



CHANGE IS POSSIBLE. CHANGE IS HAPPENING.

June 19, 2013

Testimony for Senate Rules Committee in support of HB 2672

Dear Chair Rosenbaum and Committee Members,

My name is Beth Cooke and I am the Government Relations Director of Family Forward Oregon. We advocate on economic security issues that impact women and families in Oregon.

Domestic Workers are employed in people's homes, often caring for the most vulnerable in our society, our children and our elders. An overwhelming 95 percent of Domestic Workers are women. They do a job – providing care for our family members - that requires complex skills and a great deal of compassion but their work is profoundly undervalued.

The Fair Labor Standards Act was passed in 1938. It created many of the basic labor standards most workers enjoy today- but due to a desire to continue to exploit this type of work cheaply, and in part because it has always been “women’s work” and undervalued, Domestic Workers were specifically carved out of that legislation. Domestic Workers continue to be excluded from many of the critical protections that the Fair Labor Standards Act provides today.

House Bill 2672 will help to right this historical wrong by giving Domestic Workers – those women caring for our kids and aging family members - some of the basic rights enjoyed by other workers in our state. To paint a clearer picture: of the [almost ten thousand] 9,794¹ Domestic Workers in Oregon, the majority are hired without the safety net of a work contract, instead relying on verbal agreements with their employers. Because of the nature of the work, many employers may not even think of themselves as such, instead seeing their domestic help as a de facto ‘family member’- and they may not understand their need to provide a healthy working environment for their employee; one that allows them to get the appropriate amount of rest, and that establishes a safe workplace free of intimidation or sexual harassment.² Something from which Domestic Workers currently have no protections.

¹ Data Center, data taken from the American Community Survey 2005-2009, provided to Family Forward Oregon by Jay Donahue on March 8, 2013.

² Appelbaum, Laura D. Why a Domestic Workers Bill of Rights?. UCLA Institute for Research on Labor and Employment. December 2010. http://www.domesticworkers.org/sites/default/files/pdfs/ucla_report_cabor.pdf
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CHANGE IS POSSIBLE. CHANGE IS HAPPENING.

At Family Forward Oregon, we want to change the way we, as a society, value the important and necessary care work being done by women, whether it is your job or something you provide for your own family, it has economic value and should be treated as such. This is especially important when those women who work in the most intimate of settings, our homes, are unduly disadvantaged simply because they provide care. Being employed as a domestic care worker should never mean a person is unable to get even one nights rest (in a recent national study, 25 percent of Domestic Workers reported that work had prevented them from getting at least five hours of uninterrupted sleep on a regular basis), or that they should have to endure threats, intimidation or sexual or physical violence simply because the law does not protect them.

Domestic Workers rights are women's rights and we urge you to pass HB2672 on behalf of all the women who perform undervalued care work and, specifically those who care for our most vulnerable loved ones and receive little or no protection under the law.

Sincerely,

Beth Cooke
Government Affairs Director

Oregon Domestic Workers Need Labor Protections



KEY FACTS

There are approximately 9,700 domestic workers in Oregon.¹

Ninety-five percent of domestic workers are women.²

When the Fair Labor Standards Act passed in 1938, domestic workers were not included as covered workers. They still lack basic overtime protections, rest breaks and more. In fact:

- 35% of domestic workers report that they worked long hours without breaks in the previous 12 months.³
- 25% of live-in workers reported that work responsibilities prevented them from getting five hours of uninterrupted sleep at night.⁴



Domestic workers in Oregon work without some of our most basic labor protections -- because they're excluded from current labor laws. It's time to correct that omission by extending some basic worker's rights to the almost 10,000 domestic workers in Oregon, 95% of whom are women.

WHO ARE DOMESTIC WORKERS?

Domestic workers are the people who care for some of the most vulnerable in our society, so that others may go out and work. They are nannies, housekeepers, and caregivers for older and disabled people. In Oregon, there are approximately 9,700 domestic workers working in other people's homes - 95% of whom are women.

They do a job -- providing care for our family members - that requires complex skill and a great deal of compassion, but their work is profoundly undervalued in our culture. Domestic workers do not receive some of the most basic protections provided by our labor laws.

WHAT DO DOMESTIC WORKERS EXPERIENCE?

A recent study from the National Domestic Workers Alliance (NDWA) revealed that 35% of domestic workers report having worked long hours without breaks in the previous 12 months. In addition, 25% of live-in workers reported that work responsibilities prevented them from getting five hours of uninterrupted sleep at night. Many experience cultural and financial barriers to speaking out against abuse and fear that if they do they might be fired, have their immigration status threatened, or experience further abuse or intimidation. These women often lack basic freedoms in their workplace (which is someone else's home), like the ability to come and go freely from their place of employment, eat their own food, or to use their scheduled time off without having extra work. Many domestic workers have families of their own and may be unable to see them for long periods or to provide them with the same care they are giving to their employer's families.

Working in someone else's home is by definition an intimate experience, and domestic workers straddle the line between the private and the public domain. Their workplace is often unseen and they can be isolated from their families and other workers.

WHAT CAN BE DONE?

House Bill 2672 (Sponsored by State Representative Sara Gelser, D-16) establishes some basic protections for domestic workers, such as a right to overtime pay, required rest breaks including at least eight hours of uninterrupted sleep, protections from sexual harassment and physical violence, and the ability to obtain a written work schedule and contract. This is an important first step in establishing basic rights for domestic workers and valuing care work more broadly in our culture and economy.

It is time to shift the way we, as a society, value the important and necessary care work being provided by women, whether it is for pay or an unpaid service provided for your own family, it has economic value and should be treated as such. This is especially important for those women who work in the most intimate of settings, our homes. Being employed as a domestic care worker in Oregon should never mean a person is not paid for their labor above and beyond a standard work week, that they are denied a full night's rest, or that they should have to endure threats, intimidation or sexual or physical violence simply because the law – one many assume covers all workers - fails to protect them. It is past time to see domestic workers for what they are: the invaluable contributors to the shifting balance between work and family; they make other work possible.

WHY AREN'T DOMESTIC WORKERS PROTECTED BY EXISTING LAWS?

Historically, domestic workers in the U.S. were slaves, forced to work in the homes of their masters under grueling conditions. Though slavery was officially abolished in 1865, a long series of political compromises were made to appease white employers in the South who wanted to maintain the cheap supply of domestic labor provided by African Americans for generations. Over 70 years later, in 1938, the Fair Labor Standards Act created the basic labor standards most workers enjoy today. The desire to maintain the use of cheap labor and a lack of value for “women’s work,” domestic workers were specifically carved out of that legislation and continue to be excluded from many of the critical protections that the Fair Labor Standards Act provides – including overtime protections, rest breaks, a minimum wage, and much more.

What that means in practice is most domestic workers in Oregon are hired without the safety net of a work contract, instead relying on verbal agreements with their employers. Because of the nature of the work, many employers may not even think of themselves as employers, instead seeing their domestic help as a de facto ‘family member’ - and they may not understand the need to provide a healthy working environment - one that allows employees to get the appropriate amount of rest, to be paid overtime, and to work in a safe workplace free of intimidation or sexual harassment. Unless we correct the intentional omission of domestic workers in the Fair Labor Standards Act of 1938, these working Oregonians will continue to work with no labor protections at all. It's clear that after 75 years, Oregon's domestic workers should experience the same fair treatment at work that every other working Oregonian is entitled to.

CONTACT US

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ENDNOTES

¹ Data Center, data taken from the American Community Survey 2005-2009, provided to Family Forward Oregon by Jay Donahue on March 8, 2013.

² Ibid.

³ Burnham, Linda and Nik Theodore. "Home Economics: The invisible and Unregulated World of Domestic Work. The National Domestic Workers Alliance. New York, NY. 2012. <http://www.domesticworkers.org/homeeconomics/>

⁴ Ibid.