

1 [Supporting California Assembly Bill 889 - Domestic Worker Bill of Rights]

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3 **Resolution urging the California legislature and the Governor of California to pass**
4 **Assembly Bill 889, the “Domestic Worker Bill of Rights,” as an expression of respect**
5 **for the dignity and equality of domestic workers and the importance of the work they**
6 **perform.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 RESOLVED, By the Board of Supervisors of the City and County of San Francisco that
14 coverage of domestic workers under state and federal labor law should be an expression of
15 respect for their dignity and equality and the importance of the work they perform, and a
16 rejection of antiquated and long-discredited stereotypes about domestic work; and be it

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

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



City and County of San Francisco
Tails
Resolution

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

File Number: 110411

Date Passed: April 12, 2011

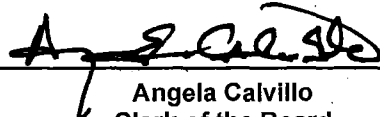
Resolution urging the California legislature and the Governor of California to pass Assembly Bill 889, the "Domestic Worker Bill of Rights," as an expression of respect for the dignity and equality of domestic workers and the importance of the work they perform.

April 12, 2011 Board of Supervisors - ADOPTED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar and Wiener
Absent: 1 - Mirkarimi

File No. 110411

I hereby certify that the foregoing Resolution was ADOPTED on 4/12/2011 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board

UNSIGNED


Mayor Edwin Lee

APRIL 22, 2011

Date Approved

Date: April 22, 2011

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



Angela Calvillo
Clerk of the Board

File No.
110411