

COMMITTEE ON CIVIL AND HUMAN RIGHTS

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL AND HUMAN RIGHTS

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November 18, 2019
Start: 10:28 a.m.
Recess: 1:01 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Mathieu Eugene,
Chairperson

COUNCIL MEMBERS:

Inez D. Barron
Daniel Dromm
Brad S. Lander
Bill Perkins

2 A P P E A R A N C E S

3 Dana Sussman
4 Deputy Commissioner for Policy and
5 Intergovernmental Affairs at the New York City
6 Commission on Human Rights

6 Steven Ettannani
7 Executive Director for External Affairs at the
8 New York City Department of Consumer and Worker
9 Protection or DCWP

9 Marrisa Senteno
10 Representing the National Domestic Workers
11 Alliance

11 Namrata Pradhan
12 Domestic worker organizer with NDWA

13 Guadalupe Paleta
14 Member of Make the Road

15 Allison Julien
16 Co-Director of the New York Chapter for National
17 Domestic Workers Alliance

17 Tatiana Bejar
18 New York City organizer at Hand in Hand at
19 Domestic Employers Network

19 Rachel Kann
20 Member of Hand in Hand, the Domestic Employers
21 Network

21 Rayos Stirven[SP?]
22 Member of Hand in Hand the Domestic Employers
23 Network

23 Humana Frankel
24 Organizer with Hand in Hand reading for Flora
25 Margolis

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COMMITTEE ON CIVIL AND HUMAN RIGHTS 3

A P P E A R A N C E S (CONT.)

Gabriella Sequel
Workplace justice team at Make the Road New York

Edna Fernango
Legal client of the organization Make the Road

Nowkie Frageda[SP?]
Staff attorney with TakeRoot Justice

Dr. Isabel Cuervo
Senior Research Associate at the Barry Commoner
Center

Jacqueline Goalswipanis[SP?]
paralegal in the employment law unit at the Legal
Aid Society

Meghan Racklin
Legal Fellow at a Better Balance

Casey Wagner
In favor of Intro. 339

2 CHAIRPERSON EUGENE: [GAVEL] Good morning, my
3 name is Mathieu Eugene and I am the Chair of the
4 Civil and Human Rights Committee.

5 Today the Committee will be hearing testimony on
6 Introduction Number 339-A sponsored by Council Member
7 Debbie Rose, which expands the city human rights law
8 protection to domestic workers.

9 Before I speak any further, let me comment on
10 something that Council Member Brad said.

11 SPEAKING IN DIFFERENT LANGUAGE 1:58-2:30

12 It is estimated that nationally there about 2.5
13 million domestic workers and the industry is
14 considered one of the nation's fastest growing
15 professions. With an aging population and more women
16 joining the work force, the Bureau of Labor
17 Statistics expects the number of home health care and
18 personal care aides to increase by 47 percent and 39
19 percent, respectively, and for the number of
20 childcare workers to increase by seven percent.

21 Despite a growing demand domestic workers often
22 face, poor working conditions and are vulnerable to
23 abuse, including sexual harassment, assault, and
24 various other forms of discrimination. The nature of
25 domestic workers often perpetuates the vulnerability

2 of workers, as it is often intermittent, isolated or
3 performed for very small employers such as an
4 individual family.

5 Domestic work is highly gendered, 95 percent of
6 domestic workers are women and 54 percent identified
7 as non-White. In a recent survey of domestic
8 workers, over 80 percent reported worked in abused
9 situation. Despite the rampant violations, there is
10 limited legal resources in law for domestic workers.
11 For example, Title VII of the Civil Rights Act of
12 1964, which prohibits discrimination against workers,
13 exempts employers with fewer than 15 workers.

14 In 2010, the New York State Human Rights Law was
15 amended to protect domestic workers from sexual and
16 discriminatory harassment. However, domestic workers
17 remained excluded from the definition of employee
18 under the state's human rights law, therefore
19 limiting the extent of human rights protection.

20 Similarly, New York City Human Rights Law only
21 applies to employers with four or more employees. As
22 such domestic workers, who are often employed in
23 private homes by those who have few employees, miss
24 out on many of the city's human rights protections.
25 Last year, the City Council passed Local Law 98 of

2 2018 which removed the four-employee requirement for
3 gender-based harassment claim.

4 Intro. 339-A would amend the New York City Human
5 Rights Law to extend all of its employee protection
6 to domestic workers. We look forward to hearing
7 testimony today from the Administration, advocacy
8 groups, and other interested stakeholders.

9 Before we begin, I would like to acknowledge the
10 Members of the Committee who have just joined us. We
11 are with Council Member Dromm, Council Member Brad
12 Lander and of course this wonderful being Council
13 Member Debbie Rose. And I would like also to the
14 Committee Staff Balqees Mihirig who is the Senior
15 Counsel to the Committee, Leah Skrzypiec Policy
16 Analyst, and Nevin Singh Finance Analyst, as well as
17 my staff David Suarez and **[INAUDIBLE 9:30]**.

18 And I would like also to thank Ms. **[INAUDIBLE**
19 **9:36-9:41]**.

20 Now, I would like to call on my colleagues and
21 the sponsor of this bill Council Member Debbie Rose.

22 COUNCIL MEMBER ROSE: Good morning and thank you
23 so much Chair Eugene. I'd like to thank you so much
24 for your support of this critical piece of
25 legislation and for allowing me to speak briefly

1
2 about Intro. 339, the Domestic Workers Discrimination
3 Bill. Intro. 339 will give domestic workers the
4 rights that they so desperately need to fight against
5 workplace discrimination. We tried to get this bill
6 passed during my first two terms, so I am especially
7 grateful and eager to have this hearing today.

8 Intro. 339 will include domestic workers in the
9 New York Human Rights Law, which provides essential
10 employee protections from discrimination based on
11 race, gender, religion, sexual orientation, and all
12 other intrinsic parts of their identities.

13 Currently, this prohibition only applies to
14 employers with four or more employees. This
15 legislation expands protections to include employers
16 of domestic workers, even if only one employee is a
17 domestic worker. Anti-discrimination and harassment
18 laws have many times left out domestic workers
19 because of the nontraditional nature of their work.
20 But these same workers are often the one's who need
21 these very protections the most. They face
22 extraordinary obstacles obtaining employment and
23 negotiating fair wages. Employers can fire them
24 without notice for discriminatory reasons, such as
25 being pregnant.

2 One third of domestic workers report facing
3 verbal abuse from their employer and many say that a
4 factor of their abuse has had to do with their
5 immigration status, their race or ethnicity, age,
6 religion or sexual orientation.

7 Yet these workers still cannot file
8 discrimination complaints. I am reintroducing this
9 bill in an effort to send a clear message to all that
10 discrimination in New York City will not be
11 tolerated. Additionally, it will give New Yorkers
12 the opportunity to seek recourse if they have been
13 discriminated against in the workplace.

14 Domestic workers deserve the same civil right
15 protections as every other worker. And I'm going to
16 do this for you. I look forward to hearing the
17 testimony on this bill. I want to thank Chair Eugene
18 again for hearing this legislation. I wish to thank
19 my staff as well as the progressive caucus who helped
20 us get this super majority and the Black and Latino
21 Asian caucus for their continued support on this
22 legislation.

23 I also want to acknowledge the tireless advocates
24 from the Domestic Workers Alliance for their
25 dedication to helping domestic workers overcome the

1
2 severe employment hardships that they have to bear
3 daily.

4 So, thank you so much.

5 CHAIRPERSON EUGENE: Thank you very much Council
6 Member Rose. But before we hear from the
7 Administration, I would like to call **[INAUDIBLE**
8 **15:19]** to administer the court.

9 COUNCIL CLERK: Good morning, please raise your
10 right hand. Do you affirm to tell the truth, the
11 whole truth and nothing but the truth in your
12 testimony before this Committee and to answer
13 honestly to Council Member questions?

14 PANEL: Yes.

15 COUNCIL CLERK: Please state your name for the
16 record and go ahead.

17 PANEL: Okay.

18 DANA SUSSMAN: Good morning Chair Eugene and
19 Members of the Committee on Civil and Human Rights
20 and Sponsor Council Member Rose. I am Dana Sussman;
21 Deputy Commissioner for Policy and Intergovernmental
22 Affairs at the New York City Commission on Human
23 Rights.

24 Thank you for convening today's hearing on Intro.
25 339-A, which would extend employment protections

1 under the City Human Rights Law to domestic workers
2 regardless of their employer or size.

3
4 The bill would eliminate the four-employee
5 minimum for employer liability with respect to
6 domestic workers. Meaning that a domestic worker
7 often working as the sole employee of an employer
8 would have explicit protection under the City Human
9 Rights Law from discrimination and harassment in
10 hiring, firing and the terms and conditions of
11 employment. With respect to reasonable accommodation
12 and with respect to retaliation.

13 The Commission recognizes the unique
14 vulnerabilities that domestic workers face and
15 several members of the agency staff including
16 Commissioner Malalis and myself, have represented
17 domestic workers in wage theft cases and trafficking
18 cases prior to joining this agency.

19 Domestic workers are disproportionately women,
20 people of color and immigrants. Domestic workers
21 have historically been excluded from labor law and
22 antidiscrimination protections and because of this
23 exclusion, have often been forced to work in
24 unregulated, unsafe and exploitative situations.

2 Recognizing the barriers domestic workers have
3 unjustly faced, the Administration and the Commission
4 have worked to build relationships with domestic
5 worker organizers and advocates, including many of
6 the people here today. Through the paid care working
7 group at the Department of Consumer and Worker
8 protection and working with organizations like
9 National Domestic Workers Alliance and their member
10 organizations on outreach, education, and other
11 partnerships in collaborations.

12 In December 2017, at the Commissions public
13 hearing on sexual harassment in the workplace,
14 organizer Daniela Contreras provided courageous and
15 compelling testimony about her experience facing
16 sexual harassment as a young nanny in her employers
17 home. Highlighting the fact that in most
18 circumstances, domestic workers have had no legal
19 protections under the City Human Rights Law. After
20 that testimony, the Commission worked with City
21 Council and the Administration to implement new
22 protections against gender-based harassment.

23 Including eliminating the four-employee minimum for
24 such claims, which means that now, all workers
25

1
2 regardless of the size of their employer are
3 protected from gender-based harassment.

4 Since the passage of that bill in 2018, the
5 Commission has continued to work closely with
6 domestic worker advocates to ensure they know about
7 this new protection and know how to access us at the
8 Commission.

9 Earlier this year, the Commission launched its
10 first of its kind online sexual harassment prevention
11 training and drawing on input from domestic worker
12 advocates included a scenario involving sexual
13 harassment of a domestic worker. Taking the
14 opportunity to educate New York City employees, who
15 may also be employers of domestic workers regarding
16 their obligations under the City Human Rights Law.

17 If this bill passes, the Commission is committed
18 to working with domestic workers, advocates, our
19 sister agencies and domestic worker employer networks
20 to ensure New Yorkers know what their rights and
21 obligations are under this provision.

22 Domestic workers as we know, do the work that
23 allows many of us to do our work and for that, we owe
24 them the protections the City Human Rights Law
25 affords most other workers in New York City.

2 Thank you for convening today's hearing and I
3 look forward to your questions.

4 CHAIRPERSON EUGENE: Thank you very much Deputy
5 Commissioner, so you can sit.

6 STEVEN ETTANNANI: Good morning Chair Eugene and
7 Members of the Committee on Civil and Human Rights.
8 I am Steven Ettannani; Executive Director for
9 External Affairs at the New York City Department of
10 Consumer and Worker Protection or DCWP.

11 I would like to thank the Committee for the
12 opportunity to testify today on behalf of DCWP
13 Commissioner Lorelei Salas in support of the
14 expansion of the City Human Rights Law to cover
15 domestic workers.

16 The City Council, through Local Law 98 of 2016,
17 created the Paid Care division. It is housed within
18 DCWP's Office of Labor, Policy and Standards, led by
19 division head and the Paid Care advocate.

20 The division is charged with coordinating with
21 stakeholders and workers to protect and raise job
22 standards in the Paid Care industry including for
23 domestic workers, homecare workers, housecleaners and
24 others. Primarily women of color and immigrants,
25 Paid Care workers play an essential role in New York

1 City's economy caring for our loved ones. However,
2 these workers face inherent challenges in exercising
3 their rights in the workplace. They frequently work
4 out of public view, alone in private homes, isolated
5 from their peers.

6
7 To address these challenges, DCWP works
8 strategically and collaboratively with trusted
9 partners to reach workers and ensure they know and
10 have the tools to realize their protections. Many of
11 those partners are here today with us in the
12 committee room today.

13 Over the past six months alone, our staff has
14 interacted with over 2,000 paid care workers at more
15 than 50 events. We've met paid care workers at
16 playgrounds, at events hosted by community and faith-
17 based partners and even at industry trainings that
18 were mandated by DCWP's consent orders with agencies
19 employing home health aides and that required those
20 agencies provide their workers resources about legal
21 protections.

22 Most recently DCWP and the National Domestic
23 Workers Alliance cohosted an open house for paid care
24 workers to provide them with an overview of their
25 rights and resources and gathered a working group of

1 stakeholders including our colleagues at CCHR to
2 further strategize on engagement and policy advocacy
3 going forward.

4
5 DCWP's collaboration with partners including the
6 paid care working group, helped inform model
7 standards for the paid care industry that were
8 published in DCWP's 2018 report lifting up paid care
9 work.

10 The standards were intentionally aspirational,
11 but just two years later, one of them protection from
12 discrimination and harassment could be realized by
13 the intent of the legislation before us today. In
14 this context, expanding the city's human rights law
15 to include domestic workers would mark another
16 important milestone in the movement to raise
17 standards in the industry.

18 At DCWP we are committed to supporting the power
19 of domestic workers and the momentum they have
20 created for a cultural shift that recognizes their
21 vital importance to the daily functioning of the city
22 and its economy.

23 For this reason, we have sought to expand our own
24 protections for paid care workers through
25 Introduction 800, which would allow all domestic

1 workers accrue their paid safe and sick leave and
2 paid personal time based on the number of hours they
3 work and begin using their time 90 days after
4 starting work with an employers, giving them parity
5 with other workers in the city.
6

7 DCWP looks forward to our continued collaboration
8 with partners and the Council as we work to make
9 these protections a reality for domestic workers and
10 help ensure that paid care workers know their rights
11 and how to enforce them.

12 Thank you for the opportunity to testify today
13 and I'm happy to answer any questions you may have.

14 CHAIRPERSON EUGENE: Thank you very much Mr.
15 Ettannani. Thank you and let me take the opportunity
16 to thank the Deputy Commissioner Dana Sussman and
17 also Mr. Ettannani. Both of you and also your
18 institution for what you are doing for domestic
19 workers.

20 I think that New York City is home to so many
21 people and we say that all the time. People come in
22 from all over the world. They got here from the
23 language they speak, their religion, their faith.
24 All of us, we come for the same reason, to have a
25 piece of the American dream and those people, they

1
2 are hardworking people, trying to make a living to
3 have a better life for themselves and their family
4 members. They work hard and also; they are part of
5 the backbone of the economy of the city and I think
6 they deserve justice and protection and I commend all
7 of you for what you have been doing to help those
8 people and many of them. You know, they have many
9 other values and challenges like language values,
10 cultural value, they come to a county, they got to
11 fight to survive. I think we have the more mandate
12 city as elected official, my colleagues over here and
13 I commend them for their leadership and advocacy on
14 behalf of all the workers.

15 Council Member Brad Lander, Dromm, Rose, thank
16 you so much for what you have been doing for all the
17 workers. And I thank you again and I think that we
18 will continue, and we have to continue to work
19 together as I said, [INAUDIBLE 31:07]. And this is
20 true when we work together, and we are going to
21 continue to work together to protect the domestic
22 workers and all those hard-working people who are
23 part of the fabric of New York City.

2 With this, Deputy Commissioner, could you tell us
3 how many inquires does the commission hear from
4 domestic each year? How many people each year?

5 DANA SUSSMAN: So, I do not have that figure in
6 front of me. Often times we get close to 10,000 or a
7 little bit over 10,000 inquires a year through our
8 hotline, our email, and other means, walk ins to our
9 offices etc.

10 We have not been – when many of them are not
11 jurisdictional, in other words if we don't currently
12 have protections for those workers, we will refer
13 them often to other resources. I know that our
14 numbers are not high. They are quite low, and we
15 have worked with many of the advocates in the room to
16 share the information that people do have protections
17 under the City Human Rights Law with respect to
18 gender-based or sexual harassment, currently under
19 the City Human Rights Law for domestic workers.

20 We also and have been doing this for several
21 years, we will count employees even if that – with
22 respect to reaching that four-employee minimum. If
23 an employer of a domestic worker has another business
24 for example or employs other people, we will look to
25 all of those other businesses or employment

2 situations to count to get to that four-employee
3 minimum.

4 So, we have been working very transparently with
5 the domestic worker advocacy community to convey that
6 we are interpreting the law very broadly and when in
7 doubt come to us, we will look at the case on a case
8 by case basis and assess whether or not we have
9 jurisdiction. But I think one of the challenges we
10 face today along with you know, our colleagues and
11 the administration, is ensuring that people know what
12 their rights are. That our process is clear and
13 transparent, and people feel like they have a
14 resource in us.

15 And so, that's something that we will continue to
16 work on to ensure that cases are coming to us.

17 CHAIRPERSON EUGENE: You already answered three
18 of my questions. So, I don't have to ask them
19 anymore. But anyway, I think that when we are trying
20 to provide services, we have also to make sure that
21 we get an idea of the cost, the number of people of
22 course who come to us, but we should be able to break
23 down in gender and ethnicity and different type of
24 criteria's. This is in order to for us to be in a
25 better position to provide the services that we are

1 providing. Because we know that people who don't
2 speak English properly will face other challenges
3 because they don't speak English.
4

5 People who come from certain countries or a
6 certain ethnicity will face all the realities. So,
7 it is very important that we gather the information
8 in order for us to bring more effective in helping
9 those people and you know, I was talking to the
10 Commission to take consideration and to take steps to
11 make sure that we have all the data and that will
12 help us as Council Members to do a better job and to
13 help those people.

14 And the other question that I want to ask you is
15 you said in your testimony that you work together
16 with all the advocacy groups. Can you elaborate on
17 your relationship. You know, with the advocacy
18 group, what you do and what it is exactly they are
19 able to provide to you and do you provide also any
20 type of assistance to those advocacy groups to ensure
21 that the work that you are doing together can be more
22 effective?

23 DANA SUSSMAN: Yes, sure. So, our agency under
24 Commissioner Malalis has taken a real — has placed a
25 real priority on engagement and outreach and it's

1 reflected to in our work with domestic worker
2 advocates. Even before the paid care division at DCA
3 was launched, I think back in 2015 or 2016 within the
4 first year of Commissioner Malalis's tenure, we
5 convened along with our partners at DCA, MOYA and
6 International Affairs roundtables with domestic
7 workers advocates. Many again of the folks in this
8 room today around what the city could do to serve
9 this community and many of the ideas that were sort
10 of fomented in those convenings resulted I think in
11 some of the work that we're all doing now including
12 protections for domestic workers on paid sick leave,
13 the paid care division, the gender based harassment
14 protections and some other initiatives that I think
15 are forth coming.
16

17 So, we have been working, we have had these
18 conversations. I think they were scheduled quarterly
19 back when we started and since the launch of the paid
20 care division, we, CCHR and DCA and MOYA and others
21 have had regular convenings with Domestic worker
22 advocates and I know I will leave that for my
23 colleague here to comment future on.

24 In addition, we have a direct line of
25 communication to many of the organizations here. So,

1 if there is a potential case, a potential concern,
2 people know exactly how to reach me or how to reach
3 some of my colleagues in the Law Enforcement Bureau
4 and we are always an open ear and an open line to get
5 questions answered. We have presented at trainings,
6 we have presented at convenings and we whenever any
7 of the groups here want us to be somewhere, we will
8 be there.

10 So, even beyond sort of the more formalized
11 convenings or meetings that we have, we also just
12 have a direct line of communication to many of the
13 folks in this room and if we don't, I will say that
14 we welcome it to everyone here to make sure that we
15 are again, a friendly face, a familiar voice for the
16 communities here.

17 STEVEN ETTANNANI: Yeah, I just wanted to
18 piggyback on what Dana was just speaking about. I
19 think you know, this work by its nature is
20 interdisciplinary and that means that you know, it's
21 relying on resources not only within my own agency at
22 DCWP related to outreach and intake and legal work
23 but also with our colleagues in city government of
24 which CCHR is a primary partner and I am truly
25 hardened to see the folks in this room are worker

1
2 orgs that are so crucial to our work ADDEKAR, NDWA,
3 Make the Road for example. I think all of which are
4 here today.

5 They are critical to ensure that we're meeting
6 domestic workers, paid care workers where they are.
7 That includes at playgrounds. That includes at
8 training and workshops and as I mentioned in my
9 testimony, our latest open house included tips for
10 interviews. How do you conduct those or how do you
11 know, advocate for yourself when you're asking for a
12 raise potentially.

13 You know, just basic information including what
14 is the minimum wage right now for paid care workers?
15 These are environments and these are seminars that
16 are empowering, and we can't wait to continue to work
17 with these groups in the future.

18 CHAIRPERSON EUGENE: You mentioned resources, you
19 said that your work is based on resources, but my
20 question to you, do you have both of you, the
21 customer affair and also the commission, do you have
22 enough resources to end all this very important task
23 because we know that as we see that the people that
24 you are serving and we are serving, you know, that
25 came from different backgrounds, different ethnicity,

2 and also they are facing so many challenges that may
3 put them in the position to be discriminated. Do you
4 have enough resources to end all these situations?

5 DANA SUSMAN: So, I think -

6 CHAIRPERSON EUGENE: And also, let me add
7 something to the question. Could you tell us, what
8 are the most important, the most difficult challenges
9 that you are facing you know, in delivering the
10 services to the hardworking people?

11 DANA SUSSMAN: To effectively implement this
12 provision, it will require that the commission and
13 our partners in the administration work
14 collaboratively and work creatively to ensure that we
15 reach employers and that we reach domestic workers.
16 Historically, I will say in the recently in the
17 history of the commission, we have prioritized
18 outreach to businesses, particularly small businesses
19 that don't have you know, HR departments or lawyers
20 advising them to ensure that they have the tools and
21 the information they need to comply with the City
22 Human Rights Law.

23 Our audience for that, has historically been
24 businesses, not households. So, we will need to
25 reach households again where their at. So, whether

1 that's parenting groups, or you know, community
2 boards, neighborhood associations, houses of worship,
3 employers, large employers who have a workforce that
4 may employ domestic workers. We really do need to
5 think creatively about how we reach domestic worker
6 employers, so that they know how to comply with the
7 law. Because I think what's really important is
8 unfortunately the way that the legal system is set
9 up, is it puts the responsibility on the worker to do
10 their advocacy or to file a case when the law is not
11 complied with.
12

13 We want to ensure that employers have the
14 information to comply without needing a worker to
15 have to bring a case to enforce ones rights. We want
16 compliance and so that is going to take I think
17 again, a lot of collaborative work, a lot of creative
18 work to reach households. Something that the
19 commission has not, I will say to be very clear, has
20 not historically focused on because our audience has
21 typically been business. But I think we're prepared
22 to do that, and we're open to working with everyone
23 here in this room including Council Members at their
24 district offices or elsewhere to get the word out.
25 Whether it's at libraries or community centers or

2 anywhere else where we think we can meet
3 neighborhoods and we can meet parents or people who
4 are employing workers.

5 STEVEN ETTANNANI: Yeah, I think you know, in
6 terms of resources where our paid care working group
7 which leverages just specifically our CCHR and MOYA
8 at the administration level, as well as our worker
9 groups and employer groups as well. That in of
10 itself allows us to have an outsized impact in terms
11 of outreach and strategic planning then strictly
12 numbers you know, and resources may indicate at a
13 face value.

14 Our work and our partnership is always forward
15 looking, and I think in terms of that and an outreach
16 in meeting folks where they are, you know, we have
17 the will to make sure that we're effectively getting
18 the messaging out.

19 CHAIRPERSON EUGENE: You give a very good answer,
20 but I don't think that you touch exactly what I was
21 looking for. And I think my colleagues that we've
22 asked this type of question several times previously,
23 but I'm talking about the financial resources. Do
24 you have enough budget, enough financial resources to
25 do the job?

2 I know that you got partners, you got volunteers,
3 people with heart who spend time helping you, helping
4 the hardworking people but let's put it this way, I
5 think this is a very great extended job. The tax is
6 big, so do you have the resources to do it in
7 addition to the collaboration from the advocacy group
8 and partners and volunteers. Do you have the
9 resources to do it?

10 DANA SUSSMAN: I know -

11 CHAIRPERSON EUGENE: And what can we do for the
12 City Council to help you be in a better position to
13 help those hardworking people?

14 DANA SUSSMAN: Thank you for that question and I
15 know Council Member Eugene, you know, this is not the
16 first time we've had this exchange.

17 CHAIRPERSON EUGENE: We know, I know that, we
18 know that. And we don't want to put you on the hot
19 seat, but we want to make sure that we work together
20 to serve the people we are beginning to serve.

21 DANA SUSSMAN: I suppose I will answer it in a
22 similar way I've answered it before which is, the
23 City Human Rights Law has been amended I believe 28
24 times under Commissioner Malalis's tenure, so that's
25

1
2 four in a half years. So, we're averaging about six
3 or more amendments a year.

4 That is my best estimate I confess today. And
5 so, every amendment requires implementation, not
6 every amendment is a broadening necessarily the City
7 Human Rights Law explicitly or an added protection,
8 many of them are and that, we have been able to take
9 in that broadened mandate that extended mandate and
10 build it into our work. It is challenging and we are
11 you know, an agency with a lot of work and we could
12 always do more.

13 With more resources, we can bring in more staff
14 to enforce the law to educate on the law. But that
15 is the similar answer I've given before, but I know
16 you understand the conversation here.

17 CHAIRPERSON EUGENE: I do understand, we do
18 understand. Well, thank you very much. Before I
19 call up Council Member Lander and Rose, let me ask
20 you my last question before I get back to you.

21 And we may realize, and we all know that you
22 know, the people who are working as domestic workers,
23 they speak several languages and many of them speak
24 Spanish over here and I go back also to what my
25

1
2 colleague said. So, the language is very, very
3 important.

4 So, could you tell us what you have done to
5 ensure that people who don't speak English, whose
6 English is not their primary language, what steps you
7 have been taking to make sure you reach out to them?
8 You are outreaching a system to make sure that they
9 understand their right. To make sure that they get
10 access to the resources and to the services that you
11 are providing.

12 DANA SUSSMAN: This is a constant challenge and
13 something that we take incredibly seriously. Our
14 agency, our staff, speak over 30 languages at current
15 count for an agency of our size, that is a pretty
16 remarkable number, although we recognize that we can
17 continue to do better and to continue to prioritize
18 that as far as a skill set for our workforce.

19 When someone doesn't speak – when we don't have a
20 staff member available who speaks the language of an
21 individual coming to us for help, we will always call
22 immediately our language line contractor to provide a
23 phone interpretation. And I've said this before, I
24 recognize that's not ideal in many situations, but we
25 will never turn someone away or not serve them or not

1
2 communicate with them simply because we don't have
3 someone available at the office that day or to speak
4 with them.

5 If we're doing community outreach, we will work
6 very hard to make sure that the person representing
7 the commission speaks the language of that community.
8 Again, we don't always have everyone available all
9 the time, but we really prioritize that to ensure
10 that people can speak their own language in the
11 language their most comfortable in, hear information
12 in their own language, connect with someone in
13 government who speaks their language and may likely
14 be from that community or from that neighborhood.

15 And so, that is something again that we really
16 prioritize. Our informational materials are
17 translated in at least ten languages. If anything,
18 on our website is not translated in those languages,
19 it's likely because it is coming.

20 We often will start with English and Spanish
21 first and then get the additional languages on the
22 website and I know there is a terrific informational
23 material that we partnered with DCA on, a workers
24 bill of rights, that I know is available in many,
25

1 many more languages and I'll let my colleague here
2 talk about that.

3
4 So, we translate our materials, we have staff who
5 speak over 30 languages. We present in those
6 languages and we will continue to improve our
7 language access and continue to prioritize staff who
8 again, speak the language of communities across the
9 city and have those connections to those communities.

10 STEVEN ETTANNANI: Yeah, I you know, thanks for
11 the shout out for some of the collateral that we
12 have. I have some of them right here on hand, our
13 Workers Bill of Rights as well as a dedicated
14 pamphlet here for paid care workers that we utilize
15 as well. These are in English here, but we have them
16 in several different languages and all the executive
17 order at languages.

18 I will just make note, we recently made a
19 purchase of headset equipment that we will use
20 increasingly in the field to provide live in person
21 interpretation and we utilize contracts to ensure
22 that we have the language capacities. But just like
23 the commission, we have incredible staff. Just in
24 external affairs alone, we're talking about Spanish,
25

1 Arabic, Bengali, just to name a few Native speakers
2 of those languages.
3

4 But in the cases where we have staff that are not
5 speaking the lower encounter individuals that there
6 is a language barrier. We utilize language line of
7 course and for planned events, these headsets are
8 critical.

9 CHAIRPERSON EUGENE: Thank you very much. This
10 is great, this is good but Deputy Commissioner you
11 mentioned when you were answering the question that
12 if there is nobody in your staff who speak the
13 language of the community or the person that you are
14 helping, you look for somebody who speaks the
15 language. But what I could say, if you had more
16 resources, more financial resources, you could have
17 hired more people who speak more languages. There
18 are so many languages in New York City, we won't be
19 able to provide services in all the languages, but
20 the more resources that you have, the more people you
21 can hire to speak - you know, people who speak the
22 language of the other people that we are serving.

23 But with this, I want to call our Council Member
24 Lander and after that, Council Member Rose.

2 COUNCIL MEMBER LANDER: Mr. Chair, I'm happy to
3 defer to Council Member Rose's bill.

4 CHAIRPERSON EUGENE: Oh, Council Member Rose.
5 Thank you, what a gentleman, and you are right
6 because this is the sponsor. Thank you, Council
7 Member Rose.

8 COUNCIL MEMBER ROSE: Thank you, thank you, thank
9 you. I just want to sort of piggyback on Chair
10 Eugene's point. It seems historically that the Human
11 Rights Commission is a little shy about asking for
12 resources. My first term, I was the Chair of this
13 Committee and that was also sort of the stance that
14 the commission took and I had hoped that we would
15 move beyond that so that you have here the Chair of
16 the Finance Committee sitting here and we're going to
17 soon be engaging in you know, negotiations for the
18 next fiscal year.

19 So, I would hope that when we come before you
20 with legislation, that is really, really critical and
21 important to the Civil Rights of our citizens that
22 you not be shy about you know, how we're going to
23 enforce it. And I just want you to do that, I had to
24 - I really had to sort of elucidate on that because
25 it seems to be an agency sort of mindset and we want

1
2 to make sure that while we're passing historic
3 legislation, but we're also able to enforce it. And
4 that's my first question, like, are there obstacles
5 to enforcement of 339, Intro. 339 and if so, what are
6 they and what do you anticipate?

7 DANA SUSSMAN: Sure, I think one challenge that I
8 anticipate we will face is that, many families likely
9 do not see themselves as employers. And that is a
10 real shift in framing this entire relationship and
11 while there are many other laws that protect, well,
12 not many. There are other laws that protect or
13 regulate you know, payment, wages, paid sick leave
14 and paid safe leave and other paid family leave now
15 in the state of New York for domestic workers. There
16 is an important mindset that we need to change around
17 being a domestic worker employer.

18 I had on my fridge for a very long time, my home
19 is someone's workplace. I am a domestic worker
20 employers and my home is someone's workplace and that
21 is the message that we need to get out in the world,
22 and I know there are organizations that are doing
23 that work now. And I think that we need to work to
24 meet those families where they are. They are also
25 employees, right and we have access to business. So,

1
2 lets talk to large businesses about getting this
3 information to their employees who are also employers
4 of domestic workers or other ways that we can
5 leverage some of the connections that we all have to
6 have this conversation because this conversation is
7 the core of it all, right.

8 It's recognizing that this maybe a unique
9 workplace, it may not look like the workplaces we are
10 familiar with or how the Human Rights Law had sort of
11 imagined workplaces to be, but this is someone's
12 workplace.

13 So, that I think, is going to be one of our most
14 fundamental challenges. And then, educating
15 employers on what they need to do to comply with the
16 law because I think that there are aspects of our law
17 that are more complicated than others and more
18 nuanced than others and so, really providing the
19 materials, providing the resources to give to
20 employers, so that they understand what their
21 obligations are and how to navigate that.

22 And then of course, outreach and education to
23 workers as well. It is an entire community of
24 workers that we have connections to many of the
25 organizations here today but it's building on that

2 and thinking again about creative ways that we can
3 get the word out.

4 Probably publishing, well, I imagine publishing
5 new materials. We have to frame – a lot of our
6 materials are focused on business and workers in more
7 “traditional workplaces”. So, updating, changing
8 materials, providing new materials, new programming
9 and really talking to domestic worker employers about
10 the fact that they are employers and subject to these
11 regulations and to these laws.

12 COUNCIL MEMBER ROSE: So, that is a really
13 important part of the success of whether or not
14 domestic workers are afforded you know, their civil
15 rights.

16 And so, I think DCPW, you said that you go out
17 and you do a lot of work with the employees and you
18 were saying that it’s basically their responsibility
19 to educate the employer. But is there some process
20 that we can engage in where at that point of you
21 know, when that agreement is made to employ someone
22 that that employer and often times it’s one on one,
23 it’s a family you know, that’s making that connection
24 but there should be some part of the process where
25

2 some sort of standardized or formalized exchange of
3 information happens at that point.

4 You know, the exchange of the employees Bill of
5 Rights. Whatever other literature is available, just
6 as that employer has expectations of the employee,
7 the employee should be able to inform the employer,
8 not like, it's not my job, I'm not doing it. That's
9 not where I'm coming from but just what the legal,
10 what the law allows. And the Human Rights Commission
11 has an education unit and this kind of goes back to
12 resources again. You know, that this unit should
13 have something that the employees at the point of you
14 know, making the agreement to be hired, can you know,
15 exchange with them.

16 Is there something at this point that exists and
17 is this something that the education part of Human
18 Resources could actually focus on?

19 DANA SUSSMAN: Sure, we don't currently have any
20 materials that would I think be appropriate for this
21 unique dynamic. But that is absolutely something
22 that we will look into creating and I think it likely
23 makes sense to do it in partnership with DCA because
24 there are many laws that protect domestic workers and
25 that employers need to be aware of as well.

1 So, if there is a you know, I'm sort of
2 envisioning a joint document that we put together
3 that would have rights and responsibilities and it's
4 either something that the employee can hold on to or
5 the employer can give in exchange so it's a notice to
6 everyone about what their rights are.
7

8 But I think that that is fundamentally key to
9 implementation. Not only so people can have it in
10 their workplace but that we can use it as part of our
11 outreach. We can host events and circulate that
12 document. So, I think that that is going to be
13 certainly a priority of ours to make sure we can
14 publish something that's clear and that really
15 presents kind of a one resource document for people
16 who are hiring and for people who are working in
17 homes.

18 STEVEN ETTANNANI: Yeah, and I think you know,
19 certainly DCWP does not believe that the entire
20 burden of making sure that laws and regulations are
21 abided by, falls on an employee. Certainly not you
22 know, that's in the paid care industry and certainly
23 no domestic workers.

24 So, I think as my colleague mentioned, depending
25 on - there most likely will be new materials created

1
2 and part of this paid care working group, which
3 includes employer organizations for example. There
4 will be a novel thinking about how best to
5 communicate two families, two individuals, who may
6 not think of themselves traditionally as an employer.
7 How do we make that top of mind for them? How do we
8 engage with them? And I think you know; we're
9 actively going to be crossing those bridges when we
10 get there.

11 COUNCIL MEMBER ROSE: Have we been able to figure
12 out how to address sort of preferences in terms of
13 hiring of domestic workers in terms of maybe gender?
14 You have an elderly female who has a preference, have
15 we been able to figure out how we're going to work
16 with you know, the personal preferences in terms of
17 and ensuring that it's just not discriminatory?

18 DANA SUSSMAN: The City Human Rights Law has as
19 we know many categories of protection, of which
20 gender is one and we all can understand why gender-
21 based discrimination is illegal and has been for a
22 very long time.

23 This situation involves people's homes, people's
24 private lives. There is an intimacy to the
25 relationship, and we recognize that.

2 As the bill is currently drafted, gender-based
3 discrimination hiring based on someone's personal
4 preference would be treated like any other form of
5 discrimination based on gender. And so, I think we
6 need to think about, and we are very open to thinking
7 this through with everyone in the room and the
8 Council on how we address some of those concerns that
9 are unique to this dynamic involving someone's home
10 and someone's private life. And think about ways
11 that we can you know, bridge the divide between sort
12 of the statutory text and the real-life experiences
13 and needs of people who are bringing someone into
14 their home to care for their loved ones.

15 COUNCIL MEMBER ROSE: So, there's going to be an
16 ongoing dialogue about how we sort of bridge you know
17 this?

18 DANA SUSSMAN: Yes, yes.

19 COUNCIL MEMBER ROSE: Is there any current
20 protections that's offered to the domestic workers
21 through the states human right laws and how do they
22 differ from Intro. 339? Are there differences?

23 DANA SUSSMAN: So, there are a lot of changes
24 going on at the state levels. In some ways, there
25 are - it's kind of this new - we're in a new time

2 where the state is moving forward on a lot of new and
3 progressive changes. In some ways, it appears that
4 the State Human Rights Law has incorporated more
5 protections currently than the City Human Rights Law
6 has for domestic workers.

7 This bill, at the city level, would include
8 protections for domestic workers under all areas of
9 employment-based protections, which includes as we've
10 described, gender, age, disability, religion and many
11 others. And it would also provide protections
12 against discrimination in hiring and firing. So, not
13 just in harassment, all the protections in hiring and
14 firing all of the protections.

15 And in addition, reasonable accommodations in the
16 context of the four areas where the city human rights
17 law allows for reasonable accommodations. And that's
18 for pregnancy, disability, religious observance and
19 status as a victim of domestic violence, sexual
20 violence or stalking.

21 And that is I think an area that you know, again,
22 is another point where we will continue to have that
23 conversation and I think is incredibly important for
24 this bill. But this bill would look at domestic
25 workers no differently than as written as any other

1
2 employment relationship under the City Human Rights
3 Law.

4 COUNCIL MEMBER ROSE: Great, so it's a part of
5 the most comprehensive human rights law that exists,
6 right?

7 DANA SUSSMAN: That is one of the most.

8 COUNCIL MEMBER ROSE: Very good, one of the most.
9 I heard it was the most. Okay, thank you so much.
10 Thank you Chair, thank you.

11 DANA SUSSMAN: Thank you.

12 CHAIRPERSON EUGENE: Thank you very much Council
13 Member Rose. Council Member Brad Lander please.

14 COUNCIL MEMBER LANDER: Thank you very much Mr.
15 Chair and Council Member Rose. Congratulations on
16 this great bill and to all the extraordinary
17 organizers and allies in the room. Just big props on
18 just the work to build this powerful movement of
19 organizing domestic workers.

20 So, I just - National Domestic Workers Alliance
21 and ETICAR and We Dream in Black and Make the Road
22 and Carrol Gardens Association. Everybody who's
23 carrying the organizing work, thank you. Like, it's
24 powerful to see you here today and to allies from
25 Hand and Hand and the progressive caucus and Legal

2 Aid, this is important and we're grateful to be here
3 together.

4 So, thank you all. I'll just add my voice to you
5 know; we need to get you more resources. Like, you
6 guys work for the Mayor and that's how this works.
7 You can't sit up there and say, we need more money,
8 but you need more money. And that's because we've
9 dramatically expanded the law and the work that you
10 guys have to do, and you've leaned into to doing
11 things that are not mandated by law. In terms of
12 lots of good outreach and community engagement and we
13 don't want you to have to end those things but as
14 we've talked about in the past for the good reason
15 that more people have rights and are unveiling
16 themselves to their rights.

17 You know, it's important to add the data here,
18 like wait times on complaint processing and
19 resolutions have gone up because you can't process a
20 lot more complaints with the same number of people.
21 So, that's on us you know, and I think the Chair and
22 Council Member Rose and Finance Chair Dromm and I
23 have all been pushing on this and we'll have to do it
24 again this budget cycle to get you the resources.

1
2 We'll hear from domestic workers in a few minutes
3 but I just I'm curious what are some of the kinds of
4 complaints you think you're going to get when this
5 law is passed? If those playground conversations are
6 any indication or if you just know from what you've
7 received already. Can you give us a couple of
8 examples of the kinds of complaints that are likely
9 to come and the kinds of resolution that the
10 commission has been able to achieve on those kinds of
11 other issues for similar workers.

12 DANA SUSSMAN: I will also defer much of the
13 expertise to the next panel's that that will include
14 domestic worker organizers and advocates. But I do
15 know that while gender-based harassment has already
16 been incorporated as a protection, I think that is
17 going to be or continues to be an issue that many
18 folks face in isolated workplaces. Again, where
19 you're behind closed doors it's already sort of this
20 intimacy of the space.

21 I think there will — what I've been hearing
22 again, and I don't mean to take any space up from our
23 subsequent panels, but I think there will likely be
24 some age cases. Whether it's because of concerns
25 about someone's possibility of becoming pregnant or

1
2 age, as someone gets older and their ability or
3 preconceived notions about one's ability to do the
4 job. And I think there might be pregnancy
5 accommodation issues, disability accommodation
6 issues, religion, rather than religious observance as
7 an accommodation necessarily but religious
8 discrimination or race discrimination as well.

9 But I will defer, and I hope I did not
10 misrepresent anything from the folks here. I think
11 immigration status in this environment I should add,
12 using that as a tool to exploit to threaten to create
13 fear. Again, threatening federal immigration and
14 enforcement or things like that is likely something
15 that we will see, and I hope people know that we
16 issued legal enforcement guidance very recently.
17 Making it very clear that to use, sort of to
18 weaponize ICE or even the Police to – so fear or to
19 exploit a worker under out law is discrimination on
20 the basis of immigration status or national origin.
21 And that certainly as if we were to incorporate these
22 protections, that would apply as well.

23 On how these cases might resolve, one of the
24 initiatives that our Commissioner has really
25 prioritized is looking at restorative justice measure

2 and I think that especially for families that might
3 not know what their obligations are under the law or
4 might not yet have the tools to engage in a dialogue
5 about what an accommodation is – when an
6 accommodation is appropriate or what accommodation
7 might be available.

8 We are really looking to not you know, heavily
9 penalize our fine families, households necessarily
10 but really educate, train, engage in restorative
11 justice to the extent that both parties are willing
12 to and to create a path forward.

13 I think that there will likely be back pay
14 available, if someone is not hired or terminated
15 because of a protection or if they endure emotional
16 distress, there's remedies, financial remedies for
17 that as well.

18 But again, this is unique, and this is going to
19 be – we're going to be going into a bit of uncharted
20 territory in many ways because we are not talking
21 about a business, who might have assets. We're going
22 to be looking at someone's potentially personally
23 finances or what resources they have if we're talking
24 about monetary damages.

2 Again, so, we are looking at creative approaches
3 and I think restorative justice maybe a particularly
4 useful tool in enforcing and remedying the violations
5 of this provision.

6 COUNCIL MEMBER LANDER: That's great, thank you.
7 One thing you said, I want to draw out a little
8 further because I think it's important. National
9 Domestic Workers lines did a survey and it reflected
10 a lot of concern on the part of domestic workers to
11 come forward with complaints both out of concern that
12 immigration status will be kind of weaponized in the
13 ways that you talked about. So, I think it's
14 important to underline, you'll have protections if we
15 extend the law on a lot of different grounds. Not
16 only race, religion, sexual orientation, gender
17 identity, immigration status, and so, that is a
18 violation of your rights under the law. That by
19 itself will not protect you from ICE but it builds a
20 set of protections that the city can provide and show
21 up with.

22 The other concern that I saw in the data was a
23 concern about retaliation. That if you bring a
24 complaint forward, you'll be at risk of being fired
25 for complaining. So, can you just speak to how the

1 law protects against retaliation if you bring a
2 complaint forward?

3
4 DANA SUSSMAN: Sure, so retaliation under the
5 City Human Rights Law is illegal. That means that if
6 you engage in what's called a protected activity,
7 which includes making a complaint either to your
8 employer directly or to an agency like mine or
9 participating in an investigation at an agency like
10 the Commission.

11 You cannot be subjected to an adverse action
12 which could be firing or reduction in pay, reduction
13 in scheduling or other forms of what would
14 essentially prevent someone from coming forward
15 again. An important new addition to our law that was
16 implemented just last week, adds that requesting a
17 reasonable accommodation is now a protected activity
18 under the City Human Rights Law.

19 It had not actually been, and I think this will
20 be very important if this bill becomes law.
21 Requesting an accommodation for pregnancy or for a
22 disability, one cannot be subjected to firing
23 straight away because they requested that
24 accommodation that they are legally entitled to.

2 That was a bit of a loophole in our law and that
3 was closed and so, that's a really important one.
4 So, retaliation is something we take very seriously.

5 In fact, if we know that a worker is experiencing
6 retaliation in real time, we have a pre-complaint
7 intervention unit that will address that immediately.
8 That means calling the employer right away and saying
9 you cannot do this; this is another violation of the
10 City Human Rights Law. Sending a cease and desist
11 letter or other sort of immediate actions that the
12 commission can take.

13 Again, it doesn't prevent someone from being
14 retaliated against, it's just we can convey that that
15 will subject them to further liability. But we know
16 that again it happens. It's real but we do what we
17 can as quickly as we can to ensure that that behavior
18 stops.

19 COUNCIL MEMBER LANDER: And maybe let me ask you
20 then to echo a little more on the hard side of
21 enforcement. I think what you said before about
22 restorative justice is wonderful in those cases where
23 there is a willingness but let's say someone fires
24 someone for complaining and you've let them know that
25 they're not allowed to do that but they do it anyway,

2 so maybe it's past the point where our restorative
3 justice approach will work. Like what's the hammer
4 of the law and how does it work to protect workers
5 who might be retaliated against despite their rights.

6 DANA SUSSMAN: Right, our law again, as a Civil
7 Law Enforcement agency, our law provides money
8 damages. So, in a case where someone advocates for
9 their rights and is terminated, there will be
10 essentially what's called front pay.

11 So, from the time they were let go until the time
12 they are able to get a job of equal – sort of equal
13 pay, same conditions, we can seek to get damages to
14 account for that lost wages.

15 In addition to that, many people experience
16 emotional distress from the discrimination, from the
17 retaliation and in our legal system we attach money
18 value to that harm. Again, not a perfect system but
19 there may be some real damages including you know,
20 seeking mental health services or medical services or
21 other things that we can attribute dollar value to.
22 But in addition to that, the emotional harm the law
23 allows for us to attribute money to. So, there are
24 damages available to people, money available to
25 people for that harm. And then in addition, we can

2 enforce the law in any way or assign affirmative
3 relief in any way that effectuates the purpose the
4 City Human Rights Law and we've gotten quite creative
5 in what that means.

6 That will typically include requiring the
7 employer does training, requiring the employer you
8 know, educate themselves on their obligations, report
9 back to us. It may involve more restorative
10 practices including community service, a mediated
11 apology, a written apology letter. These are all
12 things that we've started to employ in our practice.

13 So, damages, penalties potentially paid to the
14 City of New York and then other forms of required
15 action like trainings and things like that.

16 COUNCIL MEMBER LANDER: Thank you. And I'll also
17 just associate myself with Council Member Rose's
18 questions. You know we had a long exchange about
19 this at the hearing on this bill last term and I
20 think helping people find you know, especially if
21 it's a situation of like, you know, an older person
22 you know, hiring someone that's going to be their
23 personal aide or assistant or at home health or you
24 know, where the line is between protecting from
25 discrimination on the one hand and being able to hire

1 someone from your community, in your neighborhood who
2 knows how to prepare the food that you eat or
3 religious rules that you have to follow.

4 I think if there is some way to figure out how to
5 do this in a way that protects people from
6 discrimination but allows for that kind of you know,
7 this sort of community and familial networks that are
8 such a big part of care in our communities, that will
9 be an important goal.

10 Two final questions. Yeah, this bill is great, I
11 fully support it. I'm glad we're doing it. I think
12 it relates to a couple of areas where I think other
13 cities are going even further and maybe we could go
14 even further. So, I just want to ask about those. I
15 noticed that Seattle and Philadelphia have both
16 passed now domestic worker bill of rights 2.0
17 packages that start to go to benefits and stronger
18 protections and training, and I hope that we'll be
19 able to after we pass this, move forward to that
20 together. I just wonder if you guys have been you
21 know, as part of your outreach and conversation
22 looking at any of those issues and have preliminary
23 thoughts on them?
24

2 STEVEN ETTANNANI: So, I'm not in a position to
3 share preliminary thoughts at this hearing but I'm
4 happy to have conversations going forward. I think
5 you know, the Council in creating the paid care
6 division within our office of Labor Policy Standards,
7 that was informative and an important step so that
8 we're not only monitoring what other municipalities
9 and localities are doing throughout the country to
10 make sure that we're keeping pace, if not leading on
11 those issues. But also, making sure that we're
12 leveraging our constituencies including our worker
13 groups and the like, to ensure that we're proactive
14 and unable to you know, serve these folks and be
15 responsive.

16 DANA SUSSMAN: And I'll say that we watch sort of
17 what other municipalities are doing pretty closely
18 and are part of some networks of human rights
19 commissions around the country and really will be - I
20 have on my to do list, picking up the phone and
21 calling our counterparts in Philadelphia to talk a
22 little bit about their plans for implementation and
23 some of the other cities that have moved a little bit
24 further than New York City on this issue to ensure
25 that we're sort of building off of their expertise.

2 While the cities are different and the
3 communities are different, you know, we want to make
4 sure that we are sort of in collaboration and sharing
5 best practices. So, on the area that we have
6 jurisdiction over, I can't really speak to benefits
7 right now or to some of the work that DCA does, that
8 is a conversation that we regularly have and will
9 very much engage with the other cities that have
10 moved ahead.

11 COUNCIL MEMBER LANDER: That's great and just to
12 kind of validate on that, you know Commissioner
13 Malalis came to the meeting this summer of Local
14 Progress, our national network of progressive local
15 elected officials that included Teresa Moscata[SP?]
16 who is the lead sponsor of the 2.0 package in Seattle
17 and presented on some of the great work here but was
18 also there to learn from others; so, thank you for
19 that.

20 And my final question on sort of next steps is
21 you know, one of the reasons, it's not that we
22 specifically excluded domestic workers, they have not
23 been covered because our law has a four person cut
24 off and most domestic workers are just the one
25 worker. This will be a great step forward to get

1 domestic workers covered. In a bill that we passed a
2 few weeks ago, we said that if you have sort of
3 independent contractors, they can be counted but now
4 we're in this position where like I don't know why
5 people who happen to have precisely two or three or
6 one employee and no domestic workers and no
7 independent contractors are allowed to violate people's
8 human rights because of an odd little loop hole in
9 our law.

10
11 So, you know if we were to bring forward a bill
12 to just eliminate that loophole all together and say,
13 everybody was protected by the coverage of the Human
14 Rights Law, what would you think of that?

15 DANA SUSSMAN: I think my handlers here would not
16 want us to comment on bills without seeing bill
17 language, but I do agree in sort of the philosophy
18 that we're getting to that place where we're closing
19 in on these very small workplaces that are actually
20 formalized workplaces thinking about very small
21 offices. Medical offices for example that might have
22 you know a doctor or a receptionist and maybe someone
23 else, a bookkeeper or something. And I think that
24 that universe is narrowing but exists and I think
25 we're very open to thinking through how we sort of

2 cover that last gap as far as the jurisdictional
3 limit goes.

4 COUNCIL MEMBER LANDER: Great, and I think
5 actually some of the work on domestic workers that
6 you spoke about with Council Member Rose will be
7 helpful there to. Like, obviously if you've got a
8 very small business and you hire your kid, you know,
9 like that's not a discrimination against people who
10 don't look or pray like your kid.

11 So, I think the way that you are approaching
12 showing some flexibility to protect all workers but
13 be thoughtful about the kinds of small workplace
14 issues are valuable as well.

15 Alright, thank you very much for all this time
16 Mr. Chair and thank you guys for your work on this
17 issue.

18 CHAIRPERSON EUGENE: Thank you very much Council
19 Member Lander. Deputy Commissioner, could you tell
20 us in the commissions, is aware of a plan that the
21 domestic workers often are a victim of labor
22 trafficking. They are trading to be deported because
23 of the immigration situation. And also, what steps
24 the Commissioner has been taking to end this
25 situation.

1
2 DANA SUSSMAN: I'm very well aware of that
3 dynamic and in fact, I spent several years
4 representing domestic workers while working as an
5 attorney at Safe Horizon in the anti-trafficking
6 program. Almost all of my clients at the time were
7 labor trafficked domestic workers and it is terrible,
8 it's horrific. I would not pretend to be able to
9 explain it here today, but it demonstrates the
10 intrinsic vulnerability of people who are as you've
11 said before, often immigrants. Often coming here for
12 their silver of the American dream or their slice of
13 the American dream and it involves exploitation based
14 on in many circumstances fears around immigration
15 enforcement.

16 It may involve once identity documents like their
17 passport or their visa being taken from them, so that
18 they are attached to their employer in ways that will
19 sort of foster for their vulnerability. They may not
20 be paid any wages at all. The money, if they are
21 paid, might be sent to people in their home country
22 or maybe withheld from them entirely. And they may
23 not be able to freely leave the building or the
24 apartment or the house sometimes at all, sometimes
25 under very limited circumstances.

2 It is an area that I think overlaps with
3 discrimination in many ways. There are actually very
4 good federal laws that provide rights to victims of
5 trafficking. There is the Federal Trafficking
6 Victims Protection Act that allows for victims to
7 bring civil claims against their traffickers for lost
8 wages and emotional distress and many other damages.
9 And that was some of the work that I had done several
10 years ago, was using federal law in fact to provide,
11 to seek justice for our clients.

12 Certainly, as mentioned there is an overlap
13 between protections under the City Human Rights Law
14 as I mentioned, to use threats of ICE or immigration
15 enforcement against a workers would be a violation of
16 the City Human Rights Law under immigration status or
17 national origin discrimination.

18 If there is sexual harassment, that is again
19 another area where or sexual abuse, that would
20 potentially overlap with the City Human Rights Law.

21 I should also mention that there are likely
22 criminal legal implications here. So, that there
23 might be criminal law violations as well or
24 certainly, if it's trafficking there are criminal
25 violations as well. So, that often times potentially

1
2 the first call may be to law enforcement, not my
3 agency but the NYPD or others to help get someone out
4 of that situation.

5 Once they are out and they are seeking remedies,
6 the City Human Rights Law might be able to provide
7 some of those remedies as do other parts of both the
8 New York State Labor Law and the federal Trafficking
9 Victims Protection Act.

10 I had one other thing that I wanted to say and
11 now I've lost it. But you know, just to conclude,
12 it's an area that - oh, I did want to say one more
13 thing. The Commission several years ago, announced
14 that we are a U Visa certifier and we have provided
15 declarations in support of T Visas which is a
16 trafficking Visa.

17 As a Civil Law Enforcement agency, we can certify
18 for one's U Visa if we have jurisdiction to
19 investigate a violation of the City Human Rights Law
20 and we can detect a qualifying crime as part of our
21 investigation.

22 That most commonly comes up in the context of
23 sexual harassment that rises to criminal, sexual
24 abuse or forceable touching. And so, that is another
25

1 way that we have made our venue a space for people to
2 come forward with these kinds of claims.

3
4 Again, we've been limited by the four employee
5 minimum, other than gender based harassment but that
6 would potentially expand you know, the venue for
7 people to seek U Visa certification. We cannot
8 provide U Visa's or T Visa's, we are an enforcement
9 agency that could provide the certification as part
10 of the larger application, which is ultimately
11 decided by the federal USCIS.

12 So, I just wanted to inform folks of that and
13 also just know that that is definitely an area that
14 both myself and Commissioner Malalis have direct
15 experience representing folks in those situations.

16 CHAIRPERSON EUGENE: Thank you. Deputy
17 Commissioner, what we are looking is to the move, the
18 requirement, the Requirements Protection an extended
19 protection to all domestic workers. This is
20 something very important and also more people would
21 be protected, and you will have the commission and
22 the consumer affair, we'd have also to serve more
23 people. The work is going to be here. You will have
24 more work, more responsibility, in order to ensure
25 that everybody, everyone is protected under this law.

1
2 And in your testimony, you say that Deputy
3 Commissioner, if this bill passes, the commission is
4 committed to working with domestic workers, advocates
5 or sister agencies and domestic workers employer
6 networks to ensure New Yorkers know what their right
7 and obligation under this provision. This is more
8 work, more tasks. This is bigger than what you are
9 doing now because you have to include everybody now
10 and we have to make sure, you have to make sure that
11 everybody gets protected.

12 And then, that brings us to the same question of
13 funding, of resources. If you have more work, I
14 think you will need more resources, more funding, but
15 this is not exactly my question because we ask this
16 question several times and you answered several times
17 or so, but I just want to enforce that we do believe
18 that the commission will need more resources to end
19 all this. To make sure that the commission can
20 deliver on this very important circumstances.

21 And now, could you tell us, what are you going to
22 do to ensure that you reach that goal that you
23 mentioned in your testimony that everyone can know
24 their right, and everyone can have access to the
25 protection. What the commission will do to reach

2 that goal in addition to resources, but anyway, what
3 the commission will do. What are the steps and what
4 will the Commissioner will do differently in addition
5 to what the Commissioner is doing right now.

6 DANA SUSSMAN: One of the most important things
7 that we can do given that we cannot be in every zip
8 code in every playground, in every community space or
9 church or mosque or synagogue across the city is we
10 can build -

11 CHAIRPERSON EUGENE: Excuse me. Just so, I want
12 interject. Why you cannot be in every church in
13 everywhere, and every place, why?

14 DANA SUSSMAN: You know, maybe we can if we do
15 you know, if we schedule ourselves really, really
16 precisely. But assuming we probably can't -

17 CHAIRPERSON EUGENE: But because I think that the
18 Commission is serving the entire city of New York.
19 People from the churches, the mosques, the synagogue,
20 everywhere, why you cannot go there?

21 DANA SUSSMAN: Well, one thing that we can do is
22 we can leverage and again, build connections with as
23 many of those institutions, trusted institutions as
24 we possibly can along with all the community based
25 organizations that are on the ground every single

1
2 day. So, that if we meet with a community based
3 organization, that message then gets disseminated,
4 delivered, you know, it's a way that we can really
5 get our message out into the world by meeting with
6 community leaders, by meeting with faith leaders, by
7 meeting with community based advocates and
8 organizations.

9 Again, because if we can partner with one or two
10 people in those – representing that larger community,
11 we hope that they can kind of be our surrogates and
12 can get the word out. So, we've done that, we will
13 continue to do that and continue to build more of
14 those connections and those relationships and get our
15 literature out, get our names and phones numbers out.
16 Hopefully if we can, be a familiar face in as many of
17 those spaces as we can and that's for the worker side
18 of things. Making sure that we are again accessible,
19 available and building connections throughout
20 communities.

21 On the employer side of things, that is where I
22 think we again have to be a little bit creative.
23 They are hand and hand and other organizations are
24 doing incredible work working with domestic workers
25 employers. We will work with them on that, but I

1 think people are not only domestic worker employers,
2 they are also employees. They are also members of
3 you know, houses of worship as well and we can reach
4 them as members of community and also remind them
5 that not only are they workers themselves, but they
6 are also employers.
7

8 And so, that's some of the work that we have to
9 do and it's really just getting strategic and
10 building connections so that people can share,
11 disseminate, help us share information with the
12 broader community.

13 CHAIRPERSON EUGENE: Thank you very much Deputy
14 Commissioner and thank you sir. Council Member Rose,
15 do you have any other questions?

16 COUNCIL MEMBER ROSE: No, I'm good, thank you.

17 CHAIRPERSON EUGENE: Thank you very much. So,
18 with this, I just want to again thank you Deputy
19 Commissioner and all of you who are working on behalf
20 of the hardworking people, the domestic workers and I
21 think we have to mandate to do everything that we can
22 do that everyone in New York City and our great
23 nation can be protected under the law. They have the
24 right to be protected like everybody. They have the
25 right to be served and I think that this is a very

1 important step that we are taking by ensuring that
2 all the domestic workers can be protected, can be
3 treated fairly regardless of the language they speak,
4 the place where they come. I think they deserve
5 that, and we are doing a wonderful job again to all
6 of you.

8 SPEAKING IN OTHER LANGUAGE 2:15:59-2:16:17.

9 Thank you very much and have a nice day.

10 DANA SUSSMAN: Thank you.

11 STEVEN ETTANNANI: Thank you.

12 CHAIRPERSON EUGENE: Thank you. Now, we are
13 going to call the next panel. Namrata Pradhan, I'm
14 sorry if I mispronounce your name, Margareta, is it
15 Margareta? Please, thank you very much. Marris
16 Senteno, thank you. From National Domestic Workers
17 Alliance Allison Julian, from National Domestic
18 Workers Alliance, Guadalupe Paleta. Thank you very
19 much.

20 COUNCIL MEMBER ROSE: I just while you are
21 getting together, I just wanted to say to all of you
22 that were present, you know, how much I value the
23 work that you do. You are valued, I am so glad that
24 we are at this point today where this legislation is
25 having a hearing and I just want you to know, we're

2 going to continue to fight for Intro. 339 to be
3 passed because domestic workers are entitled to the
4 same rights as every other workers and we're not -
5 I'm not going to stop until that happens.

6 So, I want to thank you. I have another hearing
7 that I have to go to, so I don't want you to think
8 that your testimony isn't important to me. I will
9 make sure that I get it and I will respond.

10 So, thank you, thank you again for all of your
11 efforts and we're going to continue to work together.
12 Thank you.

13 CHAIRPERSON EUGENE: Thank you very much Council
14 Member Rose. Thank you.

15 Thank you very much to all of you from the panel.
16 Thank you for coming to testify and thank you for the
17 work you are doing on behalf of all our brothers and
18 sisters who are trying to make a living to strive and
19 to make it in America like everybody. But for the
20 sake of time because we have about 20, over 20
21 speakers, so we're going to limit the time to two
22 minutes each alright. Please you may start, anyone
23 may start but please, before that state your name
24 please.
25

2 MARRISA SENTENO: Good morning. My name is
3 MARRISA SENTENO. Thank you very much for having us
4 here today. I am representing the National Domestic
5 Workers Alliance. I am New York Co-Director and we
6 have a chapter of over 5,000 domestic worker contacts
7 here in New York City. And I have been working, -
8 personally, I have been working for the past four
9 years specifically on enforcing domestic worker
10 rights.

11 Our organization, our affiliates and our worker
12 members strongly urge the passage of Intro. 339 to
13 include domestic workers in the full inclusion Human
14 Rights Law in New York City. We know that you're
15 going to hear from workers all across the city today
16 and their stories are real.

17 The work that I do is to enforce domestic worker
18 rights and I hear stories every single day about the
19 injustices of domestic work in the domestic
20 workplace. And we have a program that actually
21 almost deputizes worker leaders to go out into the
22 communities and they are learning how to talk to
23 other domestic workers about their rights. And
24 through our worker lead enforcement program, we have
25

1
2 helped over 300 domestic workers come to our domestic
3 worker legal clinic.

4 And even though discrimination is not covered
5 under the current workplace protections, we know that
6 through our legal clinic alone, between 15 and 18
7 percent of domestic workers who come forward with
8 other workplace violations indicate that they have
9 had an experienced discrimination. The types of
10 discrimination that they experience are pregnancy,
11 gender based harassment, caregiving, around race,
12 alienage, and citizenship, immigration and age. And
13 so, we hear what happens when there is not framework
14 or structures to how employers should treat employees
15 in the domestic workplace.

16 We know that it's possible to enforce and
17 implement because we have been building a framework -

18 CHAIRPERSON EUGENE: Excuse me, let me ask you
19 something. I'm sorry to interrupt you but I said two
20 minutes, when the bell rings that means the time is
21 over. But because of the importance for this topic
22 and I know that you work so hard, instead of two
23 minutes, I'm going to give you three minutes.

24 MARRISA SENTENO: Well, thank you.
25

2 CHAIRPERSON EUGENE: Yeah, this is very
3 important, but the reason we have to time you –

4 MARRISA SENTENO: Absolutely.

5 CHAIRPERSON EUGENE: Because I got to go to a
6 hearing and also, we got about twenty people but
7 instead of two you're going to have three minutes,
8 alright? But when the bell rings, that means
9 somebody has to restart.

10 MARRISA SENTENO: Thank you, got it.

11 CHAIRPERSON EUGENE: Thank you very much, thank
12 you.

13 MARRISA SENTENO: What I just want to highlight
14 is that in my testimony which is a more extensive
15 written testimony, we do highlight the ways that
16 we've been able to engage with domestic workers. The
17 ways that we engage with the city agencies and how we
18 use co-enforcement to ensure that we're able to
19 implement the laws and enforce the laws that are
20 actually available to domestic workers. More and
21 more workers are able to come forward with their
22 stories and share their voices and also change the
23 workplace industry.

24 I will encourage that this is not a one solution
25 but part of a solution to addressing gender inequity

1 within New York City. So, the Commission and Human
2 Rights will need more resources, so will the
3 Department of Consumer and Worker Protections and the
4 Division of Paid Care. These are all agencies we
5 have been working really closely and have actually
6 already started to build a structure around which
7 implementation and enforcement is possible. Thank
8 you.

9
10 CHAIRPERSON EUGENE: Thank you very much, next
11 speaker please.

12 NAMRATA PRADHAN: Good morning.

13 CHAIRPERSON EUGENE: Good morning.

14 NAMRATA PRADHAN: And thank you to the Committee
15 and bill sponsor for having us here and for hearing
16 my testimony. I'm Namrata Pradhan and I'm a domestic
17 worker organizer with NDWA and DCAR. I am also the
18 National Domestic Worker Alliance Board of Directors.

19 I was discriminated because of my figure for as
20 long as I can remember, and I was also criticized all
21 the time. I was struggling to grow; my parents did
22 the best they could. They encouraged me to play
23 basketball and gymnastics even though I did not want
24 to. I just loved playing hockey and I was the best
25 in my team.

2 My parents took me to see a specialist in India
3 but could not continue with all of the tests and
4 follow up because I was in the middle school and
5 ready for the high school.

6 I just wanted to focus on my studies and was
7 really irritated with all that criticism about me.
8 I've never spoken before about being discriminated
9 against me as a professional nanny. I have been
10 waiting for the perfect time to speak up. I have
11 never ever shared this to anyone, not even in my
12 organization or home DCAR and NDWA. I have more than
13 15 years of experience as a nanny and almost 10
14 years' experience as a domestic worker leader and an
15 organizer.

16 All through these years our workers members sees
17 me as a fun loving person and as an organizer. I
18 have connection by being hilarious. They have only
19 seen the bright side of my face despite of what I
20 have gone through in my lifetime. I know what it
21 means to be discriminated against. I will share now
22 my work position story. Being raised in a Hinder
23 family and [INAUDIBLE 2:31:28] before starting each
24 day and we offer prayers and receive blessings on our
25

1
2 forehead. I desert my culture from departure here to
3 the United States where I worked as a nanny.

4 With this I worked and being a hinder on my
5 forehead called TEKA[SP?]. When I went to work for
6 one particular family as a part time nanny, they did
7 not know what the symbol of faith mean to. My
8 employer didn't like it. She told me to get rid of
9 this, it looks like Black magic. I tried to explain
10 to my employers that taking care of the kids requires
11 a lot of vigilance. One has to be alert with the
12 surroundings, their behaviors changes daily, and one
13 needs to know how to handle each situation with care.
14 I explained that as part of my faith with blessings
15 on my forehead is what symbolically means me to be
16 the best I can when caring for the children in my
17 charge.

18 But my employers kept putting it in a kind of
19 Black Magic. She created a difficult situation for
20 me and didn't allow me to wear my TEKA on my
21 forehead. She left me with a very difficult choice.
22 Rich for me in my faith was no choice except to leave
23 the job. Even though this happened a long time, I
24 did not share it with any of colleagues. I lost my
25 job because of my religion. All these years, it has

1
2 haunted me in my heart and made me feel smaller than
3 ever.

4 But the time is now, today I am speaking up and
5 letting you all know that it's not okay to
6 discriminate against domestic workers. Domestic
7 workers are human beings like other workers.
8 Domestic workers need to live life with respect and
9 dignity and without discrimination.

10 CHAIRPERSON EUGENE: Thank you, thank you so very
11 much for your testimony. Thank you, thank you. Next
12 speaker.

13 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
14 2:34:20-2:34:40.

15 INTERPRETER: Good morning, my name is Guadalupe
16 Paleta and I'm a member of the organization Make the
17 Road. I'm here to explain my case and have it heard,
18 being that I'm not the only one that has gone through
19 this experience.

20 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
21 2:34:59-2:35:13.

22 INTERPRETER: It's important that the labor laws
23 apply to all workers equally, without exclusion of
24 domestic workers of critical protections.

1
2 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
3 2:35:27-2:35:35.

4 INTERPRETER: I worked with a woman as a domestic
5 worker. I would go to here house to work three times
6 a week for four years.

7 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
8 2:35:49-2:36:13.

9 INTERPRETER: The woman started abusing me
10 verbally from the second day of my employment and she
11 continued abusing me regularly. She would scream at
12 me; you are here in New York to work and clean
13 because you are an immigrant and vulgarities also.
14 She would tell me that she couldn't understand me
15 because of my accent.

16 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
17 2:36:51-2:37:08.

18 INTERPRETER: Everyday before I entered the
19 apartment, she forced me to take off my shoes and
20 socks and disinfect my feet. She told me that I
21 couldn't use her bathroom in her apartment because I
22 could spread an infection and it could be contagious.
23 She didn't even let me eat in her apartment.

24 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
25 2:37:41-2:38:00.

1 INTERPRETER: My boss harassed me and offended me
2 regularly and I felt angry, humiliated and sad and
3 every day that she would talk to me, the woman
4 accused me of being a thief and she would stay in the
5 apartment to monitor me during my work. I cried a
6 lot many time while I was cleaning, and her words
7 hurt me a lot.

9 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
10 2:38:47-2:39:02.

11 INTERPRETER: One day my daughter went with me to
12 work and the woman didn't let her in the apartment,
13 and she made her stay down in the lobby. After that,
14 the woman asked me to clean the vacuum cleaner.

15 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
16 2:39:20-2:39:28.

17 INTERPRETER: She got mad and she screamed at me,
18 I don't understand you. You have to go to school to
19 learn English because you don't know any.

20 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
21 2:39:39-2:39:59.

22 INTERPRETER: Later on, she grabbed a vacuum
23 cleaner and she through the dirt on the floor. I told
24 her that's not a way to treat anyone, that is not
25 correct, and she screamed at me, who are you to tell

2 me what is correct and what is not correct. You're
3 an ignorant immigrant.

4 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
5 2:40:23-2:40:44.

6 INTERPRETER: I felt frustrated and humiliated
7 and it made me cry and I couldn't speak. She went
8 out into the lobby and told my daughter, you have to
9 take your mother to school to teach her, so she can
10 learn English.

11 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
12 2:41:03-2:41:20.

13 INTERPRETER: My daughter went up the apartment
14 and when she came in in front, I put my head down and
15 my daughter repeated what the woman had told me. In
16 that moment, I felt pain. I was annoyed that my
17 daughter would see me in that way.

18 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
19 2:41:51-2:41:57.

20 INTERPRETER: My daughter hugged me and told me
21 let's go but I needed to stay working and I stayed
22 working because we needed the money.

23 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
24 2:42:08-2:42:27.

1 INTERPRETER: I remained working with that woman
2 for more than two years after that, because I needed
3 to save money for my daughter, which had the dream of
4 going to a university. At end, the woman fired me
5 after two years of abuse without paying my last two
6 months.
7

8 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
9 2:42:55-2:43:06.

10 INTERPRETER: We domestic workers are not
11 protected by law in cases of discrimination or abuse.

12 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
13 2:43:17-243:22.

14 INTERPRETER: That's why the employers feel
15 protected while they abuse us in our jobs.

16 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
17 2:43:31-2:43:41.

18 INTERPRETER: We need action to be taken against
19 abusing employers and we expect that this new law is
20 a protection for us and our rights.

21 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
22 2:44:00-2:44:15.

23 INTERPRETER: We urge you to adopt the proposal
24 of Law Number 339, the Law of Human Rights Law to
25

1
2 extend the protections against discrimination in the
3 workforce of domestic worker.

4 GUADELUPE PALETA: SPEAKING IN DIFFERENT LANGUAGE
5 2:44:37-2:44:38].

6 INTERPRETER: Thank you very much.

7 CHAIRPERSON EUGENE: Thank you very much. Thank
8 you, next speaker please.

9 ALLISON JULIEN: Sure, greetings, my name is
10 Allison Julien; I'm the Co-Director of the New York
11 Chapter for National Domestic Workers Alliance and
12 this morning I'm going to share the testimony on
13 behalf of one of the members of the National Domestic
14 Workers Alliance.

15 The workers experience is extremely graphic and
16 only a small fraction of her story is being offered
17 here today for her testimony.

18 In the early 1990's, I started my profession as a
19 domestic worker and for over 20 years, I have worked
20 as a nanny. For over 4 years I worked with a family
21 in New York City providing care for two children.
22 Almost two years after being hired, the mom became
23 pregnant.

24 Soon after, I noticed a change in the way she
25 would interact with me. Often times, she would

1
2 become very upset and would scream at me constantly.
3 Over the years, the verbal abuse continued, once she
4 raised her hand to hit me in the presence of her
5 child. The employer felt she had the power over me
6 because on any given day, she would undermine my
7 experience and would scream in my face, calling me
8 derogatory names and expressing her disgust with me.

9 She would remind me I was an illegal and
10 threatened to call immigration on me and tell me,
11 they would send ICE to my home.

12 Often times I ignored here, but this time, upon
13 hearing her threats, I told her I was no longer
14 returning to work. After I left that evening, the
15 children ran into the hallway, begging me to come
16 back. Of course, I was hurt, because I am a human
17 being and I have feelings too. And due to the
18 constant abuse and humiliation I felt, my dignity was
19 being stripped from me.

20 After numerous calls from my employer and the
21 thought of leaving the children heartbroken, I
22 decided to return to work but the abuse worsened. My
23 wages were withheld, and I was not paid for the week
24 worked but was instead paid the following week. This
25

1 was another way they were trying to control me and
2 continued for several months.

3
4 There were also numerous threats of Blacklisting
5 made by the employer. She was certain I was never
6 going to be a nanny again. Through all of the abuse,
7 I continued working with the family doing the best
8 job I could to provide love and care for the children
9 in my charge. Cleaning their homes and doing laundry
10 for the entire family.

11 Earlier this year, the abuse escalated, I decided
12 it was enough and at this point, I decided to quit
13 again. As I waited for the dad to return, so I could
14 be paid for the previous week and the days worked
15 this week in particular, again, I endured threats of
16 immigration.

17 As I was leaving, the employer screaming
18 increased and within seconds she proceeded to
19 physically attack me. I was injured, but eventually,
20 I was able to escape and seek help. I know my story
21 is not unique in the domestic worker industry.

22 However, workers should not have to endure
23 discrimination in the workplace without protections
24 in order to make a living wage to support themselves
25 and their families.

2 Domestic work is hard work and working under
3 these conditions, lead to increased workplace stress,
4 hostile working conditions. Domestic workers like
5 myself across New York, should not have to endure
6 these kinds of abuse in the workplace. Thank you.

7 CHAIRPERSON EUGENE: Thank you very much. Thank
8 you to all of you from the panel. Thank you so very
9 much and thank you to you for your courage for
10 sharing with us your experience. Thank you so much
11 and you know that we are all in this together. We
12 are working together to make sure that all domestic
13 workers you know, are protected. Thank you so much,
14 have a nice day. Thank you.

15 PANEL: Thank you.

16 CHAIRPERSON EUGENE: We are calling the next
17 panel. Tatiana Bejar from Domestic Employers
18 Network, Rachel Kann from Domestic Employers Network,
19 Flora Margolis from Domestic Employers Network,
20 Unesta[SP?] Bean from Domestic Worker Network and
21 Humana Frankel from Domestic Employers Network.

22 As you know, we are forced to limit your speech
23 to three minutes. It was two, but it's three now.
24 But again, thank you so very much to all of you. You
25

1
2 may start any time. Please state your name for the
3 record.

4 TATIANA BEJAR: Good afternoon, my name is
5 Tatiana Bejar.

6 CHAIRPERSON EUGENE: Good afternoon.

7 TATIANA BEJAR: I am a New York City organizer at
8 Hand in Hand at Domestic Employers Network. Thank
9 you for the opportunity to testify today on behalf of
10 our membership.

11 Hand in Hand is a national network of employers
12 of nannies, housecleaners and home attendance, our
13 families and alike. We support domestic employers
14 improve their employment practices and believe that
15 dignified and respectful working conditions benefit
16 worker and employer alike.

17 The ambition of future work, people live in
18 carrying communities that recognize all of our
19 interdependence. Hand in Hand thoroughly supports
20 Intro. 339, New York City must not exclude domestic
21 workers from protections that the workers enjoy.

22 The New York City Human Rights law is one of the
23 last of this kind in the United States. An employer
24 of domestic workers in New York City are by in large
25 many facilities of these progressive laws and have a

2 larger safety net of benefits through which they have
3 a recourse of enforcement is something to go terribly
4 wrong in their workplaces.

5 Hand in Hand members are acutely aware that the
6 privilege they have as employers, is also a
7 responsibility they carry for the domestic worker
8 employees. It makes little sense for the vast
9 majority of employers of domestic workers to be
10 covered by the Human Right Law, yet the employees are
11 not.

12 Employers of domestic workers often do not have
13 any guidance on how to fairly treat domestic workers
14 they employ and rely on the social network to do so.
15 By passing this bill Intro. 339, it will be the first
16 part of a framework of implementation and support.
17 As more and more New Yorkers have needed and cared of
18 various kinds, the need to address some of the
19 longest lasting injustice are past due.

20 More New Yorkers will welcome employers as the
21 care work industry expands and now is the time to set
22 up healthy frameworks of domestic employment. With
23 care and understanding, many employers want to be
24 given guidance on how to address workplace
25 accommodations. Support workers through employment

2 and set up healthy professional boundaries when in
3 the home.

4 All employers should have the chance to become
5 better employers which will make the New York City a
6 better place to work. At Hand in Hand, we urge the
7 New York City Council to also consider to provide an
8 added budget to the Commission of Human Rights to be
9 able to properly provide the recommendations for
10 implementation and to be able to carry out tough full
11 enforcement.

12 Increased budget and capacity for the paid care
13 division to help outreach and advocate domestic
14 employers and as we heard earlier, this is really
15 fundamental, important to be creative, to have
16 outreach strategies to employers and to educate and
17 especially employers who also do not speak English.

18 Funding for a citywide media campaign that begins
19 to shift society perceptions and norms around
20 domestic work and discrimination. So, domestic work
21 is one of the fastest growing occupational sectors
22 and the one in which women in particular, women of
23 color, are underrepresented. We all should support
24 the feminist workforce agenda by passing Intro. 339.
25 Okay, I think I made my point there.

2 CHAIRPERSON EUGENE: Thank you very much, next
3 speaker please.

4 RACHEL KANN: Good morning, my name is Rachel
5 Kann; I am a member of Hand in Hand the Domestic
6 Employers Network. I live in Brooklyn and I'm
7 currently the domestic employer of a nanny and
8 housecleaner.

9 As a working mother, having a paid caregiver is
10 truly invaluable to me, so I am here to share my
11 enthusiastic support for Intro. 339 to provide
12 protection for domestic workers.

13 Because America is the only industrialized nation
14 with no guaranteed maternity leave time, my children
15 were 11 weeks old when I went back to work and I'm
16 very fortunate that I earned enough to hire a nanny
17 to care for them in my home. That care is really the
18 thing that makes it possible for me to earn a living
19 to support my family and to contribute my skills to
20 our economy.

21 I believe that every working woman deserves to be
22 treated with respect for her professional skills
23 whether she's a white collar professional in a corner
24 office, a nanny, a housecleaner, an elder care worker
25 or home health aide. Too often, I see these women

1
2 who are nearly all women of color or immigrants
3 treated without the basic dignity that everyone is
4 entitled to and I'm here because I believe in the
5 equality of women and workers.

6 To expect domestic workers to work without the
7 kind of protection that these Human Rights Laws would
8 cover them with, is asking in effect for them to
9 subsidize their employers lifestyles by giving up an
10 essential protection that these same employers expect
11 to have in their own workplaces.

12 Two years ago, one of the nannies who works in my
13 building was subjected to repeated sexual harassment
14 by a doorman in our building. She was undocumented,
15 she was afraid to ask for help. She told me, he
16 works for this building and I just work in this
17 building. And it was her place of employment, this
18 was her workplace, but she felt that she had no
19 recourse because as a domestic worker, she ranked
20 lower than the building staff and the building
21 residents.

22 I was on the condo board at the time and I had
23 him fired the next day, but in my own peer group, I
24 can add my own testimony to what we've heard already
25 from the domestic workers who have spoken. I have

1
2 seen nannies dismissed because they were pregnant.
3 I've seen neighbors of mine threaten to call ICE when
4 their nannies tried to negotiate fairer pay.

5 Too often domestic workers are treated as
6 machines, as though they have to keep working no
7 matter what simply because of the work they do. This
8 perpetuates discrimination and bad behavior by other
9 employers who feel entitled to exploit domestic
10 workers.

11 So, I call on the New York City Council to ensure
12 their right to a safe workplace in our homes by
13 passing Intro. 339.

14 CHAIRPERSON EUGENE: Thank you very much. Next
15 speaker please.

16 RAYOS STIRVEN: Good morning, my name Rayos
17 Stirven[SP?] and I'm here to testify in favor of
18 Intro. 339. I am a mother of two young children, and
19 I live in Astoria Queens.

20 I'm a domestic employer and a member of Hand in
21 Hand the Domestic Employers Network. I work in a
22 fast paced field where time away from work means
23 losing opportunities to learn the technology that
24 will keep me employed next year.
25

2 When my son was born, I wanted him to have the
3 focused attention I would have given him if I had
4 been able to stay home. I was very lucky to find
5 incredible women to provide care for my children,
6 Michele and Leatol are my kids nannies in their first
7 years and currently, I employ Lupe to care for them
8 after school.

9 Although I led small teams at my job, I felt very
10 much at sea when it came to having someone whose job
11 and livelihood, I would be responsible for. I knew I
12 wanted to build a good relationship with my nanny and
13 make sure the job I was offering was a fair one, but
14 I had no idea what that might look like.

15 Before I got involved with Hand in Hand, I
16 reached out to a friend who works as a nanny about
17 what I should do. She told me to remember that my
18 nanny's work was just as important as my work and to
19 treat her with the same consideration I would expect
20 at the office.

21 Because of her advice, I was able to create a
22 fair working environment and develop a good
23 relationship with Michele, but I had to figure out so
24 much on my own. What wages and hours are fair, what
25

1 benefits should I offer her, how do I make sure that
2 I'm not taking advantage of her.

3
4 In my own job, there are rules that ensure I can
5 work in a safe environment and that I have a way to
6 seek justice when I'm taken advantage of. I have
7 protections against sexual harassment, and I can
8 expect accommodations when I'm pregnant and I can't
9 lose my job because of it.

10 That's because what I do is seen as a career, as
11 real and important work. The work that Lupe does for
12 me, the work that Michele and Leatol did which has
13 made my work possible, deserves those same
14 protections.

15 It's not fair to ask them to way the risk of
16 being fired when deciding whether or when to have
17 children. Domestic workers deserve the right to
18 choose for themselves how they want to balance a
19 family and a career. Passing Intro. 339 will ensure
20 that nobody gets to take that choice away from them.

21 As a working mother and a feminist, I owe so much
22 to Michele, Leatol and Lupe. Each of whom entered
23 our home with grace and experience to do the hard and
24 often invisible labor of helping to raise my
25 children. I believe that dignified work should be

1
2 everybody's right. As an employer, I believe
3 domestic workers should be extended the same rights
4 that so many workers have fought for and won over the
5 years here in New York City.

6 Passing Intro. 339 would help me and other
7 families like mine be fair employers and provide
8 better working conditions for domestic workers
9 affirming the dignity of their work.

10 CHAIRPERSON EUGENE: Thank you very much. Next
11 speaker please.

12 HUMANA FRANKEL: Good morning, I'm Humana
13 Frankel; I'm also an organizer with Hand in Hand and
14 I will be reading for Flora Margolis who had to
15 leave.

16 Good morning, my name is Flora Margolis and I
17 live in Carroll Gardens, Brooklyn. I am domestic
18 employer and a member of Hand in Hand Domestic
19 Employers Network. I currently employ a nanny and
20 housecleaner.

21 I am here to share my enthusiastic support to
22 Intro. 339 because it affirms the dignity of domestic
23 workers and protects them from all forms of
24 discrimination.

1
2 I have employed Namrata since 2012 to care for my
3 two children. There is no compensation that can
4 measure up the care she has provided. It is
5 necessary to provide dignified working conditions to
6 my employee. It is necessary that the woman I employ
7 is able to work in an environment where she feels
8 safe from discrimination or any harmful situations
9 that can affect her dignity as a woman of color and
10 an immigrant.

11 I want to support her as she has taken it on as
12 her job to support my family. Going back to work
13 with a five month old at home is not an easy decision
14 to make but Namrata made that possible. As a new
15 mom, I made the decision to hire a nanny because I
16 wanted the individual care that a nanny is able to
17 give. I appreciated the support she was able to
18 provide from working in our home.

19 With her support, I was able to return to work in
20 a way that felt for our family. There is no human
21 resource department for me or Namrata to turn to. We
22 have created a written contract which helps make her
23 roles and duties clear. We have an open dialogue and
24 respect for one another. If she needs to change her
25 schedule for religious holidays, celebrations, this

2 is something we're always open to, so she feels
3 comfortable and respected working in our home.

4 Fairness and dignity are the conditions that
5 allow us to be full human beings. When Namrata is
6 more fully herself, my family benefits. Namrata has
7 worked much of her life as a nanny in this county
8 taking care of other people's children. Her work
9 makes all other work possible. She needs to know
10 that her work and her life are just as valued as mine
11 and that her job as a nanny is seen as dignified work
12 just as mine is.

13 I want her to know she can work anywhere free
14 from all forms of discrimination.

15 I'll also be reading for Emma Katz who could not
16 be here.

17 I'm a domestic employer and a member of Hand in
18 Hand Domestic Employers Network. I live in Jackson
19 Heights Queens and like thousands of New Yorkers, I
20 rely on domestic workers to take care of my children.
21 It is in that capacity as a domestic employer that I
22 am here today to speak in support of Intro. 339 that
23 will protect the women who work for my family from
24 any forms of discrimination.

1
2 Because I am a working mother, I became an
3 employer. I am a small business owner and at my own
4 workplace I follow clear labor standards to protect
5 my employees from discrimination based on religion,
6 nationality, gender identity, pregnancy, among
7 others. I believe the person I employ in my home
8 should endure the same protections as the people I
9 employ in my business. I would not be able to run my
10 business without the important work that our nanny
11 provides.

12 My two small children are in her care from
13 morning to evening five days a week. I can work late
14 on deadlines, knowing that she will feed them healthy
15 dinners. I can put my time and energy into growing
16 my business knowing that she is there for my family.
17 I owe the quality of my life to her care and I want
18 her to have the same quality of life because our
19 lives and our families are equally valuable.

20 One of the reasons Intro. 339 is so important to
21 me is that it provides specific protection against
22 age discrimination. Our nanny is like a grandmother
23 to my children. They have known her since before
24 they can remember. We value her years of experience
25

1 carrying for our children in our neighborhood as well
2 as her own children who are now grown.

3
4 However, I know that her age puts her at risk of
5 discrimination from future employers and I want her
6 to have the same protection against discrimination
7 that is afforded to workers outside home.

8 In valuing domestic work, you are valuing women's
9 work and eliminating inequalities among working
10 women.

11 By saying that domestic workers like nannies,
12 housecleaners and home attendants to serve
13 protections from all forms of discrimination, we are
14 affirming that the care work is real, it is hard, and
15 it is worthy as any office job.

16 As a working mother, I say it's about time to set
17 higher standards for all women. When we start
18 accepting that care giving is legitimate, we start to
19 make things more equitable for all.

20 I urge New York City Council to pass Intro. 339
21 as soon as possible. Thank you for your time.

22 CHAIRPERSON EUGENE: Thank you very much. Next
23 speaker please. Thank you so much, thank you for
24 your testimony, thank you.

2 Now we are calling the next panel, Nowkie Frageda
3 from TakeRoot Justice, Gabriella Sequel from Make the
4 Road New York, Edna Fernango from Make the Road New
5 York and Christa Nadar from Kith and Kin Household
6 Staffing Agency.

7 Any one of you may start now please and state
8 your name for the record before you start speaking.
9 And remember that your speech is limited to three
10 minutes. Thank you very much.

11 GABRIELLA SEQUEL: Good afternoon, my name is
12 Gabriella Sequel and I'm a fellow and legal advocate
13 on the workplace justice team at Make the Road New
14 York.

15 Thank you for the opportunity to share this
16 testimony regarding protections for domestic workers
17 under the New York City Human Rights Law. We
18 strongly support the adoption of the expanded
19 definition of employer to extend the protections of
20 the Human Rights Law to domestic workers.

21 Make the Road New York is a nonprofit, community
22 based membership organization with over 24,000 low
23 income members dedicated to building the power of
24 immigrant and working class communities to achieve
25 dignity and justice through organizing policy

2 innovation, transformative education and survival
3 services.

4 Our workplace justice legal team represents
5 hundreds of low wage immigrant workers each year to
6 enforce their rights under labor and employment laws.
7 We frequently see domestic worker clients who have
8 been discriminated against at work and as of now have
9 no legal recourse under the New York City Human
10 Rights Law. You've heard testimony from one of our
11 clients and you will soon hear testimony from
12 another.

13 Domestic workers across New York City perform
14 critical but often invisible work. Countless New
15 Yorkers rely on domestic workers to clean their
16 homes, look after their children, and care for their
17 elderly family members and loved ones.

18 And although domestic workers are trusted with
19 the care of those whom we hold most dear, they in
20 their work are routinely devalued. Domestic workers
21 are among the most exploited workers in New York.
22 The most comprehensive study in New York City to date
23 found that 50 percent of nannies and 26 percent of
24 housekeepers interviewed, had experienced a minimum
25 wage violation in the prior week and approximately 84

1 percent experienced overtime violations. These
2 violation are often symptomatic of a broader culture
3 of noncompliance and abuse where discrimination and
4 exploitation go hand and hand.
5

6 Our legal system has historically excluded
7 domestic workers from the most basic labor
8 protections afforded to other working New Yorkers.
9 Additionally, domestic workers physical isolation in
10 private homes coupled with fragmented and informal
11 employment arrangements, present unique challenges to
12 implementation and enforcement of their rights.

13 Although many domestic workers are subject to
14 sexual harassment and other forms of discrimination
15 and intimidation, for much of this predominantly
16 immigrant women workforce, fear of retaliation and
17 deportation, limited English language proficiency,
18 and limited awareness of their rights further
19 heighten the likelihood of exploitation.

20 The proposed amendment to extend the coverage of
21 anti-discrimination provisions to domestic workers in
22 New York City is particularly critical now. While
23 New York City and New York State have made
24 significant progress over the last decade,
25 strengthening protections for domestic workers and

2 undoing many of the historic carveouts that denied
3 them basic legal workplace protections. The
4 persistence of certain exemptions sends employers a
5 clear message that they can operate with impunity.

6 Perhaps even more insidiously, the persistence of
7 these carveouts sustains the idea that domestic work
8 is not in fact work or somehow not deserving of the
9 same protections as other industries. It means that
10 an employer of a domestic worker has fewer
11 responsibilities than a regular employer.

12 Thus, an employer may view domestic workers as
13 interchangeable and replaceable and an employer who
14 believes they can get away with it, may prefer for
15 example, to fire a pregnant worker than make
16 accommodations.

17 Domestic workers are entitled to the same
18 assurance from our legal system that their dignity,
19 wellbeing and safety in their workplaces are worth
20 protecting.

21 We strongly encourage the adoption of this new
22 legal protection.

23 CHAIRPERSON EUGENE: Thank you. The next speaker
24 please.

1 INTERPRETER: Good day, my name is Edna
2 Fernango[SP?] and I'm a legal client of the
3 organization Make the Road.
4

5 SPEAKING IN DIFFERENT LANGUAGE 3:19:56-3:20:06

6 INTERPRETER: And I suffer discrimination in my
7 work environment, and I want to speak to this because
8 of the lack of protection for domestic workers.

9 SPEAKING IN DIFFERENT LANGUAGE 3:20:23-3:20:32.

10 INTERPRETER: I worked as a domestic worker for a
11 family in the upper east side, cleaning the
12 apartment, washing clothes, ironing.

13 SPEAKING IN DIFFERENT LANGUAGE 3:20:46-3:20:53.

14 INTERPRETER: At the beginning, I had a good
15 relationship with my employer and they always told me
16 that they liked the work that I did.

17 SPEAKING IN DIFFERENT LANGUAGE 3:21:02-3:21:08.

18 INTERPRETER: When I found out I was pregnant
19 with my daughter, I told them, and they let me know
20 that it will not affect my work.

21 SPEAKING IN DIFFERENT LANGUAGE 3:21:21-3:21:37

22 INTERPRETER: I also told them that because of my
23 pregnancy I would have to leave early work at times
24 because of medical appointment and they let me know
25

2 that it would not be any inconvenience as long as I
3 told them beforehand.

4 SPEAKING IN DIFFERENT LANGUAGE 3:21:55-3:22:04

5 INTERPRETER: A few days later, they assured me
6 that once I give birth, I would be able to return to
7 work for them.

8 SPEAKING IN DIFFERENT LANGUAGE 3:22:13-3:22:21

9 INTERPRETER: And trusting in them, I rejected
10 another job offer that would have assured me work
11 during the time and after the pregnancy.

12 SPEAKING IN DIFFERENT LANGUAGE 3:22:33-3:22:45

13 INTERPRETER: A few months later, when I asked
14 for some time off anticipating because of medical
15 appointments, they got angry with me and answered me
16 that my work schedule was eight in the morning until
17 five in the afternoon.

18 SPEAKING IN DIFFERENT LANGUAGE 3:23:05-3:23:16

19 INTERPRETER: I had to stay until 5 p.m. On
20 another occasion, they obligated me to stay working
21 after having gone to a medical appointment where they
22 had given me a blood test.

23 SPEAKING IN DIFFERENT LANGUAGE 3:23:36-3:23:45

24

25

2 INTERPRETER: Despite the fact that I had asked
3 for a day off and the doctor had told me that I
4 shouldn't work that day.

5 SPEAKING IN DIFFERENT LANGUAGE 3:23:56-3:24:00

6 INTERPRETER: Later, they started cutting my
7 hours gradually without consulting me.

8 SPEAKING IN DIFFERENT LANGUAGE 3:24:08-3:24:14

9 INTERPRETER: I was always used to their
10 convenience whenever they needed me.

11 SPEAKING IN DIFFERENT LANGUAGE 3:24:22-3:24:26

12 INTERPRETER: When I was about seven months
13 pregnant, the lady asked to speak with me.

14 SPEAKING IN DIFFERENT LANGUAGE 3:24:36-3:24:40

15 INTERPRETER: At the end of my shift, she told me
16 she told me she no longer needed my services.

17 SPEAKING IN DIFFERENT LANGUAGE 3:24:47-3:24:50

18 INTERPRETER: Alleging that she would be the one
19 taking care of her home.

20 SPEAKING IN DIFFERENT LANGUAGE 3:24:57-3:25:04

21 INTERPRETER: But later on, I found out the day
22 after being fired, that someone else had the job and
23 was working there full time.

24 SPEAKING IN DIFFERENT LANGUAGE 3:25:18-3:25:21

2 INTERPRETER: And still works there to the
3 present time.

4 SPEAKING IN DIFFERENT LANGUAGE 3:25:25-3:25:35

5 INTERPRETER: When I was let go, I asked the lady
6 why did you not let me know before hand considering
7 that this job is how I support myself and my family.

8 SPEAKING IN DIFFERENT LANGUAGE 3:25:50-3:25:59

9 INTERPRETER: Being without work was a very hard
10 hit for me especially at this moment that I needed
11 the work because I was going to have a new member
12 join our family.

13 SPEAKING IN DIFFERENT LANGUAGE 3:26:16-3:26:24

14 INTERPRETER: Us domestic workers work in this
15 area and we consider that this job is like any other
16 job but should be a dignified job like all other
17 jobs.

18 SPEAKING IN DIFFERENT LANGUAGE 3:26:43;3:26:47

19 INTERPRETER: We suffer of the lack of
20 protections that exist in other jobs.

21 SPEAKING IN DIFFERENT LANGUAGE 3:26:56-3:27:04

22 INTERPRETER: We hope the approval of the bill
23 339, so that its discrimination in this work area can
24 no longer be legal.

25 SPEAKING IN DIFFERENT LANGUAGE 3:27:23

1 INTERPRETER: Thank you.

2 CHAIRPERSON EUGENE: Thank you very much. Next
3 speaker please.

4 NOWKIE FRAGEDA: Hi, good afternoon, my name is
5 Nowkie Frageda[SP?]; I'm a staff attorney with
6 TakeRoot Justice.
7

8 We provide legal services for domestic workers
9 and we are allied with organizations like NDWA and
10 IDCAR. I'll provide a brief version of my statement.

11 In the last two years, my organization has
12 represented over 100 domestic workers against their
13 employers as they perceive claims of wage theft,
14 discrimination and retaliation. We've been able to
15 do this with funding received from private
16 foundations, Council Member allocations and
17 appropriations under the Human Resources agency.
18 Over 95 percent of our domestic worker clients are
19 women of color.

20 City Council took a huge step last year remedying
21 this problem of discrimination by passing a package
22 of sexual harassment protections that modified the
23 human rights law to expand the protections against
24 sexual harassment to include one person employers.
25 Now it is time to pass Intro. 339 to give domestic

2 workers protections against discrimination on the
3 basis of race, immigration status, disability,
4 pregnancy and other protected categories.

5 As a practitioner, I would like to share a few
6 anecdotes to give the committee members a picture of
7 what we see and hear every day from our clients who
8 are domestic workers without identifying particular
9 names of employers or employees.

10 We currently represented a domestic worker who is
11 asked inappropriate, repeated questions about her
12 pregnancy status. When her employer discovered that
13 she was pregnant, they terminated her immediately
14 without further explanation.

15 Our clients are subject to verbal abuse that is
16 unimaginable in any other context outside of domestic
17 work. Domestic workers who we represent report that
18 they have endured comments such as mongrel. One was
19 told, you used to ride the back of the bus and
20 another was told by her employer, if you ever leave
21 this job, I will call immigration and make sure that
22 you never work again.

23 It seems that people's worst prejudices and
24 bigotry has come out when they are just at home with
25 their kids and the nanny. Which is why the

1
2 legislation known as Intro. 339 is so needed. Let me
3 just conclude by giving a little context of why we're
4 here today and why this exclusion exists.

5 Historically, domestic workers have been denied
6 legal protections going back to the 1930's new deal.
7 Historian Jackson Cowie has written of that period.
8 Southern Congressman united with Northern democrats
9 to create the new deal, but the condition of that
10 participation was simple. The exclusion of the
11 occupations into which southern Blacks were
12 segregated through agriculture and domestic service.

13 Today, the Committee and the New York City
14 Council has the opportunity to create a new and more
15 fair deal for domestic service by passing Intro. 339.
16 My clients and domestic workers in this city deserve
17 nothing less. Thank you.

18 CHAIRPERSON EUGENE: Thank you very much, thank
19 you.

20 CHRISTA NADER: Good afternoon, my name is
21 Christa Nader; I hold my bachelor's in arts and early
22 childhood education. I'm a former classroom teacher
23 in private and public schools and also a former nanny
24 here in New York City in several private homes here.

1
2 Presently, I am the founder and President of a
3 small business called Kith and Kin Household Staffing
4 Agency, which is a nanny agency here that was founded
5 in 2016.

6 My company vets and introduces exceptional and
7 qualified and caring nannies to vibrant and
8 respectful families in New York City. 95 percent of
9 the families who become our clients have less than
10 four staff members, so this would definitely affect
11 them.

12 But more so, it would greatly affect the agency
13 of the candidates who come to my company seeking
14 employment by our clients. As a former teacher and
15 nanny and now agency owner, I have encountered
16 nannies who have shared stories with me that would
17 make any reasonable person's skin crawl.

18 Including sexual harassment, touching,
19 intimidation, threats and wrongful termination and
20 you may wonder why any employee would stay in a
21 position where they are treated poorly and you may
22 assume that person to be uneducated, weak or lazy.
23 But however, that very belief that someone can simply
24 quit a job can only occur within the inquire whom has
25

1 experienced a life with a degree of privilege to be
2 able to just up and quit.

3 Within this industry that we work in there is
4 often a dynamic of ownership versus employer ship and
5 in fact, that is highly problematic given that our
6 nation was founded in no small part to the kidnapping
7 and enslavement of humans from the land we stand on
8 and continents oceans away. So, that dynamic of
9 ownership is threaded within everything that we do,
10 that domestic workers do.

11 Today, these workers are often still on the
12 fringes of society, working in homes of some of the
13 most wealthy and powerful people in the United States
14 but yet, because they themselves lack basic
15 protections held by workers in other sectors. They
16 are often rendered powerless under the law as if
17 there was any difference between them working and the
18 people they work for.

19 So, when they are harassed and intimidated and,
20 in some cases, assaulted, they must chose between
21 their personal dignity and safety and putting a roof
22 over their families head. For we know the fate of an
23 employee who dares to demand respect and professional
24 boundaries from their superior.
25

2 So, by supporting this law, we have the unique
3 change to give the opportunity of personal
4 empowerment and protection to the ones who make all
5 other work in our society possible.

6 So, as an agency owner, I would also like to say
7 that passing this law is of great importance so that
8 other agencies who do similar work than I do, can
9 also stand on this leg and insist that the
10 discriminations of the past not be repeated within
11 our companies doors. Thank you so much for your
12 time.

13 CHAIRPERSON EUGENE: Thank you very much. Thank
14 you so much all of you, thank you.

15 We are calling the next panel, Dr. Isabel Cuervo
16 from Queens College CUNY, Jacqueline
17 Goalswipanis[SP?] from the Legal Aid Society, Meghan
18 Racklin from a Better Balance, Casey Wagner from
19 Worker Institute. Thank you very much to all of you.
20 I just want to remind you that your speech is limited
21 to three minutes and anyone of you can start anytime.
22 But before you start speaking would you please
23 mention your name for the record. Thank you very
24 much.

2 DR. ISABEL CUERVO: Good afternoon, I am Dr.
3 Isabel Cuervo; I am a Senior Research Associate at
4 the Barry Commoner Center for Health and the
5 Environment at Queens College City University of New
6 York. I am part of research team with partners from
7 the Icon Medical School at Mount Sinai and Make the
8 Road New York. Through a five year research study
9 funded by the National Institute of Environmental
10 Health Sciences, we are studying the work practices
11 including the use of cleaning products with toxic
12 cleaning chemicals, physical and mental health
13 affects and the working conditions of 400 Latinx
14 domestic cleaners in New York City and surrounding
15 areas.

16 We are still collecting survey data, but
17 preliminary results show that domestic cleaners, that
18 is workers who jobs include cleaning apartments and
19 houses as a major component consistently work in
20 multiple homes where working hours are usually from
21 two to six hours and often work in multiple homes in
22 the same day.

23 Nevertheless, job insecurity looms large as they
24 must always navigate the variable preferences of
25 those whose homes they clean. Domestic cleaners with

1
2 which we spoke also indicated incidences of workplace
3 harassment including sexual harassment,
4 discrimination because of the language they primarily
5 speak that is Spanish and being an immigrant.

6 Our research hopes to eliminate the experiences
7 of these mostly marginalized women immigrants. They
8 need protection so that they can safely and securely
9 provide for their families here in the U.S. and back
10 home in their home countries. They also offer the
11 support for families to thrive to pursue their own
12 contributions to this city.

13 My mother is originally from Columbia and she
14 also labored in this city as a domestic worker for
15 over 30 years. Through her, I learned early on the
16 physical and emotional toll that this insecure but
17 honorable profession can take. Domestic workers
18 should be recognized and protected to the fullest
19 extent in the human rights law. And since I have
20 more time, I would like to share a story about my
21 mother.

22 In 1990, she began suffering from osteoarthritis
23 and she had to go get her first surgery and she was
24 not able to get her job back even though her employer
25 promised that she was able to return. And that,

2 actually opened the cascade for many years of her
3 being unemployed because she was an older worker and
4 so, that led to her getting on public entitlement
5 benefits for over ten years.

6 And so, I'd like to with my professional and
7 personal background, I would like to support this
8 revision to the law. Thank you.

9 CHAIRPERSON EUGENE: Thank you very much for your
10 testimony, thank you.

11 JACQUELINE GOALSWIPANIS: Good afternoon, my name
12 is Jacqueline Goalswipanis and I'm a paralegal in the
13 employment law unit at the Legal Aid Society.

14 I'd first like to thank Council Member Rose for
15 introducing this provision, Chair Eugene and the
16 Committee for the opportunity to testify today.

17 Legal Aid, the nation's oldest and largest legal
18 services organization strongly supports this
19 provision to expand protections of the city's human
20 rights law to domestic workers.

21 We've represented numerous domestic worker
22 clients in the past who've faced workplace
23 discrimination but did not have viable legal claims
24 because of the limited definition of employer that we
25 are discussing today. In this regard, New York City

1 is playing catch up. 13 U.S. states currently have
2 antidiscrimination laws that both incorporate
3 employers of less than four workers and protect
4 domestic workers in the prohibition of employment
5 discrimination, 14 when New York States law comes
6 into effect in February.
7

8 New York City needs to be more progressive in the
9 state as the city provides more protections than the
10 state does for employees.

11 Further, several other large and progressive
12 cities have passed similar expansive
13 antidiscrimination laws, including Chicago,
14 Philadelphia, Phoenix, Detroit and Seattle.

15 The Legal Aid Society also would like to
16 encourage the City Council to amend the Human Rights
17 Law to provide protection for all workers and to
18 eliminate entirely the requirement that an employer
19 of four or more employees in order to be covered by
20 the New York City Human Rights Law. Thank you.

21 CHAIRPERSON EUGENE: Thank you very much. Next
22 speaker please.

23 MEGHAN RACKLIN: Thank you to the Committee for
24 the opportunity to testify and to Council Member Rose
25 for Championing this legislation. My name is Meghan

1 Racklin and I'm a legal Fellow at a Better Balance.

2 A national legal nonprofit headquartered in New York
3 City.

4
5 A Better Balance was founded with the goal of
6 ensuring that all workers have the ability to care
7 for themselves and their families without
8 compromising their economic security. We were proud
9 to support efforts to pass the New York Domestic
10 Workers Bill of Rights and we're also proud to help
11 draft and shepherd to passage New York City's
12 Pregnant Workers Fairness Act and Caregiver
13 Discrimination laws. The extension of both of these
14 laws to domestic workers who are so often balancing
15 the work of caring for their employers families with
16 the need to care for themselves and their own
17 families is urgently needed.

18 We are proud to testify today in support of
19 Intro. 339 and the rights of our city's domestic
20 workers.

21 As we noted in our 2007 joint report with the
22 Barnard Center for Research on Woman, one of the
23 major problems facing all individuals in the U.S.
24 today is that the labor of caregiving is undervalued.

1 Because caregiving is treated as a private
2 concern, the labor it involves becomes invisible and
3 caregivers form part of an invisible labor force.
4 Domestic workers who care for their employers,
5 families, and homes in addition to caring for their
6 own families, deserve to work with safety and
7 dignity. Yet, behind the closed doors of their
8 employers homes, domestic workers face higher rates
9 of discrimination and harassment than the average
10 worker and despite all of this, this workforce made
11 up of a disproportionate number of women of color and
12 immigrants has been largely excluded from our nations
13 antidiscrimination laws.

14 The passage of this legislation extending
15 coverage of New York City's Human Rights Law to
16 domestic workers is an important step towards
17 remedying that disparity.

18 Importantly, this bill would extend to domestic
19 workers the protection of New York City's Pregnant
20 Workers Fairness Act. This legislation will extend
21 crucial protections to some of our city's most
22 vulnerable pregnant workers. For example, Laya
23 M[SP?], who recently called our free legal helpline
24 was employed as a nanny in a family home in New York
25

1 City. When she became pregnant, her employer asked
2 her what her plans were regarding her pregnancy,
3 Layes told them that she planned to take New York
4 paid family leave and then return to her job and her
5 employer fired her.
6

7 Domestic workers like Layes are currently lacking
8 the protection of our city's laws. This legislation
9 would change that. We understand that families who
10 employ domestic workers may worry about how they will
11 manage to comply with these provisions but
12 fortunately, the Pregnant Workers Fairness Act was
13 drafted to provide a workable standard for workers
14 and employers.

15 The strength and effectiveness of the Pregnant
16 Workers Fairness Act is that it has led to workers
17 and employers reaching informal resolutions to
18 pregnancy accommodation needs.

19 Additionally, the Pregnant Workers Fairness Act
20 requires employers to provide reasonable
21 accommodations for pregnant workers, unless doing so
22 would be an undo hardship for the employer.

23 What constitutes a reasonable accommodation and
24 what circumstances would make provision of an
25 accommodation and undue hardship is decided on a case

2 by case basis allowing for consideration of the
3 realities of life in a domestic workers workplace
4 which is to say each families home.

5 Domestic workers do critical work caring for our
6 children, loved one's at homes that contributes to
7 the economy and supports millions of American
8 families. They deserve to be able to that work
9 without sacrificing their personal health and
10 wellbeing or the ability to care for their own
11 families.

12 Thank you again for the opportunity to testify.
13 We are glad to be able to continue this conversation
14 about valuing the work of caregiving and the labor of
15 domestic workers and we are due to pass Intro. 339,
16 thank you.

17 CHAIRPERSON EUGENE: Thank you very much.

18 CASEY WAGNER: My name is Casey Wagner and I want
19 to testify on behalf of proposed initiative 339. I
20 want to add my voice to the rich and moving testimony
21 provided by domestic workers, allies, employers, city
22 agencies and researcher.

23 I will make some brief points from three
24 perspectives. First is the Chair of the Worker
25 Institutes Equity at Work Initiative at Cornell ILR.

1 Second in my role, is an expert witness in court
2 cases and third, from my perspective as an employer
3 of Maxine, an elder caregiver for my mother who most
4 certainly makes my work possible to paraphrase the
5 slogan of the National Domestic Workers Alliance.
6

7 At Cornell we have seen through our We Rise nanny
8 training program, which by the way is offered in four
9 language to 90 peer educators, English, Spanish,
10 Napoleon, Tibetan, and over the last two years has
11 provided certificates of continuing education to 345
12 nanny members of all the worker centers who are here
13 on modules including Workers Rights and The Home is a
14 Workplace with particular modules on sexual
15 harassment.

16 And our research on workplace harassment that it
17 is critical to create channels through which domestic
18 workers are able to have voice and representation and
19 speak out about the issues affecting them. In
20 addition to that they each know they can do safely
21 and with full rights and protections that will be
22 connected with the appropriate resources and systems
23 of support.

24 Cornell's recently published report entitled,
25 Sexual Harassment in the Empire State, past, present

1
2 and possible future, documents the sheer magnitude of
3 the problem of workplace harassment. The scope of
4 the problem as captured in our report suggests this
5 multidisciplinary effort that has been identified
6 today and we support that effort.

7 Domestic workers are part of industries and
8 occupations that have been characterized by
9 racialized carveouts from labor and employment
10 protections. And I want to just say that Kimberly
11 Crenshaw in Anita Hill's testimony to talk about the
12 intersectional perspective of domestic workers around
13 race and gender and in other points of
14 identification, it is not possible for women to
15 choose. So, the multiple identities of domestic
16 workers need to be captured by the law that is going
17 to be promulgated and support the multiple dimensions
18 and protections around discrimination.

19 In my 30 years of work in gender justice, which
20 is the foundation for my qualifications as an expert
21 witness in court cases, I have seen the structure
22 inequalities of the law and the workplace
23 exacerbating other societal inequities.

24 This robs workers of basic dignity rights to a
25 safe work environment and full protection of the law

1
2 afforded to workers. It has been heartbreaking for
3 me to see workers not see justice in their own case,
4 but now there is an opportunity for New York City to
5 make history and lead by example, by coming a city in
6 the U.S. to provide protections for domestic workers.

7 And Cornell looks forward to leveraging our
8 influence with employers who both employ domestic
9 workers and to larger employers whose employees also
10 employ domestic workers in sales. We will leverage
11 our influence as the school of Industrial and Labor
12 Relations in New York City. Thank you.

13 CHAIRPERSON EUGENE: Thank you very much, thank
14 you, thank you. So, all of you advocate and also
15 workers and organizations on behalf of the great city
16 of New York and also on behalf of all the workers, I
17 thank you very much and I thank you for all your
18 advocacy, I thank you for the wonderful job you have
19 been doing on behalf of the hardworking people who
20 make our city strong and a special city. And I
21 believe that all of them deserve to be protected and
22 we have to do everything that we can do to protect
23 their right and their dignity and doing that will
24 make New York City a better place for all.

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Thank you so much and God Bless You, thank you.

This meeting is adjourned [GAVEL]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 1, 2018