

# NATIONAL DOMESTIC WORKERS ALLIANCE



## Below is a summary of the proposed Domestic Workers Bill of Rights:

The Domestic Workers Bill of Rights (hereinafter “Ordinance”) was introduced on June 20, 2019 by Councilmember Maria Quinones Sanchez, of Philadelphia’s 7th District, and co-sponsored by Councilmembers Gym, Reynolds Brown, Blackwell, Bass, Parker, Squilla and Greenlee. A working group met and further developed the bill language throughout Summer 2019. The full bill will be heard by the Committee on Law and Government, chaired by Councilmember Greenlee, in October 2019. Final passage is anticipated by December 2019.

The Ordinance:

- I. **Strikes the existing discrimination exclusion** of domestic workers (DWs) under Philadelphia’s law;
- II. Establishes **new labor standards** and protections for DWs;
- III. Institutes a **mandatory portable paid time off system** for all DWs to aggregate the accrual of the benefit; and
- IV. Creates a **DW Standards and Implementation Task Force**, which will be charged with considering, analyzing, and making recommendations to Philadelphia’s City Council and Mayor to improve standards for DWs;
- V. Provides mechanisms for **enforcement and implementation**.

If the Ordinance is adopted, it will become the 10th Domestic Worker Bill of Rights (DWBOR) advanced by the National Domestic Workers Alliance; in Philadelphia, the work is being done through NDWA’s partnership with the Pennsylvania Domestic Workers Alliance. The Ordinance would be the second municipal-level DWBOR, after Seattle, WA. Washington, DC currently has a bill underway, which has some provisions similar to Philadelphia’s Ordinance, but is different in many regards.

NDWA has led the movement both at the federal level and in several states to pass legislation to eliminate DW exclusions from employment laws. NDWA has been involved in successful fights for DWBORs in nine states and one city: New York (NY) in 2010,<sup>1</sup> Hawaii (HI)

---

<sup>1</sup> NY (Bill NO. A01470B, S-2311-E, 2010):

<https://www.labor.ny.gov/legal/domestic-workers-bill-of-rights.shtm>

in 2013,<sup>2</sup> California (CA) in 2013 and 2016,<sup>3</sup> Massachusetts (MA) in 2014,<sup>4</sup> Connecticut (CT) in 2015,<sup>5</sup> Oregon (OR) in 2015,<sup>6</sup> Illinois (IL) in 2016,<sup>7</sup> Nevada (NV) in 2017,<sup>8</sup> Seattle, WA in 2018,<sup>9</sup> and New Mexico (NM) in 2019.<sup>10</sup>

Philadelphia's proposed Ordinance will

**I. Strike existing exclusion of DWs under Philadelphia law anti-discrimination law**

- **"Fair Practices Ordinance: Protections Against Unlaw Discrimination":** Amended to include DWs.

**II. Establish new labor standards and protections for DWs**

- **Meal and Rest Breaks:** DWs will have the right to a 30-minute, uninterrupted meal break prior to completing 5 hours of work. DWs will have the right to a 10-minute, uninterrupted rest break for each 4 hours of work. If DW's can't take such breaks, then they will have to be compensated for such time.
- **Day of Rest or 24 Hours Off Duty:** Live-in DWs will have the right to 24 hours or a day off after 6 consecutive days of work.

---

<sup>2</sup> HI (SB535 HD2, 2013)-

<http://www.capitol.hawaii.gov/session2013/bills/GM1351>

<sup>3</sup> CA (AB 241, 2013 and SB 1021, 2016):

[http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb\\_1001-1050/sb\\_1015\\_bill\\_20160211\\_introduced.html](http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_1001-1050/sb_1015_bill_20160211_introduced.html)

<sup>4</sup> MASS (S. 882, 2014): M.G.I. Ch 149, Section 190-91- info:

<http://www.mass.gov/ago/docs/workplace/domestic-workers/dw-notice-of-rights.pdf>

<sup>5</sup> CT (SB 446, 2015): <https://www.cga.ct.gov/2015/ACT/pa/pdf/2015PA-00249-R00SB-00446-PA.pdf>

<sup>6</sup> OR (SB-552A, 2015):

<https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/SB552/Enrolled>

<sup>7</sup> Ill (HB 1288, 2016): <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=099-0758>

<sup>8</sup> NV (SB 232, 2017): <https://www.leg.state.nv.us/App/NELIS/REL/79th2017/Bill/5125/Text>

<sup>9</sup> Seattle Domestic Worker Bill of Rights bill-Ordinance 125627 was signed into law on July 23, 2018.

<http://seattle.legistar.com/View.ashx?M=F&ID=6451347&GUID=107050D2-BEFC-4B43-BC0D-B7AD73ADABF1>

<sup>10</sup> NM (SB 85, signed into law on April 4, 2019)

<https://www.nmlegis.gov/Sessions/19%20Regular/final/SB0085.pdf>

- **Privacy and Anti-Trafficking:** A hiring entity may not monitor or record DWs within the restroom, within any private living quarters, or while changing clothes. A hiring entity may not keep DWs original documents or personal effects.
- **Notice of Rights:** Employers must provide a notice that describes the rights and protections for DWs under Philadelphia law.
- **Notice of Termination for DWs:** DWs must be provided a notice of termination a minimum of two-weeks before termination of the workplace relationship, except in the event housing is provided as a job benefit, in which case a four-week minimum notification is required. and either 30 days of lodging or two weeks worth of severance pay. Failure by the employing entity to do so shall entitle the DW to the equivalent of four weeks severance pay.
- **Written Agreements:** DWs must have a written agreement containing information about the hiring entity, job responsibilities, rate of pay, work schedule, and other policies of the hiring entity. The agreement must be in English and the preferred language of the DW.

### III. Institute a portable paid time off system

- **Accrual rate:** DWs will accrue paid time off at a rate of one hour of paid time off for every 40 hours worked. Employing entities must contribute paid time off to DWs working five or more hours a month for a single employing entity.
- **Portability:** DWs will accrue paid time off to ensure that contributions from one or more employing entities are in one account for the worker to access.

### IV. Create a DW Standards and Implementation Task Force

A Domestic Workers Standards and Implementation Task Force is established to provide a forum for hiring entities, domestic workers, worker organizations, and the public to consider, analyze, and make recommendations for the City on the legal protections, benefits, and working conditions for domestic workers.

The DW Standards and Implementation Task Force will be instituted via a separate Resolution put forth by Councilmember Quinones Sanchez to accompany the Ordinance.

### V. Provides mechanisms for enforcement and implementation

- **The Enforcement Agency of the Mayor's Office of Labor:** The Agency will administer and enforce the Ordinance.
- **Retaliation:** The Ordinance prohibits a hiring entity from retaliating against DWs for the good faith exercise of their rights under the law.
- **Immigration-Related Retaliation:** The Ordinance specifically prohibits a hiring entity from undertaking immigration-related retaliation, including reporting or threatening to report the citizenship or immigration status of DW's.