



Legislation Text

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Res. No. 1078-A

Resolution supporting the New York State Legislature's consideration of legislative proposals intended to provide better workplace protections for domestic workers, and urging the vigorous enforcement of all current laws and regulations that provide such protections to such workers.

By Council Members Brewer, Gerson, Gonzalez, Jackson, James, Koppell, Martinez, Palma, Sanders Jr., Mendez, Mealy, Mark-Viverito, Seabrook and Weprin

Whereas, The homes and families of thousands of New York residents are sustained and cared for daily by domestic workers; and

Whereas, The labor of housekeepers, nannies, and home health aides engaged in domestic work throughout the State enables New York City's professionals to work, travel, and maintain the City's status as a leader in the global economy; and

Whereas, The domestic workforce is largely comprised of immigrant women of color, often struggling to support their own families in the face of discrimination based on gender, race, and immigration status; and

Whereas, Many domestic workers labor under harsh conditions, work long hours for low wages, without benefits or job security, and are subjected to verbal or physical abuse; and

Whereas, The private nature of domestic work is characterized by the isolation of workers and a lack of social support networks and organizations, which often leads to overall heightened vulnerability; and

Whereas, Domestic employers lack clear guidelines for employee benefits and terms of employment, which leads to variable and arbitrary conditions and vast differences from workplace to workplace; and

Whereas, Domestic workers often fail to report violations due to lack of knowledge of rights and remedies under the U.S. legal system and fear of retaliation from employers; and

Whereas, The National Labor Relations Act guarantees U.S. employees the right to organize, but

specifically excludes domestic workers from its definition of “employee,” leaving domestic workers unprotected against private employers who deny them their right to associate and assemble peacefully; and

Whereas, The historic exclusion of domestic workers from the protection of the law continues today with federal and state labor laws, occupational safety and health laws, and anti-discrimination laws all leaving domestic workers without legal recourse for many of the harms they suffer; and

Whereas, Collective bargaining is a practical as well as legal impossibility for domestic workers, who often labor in isolation and in separate private households, often depending on their employers for shelter, food and transportation; and

Whereas, The current financial crisis has hit those without a safety net the hardest, and little attention has been paid to the domestic workers who are employed by workers in the financial sector who stand to lose their jobs; and

Whereas, In 2003, the New York City Council passed Local Law 33, implementing a level of protection for domestic workers hired through agencies; and

Whereas, Local Law 33 requires agencies that place domestic or household employees to provide a written statement of employee rights and employer obligations to potential employees and their prospective employers that reflect state and federal laws relating to domestic or household employees, including laws providing protections regarding minimum wage, overtime and hours of work, record keeping, social security payments, unemployment and disability insurance coverage and workers’ compensation; and

Whereas, S.5235/A.628-B, also known as the Domestic Workers Bill of Rights, is currently pending in the New York State Legislature; and

Whereas, The Domestic Workers Bill of Rights would include provisions for an annual cost of living wage increase, health care or wage supplement, advance notice of termination and severance pay, and other basic benefits for domestic workers in the New York Metropolitan area; and

Whereas, In addition to the consideration of new laws in this area by the New York State Legislature, it

is important that current laws intended to protect domestic workers, such as the New York State Wage and Hour law, which requires a minimum wage and provides rest regulations, be enforced to the fullest extent possible in order to offer real protection to such workers; and

Whereas, Domestic workers are among the most oppressed and vulnerable workers in the United States and in need of safeguards and protections from abuse; and

Whereas, Domestic workers should be recognized for the pivotal role that they play in the City's and State's economic success and viability; and

Whereas, Domestic workers deserve basic rights, such as a living wage and fundamental workplace protections; now, therefore, be it

Resolved, That the Council of the City of New York supports the New York State Legislature's consideration of legislative proposals intended to provide better workplace protections for domestic workers, and urges the vigorous enforcement of all current laws and regulations that provide such protections to such workers.

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