

Tuesday, February 9, 2021

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**Comments in support of SB384/HB652: Guidance and Reporting for Residential Service Agencies (RSAs)**

The **National Domestic Workers Alliance (“NDWA”)** submits this testimony in support of SB384/HB652: Guidance and Reporting for Residential Service Agencies (RSAs). The National Domestic Workers Alliance (NDWA)<sup>1</sup> is the nation’s leading voice for dignity and fairness for the millions of domestic workers in the United States.<sup>2</sup> Founded in 2007, the National Domestic Workers Alliance represents 2.2 million domestic workers who work as nannies, home care workers, and house cleaners in private homes, providing essential care and supportive services to our children, aging parents, and loved ones with disabilities every day. NDWA reaches and engages over 250,000 domestic workers on a regular basis through our 63 affiliate organizations in 36 cities and 17 states, our local chapters in Atlanta, Durham, Seattle, Philadelphia, Washington, D.C., and New York City, and our digital platforms. Domestic workers are overwhelmingly women, well over half are women of color, and more than a third are immigrants.<sup>3</sup> As of 2019, domestic workers are more likely than other workers to have been born outside the United States; one in five domestic workers is a foreign-born noncitizen.<sup>4</sup>

Domestic and care workers comprise a growing workforce that has been historically excluded from basic workplace protections, such as minimum wage, overtime, anti-discrimination protections, health and safety, and the right to organize. NDWA has led the movement both at the federal level and in several states to pass legislation to eliminate the exclusions. Unfortunately, the rampant misclassification in the domestic and home care industry undermines these efforts and enables employers to evade minimum wage, overtime, and other labor laws that domestic and home care workers have fought to secure.

In the home care workforce context alone, the workforce has more than doubled in size over the past 10 years from nearly 840,000 in 2007 to over two million in 2017.<sup>5</sup> As the baby-boom population ages and the elderly population grows, the demand for the services of health aides and personal care aides will continue to increase.<sup>6</sup> Yet the work is still not valued, receiving extremely low pay, no benefits and limited protections, and rampant misclassification only degrades the quality of the job further.

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<sup>1</sup> <https://www.domesticworkers.org/raising-standards>

<sup>2</sup> Linda Burnham & Nik Theodore, *Home Economics: The Invisible and Unregulated World of Domestic Work*, pp. 26-28, (2012), available at <http://www.domesticworkers.org/homeeconomics/>.

<sup>3</sup> Wolfe, J., Kandra, J., & Shierholz, H. (May 2020). *Domestic Workers Chartbook*. Economic Policy Institute. <https://www.epi.org/publication/domestic-workers-chartbook-a-comprehensive-look-at-the-demographics-wages-benefits-and-poverty-rates-of-the-professionals-who-care-for-our-family-members-and-clean-our-homes/>.

<sup>4</sup> Id.

<sup>5</sup> Stephen Campbell, *U.S. Home Care Workers: Key Facts (2018)*, available at <https://phinational.org/resource/u-s-home-care-workers-key-facts-2018/>

<sup>6</sup> U.S. Bureau of Labor Statistics (BLS), Division of Occupational Employment Statistics (OES). 2018. May 2007 to May 2017 National Industry-Specific Occupational Employment and Wage Estimates. <https://www.bls.gov/oes/current/oesrci.htm>.

**National Domestic Workers Alliance (NDWA)**  
Oakland, CA, New York City, NY, Washington D.C. and Atlanta, GA

Many of our home care members across the country experience misclassification by the home care agencies that hire and dispatch them to do caregiving for people with disabilities or the elderly. For example, in 2018, the Los Angeles' City Attorney's Office settled a landmark misclassification case on behalf of 200 home care workers against [Hand Home Provider, Inc.](#), which was required to pay \$250,000 in restitution and \$100,000 in civil penalties.<sup>7</sup> Based on these actions, along with countless other misclassification cases, NDWA's affiliate in Los Angeles has established a hotline to report misclassification in the industry and to provide ongoing support to home care workers victims of misclassification.<sup>8</sup>

Now, in the midst of the pandemic, it has become more clear that home care work is truly essential work. Home care workers are risking their lives every single day -- their safety and health, and that of their families -- to provide essential care. Despite being on the frontlines of the pandemic, home care workers misclassified as independent contractors have been left without benefits or a safety net.

Misclassification inflicts the most damage on workers of color and women, such as home care workers, who predominate in the low-paying jobs where independent contractor misclassification is common. All workers who are misclassified suffer from a lack of workplace protections, but women, people of color, and immigrants face unique barriers to economic security and disproportionately must accept low-wage, unsafe, and insecure working conditions. And in times of high unemployment like today, individual workers have even less market power than usual to demand fair conditions, especially in jobs that historically have been undervalued; they are forced to accept take-it-or-leave-it job conditions.

SB384/HB652: Guidance and Reporting for Residential Service Agencies (RSAs) is an important step towards resolving the prevalent misclassification in the home care industry and ensuring home care workers have basic employment rights, protections and benefits. It addresses the lack of data on the home care workforce that limits the state's knowledge on this key sector and the solutions it can craft and enact. Secondly, increasing access to information on the independent contractor classification process and their rights and protections will facilitate enforcement to prevent and challenge misclassification. This bill will establish an important precedent and model for other states to replicate in improving work standards for the home care workforce.

Work should provide people with economic stability, safety, and the opportunity to contribute to their communities. It should be a place where workers are treated fairly and with respect. Home care workers deserve good jobs that enable them to provide for themselves and their families.

For these reasons, we wholeheartedly support SB384/HB652: Guidance and Reporting for Residential Service Agencies (RSAs). The pandemic has laid bare that home care workers are essential, taking care

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<sup>7</sup> "Filipino Home Care Workers Win Wage Theft in Southern California," Oct. 2018-  
<https://www.asianjournal.com/usa/datetime-usa/filipino-home-care-workers-win-wage-theft-case-in-southern-california/>

<sup>8</sup> Pilipino Workers Center launches home care labor violations tip line in May 2019  
<https://www.cadomesticworkers.org/news/pilipino-workers-center-california-domestic-workers-coalition-launch-california-homecare-agency-labor-violations-tip-line/>

of our families. It is time for us to start thinking about their needs and this bill is an important way to care for them.

For more information pertaining to our comments, I can be reached at: [mariana@domesticworkers.org](mailto:mariana@domesticworkers.org).

Sincerely,

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National Domestic Workers Alliance  
Deputy Director