

Eileen Boris

Chair of the Department of Feminist Studies, University of California, Santa Barbara

Posted: March 25, 2011 11:11 AM

Bringing Rights for Domestic Workers Out of the Closet

http://www.huffingtonpost.com/eileen-boris/bringing-rights-for-domes_b_840544.html?view=print

Remembering Women's History Month and the Triangle Shirtwaist Fire, New Deal 2.0 tells the surprising story of how women became citizens -- and how their economic lives have evolved along with their rights. Eileen Boris explores how household workers get the shaft -- and why they are fighting back.

In time for Women's History month, the White House Council on Women and Girls has issued "Women in America: Indicators of Social and Economic Well-Being." This statistical survey, proclaimed as the first such report in fifty years, calls for "raising the visibility of women's lives, as well as thinking strategically about how to address these challenges." Notably missing is any mention of household workers, those who make it possible for other women to go out to their jobs by cleaning houses, cooking dinner, bathing children, and aiding the aged. These workers largely stand outside the law -- and the White House agenda. But their mobilization for respect and decent work challenges both the economic violence perpetuated in homes and conventional understandings of what is work and who deserves worker rights.

A half century ago, the President's Commission on the Status of Women offered a broader vision than today's Council. Kennedy-era labor feminists considered not only the bare facts of employment, but advocated moving domestic service from the personalistic realm of mistress and maid to the modern regime of labor law, recognizing it as a valuable occupation. The Women's Bureau, along with prominent organizations of black, Jewish, and Catholic women, relaunched the depression-era National Committee of Household Employment (NCHE) to improve working conditions in private households. NCHE promoted a voluntary "Code of Standards" with provisions for minimum wages, overtime, Social Security, sick leave, paid holidays, and a "professional" working relationship. It sought inclusion of private household workers in the New Deal Fair Labor Standards Act (FLSA).

Under black activist Edith Barksdale-Sloan, the NCHE organized the Household Technicians of America as a national association of domestic workers dedicated to "winning good wages and benefits, raising consciousness and educating consumers of domestic services." In 1974, private household workers won minimum wage under FLSA, though the same amendments removed elder companions, today's home care workers, from the law. The reorganization of domestic employment and ebbing of social movements in the next decade stalled further improvements.

Now thousands of household workers are on the move again -- creating ethnic and community-based associations, demanding dignity and living wages from employers, and lobbying governments for rights as workers. During the last fifteen years, in California, Maryland, and New York, immigrant and U.S. born women of color have built upon the example of worker centers and engaged in grassroots organizing to form associations that reach housekeepers, nannies, and elder caregivers in individual homes. They enhanced worker empowerment through education, leadership training, and service provision. They engaged in street actions denouncing employers who withhold food as well as payment, who abuse bodies and curtail physical movement. Like the NCHE, they issued voluntary codes of conduct and standards for decent work. They have sought legal as well as political redress.

About six years ago, coalitions in California and New York City began pushing for a "Domestic Worker's Bill of Rights." In New York, the multi-ethnic Domestic Workers United and its allies, notably Jews for Racial and Economic Justice, petitioned, marched, and lobbied the legislature. Last September, Democratic Governor David Patterson signed such a framework for greater security. The pioneering New York bill guaranteed a living wage, paid sick and vacation days, and health benefits.

Though Republican Governor Arnold Schwarzenegger vetoed a similar measure in 2006, the California Domestic Worker Coalition -- composed of grassroots organizations like Coalition for Humane Immigrant Rights of Los Angeles and Mujeres Unidas y Activas in the Bay area -- has returned with a new bill. The Domestic Work Employee Equality, Fairness, and Dignity Act of 2011 (AB 889) places household workers under the state's labor code, including worker compensation, occupational health and safety, overtime, meal and rest breaks, and pay reporting. Sensitive to cultural preferences, it calls for the availability of kitchens for personal food preparation. Additionally, the bill authorizes eight hours of uninterrupted sleep for 24-hour and live-in workers, paid sick and vacation days, termination notice, and cost of living increases. In treating domestic labor like other jobs, it resembles the "Decent Work for Domestic Workers" convention set for final approval by the International Labor Organization next June, for which the National Domestic Workers Alliance has help secure U.S. support.

Workers hired by families are using the state to transform private labors into public work. But one group of household laborers remains apart -- those paid by governments to care for needy elderly and disabled people. The California proposal explicitly excludes In Home Supportive Service workers, the type of worker whose omission from federal law the Supreme Court upheld in 2007 and the Obama administration has yet to rectify

through new labor regulations. Meanwhile, Republican governors, as in Wisconsin, are eliminating collective bargaining for home care workers. An irony of current struggles might be that these public employees end up with fewer rights and poorer conditions than those who labor for individual housewives.

This post originally appeared on New Deal 2.0.