



**CITY OF BOSTON  
IN CITY COUNCIL**

**RESOLUTION IN SUPPORT OF DOMESTIC  
WORKERS' BILL OF RIGHTS**

- WHEREAS:* Massachusetts' domestic workers—comprised of housekeepers, nannies, and caregivers and service providers 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 our homes; and
- WHEREAS:* Domestic workers play a critical role in Massachusetts' economy, working to ensure the health and prosperity of our families and freeing others to participate in the workforce, which is increasingly necessary in these difficult economic times; 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, intentionally excluded domestic workers from its protection to appease politicians from Southern states who would not support extending workers' right to domestic workers many of whom were women of color; 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:* Most domestic workers today are women who, because of race, ethnicity, national origin, sex discrimination and threats of retaliation, are particularly vulnerable to unlawful employment practices and abuses; 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 their pay is eroded by charges for food and lodging even if they do not want the food or lodging offered by employers; 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 domestic workers are at risk of being victimized by trafficking as a result of physical, cultural and linguistic isolation, diplomatic immunity that shields many employers of domestic workers from criminal charges, familial and intimate partner trafficking, and vulnerability caused by the confiscation of immigration documents; 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, and protection from discriminatory and abusive treatment; and

*WHEREAS:* Domestic workers are specifically excluded from Massachusetts' anti-discrimination law and, in some cases, from retaliation for making complaints about unpaid wages or for violations of minimum wage and overtime; and

*WHEREAS:* The Domestic Workers' Bill of Rights provides a list of rights, including 24 hours off per 7-day calendar week; limited days of rest; parental leave; the right to privacy; and protection from discrimination, sexual harassment, illegal charges for food and lodging, unsanitary housing conditions, eviction without notice, retaliation for asserting wage violations, and trafficking; *NOW*

*THEREFORE BE IT RESOLVED*

That the Boston City Council hereby calls on the Massachusetts Legislature, taking the actions of the New York, California, and Hawaii Legislatures in passing NY A1470B-2009, CA AB241-2013, and HI SB535-2013, respectively as inspiration, to pass House, No. 3884, S. 882, known as the Domestic Workers' Bill of Rights, sponsored by Representative Michael Moran and Senator Anthony Petrucci, cosponsored by over 80 legislators and endorsed by over 60 organizations that represent employers, labor, faith-based and community-based organizations in order to extend basic, humane labor protections to thousands of nannies, caregivers, and housecleaners and improve the quality of care or services for Massachusetts' families, including elder residents, and

*BE IT FURTHER RESOLVED*

That the Boston City Council calls on other communities and jurisdictions to join with us in this action by passing similar Resolutions.

Filed on: February 26, 2014