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

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

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

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

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

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

WHEREAS, Domestic work in the United States has its roots in slavery, where African-American women worked in the fields and in the homes of plantation owners caring for their
families and children, thereby supporting the plantation economy that provided the resources and materials for industrialization in the United States; and,

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

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

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

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

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

WHEREAS, Most domestic workers work to support families and children of their own and are primary income earners, yet the vast majority of domestic workers earn low wages or wages below the poverty line; and,
WHEREAS, Many live-in domestic workers are not permitted to make basic decisions regarding the food they eat, or allowed to cook or heat their meals, and employers often take unjust deductions in the workers pay for food; and,

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

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

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

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

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

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

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

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

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

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

WHEREAS, That coverage of domestic workers under state, federal, and international labor law would be an expression of respect for their dignity and equality and the importance
of the work they perform, and a rejection of antiquated and long discredited stereotypes about domestic work; and,

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

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

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

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

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

FURTHER RESOLVED, That the San Francisco Board of Supervisors urges the US Department of Labor to implement regulatory reforms to ensure fair deductions and minimum standards for food and lodging, compensation for sleep time when a domestic worker is on-call, and requiring employers of domestic workers to keep accurate records of hours work and
pay, and to do all in its power to ensure the creation and enforcement of just labor standards
for domestic workers; and

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

FURTHER RESOLVED, That copies of this Resolution shall be delivered to President
Barack Obama; Senators Dianne Feinstein and Barbara Boxer; Speaker of the House of
Representatives, Nancy Pelosi; Secretary of Labor, Hilda Solis; Employer and Worker group
US representatives to the ILO Conference, John Kloosterman and Juana Flores; California
Governor, Arnold Schwarzenegger; California Attorney General, Jerry Brown; and the entire
California State legislature.
File Number: 100651  Date Passed: May 25, 2010

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

May 25, 2010 Board of Supervisors - ADOPTED

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell and Mirkarimi
Absent: 1 - Elsbernd

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

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

Date Approved 6/02/2010