the working conditions of domestic workers. Action is required on several fronts:

- We must enact and enforce policies that rectify the exclusion of domestic workers from employment and labor laws. Among these protections are the right to organize, earn the minimum wage, get paid for overtime, take regular rest and meal periods, claim workers' compensation and unemployment insurance, have healthy and safe work environments, and have effective remedies for discrimination, abuse, and harassment. In addition, policies are required to assure benefits, such as paid vacation and holidays or notice of termination, that are difficult for domestic workers to negotiate with their employers. Policies are needed to address issues particular to live-in workers, such as standard hours of uninterrupted sleep.

- Employers can be a significant part of the solution if they educate themselves about workers' rights and hold themselves accountable to fair labor standards. Employers should be prepared to provide domestic workers with a contractual agreement, fair wages including overtime pay and regular pay raises, access to affordable medical care, secure retirement income, paid leave, and a safe and healthy work environment. Practicing respectful communications and keeping accurate records of hours worked can go a long way toward improving the quality of the employment relationship.

- We must create a more equitable economic environment for all low-wage workers. It is difficult to advocate for the rights of domestic workers in an economic and political environment in which the rights of low-wage workers more broadly are so badly frayed. An increase in the federal minimum wage, a strengthened safety net, paid sick and family leave, access to affordable medical care, and opportunities for career advancement for the low-wage workforce would be major steps toward improving job quality and quality of life for domestic workers. The immigrant workforce would benefit dramatically from a pathway to citizenship. Public policies that raise standards across the low-wage labor market will positively influence the lives of domestic workers.

- We also need to offer social support to families with caregiving responsibilities. Families scramble to craft individual solutions to manage the competing priorities of home, work, and family. Meeting the challenges of intergenerational care will require policy commitments to make high-quality childcare affordable and widely available, to assist families that care for elders in their homes, and to support women who struggle to balance their work and family obligations. Bold solutions will be needed to address the changing generational demographics underway, especially an increased need for home-based, long-term care for the aged.

Domestic workers are an essential part of the solution. Domestic work, though conducted in private homes, contributes substantially to the public good. Household labor is a lynchpin connecting the economics of the home and the economics of the workplace. By committing to improving domestic workers' conditions of work, policy makers and employers – and indeed society as a whole – commit to building an economy based on dignity and care.

We have the opportunity to improve, materially and substantially, the conditions of a critical and especially vulnerable sector of our labor force. Both in the US and globally, a domestic workers' movement for rights and respect has been steadily gaining strength. Domestic workers, through their organizing, are pointing the way forward. It is past time for both employers and policy makers to take heed.

Introduction

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Introduction

A high-tech worker sits at her workstation in Silicon Valley, focused on a project deadline. She solves a complex problem undistracted by worries because a nanny arrived at her home early that morning to take care of her toddler. On the other side of the country, in Miami, a retired couple, up there in years, eats a hot lunch prepared by skilled and caring hands. The couple's sons and daughters, scattered across the country, pass another ordinary day at work, knowing that a caregiver attends to their parents' needs. A Chicago couple spends the weekend going to the gym, yoga classes, restaurants, and cultural events. Their time is freed up by a housecleaner, trusted with their keys, who mopped their floors, washed and folded their laundry, and straightened up every room in the house.

Over the past several decades, in big cities, suburbs, and small towns across the country, a crucial but largely unacknowledged segment of the US labor force has steadily expanded. Nannies, caregivers, and housecleaners are changing the way middle-class America works, plays, raises their children, and cares for their elders, but the conditions in which they themselves work are barely recognized. The rise of this sector of the labor force involves workers from across the globe, yet it is a thoroughly American story.

The centrality of domestic workers in the lives of millions of families, and the special vulnerabilities these workers face, have deep roots in historical, social, and economic trends. Today women go to work outside the home in unprecedented numbers, joining professions and businesses in which they were formerly a marginal or non-existent presence. The confluence of the successes of the women's rights movement, the rising education and aspirations of women, and the stagnation of men's wages has changed the gender profile of the American workforce irreversibly.[1] At the same time, the age profile of the US population has trended upward, as life expectancy rises and the leading edge of the baby-boomer bulge begins to age out of the workforce.

Women's massive entry into the labor force over the past several decades has not been accompanied by generous public policies related to maternity leave, family leave, childcare, elder care, or care for people with disabilities. Both women and men commute and work long hours, leaving little time for basic family maintenance. This has put enormous pressure on families, since "women's work" has not disappeared. Children and elders still need to be cared for, clothes still need to be cleaned, and dinner still needs to be made.

While working-class families manage and absorb the stress in whatever ways they can, many families who have the means to do so shift the responsibility for housecleaning and caretaking, always the hidden and uncompensated labor of women, to domestic workers. Today, women from around the world have stepped in to fill a large and growing demand for household labor.

Domestic work has always been a feature of US life, beginning with the enslaved, indentured, and semi-free female laborers of colonial times. For much of the 19th century, domestic work was a major source of employment, if not the principal occupation, for African American women in the South; for Mexican, Mexican American and Native American women in the West and Southwest; for Asian women and men in California and Hawaii;

and for European immigrant women in the Northeast and Midwest.[2] During the first half of the 20th century, internal migration pulled African American domestic workers from the South to urban centers in the Northeast and Midwest. More recently, the racial and ethnic profile of domestic workers has shifted as employment opportunities broadened for black women, and migration patterns and policies brought increasing numbers of immigrant women into the US labor force.

The reasons women leave their native countries are as varied as the women themselves; each woman's story is filled with unique hopes and heartaches. Yet their individual decisions animate a global movement of labor: the unstoppable migrations of workers from severely distressed economies to economies that benefit from their hard work. This current of immigration has quickened since the 1960s, when women in their millions, many of them with skills and education garnered in their home countries, decisively and bravely joined the ranks of those who cross seas and borders bent on survival. These women carry their most precious exchangeable resource – their capacity to work – to whatever market will pay them enough to support themselves and their families.

> Women's massive entry into the labor force over the past several decades has not been accompanied by generous public policies related to maternity leave, family leave, childcare, elder care, or care for people with disabilities. Today, women from around the world have stepped in to fill a large and growing demand for household labor.

Both US-born and immigrant domestic workers, predominately women of color, work in an array of circumstances. A few staff the homes of the terrifically wealthy, serving the 1percent in homegrown, contemporary versions of Upstairs/Downstairs and Downton Abbey. Many, many more work in the homes of busy, middle-class professionals who have sufficient income and wealth to hire help to do the chores that would otherwise consume their limited time. Still other domestic workers assist people of more modest means, stopping in once every two weeks to give the kitchen and bathroom a thorough going-over, helping an elderly person with laundry and meals, picking up the kids after school, or attending to the needs of a person with a disability.

In all circumstances, US domestic workers share conditions that leave them especially vulnerable to abuse on the job. While some employers are terrific, generous, and understanding, others, unfortunately, are demanding, exploitative, and abusive. Working behind closed doors, in isolation, domestic workers are subject to the whims of their employers, more so than most other workers. While most other workers can contest unfair practices under personnel policies, employment contracts, and federal and state regulations, domestic workers have few of these remedies, and they know how readily their employment can be terminated. They have no choice but to weigh the

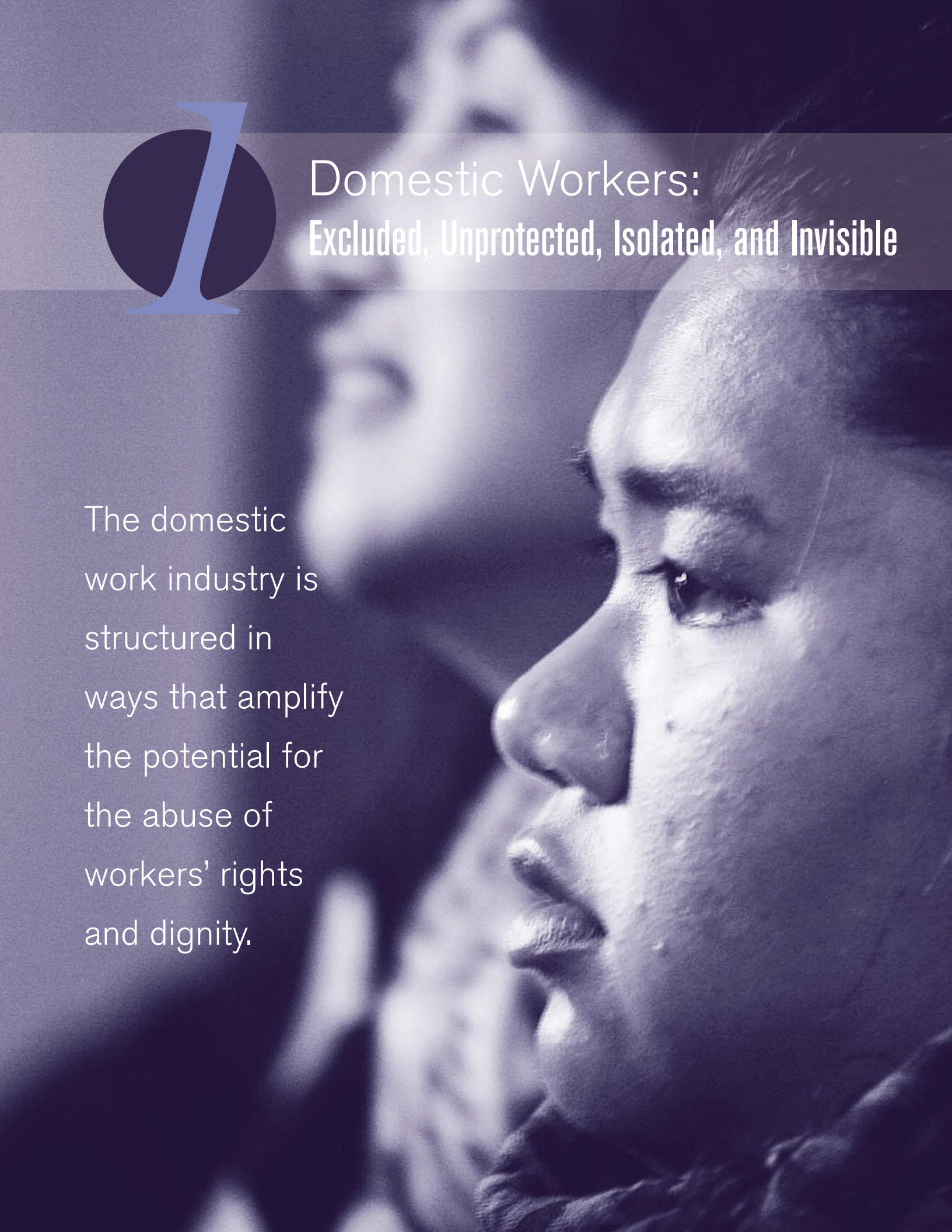
economic cost of unemployment to themselves and their families, before they even complain. The exclusion of domestic workers from labor regulations and standards is a holdover from slavery, the historic devaluation of black and brown labor, and the determination of employers, well into the 20th century, to maintain access to domestic labor on the cheap and without interference. Many of the laws and policies that have come to regulate wages and hours, health and safety, and the right to organize simply do not apply to domestic workers. Further, when domestic workers are covered, for example, by federal and state minimum wage laws, they have almost no power to assert their rights.

The isolation and lack of legal protection domestic workers face is compounded by the profoundly intimate conditions of their household labor. They often develop bonds of trust, mutual dependence, affection, and even love with those for whom they work. The nanny or elder caregiver who does not demonstrate some affection for her charges will soon find herself without a job. These bonds of affection, not unlike other intimate human relations, may entangle workers in arrangements that are not in their best interest.[3]

This report breaks new ground. It presents the results of the first large-scale, national survey of domestic workers in the US. Through local organizations in 14 cities, domestic workers were trained to do outreach and conduct interviews. Through their committed efforts, they were able to overcome language barriers, logistical challenges typical of the domestic work industry, and the understandable reluctance of many undocumented workers to tell their stories. They collected more than 2,000 surveys, patiently guiding workers through an extensive questionnaire. As a result of their efforts, a hidden story has been brought to light. We are able, for the very first time, to draw an empirically grounded picture of what it means to be a domestic worker in 21st century America. This study reveals just how much it costs undervalued workers to labor in an unprotected industry.

This generation of policy makers and employers has the opportunity and the responsibility to inscribe a different narrative and to right historic wrongs. We can, as a nation, transform the way we think about domestic labor and the people who do it. We can change our social policies and our individual practices to reflect the truth that domestic workers are as worthy of respect, fair compensation, and labor protections as all other workers. And we can act on the understanding that improving the conditions in which domestic workers labor is an important step toward creating an economy that values the hidden work of care.

Domestic workers are organizing across the land for municipal, state, and federal policies that address the peculiarities of their working conditions.[4] In the face of formidable challenges, they are insisting that their labor be recognized and valued. This report is intended to provide a more solid foundation for a long overdue national conversation about how to ensure that those who care for our homes and our loved ones are treated fairly and accorded the respect their labor surely deserves.



1 Domestic Workers:
Excluded, Unprotected, Isolated, and Invisible

The domestic work industry is structured in ways that amplify the potential for the abuse of workers' rights and dignity.

Domestic Workers: Excluded, Unprotected, Isolated, and Invisible

The domestic work industry is structured in ways that amplify the potential for the abuse of workers' rights and dignity. As in any employer-employee relationship, there is a power dynamic at play. While the employer needs labor and the employee needs work, this is rarely an equal exchange. The employer, who has the power to hire and fire, to determine the scope and the conditions of work, to set wages, and to provide or withhold benefits, exercises a level of control that the worker, who mainly has the power to withhold labor, simply does not have. For domestic workers, this inequality is intensified for a range of reasons, some inscribed in law and regulations, some particular to the nature of the work itself, and some related to the demographics of the workforce.

1.1 Excluded from Worker Protections

Domestic workers are explicitly excluded from the protections of key federal labor and employment laws and standards. This absence of institutional employment rights and protections leaves domestic workers particularly susceptible to employer abuse and exploitation. For example, the 1935 National Labor Relations Act [NLRA], which guarantees workers' rights to form unions, choose representatives, and bargain collectively, does not apply to either agricultural or domestic workers.[5] The story of how this came to be exposes the deeply compromised political arrangements that continue to affect the lives of domestic workers more than 75 years later.

Southern politicians were critical to the coalition that passed the NLRA and other New Deal legislation. Securing their votes required an endorsement of the labor system in the South, which was dependent on the control and subordination of vulnerable, cheap, black labor.[6] In the mid-1930s, most black workers in the southern states were engaged in either farm labor or domestic work.[7] Excluding these sectors from the protections of the NLRA ensured that southern black workers could not form unions, reinforcing a racial regime of white domination, and a labor regime of extreme exploitation.[8] Despite the fact that these exclusions originated in a patently racist compromise, these provisions of the NLRA remain in force. Today, their effect is to set aside domestic workers as an excluded, unprotected class, undeserving of the rights afforded other workers.

Federal anti-discrimination law excludes most domestic workers on a de facto basis, because it applies only to enterprises with multiple employees. Similarly, domestic workers are excluded from the protections of the Occupational Safety and Health Act, which does not apply to employers who hire workers to perform household tasks.[9]

1.2 When Home and Workplace Are One

The fact that domestic work, by definition, takes place in private homes creates a set of conditions that militate against the full exercise of workers' rights. Unlike workers in large-scale enterprises, domestic workers do not have the power of their numbers to bolster their bargaining position vis-à-vis their employers. The domestic worker is isolated from other workers who might share similar conditions of labor, and could witness patterns of abuse or abrogation of rights. In most cases, domestic workers labor alone, often far from their own home communities.

The idea of home is deeply infused with the notion of private space, beyond governmental interference or regulation. The vast majority of workers and employers, even those in small, family-

run businesses, are subject to a framework of laws and regulations that set minimum standards of conduct. Employers are expected to create and sustain safe, non-abusive, non-discriminatory work environments, and workers have legal recourse if they do not. Domestic workers are rarely treated in accordance with these basic workplace standards. Employers naturally think of their homes as safe and humane places in which to live and raise their families. When the home doubles as a workplace, there is a kind of code switching required in order to, for example, cast an objective eye on the home as a potentially hazardous job site.

Domestic work is unseen in the way that most work dedicated to cleaning and caring is unseen. At the end of the domestic worker's day, no durable goods or consumer products have been created or distributed; neither the flow of capital nor the accumulation of profits has been directly served. Instead, a child is another day older and still safe and healthy. An elderly parent is well fed and attended to. The absence of dirt on a kitchen floor is silent witness to a laboring hand. In a capital-dominant world, work that does not appear to produce value or facilitate its exchange is devalued and rendered socially invisible. Yet this labor, whether performed by a family member or by an employee, supports and subsidizes all other productive work.[12]

Home is also the site of the interplay of intimate human relations. The domestic worker, especially a nanny or caregiver, may begin employment as a stranger, an outsider, but rapidly enters into an intimate relationship with the family that employs her. She spends long stretches of time in someone else's private space, tending to emotional and physical needs. She may be privy to the increasing frailty and confusion of an elder with dementia, or to the anguish of a troubled child. She may hold secrets with which she never wanted to be burdened. This intimacy can become an emotional entanglement that confuses employers and disarms workers, potentially undermining their already structurally limited ability to negotiate terms of employment.

Excluded from Worker Protections

- The National Labor Relations Act explicitly bars domestic workers from forming unions or bargaining collectively.
- Live-in domestic workers, who are especially subject to unreasonable and uncompensated demands on their time, are excluded from the overtime provisions of the Fair Labor Standards Act.[10]
- Domestic workers routinely work with toxic products, yet are excluded from Occupational Safety and Health Act protections.
- Federal anti-discrimination law, including the Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act, generally covers employers with multiple employees, creating a de facto exclusion for the vast majority of domestic workers.[11]
- Many state employment laws and regulations either explicitly exclude domestic workers or do so on a de facto basis.

The domestic work industry is structured in ways that undercut the capacity of workers to exercise their rights. It falls outside the regulatory regimes designed to protect most other workers. It is organized around atomized relationships in which workers have no cumulative power. The work itself disappears from view into a sphere considered private.

1.3 Labor Market Vulnerabilities

While domestic workers play an increasingly important role in the US economy, key characteristics of the workforce heighten its exposure to low wages and substandard working conditions. Nannies, caregivers, and housecleaners are overwhelmingly female. The workforce is predominately immigrant and includes large numbers of undocumented workers. The majority of domestic workers are women of racial and ethnic minorities. And domestic workers have lower levels of educational attainment than the broader workforce. This set of characteristics positions domestic workers at a distinct disadvantage in the labor market.

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The domestic work labor force is large and growing. The Census Bureau's annual survey, the American Community Survey [ACS], finds that, from 2004 to 2010, the number of nannies, housecleaners, and caregivers working in private households and directly paid by their employers rose from 666,435 to 726,437, an increase of nearly 10 percent.[13]

The actual number of domestic workers undoubtedly is far higher. These ACS figures do not take into account workers who are hired through placement agencies or those who work for private cleaning companies. Nor do they count some types of workers who could be considered domestic workers, such as cooks or chauffeurs. Furthermore, categorical overlap and fluidity complicates how domestic workers are counted. For example, a caregiver to an elderly person might perform many of the same functions as a home health aide, and vice versa.[14]

We also may reasonably presume that domestic workers, a sector of the population with a large proportion of undocumented immigrants, are undercounted in the ACS due to reluctance on the part of many to share information with governmental entities, and because of language barriers. Researchers have confirmed that the Census Bureau undercounts undocumented immigrants for these reasons, as well as other inadequacies in data collection methods.[15]

While the precise numbers of domestic workers throughout the US may be unknown, the ACS does reveal some key characteristics of the labor force.[16] The demographic profile of nannies, housecleaners, and caregivers leaves them extremely vulnerable to very low pay and substandard working conditions.

- Domestic workers are overwhelmingly female in an economy with a persistent gender gap in wages. According to the ACS, 95 percent of nannies, caregivers, and housecleaners are female. Domestic workers are women doing women's work. Their paychecks bear witness to this simple truth.[17]

- Domestic workers are, in their majority, women of racial and ethnic minority groups. Fifty-four percent of ACS respondents identify as Latina or Hispanic, black or African American, Asian or Pacific Islander, or "some other race" other than white.[18] As a predominately women-of-color workforce, most domestic workers enter the US labor market at a disadvantage, encountering the racial differentials embedded within it.[19]

- Domestic workers are largely and increasingly immigrants in a labor market in which immigrant workers operate at a distinct wage disadvantage. According to the ACS, 46 percent of domestic workers are foreign born.[20]

- A significant proportion of domestic workers are undocumented in an economy and sociopolitical environment in which undocumented status incurs a substantial penalty. Thirty-five percent of domestic workers in the ACS are non-citizens. While the ACS does not ask non-citizens about their documentation status, our report verifies that substantial numbers of domestic workers are undocumented immigrants. These domestic workers pay a substantial wage penalty and face additional constraints on their capacity to resist wage violations and abusive working conditions.[21]

- Though many domestic workers are well educated, including a sizeable segment who have attended college, the workforce also includes a relatively large proportion of workers with lower levels of educational attainment. While 15 percent of adults in the US do not have a high school diploma, 32 percent of domestic workers have less than 12 years of schooling, according to the ACS. Limited education circumscribes domestic workers' earning power and employment options. They must navigate an inhospitable labor market from a less-competitive position.[22]

In the context of the absence of labor and employment protections, and the radically decentralized and intimate nature of the work, these combined demographic characteristics render the workforce vulnerable to the low wages, absence of benefits, hazardous environments, and abuses of power that too often typify domestic work.

2

Methodology

We surveyed 2,086 domestic workers in 14 metropolitan areas. Workers from 71 countries were surveyed.

Methodology

This study aims to break new ground by contributing an empirically grounded and representative picture of domestic work to the impressive body of research and analysis currently available on this topic. It was designed to cover four aspects of the domestic work industry:

- pay rates, benefits, and their impact on the lives of workers and their families;
- employment arrangements and employers' compliance with employment agreements;
- workplace conditions, on-the-job injuries, and access to health care;
- abuse at work and the ability to remedy substandard conditions.

This report builds on a solid and growing body of research, primarily qualitative studies, by scholars in a range of disciplines. Their work has provided both an historical investigation into the evolving character of domestic work, as well as a nuanced analysis of contemporary conditions faced by domestic workers in the US and abroad.[23] This report also builds on several smaller-scale local studies initiated by domestic worker organizations.[24]

Documenting conditions in the domestic work industry presents its own set of challenges. The dispersed nature of the work means there are no central locations where large numbers of workers congregate. The secluded character of the work, especially for live-ins, is an additional barrier to contacting workers. Most domestic work is paid for "under the table," and as such is rarely disclosed by workers or employers. Finally, domestic workers are fully aware of their vulnerabilities, including the possibility of employer reprisals and, for some, exposure of their irregular immigration status. This makes it particularly challenging to gain their confidence to participate in a survey process. As a result, empirical data on the domestic work industry is scattered and incomplete. Information beyond the descriptive and anecdotal about wages, family hardship, expansion of job responsibilities, and workplace hazards has been especially difficult to obtain.

This study was designed to work through these challenges and to begin to address these critical research needs. It employed a participatory methodology in which 190 domestic workers and organizers from 34 community organizations collaborated in survey design, the fielding of the survey, and the preliminary analysis of the data. Surveyors were extensively trained in their native languages to recruit and survey participants. We recruited participants primarily through "snowball sampling," a technique that asks each interviewee to identify future participants from among their acquaintances. Surveyors went to parks, transportation hubs, churches, and shopping centers to ask nannies, housecleaners, and elder caregivers about working conditions in private households.

Between June 2011 and February 2012, we surveyed 2,086 domestic workers in 14 metropolitan areas: Atlanta, Boston, Chicago, Denver, Houston, Los Angeles, Miami, New York, San Antonio, San Diego, San Francisco, San Jose, Seattle, and Washington, D.C. These metropolitan areas represent every region of the country, and collectively they are home to 243,370 nannies, caregivers, and housecleaners.[25] In addition, 29 semi-structured and focus group interviews were conducted, and 52 testimonies were collected from members of domestic worker organizations.

To ensure that the survey represented the domestic worker labor force in each metropolitan area, we derived targets for each city in the survey from the ACS's 2005-2009 five-year sample (Appendix A). Interviewers were given demographic and occupational targets, specifying the race/ethnicity, nativity, and occupation (nanny, caregiver, or housecleaner) of workers to be sampled. Although the domestic workers in our sample were extremely diverse racially and ethnically, for the purpose of this survey, we elected to use four racial/ethnic categories: white, Latino, black, and Asian-Other. Respondents self-identified and were given the option of choosing more than one category.[26] The final sample was weighted to be representative of the demographic and occupational characteristics of the workforce in each of the metropolitan areas.

Interviews took 45 to 60 minutes to complete and were conducted face-to-face in nine languages: English, Spanish, Portuguese, Polish, Tagalog, Mandarin, Cantonese, Haitian Creole, and Nepali. In total, workers from 71 countries were surveyed. Respondents received a $20 incentive for their participation. Surveyors were also compensated for each survey completed.

Potential respondents were screened and required to meet four conditions for inclusion in the survey:

- They had worked in a private home(s) during the previous week for a minimum of six hours as a nanny, housecleaner, or caregiver.
- They received pay for their domestic work job(s) directly from a member of the employing family, rather than, for example, from an employment agency, government entity, or cleaning service.
- They were at least 18 years of age.
- They lived in one of the metropolitan areas included in the survey.

The survey instrument guided the interviewers to ask about work schedules, job tasks, wages and earnings, health and safety in the workplace, training, and demographics. The survey did not presume any knowledge of employment and labor laws on the part of workers. To reduce bias in relation to knowledge about and exercise of employment rights, workers were disqualified from the survey if they were members of organizations that advocate for the rights of workers.

The survey process resulted in a final sample that is reflective of the segment of the domestic work industry that operates as an informal labor market in which households directly engage domestic workers' services. The final sample includes live-in and live-out workers, and a representative number of nannies, caregivers, and housecleaners. The final sample also includes US- and foreign-born workers of all races, including a large share of undocumented immigrants. (For characteristics of the sample, see Appendix A.)

3 Findings

Employed in private homes, behind closed doors, domestic workers endure long hours and substandard pay. There is little economic mobility and almost no financial security.

Findings

3.1 Home Economics: Low Pay, Lack of Benefits, Family Hardship

Having honed her child development skills as a teacher in the Philippines, Anna was hired as a live-in nanny for a family of four in Midtown Manhattan. Anna's workday is long, and she works every day of the week. She begins at 6 a.m. when the children wake up, and ends around 10 p.m. when she finishes cleaning the kitchen, after having put the children comfortably to bed. Her work consists of multiple tasks: cleaning, laundry, preparing family meals, and tending to all the children's needs, including teaching them to read. At night, she sleeps between her charges on a small mattress placed on the floor between their beds. She has not been given a single day off in 15 months. Like many domestic workers, Anna's pay is low. She was originally promised $1,500 a month but receives only $620. On average, then, she is paid just $1.27 per hour.

Anna's story vividly illustrates some of the challenges facing domestic workers: poorly delineated tasks, long workdays, and low pay. Survey data were analyzed to determine the hourly wage rates paid by workers' "primary" employer – the employer for whom the most hours were worked in the previous week. The median hourly wage for the domestic workers surveyed is $10 an hour, so Anna's wage is on the low end of the pay scale, but she is not alone (TABLE 1). Nearly one-quarter (23%) of survey respondents are paid less than the minimum wage.[27] Over half (56%) put in more than 40 hours of work per week for their primary employer, and many are paid a flat rate that does not fluctuate based on the actual number of hours worked. The tendency within private households is for work tasks to expand and for the workday to lengthen, often driving pay below the minimum-wage rate.

Table 1. Median Hourly Wage for Occupations by Race/Ethnicity and Employment Arrangement

		Nannies	Caregivers	Housecleaners	All Occupations
Race/Ethnicity	White	$12.55	$12.00	$12.50	$12.13
	Latina/o	$8.57	$10.00	$10.00	$10.00
	Black	$12.71	$10.00	$10.89	$10.99
	Asian/Other	$11.11	$8.33	$10.00	$10.00
Live-in/out	Live-in	$6.76	$7.69	$5.12	$6.15
	Live-out	$11.55	$10.00	$10.71	$10.82
All Workers		$11.00	$10.00	$10.00	$10.00

Source: Analysis of 2011-12 National Domestic Workers Survey.

Minimum wage violations are a clear reflection of the systemic problem of low pay in the industry. Even toward the upper end of the pay distribution, where workers have more autonomy and may have enjoyed some upward mobility, wages still tend to be low. Seventy percent of domestic workers surveyed are paid less than $13 an hour by their primary employer, and less than 9 percent are paid more than $18 per hour.

Wage rates vary by occupation. Among nannies, the median wage rate is $11 per hour. Twenty-eight percent of nannies are paid less than the minimum wage, and less than 8 percent are paid more than $18 an hour. Caregivers have an even more compressed wage distribution: the median hourly wage is $10, 27 percent earn less than the minimum wage, and just 7 percent are paid more than $18 an hour. Finally, the median hourly wage for housecleaners is $10, 20 percent earn

less than the minimum wage, and 10 percent earn more than $18 an hour. Although nannies receive the highest median hourly wage, they are also most likely to earn less than the statutory minimum, a consequence of many nannies' working as live-in domestic workers.

The wages paid to live-in workers are uniformly low. The median hourly wage for these workers is just $6.15, and 67 percent are paid less than the minimum wage. At the other end of the pay distribution, less than 4 percent of live-in workers surveyed are paid more than $18 an hour. The substandard conditions of live-in jobs are well known among the workforce, and these jobs often are held by the most vulnerable workers who, because of sheer economic necessity, are reluctant to exercise their rights in the workplace.[28]

As the research literature on domestic work has conclusively shown, live-in workers rarely have control over the number of hours they work. Here again, Anna's experiences are illuminating. Anna sleeps on the floor between the children she cares for, so she is the first to respond to their calls and the last to see them off to sleep. In addition, the adults expect food to be prepared, laundry to be washed, and the house to be cleaned in the intermittent moments when childcare is not required. Because every home has a never-ending list of tasks to be completed, and because live-in workers are essentially on-call, the limits to work that would normally apply in a job simply do not exist.

> Domestic workers find themselves on constantly shifting terrain with respect to their employment agreements – both verbal and written. Their accounts confirm the costs of contesting working conditions, for when they speak to the injustices they endure they often find themselves to be "disposable" in the eyes of employers.

Domestic work, both live-in and live-out, is performed largely by immigrant women and women of color. Mary Romero, author of *Maid in the U.S.A.*, explains, "In the same way that race played a major role in positioning women in the domestic service labor market a generation ago, citizenship status has become a crucial factor in characterizing workers' experiences today."[29] Race, of course, still matters, and domestic work is deeply racialized with respect to occupation and pay. According to the ACS, more nanny positions are held by whites (64%) than by any other racial or ethnic group. In addition, 55 percent of caregivers are white, 18 percent are black, 17 percent are Latina, and 10 percent are Asian. Among housecleaners, 52 percent are Latina.

Undocumented Workers Face Lower Wages and Worse Working Conditions

Thirty-six percent of our survey respondents were undocumented immigrants. Undocumented workers face even more significant challenges than the rest of the labor force. They have almost no standing to negotiate for better wages or working conditions, and live in fear that their irregular status will be exposed. Consequently, undocumented domestic workers receive lower wages and encounter worse working conditions than domestic workers whose documentation status is secure.

- Undocumented domestic workers in all categories – nannies, caregivers, and housecleaners – are paid less than documented immigrants and native-born workers.
- Undocumented domestic workers face more severe financial hardships than other workers. Rent or mortgage payments more often consume an outsized portion of their limited income, and they have a harder time paying essential bills.
- Though more undocumented workers report problematic working conditions, fewer complain or quit their jobs.
- Undocumented domestic workers are more often assigned work outside their job description than are other workers.
- Undocumented domestic workers are more likely to be required to do heavy, strenuous work; to work with toxic cleaning products; to be injured on the job; and to work while sick, injured, or in pain.

The impact of race and ethnicity on wage differentials within the domestic work industry is especially pronounced when rates of pay for specific occupations are examined, though complex interconnections between race/ethnicity and immigration status must be disentangled to get an accurate description of wage differentials.

Beginning with differentials by race/ethnicity, the survey found that the median hourly wage of white domestic workers is $2.13 higher than that of Latinas and workers in the Asian-Other category, and $1.14 higher than that of black workers. However, at $12.13, the median wage rate of white domestic workers is still quite low, again a reflection of the low-pay levels that are endemic to the industry.

Turning to wage differentials by race/ethnicity and occupation, the median hourly wage of white nannies is $12.55, while for Latinas it is $8.57, and for workers in the Asian-Other category it is $11.11. Surprisingly, although women of color are generally paid less across a range of jobs in the US, black nannies, at $12.71, have a higher median hourly wage than nannies of other racial/ethnic groups. In the case of caregivers, whites have a median hourly wage of $12; Latinas and blacks earn $10; and workers in the Asian-Other category earn $8.33. Latina nannies and Asian

caregivers have the lowest median hourly wages in their occupations, indicating substantial racial differences in pay. The wage differentials between these two groups reveal differences by race/ethnicity in pay rates within caring occupations, though as will be described below, immigration status appears to be an important part of the story of both low wages and wage differentials in this segment of the industry. Finally, in the housecleaner occupation, white workers have a median hourly wage of $12.50; black workers earn $10.89; while Latinas and workers in the Asian-Other category earn $10 an hour.

As Romero noted, citizenship has come to play a prominent role in wage setting. Overall, the median hourly wage of domestic workers who are US citizens is $12, compared to $10 for undocumented immigrants (a 17% wage penalty), and $10 for non-citizen documented immigrants (a 17% wage penalty) (Table 2). In the case of nannies, US citizens have a median hourly wage of $12.51, compared to $9.86 for undocumented immigrants (a 21% wage penalty). Latina nannies, however, have a particularly low median wage, and undocumented immigrants comprise a large share of Latinas in this occupation. Race/ethnicity and immigration status appear to intersect in this segment of the industry, creating significant disadvantages for undocumented Latinas; their median hourly wage is just $8.31.

Table 2. Median Hourly Wage for Occupations by Immigration Status

	Nannies	Caregivers	Housecleaners	All Occupations
Nativity/Citizenship				
US citizen	$12.51	$10.19	$11.91	$12.00
US-born	$12.56	$10.30	$12.00	$12.00
Foreign-born	$12.25	***	$11.58	$11.67
Documented Immigrants (non-citizens)	$10.00	$9.59	$10.00	$10.00
Undocumented Immigrants	$9.86	$8.33	$10.00	$10.00
All Workers	$11.00	$10.00	$10.00	$10.00

**** Small sample size.*

Source: Analysis of 2011-12 National Domestic Workers Survey.

A similar pattern is seen for caregivers. Caregivers who are US citizens are paid a median hourly wage of $10.19, while for undocumented immigrant caregivers it is $8.33 (an 18% wage penalty). Asian workers are over-represented in low-wage caregiver jobs. Although the sample of Asian caregivers completing the survey did not allow for a robust assessment of wage differentials by immigration status, the data suggests that undocumented immigrant status also intersects with race/ethnicity for Asian workers to create unique labor market disadvantages in the form of job segregation and low pay.

Finally, the wages of housecleaners confirm this pattern of wage differentials across the industry: US citizens earn a median hourly wage of $11.91, while undocumented immigrants earn $10 (a 16% wage penalty). In other words, there is little variation in the generalized pattern of wage differentials in domestic work occupations –undocumented immigrants are systematically paid less than documented immigrants and US-born workers.[30]

Not only are wages in these occupations low, but workers rarely receive employment benefits. Less than 2 percent receive retirement or pension benefits from their primary employer, and less than 9 percent work for employers who pay into Social Security. This lack of benefits undermines the long-term economic security of domestic workers, who rarely are able to save money for the future given the low wages they earn. The need to maximize earnings whenever possible imposes real costs and constraints on workers who are laid off or who quit a substandard job to search for a new one. Short- and long-term financial pressures weigh heavily on domestic workers, and they often regard staying in a low-wage job as preferable to the risks and costs of unemployment, should they decide to attempt switching employers.

Consider the case of Elena, who initially entered the US as a live-in nanny under a work visa, and was paid approximately $1.50 an hour by her employer. She found higher paying work for another family in Miami as a live-out housecleaner and nanny. Elena was paid regularly for the first two years of employment, but in the third year her employer stopped paying her. Elena reports, "She kept promising to pay me, and I kept working. She would give me checks sometimes, but they were bad. I worked . . . without being paid, until she owed me almost $7,000. I thought I had to keep working or else I would not have a right to get the pay she already owed me."

Wage theft of this sort affects a significant minority of domestic workers, compounding the problem of low pay. Ten percent of workers surveyed report at least one instance of being paid less than agreed to or not at all for work completed in the previous 12 months, and 23 percent report being paid late during that period, a stress on themselves and their families given their consistently low wages.

> Because every home has a never-ending list of tasks to be completed, and because live-in workers are essentially on-call, the limits to work that would normally apply in a job simply do not exist.

Indeed, overall wage rates for the vast majority of domestic workers are below the level needed to adequately support a family. The US Department of Labor has established the Lower Living Standard Income Level (LLSIL), a measure of economic insecurity that is updated annually and adjusted for regional differences in the cost of living. Seventy percent of the LLSIL is the threshold used by the Labor Department for wage adequacy for a full-time, full-year worker. In the cities where we surveyed, 70 percent of the LLSIL for a family of three ranged from $8.46 an hour in Houston to $11.92 in New York City. Overall, 48 percent of the domestic workers surveyed are paid an hourly wage by their primary employer that is below 70 percent of the LLSIL for their metropolitan area. In other words, nearly half of domestic workers are paid wages that are entirely inadequate to support themselves and their families.[31]

BASICneeds GOUnmet

Figure 1: Basic Needs Go Unmet

Low pay creates acute financial hardships, and many of the workers surveyed indicate that their basic needs go unmet (FIGURE 1). For example, 37 percent of workers report that in the past 12 months they were forced to pay their rent or mortgage late. Housing costs are the largest expense for most domestic workers; 60 percent spend more than half of their income on rent or mortgage payments.[32] In addition, 40 percent report paying some of their essential bills late in the previous month. During the same period, nearly a quarter (23%) of workers report they are unable to save money for the future. And most strikingly, one in five (20%) workers report that in the past month there were times when there was no food to eat of any kind in their own home because they had no resources to obtain it.

Domestic workers' families are thus left struggling to make ends meet, while employers' families receive the benefits of their physical and emotional labor. This imbalance is rooted in the very structure of the domestic work industry. Employed in private homes, behind closed doors, domestic workers endure long hours and substandard pay. There is little economic mobility and almost no financial security.

Anna and Elena, like so many other domestic workers, have fallen through the gaps created by exclusions in US employment law that deny domestic workers basic workplace protections. There is nothing inherent in domestic work, of course, that justifies its low pay. Rather, the very absence of labor protections, combined with the economic insecurity of the workforce, gives employers the decisive upper hand when negotiating pay and conditions, and these factors contribute to the hardships that domestic workers endure, both on and off the job.

3.2 House Rules: Working without Enforceable Contracts

Carmen, a grandmother from Nicaragua, was initially hired as a live-in housecleaner for a Miami couple. After a short time on the job, her responsibilities were expanded to include laundry, gardening, childcare, and looking after the family's 10 dogs. She was promised lodging and food, though she was only allowed to eat when there was food to spare. For the myriad tasks she performed each day, Carmen was paid $30 some weeks, $50 others, but most of the time she was paid nothing at all. When she broke her arm while on the job, she initially tried to work through the pain. As it became clear that she needed medical attention and would not be able to continue working as she had been, her employers fired her, leaving Carmen injured and without a job or a place to live. Not all domestic workers are treated as poorly as Carmen was, but far too many experience similar abuse.

Carmen's workday was governed by a set of informal instructions from her employers that, over time, came to encompass a greater range of household tasks. The expansion of Carmen's duties was non-negotiable. Her employers dictated the terms of employment, and without explicit limits, they were able to act capriciously, changing those terms to suit their whims. Carmen's steadily eroding terms of employment would have been easier for her to address had a formal contract been negotiated at the outset.

When the private home is also a workplace, formal, written employment contracts are crucial. Contracts underscore that, in the most fundamental sense, domestic work is an employment relationship. Contracts benefit both employers and employees, since they provide guidelines for each party. Moreover, in the absence of effective laws governing employment relations in the home, a contract becomes the principal means through which workers can safeguard their rights at work.

Living in an Employer's Home

Live-in domestic workers are in a uniquely precarious position. With home and job site fully merged, they may find themselves constantly on call. With their place of residence at stake, they may feel even more reluctant than other workers to contest unsafe or abusive working conditions. Eleven percent of our survey respondents were live-in workers.

Many live-in domestic workers:

- Work exceedingly long hours, often without breaks and for very low pay.
- Are often given additional work to do during their scheduled time off.
- Make do with insufficient sleep.
- Lack privacy, freedom to come and go, and private means of communication.
- Are substantially more likely than other domestic workers to be assigned work outside their job description or to be asked to work for someone else without extra compensation.
- Are more than twice as likely as other workers to be yelled at or verbally abused.

However, like Carmen, the vast majority of domestic workers have no formal contract that establishes the basic parameters of their work; in fact, just 8 percent of workers have written contracts with their primary employer. It is far more common for employers to make some sort of verbal agreement with the domestic workers they hire. Two-thirds (67%) of workers indicate they had an informal conversation with their employer about job expectations, usually on their first working day. However, the verbal agreements, and even some of the written contracts that are in place, more often resemble a set of instructions to the worker than a contract in the legal sense, which binds both parties in their responsibilities to one another. Employers often regard contracts and agreements as non-binding, and they rarely are revisited over the course of employment, leading to escalating expectations that workers must navigate.

> When agreements exist concerning schedule, pay, and job responsibilities, they tend to break down over time. Workers are routinely expected to do more for the same pay, stretching both the hours worked and the tasks performed.

Where employment contracts and verbal agreements are operative, they often are of limited scope. Whereas most contracts include provisions governing wages (97%), job responsibilities (96%), time of payment (91%), schedule (84%), and the number of hours to

be worked (77%), there are a host of important employment issues that rarely are addressed. Seventy-eight percent of contracts do not include a requirement that employers pay workers when the worker is not needed during scheduled hours; 87 percent do not cover job-related medical expenses; and more than three-quarters do not include provisions for paid sick leave (80%), vacation time (77%), or holidays (77%). Laura, a caregiver in San Francisco, speaks to some of these issues, when she remarks that if she could suggest some improvement to her employer for whom she has worked for many years, she would like there to be "agreements" regarding schedule, pay, raises, and benefits.

Of course, a contract or agreement is no guarantee against workplace violations. Anna, the nanny working in Manhattan, has a contract that stipulates she will work for 40 hours per week; in reality, she works more than double that, although her employer insisted that she sign a contract confirming the bogus work schedule. Her situation is paralleled by many of the domestic workers surveyed. They report that the number of hours worked and their schedules are the most likely contract items to be violated by the employer, each at a rate of 20 percent. In addition, 19 percent of workers report that the agreed upon scope of their job responsibilities are breached. Overall, 30 percent of workers who have a contract or agreement reported that in the past 12 months alone their employers disregarded at least one of the provisions specified in their (often-limited) agreements.

The frequent violation of employment terms suggests that these agreements are often amorphous, their fluidity serving to benefit the employer. Bridget Anderson, the author of *Doing the Dirty Work: The Global Politics of Domestic Labour*, notes, the "problem for the worker is that her work is not definable in terms of tasks performed, nor is there any objective standard – of cleanliness and tidiness, for example – that she must meet; the standard is imposed by the household manager, and the standard can always be raised."[33] If an employer is bent on getting his or her "money's worth," there is always more cleaning that can be done.

Domestic workers report that when agreements exist concerning schedule, pay, and job responsibilities, they tend to break down over time. Workers are routinely expected to do more for the same pay, stretching both the hours worked and the tasks performed. Indeed, 24 percent of workers report that in the last week they have been assigned work beyond their job description. Of these, 74 percent report they cannot refuse the additional work, and 67 percent were not paid for their extra time (FIGURE 2). Tellingly, only 15 percent of workers indicate that they are guaranteed overtime pay in their employment agreement.

For many domestic workers, long days are the norm. Thirty-five percent of the domestic workers surveyed report working long hours without breaks. Nannies and caregivers most often endure extended time on the job because of the numerous and varying demands of personal care. In the previous week, 40 percent of nannies and caregivers worked more than 40 hours for their primary employer. One-on-one interviews with domestic workers reveal that employers rarely maintain accurate records of work schedules or overtime hours, which allows them to disregard previous agreements regarding schedule, hours, and pay.

Live-in workers are especially vulnerable to the problem of overwork (Figure 3). Fifty-eight percent of live-in workers report that their employers expect them to be available for work outside of their scheduled work hours. Of these workers, 49 percent report that their employer expects them to be available at any time – whether or not they are enjoying a day off or simply a night of sleep. In fact, 25 percent of live-in workers indicate that, in the last week, their work schedule prevented

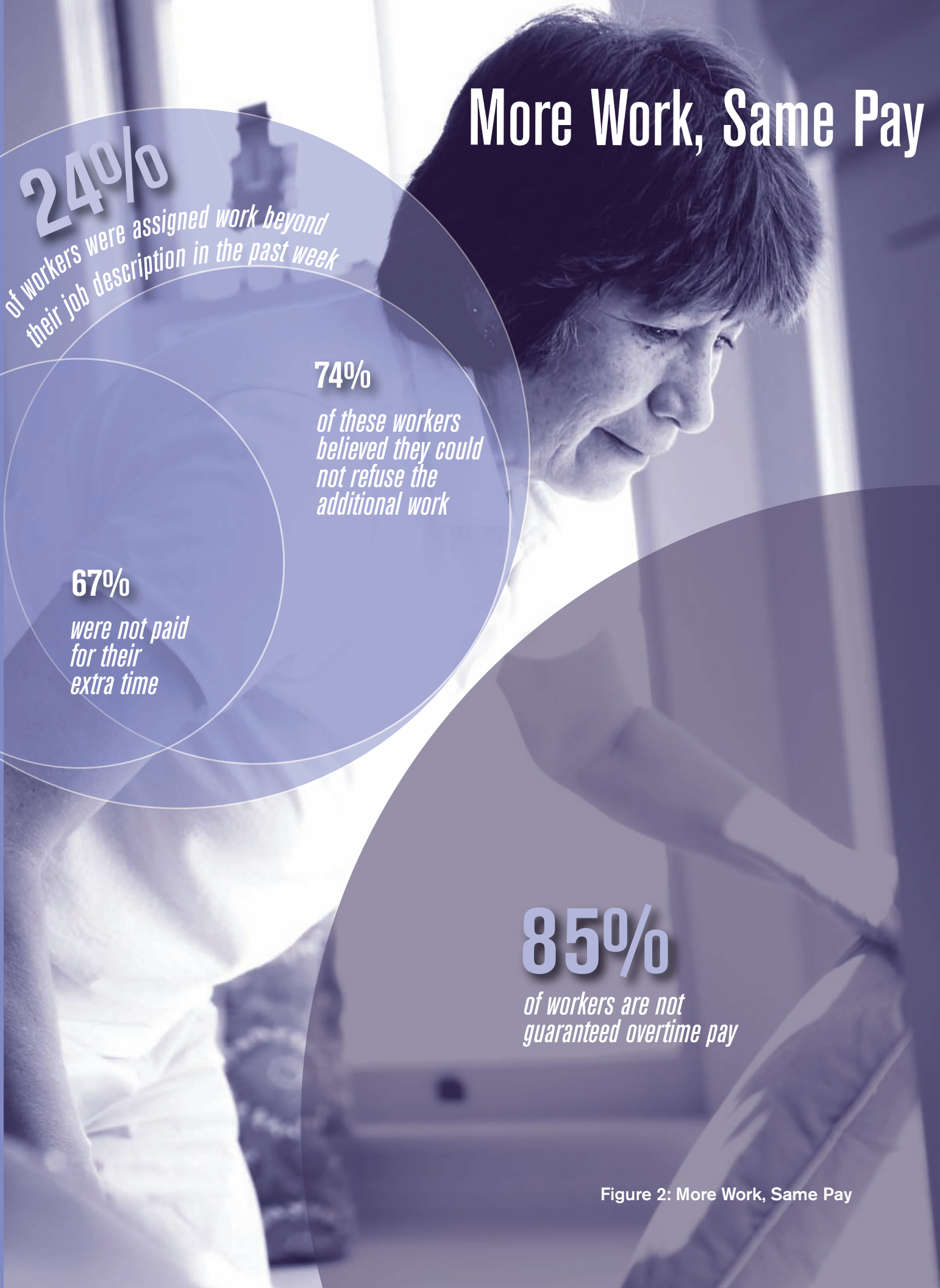


Figure 2: More Work, Same Pay

them from getting at least five hours of uninterrupted sleep. Workers' accounts of seemingly never-ending work support Anderson's wry observation concerning "some employers' apparent dislike of seeing their employees rest."[34] She adds that in the case of live-in workers, in particular, if their employers found them sitting down they would immediately assign them additional work to do.

When there are violations of a contract, agreement, or job description, workers have little recourse against employer abuses, and the lack of enforceable contracts allows employers to discharge them arbitrarily. Of the workers who have contracts or work agreements, only 12 percent have provisions requiring notice of termination, and only 4 percent have stipulations requiring severance pay if they are laid off. Twenty-four percent of workers report having been fired from a domestic work job. Of these, 24 percent were fired for refusing to complete additional tasks; 23 percent were fired for complaining about working conditions; and 18 percent were fired for protesting violations of their contract or agreement.

Domestic workers find themselves on constantly shifting terrain with respect to their employment agreements – both verbal and written. Their accounts confirm the costs of contesting working conditions, for when they speak to the injustices they endure they often find themselves to be "disposable" in the eyes of employers.[35] Employment contracts and agreements, where present, are partial and largely unenforceable. Instead of limiting the demands employers can make upon employees, agreements tend to quietly encompass new areas of work, without renegotiation or additional employee compensation. Still, contracts are a crucial tool for protecting workers' rights since they provide a written record of the scope of work, as well as standing arrangements regarding pay, benefits, and work schedule. These documents are an important step towards increasing the transparency of the employment relationship, and when workplace disputes do arise, they can be helpful in resolving them. However, more robust enforcement mechanisms for monitoring the employer-employee relationship are needed to ensure that employment agreements serve both parties equally, and that agreements are upheld.

3.3 Home Work: The Risks and Hazards of Domestic Work

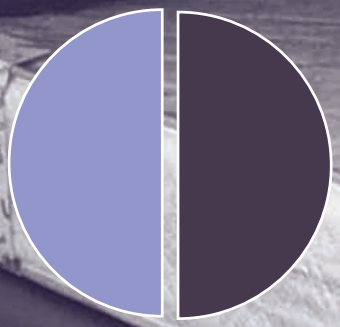
Miriam works as a housecleaner in Los Angeles. Her employer supplies her with a range of cleaning products, including common brands of detergents, abrasives, and disinfectants, as well as an array of specialty products to clean wood floors, shine silver, and remove grease from kitchen appliances. Miriam's employer prohibits her from opening the windows while she cleans, insisting that the house will get dusty if air is allowed to circulate. Miriam suffers from various skin and respiratory ailments, and she attributes her worsening allergies to her constant exposure to cleaning products.

The perception of home as a "safe space" conceals the fact that domestic workers face a variety of workplace hazards. Miriam, like other housecleaners, is at risk through long-term exposure to the toxic chemicals that are found in everyday household cleaning products, a risk that largely goes unacknowledged. Half (50%) of all domestic workers report they work with toxic cleaning supplies, including two-thirds (67%) of housecleaners (FIGURE 4). These workers rarely are provided the protective wear they need, and employers often view requests for protective wear and nontoxic cleaning products as unreasonable or silly.[36] Yet, the effects of exposure to cleaning products are evident: 29 percent of housecleaners report suffering from skin irritation, and 20 percent have trouble breathing. Moreover, workers are well aware of the price that is often paid for insisting on improvements in health and safety conditions: 23 percent of workers who have been fired from a domestic job indicate that

Hardships of live-in Work

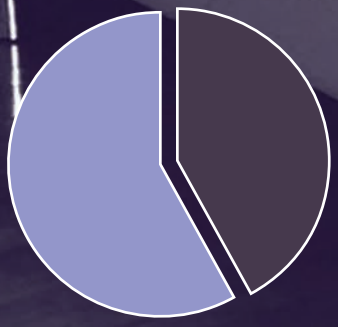
50%

of live-in workers work long hours without breaks.



58%

of live-in workers are required to work during their scheduled time off.



25%

of live-in workers were not able to get at least 5 hours of uninterrupted sleep in the previous week.

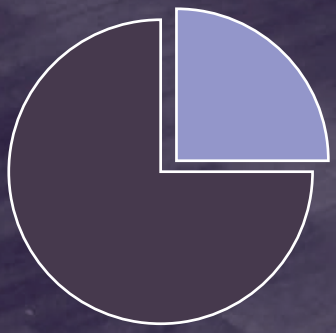


Figure 3: Hardships of Live-in Work

they were discharged for complaining about unsafe working conditions.The physical demands placed on many domestic workers also expose them to significant health and safety risks. Housecleaners, in particular, report completing a number of physically demanding tasks that can result in injury. They are susceptible to falls, a range of ergonomic problems, and chronic pain, in addition to their steady exposure to potentially toxic chemicals. Nearly 60 percent of housecleaners climbed to clean hard-to-reach places in the prior 12 months, while 46 percent had to work on their knees, and 44 percent completed tasks involving heavy lifting or other strenuous activities.

Thirty-nine percent of domestic workers surveyed, whether employed as a nanny, caregiver, or housecleaner, did heavy lifting or other strenuous activities in the previous 12 months. In addition to housecleaners, who typically are required to move heavy objects, a large share of caregivers are at risk for injury, because they assist with everyday activities such as bathing and dressing. Lifting and other strenuous activities take a physical toll on workers. Thirty-eight percent of workers report suffering from wrist, shoulder, elbow, or hip pain, and 31 percent report suffering from other soreness and pain because of their job. Notably, 29 percent of caregivers suffered a back injury in the previous 12 months.

Caregivers also report high rates of exposure to contagious illnesses, and one-quarter (25%) contracted an illness at work in the prior 12 months. Nannies also are at risk; 36 percent report contracting an illness while working in the previous 12 months.

Live-in domestic workers face an additional health risk. One-quarter (25%) report that their job responsibilities prevented them from getting at least five hours of uninterrupted sleep sometime during the previous workweek. Studies have shown that a schedule resulting in interrupted sleep can lead to various health problems, as well as cause workers to be more prone to accidents on the job.[37]

Without explicit safety regulations in place, workers' risk of injury and illness are heightened. Survey results confirm that domestic work takes a physical toll on the labor force. Some effects may be immediate – such as a back injury or illness – but others occur over the long run, resulting from, for example, repetitive motion, sleep deprivation, or steady exposure to cleaning products.

When workers suffer injuries on the job that require medical attention, they often bear the costs of treatment alone. Nearly two-thirds (65%) of domestic workers do not have health insurance, and only 4 percent receive employer-provided insurance. As a result, of the domestic workers who have experienced an on-the-job injury requiring medical attention in the last three years, nearly one in five (19%) did not receive the medical care they needed.

Additionally, most workers (82%) are not granted paid sick leave, and given their low wages, even one day without work can severely limit their ability to meet their financial obligations. Just 4 percent of domestic workers report that their employers pay into workers' compensation insurance; when these workers need an extended period off of work, they are unable to replace lost income or to look to workers' compensation for help with medical bills.

Most (76%) do not receive even unpaid time off to see a doctor. In fact, a substantial portion report that they risk losing their job if they ask for or take time off. Of the workers who were fired from a domestic-work job, 25 percent indicate their firing was due to their request to take time off; 22 percent were fired for actually taking time off; and 20 percent were discharged for missing work to take care of themselves or a family member.

HAZARDS of DOMESTIC WORK

Housecleaners Are Even More Vulnerable

Figure 4: Hazards of Domestic Work

The pressures to report to work that are experienced by most domestic workers, regardless of their personal circumstances, place them in an unenviable position. Their low wages mean that a day without work – if their employer will even grant them that – results in a tangible loss of earnings. At the same time, their insecurity in employment is a constant reminder of the cost to be paid for missing work, regardless of how legitimate the cause. When faced with the choice to take a needed day off to care for oneself or a family member, or to risk a reduction in weekly earnings that might jeopardize the tenuous security of a job, most workers make the choice to return to work – even when they are barely able. Sixty-six percent of workers report for work despite being sick, in pain or injured.

Table 3. Impact of Immigration Status

	US Born	Documented Immigrants	Undocumented Immigrants	All Workers
Spends More Than Half of Income on Rent or Mortgage	50%	61%	62%	60%
Hard Time Paying Essential Bills	33%	35%	51%	40%
Assigned Work Outside of Job Description	19%	23%	31%	24%
Required to Do Heavy, Strenuous Work	40%	33%	46%	39%
Injured on the Job	54%	61%	74%	64%
Worked While Sick, Injured, or in Pain	56%	60%	77%	66%

Source: Analysis of 2011-12 National Domestic Workers Survey.

Most domestic work jobs are physically demanding, and workers do not benefit from formal regulatory protections that could provide a framework for ensuring health and safety on the job. As a result, chronic exposure to chemicals, contagious illnesses, and other health risks is an uncompensated "cost of doing business" in the domestic work industry. Exclusion from the Occupational Health and Safety Act, and the absence of regulatory protections more generally, reflects a lack of regard for domestic workers' health and safety. When workers who are unnecessarily exposed to hazards on the job do suffer an injury or illness, their limited access to sick days, health insurance, and workers compensation means they often do not receive the care they need.

The long-term impacts of workplace hazards on workers' health largely remain unacknowledged and unaddressed. Domestic workers fully understand that their duties as housecleaners and caregivers are physically demanding. At the same time, many of the workplace injuries and illness suffered by domestic workers are preventable or at least can be better managed by proper training, the greater use of nontoxic cleaning supplies, improved access to healthcare, strengthened health and safety regulations, and the exercise of common sense by more employers. Domestic work may remain physically demanding, but it does not have to be hazardous to workers' health.

3.4 Home Truth: Abuse on the Job

When the home is also a workplace, the public and private, the professional and personal, and the familial and non-familial become entwined in subtle but powerful ways. These blurred demarcations become less and less distinguishable over time, establishing a context within which boundaries of an even more intimate nature can be transgressed. The employer-employee relationship, plagued by ambiguity, can be difficult for both parties. However, it is the domestic worker who is vulnerable.

We learned firsthand about this vulnerability through in-depth interviews with workers. Their accounts of verbal, psychological, and physical abuse are an indication of the lengths some employers will go to objectify, demean, command, and control workers in their homes. In some situations, abuse is laced with racial slurs or threats regarding immigration status. In other instances, verbal abuse escalates into physical violence. And in far too many cases, it takes the form of sexual harassment and even sexual assault.

Live-in workers are especially vulnerable. Thirty-six percent of live-in workers report that they were verbally harassed in the past 12 months, and many others have been threatened, subjected to racial slurs, or sexually abused.[38] Living in their employers' homes, these workers often are completely isolated from family and friends. Thirty-one percent of the live-in workers do not have any access whatsoever to private means of communication, such as telephone, mail, or Internet. This lack of private communication deprives domestic workers of the empathy and support of family and friends, which could assist them in managing the vagaries of domestic work.

Table 4. The Impact of Living In

	Live-In Workers	Live-Out Workers	All Workers
Worked Long Hours without Breaks	50%	33%	35%
Assigned Work Outside Job Description	40%	22%	24%
Required to Work Outside Scheduled Hours	58%	n/a	n/a
Allowed Fewer than 5 Hours of Uninterrupted Sleep	25%	n/a	n/a
Threatened, Insulted, or Verbally Abused	36%	16%	19%

Source: Analysis of 2011-12 National Domestic Workers Survey.

Lack of access to private communication also means that domestic workers are cut off from avenues for reporting substandard conditions and violations in the workplace. This "enforced isolation" occurs, in part, because employers fear that if live-in workers meet with other domestic workers, they will "learn about going pay rates and better jobs, and then ask for raises or shorter hours."[39] However, this employer practice can lead to a more insidious result: in addition to its isolating effects, it renders live-in workers increasingly dependent on the employer. This dependency, in turn, further emboldens employers, often with devastating effects.

Workers who have just one employer, especially live-ins, are highly susceptible to employer abuse and least able to quit their jobs. The low pay associated with domestic work, and the corresponding inability of workers to accumulate savings from their meager earnings, imposes severe constraints on labor-market mobility. These domestic workers fear extended spells of unemployment if they quit or lose their job, which is exceptionally threatening when the worker has no place else to live.

Faced with limited employment opportunities and a heightened dependence on the employer for an income, the ability of any individual domestic worker to redress abusive or exploitative employer behavior is sharply circumscribed. Employers' privileged position is further reinforced because workers must be mindful of the risks of retaliation if they press their claims for improved working conditions "too far." Of the domestic workers surveyed who indicated that there were problems with their working conditions in the past 12 months, 91 percent reported that they did not complain because they were afraid they would lose their job. Other fears of retaliation for contesting substandard conditions include:

(1) concerns that complaints will damage the relationship with the employer (78%);

(2) needing the employer as a reference for future job opportunities (60%);

(3) worries that pay or hours will be reduced (59%); and

(4) fears of employer violence (42%).

In addition, 85 percent of undocumented immigrants who indicated their working conditions are problematic did not complain because they feared their immigration status would be used against them.

Domestic workers' low wages, limited employment options, and reliance on employer goodwill, together with the historic exclusions from workplace laws that have plagued the industry and continue to this day, conspire to relegate domestic work and the women who do it to second-class status in the workplace. Workers find themselves in a bind. On the one hand, the survey clearly shows that conditions in the industry are substandard. If basic workplace protections actually covered this workforce – and they were enforced – it is indisputable that many workers would be found to have been subjected to gross violations of US employment law. On the other hand, workers have caring responsibilities within their own families, and their loved ones depend on them for financial support. Faced with the impossible choice of contesting harmful working conditions or providing for one's family through substandard employment, most domestic workers choose the latter. They end up enduring substandard conditions silently and privately.

By no means are all employers of domestic workers "bad" employers. Many abide by common standards of decency, and they treat their workers with dignity and respect. At the same time there most certainly is a fundamental problem in the industry. Without adequate regulations and worker protections, including enforceable standards regarding wages, terms of employment, and conditions in the workplace, the substandard conditions documented in this report will continue. Furthermore, the complex employer-employee dynamics that define this industry lead to another incontrovertible conclusion: the widespread problems documented here cannot be resolved at the level of the individual worker or the individual employer. Rather, there is an urgent need for sensible public policies that protect the rights of all domestic workers.

4 Recommendations
Towards a Caring Economy

By committing to improving domestic workers' conditions of work, policy makers and employers – and indeed society as a whole – commit to building an economy based on dignity and care.

Recommendations – Towards a Caring Economy

As this report reveals, low pay and substandard conditions are pervasive in the domestic work industry. These conditions are shadowed by the unsavory political compromises of the past. They are shaped by the distinct characteristics of the employer-employee relationship in domestic work. And they reflect the structural disadvantages of particular segments of the labor force.

Transforming the conditions outlined in this report requires action on several fronts. We must enact and enforce policies that address the exclusions from employment and labor protections that are specific to domestic workers; hold employers accountable to fair labor standards; create a more equitable economic environment for all low-wage workers; and support families in managing their caregiving responsibilities.

Policy makers, employers, workers' rights organizers and advocates, the philanthropic community, and domestic workers themselves all have essential roles to play in ensuring that domestic workers enjoy a full range of labor and employment rights and protections.

4.1 The Role of Public Policy

Many of the laws and policies that govern pay and conditions in the workplace simply do not apply to domestic workers. Domestic workers, when hired directly by their employers, find no remedies in federal law for employment discrimination, unsafe working conditions, or constraints on their right to organize and bargain collectively. The absence of institutional protections leaves domestic workers particularly susceptible to employer exploitation and abuse.

At a minimum, public policy should provide domestic workers with:

- The **right to associate freely**, join organizations that advocate for workers' rights, choose representatives, and create frameworks to bargain collectively.
- **Inclusion in the minimum wage standards** in all states where domestic workers are currently excluded.
- **Equal rights to state and federal overtime pay** that other workers enjoy.
- **Equal rights to the meal breaks, rest breaks, and rest days** to which other workers in their states are entitled.
- **The right to adequate hours of uninterrupted sleep** for live-in domestic workers.
- **Inclusion in all state-level workers' compensation and unemployment insurance** programs.
- **Protection from discrimination, abuse, and harassment** under all state and federal anti-discrimination laws.
- **Inclusion in state and federal health and safety protections**.

In addition to these minimum workforce protections, policies are required to assure benefits, such as paid vacation and holidays, and notice of termination, that are difficult for domestic workers to negotiate with their employers.

4.2 Employers Can Catalyze Change

Employers have an extremely important role to play in improving the conditions in which domestic workers labor. Well into the 21st century, too many employers are still burdened with 19th century notions of service and subservience. Employers can create better relations with their employees, and improve workplace conditions by clarifying the terms of the employer-employee relationship, and educating themselves about fair labor standards.[40]

There are many things employers can do to improve working conditions for domestic workers:

- Negotiate the terms of employment and provide a **clear written agreement** or contract.
- Keep **accurate records of hours worked**, pay, and other employment-related information required by law.
- Pay **proper wages** including overtime pay, annual raises, and payment when work is cancelled on short notice.
- Provide **meal breaks, rest breaks, days off**, and, for live-in workers, adequate time to sleep.
- Provide **health coverage to full-time employees** through either employer-provided insurance or a wage supplement.
- Pay into Social Security or an alternative retirement plan, workers' compensation, and unemployment insurance.
- Provide **full-time employees with paid sick and/or personal days**, paid maternity leave, paid holidays, and at least two weeks of paid vacation days.
- Respect the **right to privacy**, including allowing private means of communication for live-in workers.
- Provide **advance notice of termination**, and pay severance in accordance with the number of years worked.
- Provide **employees with protective gear** and the **option of using nontoxic** cleaning supplies.
- Practice **respectful communication** at all times.

4.3 Improved Conditions for All Low-Wage Workers

It is difficult to advocate for the rights of domestic workers in an economic and political environment in which the rights of low-wage workers more broadly are so badly frayed. Public policies that raise standards across the low-wage labor market, and improve the working conditions and lives of low-wage workers, will positively affect the lives of domestic workers.

All low-wage workers, including domestic workers, would benefit from public policies that:

- **Increase the federal minimum wage** to a standard that better reflects the cost of maintaining an adequate, healthy standard of living.
- Provide **access to affordable medical care**.
- Strengthen the **enforcement** of wage and hour, health and safety, and other **workplace protections**.
- Ensure **access to** paid sick leave, family leave, maternity and parental leave, holidays, and vacation time.
- Enact **comprehensive immigration reform** to ensure that immigrant workers receive equal protection and status in the workplace.
- Create **pathways to career advancement**.
- Protect Social Security and ensure that all workers have **retirement income** to meet their basic needs.
- Create **pathways to citizenship** for immigrant workers.
- Protect workers who exercise their **right to organize** from employer retaliation.

4.4 Support for Working Families

Families scramble to craft individual solutions to manage the sometimes competing priorities of home, work, and family. Meeting the challenges of intergenerational care requires policy commitments that make high-quality childcare affordable and widely available, assist families that care for elders in their homes, and support women who struggle to balance their work and family obligations. We need bold public policies to address the demographic changes underway, especially an increased need for home-based, long-term care for the aged.

Domestic workers are an essential part of the solution. Their household labor is a lynchpin connecting the economics of the home and the economics of the workplace. By committing to improving their conditions of work, policy makers and employers – and indeed society as a whole – commit to building an economy based on dignity and care.

Conclusion

Domestic workers, through their organizing, are pointing the way forward.

Conclusion

How we regard domestic work and the women who do it is a measure of how far we have to go to create a fair and caring economy. In no economy that is fair would those who raise the children of the privileged have trouble feeding their own. In no economy that is just would those who shoulder the tremendous responsibility of caring for our elders be unprotected from abusive and hazardous working conditions.

The expansion of the domestic work industry is likely to be sustained into the foreseeable future. The need for home-based elder care will continue to rise steeply as baby boomers retire from the workforce, and enter old age. In addition, the level of labor-force attachment of women in their childbearing years is higher than it has ever been, and projected to rise even higher. Until public policy addresses the significant unmet need for accessible, affordable, high-quality childcare and generous family leave policies, the role of domestic workers in the economy is likely to become even more critical than it is today.

Household labor, paid and unpaid, is the work that makes all other work possible. Domestic workers free up the time and attention of millions of other workers, whose lives would be infinitely more complex and burdened absent the labor of the workers who enter their homes each day. Domestic work contributes substantially to the public good. It deserves to be regarded as "real work," and domestic workers deserve the respect and protections accorded other workers.

Though individual employers can and should improve their employees' wages, benefits, and work environment, the low pay and substandard conditions that characterize the domestic work industry cannot be transformed one employer at a time. For this, we need policy change at the state and federal levels that includes domestic workers in the scope of workers' rights, provides recourse for wage theft and minimum wage violations, remedies unsafe or abusive work environments, and protects workers from retaliation.

Domestic workers are mobilizing in creative ways to improve their position in the industry. Despite the legal and structural constraints on collective bargaining, they have developed organizations and alliances to amass collective power for change. Both in the US and globally, a domestic workers' movement for rights and respect has been steadily gaining strength. In 2011, the International Labour Organization adopted Convention No. 189, establishing, for the first time, global labor standards for the treatment of domestic workers.[41]

In the US, the very first piece of legislation to provide for domestic workers' basic labor rights was passed by the New York State Legislature in 2010, after a game-changing, unprecedented six-year campaign led by a coalition of grassroots, member-led, domestic worker organizations.[42] The New York Domestic Workers Bill of Rights sets enforceable standards for overtime pay, rest days, paid days off, and other worker protections.[43] A statewide coalition in California, with domestic worker organizations at its core, recently moved a similar bill through both houses of the legislature, before encountering the governor's veto.[44] Domestic workers in several other states are on track to introduce Bill of Rights legislation in 2013.

The opportunity is at hand to repair historic wrongs, respect the dignity of all honest labor, and improve, materially and substantially, the conditions of work for a critical sector of our society. Domestic workers, through their organizing, are pointing the way forward. It is past time for both employers and policy makers to take heed.

Appendix A

Table A1. Demographic Profiles of Domestic Workers

		Domestic Workers		
		In the US*	In the 14 Metropolitan Areas*	In Our Sample
		Percent	Percent	Percent
Occupation	Housecleaners	57%	62%	61%
	Nannies	25%	24%	25%
	Caregivers	18%	14%	14%
Sex	Female	95%	95%	97%
	Male	5%	5%	3%
Age Group	18-24	18%	12%	7%
	25-44	38%	43%	46%
	45-64	38%	40%	44%
	65 and older	6%	5%	4%
Race/Ethnicity	White	46%	24%	23%
	Black	10%	9%	9%
	Latina/o	38%	59%	60%
	Asian and Other	6%	8%	9%
Nativity	US Born	54%	24%	22%
	Foreign Born	46%	76%	78%
Citizenship Status	Citizen	65%	44%	34%
	Not a Citizen	35%	56%	66%
Documentation Status of Foreign Born	Documented Immigrant	n/a	n/a	53%
	Undocumented Immigrant			47%
Educational Level	High School Degree	34%	30%	31%
	Some College	20%	15%	15%
	Associates Degree or Higher	14%	15%	15%
Ability to Speak English	Speaks only English	53%	25%	n/a
	Speaks very well	11%	15%	
	Speaks well	12%	19%	
	Speaks, but not well	16%	28%	
	Does not speak English	8%	13%	
Marital Status	Married	40%	39%	32%
	Widowed	5%	5%	5%
	Divorced or Separated	21%	21%	17%
	Never Married	33%	35%	56%
Living-in status	Live-in	n/a	n/a	11%
	Live-out			89%

* *Source: American Community Survey, 2005-2009 5-year sample*

Endnotes

1 Frank Levy and Thomas Kochan, "Addressing the Problem of Stagnant Wages," *Economic Policy Research Network* (2011), http://www.employmentpolicy.org/search/node/Frank%20Levy, accessed 04/11/12; Marlene A. Lee and Mark Mather, "US Labor Force Trends," *Population Bulletin*, vol. 63, no. 2 (2008): 13.

2 Evelyn Nakano Glenn, "From Servitude to Service Work: Historical Continuities in the Racial Division of Paid Reproductive Labor," *Signs*, vol. 18, no. 1 (1992): 1-43.

3 Judith Rollins, *Between Women: Domestic Workers and Their Employers* (Philadelphia: Temple University Press, 1987); Mary Romero, *Maid in the U.S.A.* (London: Taylor and Francis Ltd, 2002); Evelyn Nakano Glenn, *Issei, Nisei, War Bride: Three Generations of Japanese American Women in Domestic Service* (Philadelphia: Temple University Press, 1986).

4 Domestic workers have been organizing for better working conditions since at least the Atlanta washerwomen's strike in 1881, with especially ambitious organizing efforts in the 1930s and the 1960s. Over the past 20 years, domestic workers in the US have mobilized at the local, state, national, and international levels, and begun to win substantive policy change. Tera W. Hunter, *To 'Joy My Freedom* (Boston: Harvard University Press, 1997); Elizabeth Beck, "The National Domestic Workers Union and the War on Poverty," *Journal of Sociology and Social Welfare,* vol. 28 (2001): 195-211; Claire Hobden, *Winning Fair Labour Standards for Domestic Workers: Lessons Learned From the Campaign for a Domestic Worker Bill of Rights in New York State*, International Labour Organization (2010).

5 The National Labor Relations Act of 1935 contains the exclusion: "shall not include any individual employed as an agricultural laborer or in the domestic service of any family or person at his home…" 29 USC § 152(3).

6 Sean Farhang and Ira Katznelson, "The Southern Imposition: Congress and Labor in the New Deal and Fair Deal," *Studies in American Political Development*, vol. 19 (2005): 1-30; Juan Perea, "The Echoes of Slavery: Recognizing the Racist Origin of the Agricultural and Domestic Worker Exclusion from the National Labor Relations Act," *Ohio State Law Journal*, vol. 72, no. 1 (2011): 95-138.

7 Evelyn Nakano Glenn, *Forced Care: Coercion and Caregiving in America* (Cambridge: Harvard University Press, 2010); Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work and the Family, From Slavery to the Present* (New York: Random House, 1985); David M. Katzman, *Seven Days a Week: Women and Domestic Service in Industrializing America* (Champaign: University of Illinois Press, 1981); Phyllis Palmer, *Domesticity and Dirt: Housewives and Domestic Servants in the United States, 1920-1945* (Philadelphia: Temple University Press, 1989).

8 Farhang and Katznelson, *The Southern Imposition*, 12; Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge: Harvard University Press, 2002). Lieberman addresses the exclusion of domestic workers from Social Security, unemployment insurance, and other work-based social insurance policies in Robert C. Lieberman, *Shifting the Color Line: Race and the American Welfare State* (Cambridge: Harvard University Press, 2001).

9 The Occupational Health and Safety Act of 1970 provides, "As a matter of policy, individuals who in their own residences, privately employ persons for the purpose of performing for the benefit of such individuals what are commonly regarded as ordinary domestic household tasks, such as

house cleaning, cooking, and caring for children, shall not be subject to the requirements of the Act with regard to such employment," 29 CFR § 1975.6.

10 The Fair Labor Standards Act of 1932 (as amended) provides an exemption from overtime requirements for domestic service employees who reside in the household where they are employed, 29 USC § 213 (b)(21).

11 Title VII of the Civil Rights Act of 1964 defines an "employer" as "a person engaged in an industry affecting commerce who has fifteen or more employees for each working day in each of twenty or more calendar weeks" in the year, 42 USC § 2000(e). The Americans with Disabilities Act of 1990 applies to employers who have "15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year," 42 USC § 12111(5)(a), and so does not cover most domestic workers. The Age Discrimination in Employment Act of 1967 applies only to employers who have "twenty or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year," 29 USC § 630(b).

12 Rollins, *Between Women*; Romero, *Maid in the U.S.A.*; Tamara Mose Brown, *Raising Brooklyn: Nannies, Childcare and Caribbeans Creating Community* (New York: New York University Press, 2011).

13 US Census Bureau, DataFerrett, American Community Survey, 2004-2010.

14 On the distinctions and similarities between different private home workers, see, for example, Laura Dresser, "Cleaning and Caring in the Home: Shared Problems? Shared Possibilities?" in *The Gloves Off Economy: Workplace Standards at the Bottom of America's Labor Market*, eds. Annette Bernhardt, Heather Boushey, Laura Dresser, and Chris Tilly (Champaign: University of Illinois, Champaign-Urbana, 2008). Based on 2005 ACS data, Dresser arrives at a figure of 1.8 million domestic workers; her count includes home health aides and personal care attendants employed through agencies, as well as home-based childcare providers.

15 Two studies address the inadequacies of data collection in populations with large numbers of undocumented immigrants. Mary Romero, "Ethnographic Evaluation of Behavioral Causes of Census Undercount of Undocumented Immigrants and Salvadorans in the Mission District of San Francisco, California," *Ethnographic Evaluation of the 1990 Decennial Census Report, #18 (1992)*, www.census.gov/srd/papers/pdf/ev92-18.pdf, accessed 04/24/12; Nestor P. Rodriguez and Jacqueline S. Hagan, "Investigating Census Coverage and Content Among the Undocumented: Ethnographic Study of Latino Tenants in Houston, Texas," *Ethnographic Evaluation of the 1990 Decennial Census Report, #3* (1991), www.census.gov/srd/papers/pdf/ev91-3.pdf, accessed 04/24/12.

16 US Census Bureau, DataFerrett, American Community Survey (ACS) 2005-2009, five-year sample.

17 Women who were full-time wage or salary workers in 2010 had median earnings that were 81 percent of what men earned. Though the earnings gap between women and men narrowed substantially in the 1980s and 1990s (in 1979 women earned only 62 percent of what men earned), the differential has been stalled at 80 to 81 percent since 2004. Bureau of Labor Statistics, *Highlights of Women's Earnings in 2010* (Washington, DC: US Department of Labor, July 2011): 6, 8-9.

18 The ACS asks whether the respondent is of Hispanic, Latino, or Spanish origin. A separate question on race asks whether the respondent is White; Black, African American or Negro; American Indian or Alaska Native; or Asian Indian, Chinese, Filipino, Korean, Japanese, Vietnamese, Native Hawaiian, Guamanian or Chamorro, Samoan, Other Asian, or Other Pacific Islander. Respondents may also choose and specify "some other race."

19 For example, the earnings of Latinas and African American women trail those of white women. The median weekly earnings of Latina full-time wage and salary workers are 74 percent of white women's wages.

African American women's median weekly wages are 86 percent of what white women earn. *Highlights of Women's Earnings*, 8.

20 Based on the ACS, median annual earnings for full-time, year-round, foreign-born, female workers were $30,173 in 2009. Foreign-born women who were not citizens earned substantially less, $23,173. The comparable figure for US-born women workers was $36,868. "Median Earnings by Nativity and Gender," Migration Policy Institute, http://www.migrationinformation.org/datahub/state4.cfm?ID=US, accessed 04/07/12.

21 Though the literature is sparse on the impact of undocumented status on immigrant workers' wages, some researchers posit substantial wage differentials between undocumented immigrants, documented immigrants, and US-born workers. Matthew Hall, Emily Greenman, and George Farkas, "Legal Status and Wage Disparities for Mexican Immigrants," *Social Forces*, vol. 89, no. 2 (2010): 491-513.

22 In 2009, 15 percent of adults 25-years-old or older in the US had not attained a high school diploma. Camille L. Ryan and Julie Siebens, "Educational Attainment in the US – 2009 ," *Current Population Trends* (February, 2012): 6. Education confers significant advantages in the labor market. Women without a high school diploma had median earnings of $388 per week in 2009; those with a diploma earned $543, and those with a bachelor's degree earned $986. *Highlights of Women's Earnings*, 8.

23 Bridget Anderson, *Doing the Dirty Work: The Global Politics of Domestic Labour* (London: Zed Books, 2000); Dresser, "Cleaning and Caring in the Home"; Grace Chang, *Disposable Domestics: Immigrant Women Workers in the Global Economy* (Cambridge: South End Press, 2000); Barbara Ehrenreich and Arlie Russell Hochschild, eds. *Global Woman: Nannies, Maids, and Sex Workers in the New Economy*, (New York: Henry Holt, 2003); Evelyn Nakano Glenn, *Forced to Care*; Anna Romina Guevarra, *Marketing Dreams, Manufacturing Heroes: The Transnational Labor Brokering of Filipino Workers* (New Brunswick: Rutgers University Press, 2010); Pierrette Hondagneu-Sotelo, *Doméstica: Immigrant Workers Cleaning and Caring in the Shadows of Affluence* (Berkeley and Los Angeles: University of California Press, 2001); Helma Lutz, *The New Maids: Transnational Women and the Care Economy* (London: Zed Books, 2011); Romero, *Maid in the U.S.A.*; Rhacel Salazar Parreñas, *Servants of Globalization: Women, Migration and Domestic Work* (Stanford: Stanford University Press, 2001).

24 These pioneering research efforts include, *Behind Closed Doors: Working Conditions of California's Household Workers* (San Francisco: Mujeres Unidas y Activas, Day Labor Program Women's Collective of La Raza Centro Legal, and DataCenter, 2007); *Home Is Where the Work Is: Inside New York's Domestic Work Industry* (New York: Domestic Workers United and DataCenter, 2006); *Doing the Work that Makes All Work Possible: A Research Narrative of Filipino Domestic Workers in the Tri-State Area* (New York: DAMAYAN Migrant Workers Association and The Urban Justice Center, 2010).

25 US Census Bureau, DataFerrett, American Community Survey 2005-2009, five-year sample.

26 The size of the domestic worker sample in the ACS is not large enough to allow all racial/ethnic categories to be used for analysis. To resolve this problem, we created the "Asian or Other" category that combines all of the Asian and Pacific Islander groups specified in the ACS as well as those who identify as "some other race."

27 At the time of the survey, the federal minimum wage was $7.25 per hour. Many states have minimum wage rates that are higher than the federal standard. The analysis here compares respondents' wages against the minimum wage governing the area where they work.

28 Anderson, *Doing the Dirty Work*; Hondagneu-Sotelo, *Doméstica*; Romero, *Maid in the U.S.A.*

29 Romero, *Maid in the U.S.A.*, 2-3.

30 A possible exception to this pattern is found with respect to black domestic workers: African American domestic workers have a median hourly wage of $10.99, while foreign-born, black workers have a median hourly wage of $12, and there appears to be little difference based on the documentation status of foreign-born black workers. However, our sample of undocumented black workers is small (22 respondents). Our findings here suggest that further research is needed to better understand the ways in which race, nativity, and immigration status intersect for black workers, and influence the employment opportunities available to these workers.

31 Lower Living Standard Income Level (LLSIL) Guidelines includes income charts that are used by state and local workforce investment areas to determine income eligibility for WIA programs for youth and certain adult services, in addition to the Work Opportunity Tax Credit, http://www.doleta.gov/llsil/2012/.

32 The generally accepted definition of affordability is that a household pays no more than 30 percent of its annual income on housing. Families that pay more than 30 percent of their income for housing are considered "cost burdened," and may have difficulty affording necessities such as food, clothing, transportation, and medical care. An estimated 12 million renter and homeowner households now pay more than 50 percent of their annual incomes for housing, and a family with one full-time worker earning the minimum wage cannot afford the local fair-market rent for a two-bedroom apartment anywhere in the US. The lack of affordable housing is a significant hardship for low-income households, preventing them from meeting their other basic needs, such as nutrition and healthcare, or saving for their future. US Department of Housing and Urban Development, http://www.hud.gov/offices/cpd/affordablehousing/, accessed 05/06/12.

33 Anderson, *Doing the Dirty Work*, 43; also see Dresser, "Cleaning and Caring in the Home"; Hondagneu-Sotelo, *Doméstica*.

34 Anderson, *Doing the Dirty Work*, 41.

35 Chang, *Disposable Domestics*.

36 Mary Romero, *Maid in the U.S.A.*, 157.

37 Long-term health impacts include increased risk of cardiovascular disease, diabetes, obesity, depression, anxiety, and injury. Habitual short sleep is also associated with increased mortality. Harvey R. Colten and Bruce M. Altevogt, eds. *Sleep Disorders and Sleep Deprivation: An Unmet Public Health Problem* (Washington, DC: Institute of Medicine, 2006); Marcos G. Frank, "The Function of Sleep" in *Sleep: A Comprehensive Handbook*, ed. Teofilo Lee-Chiong (Hoboken, NJ, John Wiley & Sons, Inc., 2005), 45-47; Cheryl Ulmer, Diane Miller Wolman, Michael M.E. Johns, eds. *Resident Duty Hours: Enhancing Sleep, Supervision, and Safety* (Washington, DC: National Academy Press, 2009). In addition, sleep-deprived workers are impaired in their ability to provide the highest quality of care, and are more prone to accidents. Gregory Belenky, Nancy J. Wesensten, David R .Thorne, et al., "Patterns of Performance Degradation and Restoration During Sleep Restriction and Subsequent Recovery: A Sleep Dose-Response Study." *Journal of Sleep Research*, vol. 12, no. 1 (London: Wiley-Blackwell, 2003): 1-12; Hans P.A van Dongen, Greg Maislin, Janet M. Mullington, and David F. Dinges, "The Cumulative Cost of Additional Wakefulness: Dose-Response Effects on Neurobehavioral Functions and Sleep Physiology From Chronic Sleep Restriction and Total Sleep Deprivation," *Sleep,* vol. 26, no. 2 (Associated Professional Sleep Societies, 2003): 117- 126; C.A. Estabrooks, G.G. Cummings, S.A. Olivo, et al., "Effects of Shift Length on Quality of Patient Care and Health Provider Outcomes: A Systematic Review," *Quality and Safety in Health Care*, vol. 18, no. 3 (BMJ Journals, 2009): 181-188. For a review of health risks facing domestic workers, see Megan Gaydos, Cora Hoover, Jessica Erin Lynch, June M. Weintraub, and Rajiv Bahtia, *A Health Impact Assessment of*

Assembly Bill 889: The California Domestic Work Equality, Fairness and Dignity Act of 2011 (San Francisco: San Francisco Department of Public Health, 2011).

38 Anderson, *Doing the Dirty Work*.

39 Hondagneu-Sotelo, *Doméstica*, 147.

40 "Hand in Hand: The Domestic Employers Association" provides guidance to employers of domestic workers, http://www.domesticemployers.org, accessed 04/18/12. For a sample contract, see "Rights Begin at Home: Protecting Yourself as a Domestic Worker," New York: National Employment Law Project and Domestic Workers United (2010): 45-48, http://www.nelp.org/page//Justice/2011/RightsBeginatHome.pdf?nocdn=1, accessed 04/18/12.

41 See http://www.idwn.info/campaign/c189-domestic-workers-are-workers for information about the campaign to win the International Labor Organization's Convention # 189 on Decent Work for Domestic Workers.

42 The campaign for the New York Domestic Workers Bill of rights was led by the New York Domestic Workers' Justice Coalition, which included Domestic Workers United, Adhikaar for Human Rights, Unity Housecleaners, DAMAYAN Migrant Workers Association, Haitian Women for Haitian Refugees, and Andolan Organizing South Asian Workers.

43 See http://www.labor.ny.gov/legal/domestic-workers-bill-of-rights.shtm for information on the workers' rights provided by this law.

44 The domestic worker organizations involved in the Campaign for the California Bill of Rights include Graton Day Labor Center, Coalition for Humane Immigrant Rights of Los Angeles, Filipino Advocates for Justice, Mujeres Unidas y Activas, Pilipino Workers Center, People Organized to Win Employment Rights, and La Colectiva de Mujeres of La Raza Centro Legal.

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