

The Blindness to Household Labor Rights

By Kathleen Peratis

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The first two women nominated to be attorney general of the United States, Zoe Baird and Kimbe Wood, withdrew their names in quick succession, both having been exposed as domestic scofflaws — they employed (apparently) undocumented foreign workers to care for their children, and they (apparently) did not pay Social Security taxes on their wages.

The dust up over the two Clinton nominees came to be known as “Nannygate,” and the liberal commentariat labeled it a “women’s issue.” The New York Times devoted an entire Op-Ed page to it, and Anthony Lewis’ column, titled “It’s Gender, Stupid,” proclaimed, “It is time to stop snickering about the politics of all this and understand the real issue, bias against women.”

Quick: Which “women” were Lewis and The Times talking about: the would-be attorneys general, or their household help? Why, the women rich enough to hire domestic servants, of course. Sojourner Truth — who asked nearly a century ago: “Ain’t I a woman, too?” — had gone silent.

The very word “nanny,” conjuring a Mary Poppins-like child-care worker — highly educated, well paid, white and possessing bargaining power — is quaint at best. According to Domestic Workers United, an advocacy organization based in New York, the vast majority of child-care workers in private homes are untrained immigrant women from Asia, Latin America and the Caribbean. Like all unskilled foreign workers, they are easy targets for abusive treatment by employers. As female workers hidden from view in private households, they are both vulnerable and invisible.

Abuse of domestic servants, like wife beating, is no longer regarded as it was until quite recently — in short, as a private matter. It, too, has been cracked open as a legitimate subject of human rights investigation. Human Rights Watch has reported on Filipina maids in Kuwait, foreign household employees in Saudi Arabia, Indonesia and Malaysia, and domestic workers employed with special visas by foreign diplomats in the United States. These reports are filled with horrifying tales of servitude and sexual abuse. They also describe practices — low pay, workdays of 12 hours or more, no overtime pay, no benefits and no job security — that might very well exist in our own homes.

Minimum labor rights and gender equality are human rights. We are all on the side of human rights, but too often, as employers of household help, we find ourselves on the wrong side. According to the Bureau of Labor Statistic, only dishwashers and counter attendants earned less — the median pay of child-care workers and house cleaners in the third quarter of 2004 was \$8.17 per hour. Indeed, that estimate, based on the 800,000 or so workers who are officially counted, might be generous. According to Domestic

Workers United, there are perhaps an additional 1 million or more undocumented domestic workers laboring in the “underground economy” and probably paid a good deal less than that.

Poor pay is only part of the story. According to Jackie Vimo of The New York Immigration Coalition, no middle-class employer would expect a worker in her office to accept the employment conditions routinely imposed upon domestic workers. One former child-care worker who is now an organizer for Domestic Workers United said she formerly worked for two physicians on Manhattan’s tony Upper East Side, doing some housework and caring for three young children. She worked 13 hours a day, six days a week, and was paid \$340 per week — that’s \$4.36 per hour. She was fired when she refused her employer’s request to live in in order to do more of the housework.

Many of these practices are legal. In a continuing show of mass legislative blindness to women’s human rights, household employees are excluded from rights afforded to most other workers under federal law, including workers’ compensation, the Family and Medical Leave Act, the right to organize under the National Labor Relations Act, and a guaranteed safe place to work under Occupational Safety and Health Administration regulations. And because their employers do not employ at least 15 people, they are not covered by federal anti-discrimination or anti-sexual harassment laws.

The baby sitter and the cleaning lady, as well as their employers, are usually ignorant of the meager legal protections that do exist, which include minimum wage, overtime pay, Social Security, unemployment and disability. There is no kindness an employer can show to a household employee that is an adequate substitute for affording at least these protections.

In researching for this column, I asked friends about their own household employment practices. Do you pay Social Security and other payroll taxes? Only two (out of 11) said yes; the others explained they did not on account of the wishes of the worker herself.

Curious that it would never occur to us to ask our own employers not to pay payroll taxes on our behalf and not to deduct Social Security from our own paychecks, yet we think we do the cleaning lady a favor by complying with her wishes on this. Eight give vacation pay. None afford health care. Some feel no compunction about canceling the cleaning lady without pay from time to time when they do not need her. All said they give generous gifts and holiday bonuses.

A few extra dollars for the holidays, of course, does little to ease the plight of household help. What can make a difference is a domestic workers bill of rights, like the kind developed jointly by Domestic Workers United and Jews For Racial and Economic Justice. They also have drawn up a model employment contract for domestic workers, which can be downloaded from the Internet at www.caaav.org/coalitions/dwu.php.

We rarely have the opportunity to directly and personally promote human rights in our own homes. This is a chance.

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