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Res. No. 170

Resolution calling on the United States Congress to pass, and the President to sign, legislation that would ensure that domestic workers receive the same protections and rights under the Occupational Safety and Health Act of 1970 as other workers.

By Council Members Rivera, Louis, Joseph, Nurse, Restler and Sanchez

Whereas, According to the National Domestic Workers Alliance, domestic workers are the nannies that take care of our children, the housecleaners that bring order to our home, and the care workers that ensure that our loved ones can live with dignity and independently at home; and

Whereas, The Occupational Safety and Health Act of 1970 (OSH Act) is a federal law that was enacted to ensure worker safety and health by requiring employers to provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, or unsanitary conditions, while also creating the Occupational Safety and Health Administration (OSHA), and its research institution, the National Institute for Occupational Safety and Health; and

Whereas, Although the OSH Act is an important piece of legislation affecting millions of workers within the United States, domestic workers, which, according to the National Domestic Workers Alliance, account for nearly two and a half million workers nationally, and includes over 202,000 in New York City based on estimates by the New York City Department of Consumer Affairs, have been excluded from its protections; and

Whereas, This exclusion is codified in OSHA Laws and Regulations stating that those who privately employ individuals performing “domestic household tasks, such as house cleaning, cooking, and caring for children,” commonly referred to as domestic workers, are not subject to the requirements of the OSH Act, and do not have to ensure certain worker and workplace safety standards that many other employers are required to ensure; and

Whereas, The exclusion of domestic workers from the OSH Act has had a serious impact on the way in which domestic workers work and live, being exacerbated by the general lack of enforcement of health, safety and labor laws within domestic households; and

Whereas, The effects of such exclusion, according to the International Alliance of Women, include alarming rates of wage exploitation, excessive work hours, lack of access to health care, arbitrary terminations, and exposure to health and safety hazards, which are in addition to the problems that women, specifically women of color and immigrants, experience on a daily basis, as the National Domestic Workers Alliance reports that 91.5 percent of domestic workers nationwide are women, who are mostly immigrants and women of color; and

Whereas, In terms of health and safety hazards domestic workers face, separate bodies of relevant research, including that of a Washington University in St. Louis law professor in 2011, and the National Domestic Workers Alliance in 2012, have found that domestic workers are commonly exposed to: harmful cleaning chemicals within the house, which lead to frequent exposure to respiratory irritants and an increased prevalence of contracting physical illnesses, including musculoskeletal disorders; verbal, emotional and

physical abuse; and injuries caused by lifting or moving clients; and

Whereas, On top of these health and safety hazards, domestic workers rarely receive paid sick days, vacation days or employer-provided health insurance, according to the National Employment Law Project; and

Whereas, Thus, in an effort to reduce some of the challenges domestic workers face, some states, including New York, have enacted a Domestic Workers' Bill of Rights; and

Whereas, New York's Domestic Workers' Bill of Rights provides domestic workers with, among other things: the right to overtime pay at time-and-a-half after 40 hours of work in a week, or 44 hours for workers who live in their employer's home; a day of rest (24 hours) every seven days, or overtime pay if they agree to work on that day; three paid days of rest each year after one year of work for the same employer; and protection under New York State Human Rights Law, including the creation of a special cause of action for domestic workers who suffer sexual or racial harassment; and

Whereas, In addition to New York State's protections for domestic workers, New York City's Paid Safe and Sick Leave Law provides domestic workers with leave for sick and safe leave purposes each year, which is in addition to the three annual paid days of rest; and

Whereas, Although New York and a number of other states have laws and policies that provide domestic workers with certain protected rights, including the right to overtime pay and paid days off, domestic workers nationwide, including in New York, still lack certain health and safety protections that other workers are guaranteed; and

Whereas, That is why federal legislation that would include domestic workers under the OSH Act is needed; and

Whereas, This would ensure that domestic workers throughout the United States are provided with necessary protections and rights many other workers receive, while employers are held accountable for maintaining a safe and healthy environment to work in; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass, and the

President to sign, legislation that would ensure that domestic workers receive the same protections and rights under the Occupational Safety and Health Act of 1970 as other workers.

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LS 2283
EB
03.16.2022

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LS 9966
KK
Res. 1143-2019