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.

WHEREAS, California's domestic workers—comprised of 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 Californians' lives, their families and homes; and

WHEREAS, Domestic workers play a critical role in California's economy, working to ensure the health and prosperity of California 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

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 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, The treatment of domestic service workers under federal and state laws has 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 (29 U.S.C. Sec. 201 et seq.), which Congress enacted 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 African American women workers were employed as domestic workers; and

WHEREAS, The vast majority of domestic workers are women of color and immigrants 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 more than half are primary income earners, yet two-thirds 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 to cook or heat their meals; 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; 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
develop 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 and federal law, including the rights to fair
wages, safe and healthy working conditions, workers' compensation, protection from
discriminatory and abusive treatment, and to engage in collective bargaining; and

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

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

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

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

WHEREAS, 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

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

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

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

FURTHER RESOLVED, That the San Francisco Board of Supervisors directs the clerk to distribute this Resolution to all of San Francisco’s state legislators urging them to endorse this Resolution.
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, Eisbernd, Farrell, Kim, Mar and Wiener
Absent: 1 - Mirkarimi

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

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