
THE PHILADELPHIA
**DOMESTIC WORKERS
TASK FORCE**

SPRING 2023 REPORT

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Introduction

There are an estimated 16,000 domestic workers in Philadelphia¹ working in individual homes serving millions as caretakers for seniors, people with disabilities, children, and our homes. These essential workers are primarily women of color and/or immigrant women, laboring behind closed doors and frequently facing low wages, harassment, almost no benefits, and other forms of worker mistreatment. Philadelphia domestic workers join the ranks of 2.5 million nannies, caregivers, and house cleaners across the country who do some of the most critical jobs in our society: caring for our homes and loved ones.

Domestic workers have historically been excluded from almost all federal, state, and local labor protections. In the US, domestic work is rooted in enslavement and that horrific legacy has continued throughout the subsequent centuries, as domestic workers were explicitly excluded from the 1930s New Deal-era labor protections that enshrined basic labor rights for most other occupations in this country.² To combat this, state and local governments have passed legislation to extend critical labor protections to this vital workforce. Philadelphia joins the ranks of ten states and the Cities of Seattle and Washington DC (as of March 2023) in passing and implementing a Domestic Workers Bill of Rights.³

Domestic Workers in Philadelphia¹

16,072

NUMBER OF DOMESTIC WORKERS IN THE CITY

84%

ARE WOMEN

40.2

AVERAGE AGE

54%

ARE WOMEN OF COLOR

\$10K

AVERAGE ANNUAL INCOME

Advocates, led by the National Domestic Workers Alliance, are also pushing legislators to pass a nation-wide Federal Domestic Workers Bill of Rights to carve domestic workers back into those exclusions, as well as advance new rights for the workers who make all other work possible.

Domestic workers are frequently the sole worker in a household, creating a stark power imbalance between workers and employers further compounded by the structural marginalization of gender, race, country of origin, immigration status, and more. Many workers have additional jobs outside of domestic work, a trend that increased during the COVID-19 pandemic as workers were forced to gain employment outside of their previous field because of economic devastation. This can make it uniquely challenging to accurately assess demographic data, as well as reach workers through education and outreach efforts, as without a list of employers or workers, reaching workers requires one-by-one identification. Because of this, the Philadelphia Department of Labor (PDOL) has partnered closely with the National Domestic Workers Alliance (NDWA) who organizes nannies, house cleaners, and caregivers across the City.

1 Gonalons-Pons, Pilar, *Research Factsheet: Domestic Workers in Philadelphia and Pennsylvania*. 2019. Penn Population Studies Research Briefs.

2 Nilsen, Ella. *These workers were left out of the New Deal. They've been fighting for better pay ever since*. May 2021. Vox

3 National Domestic Workers Alliance. *Passed Legislation: States and Cities with a Domestic Workers Bill of Rights*. 2023.



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Advancements in Philadelphia

In recognition of the unique labor exclusions of domestic workers, compounded by the structurally marginalized identities of most domestic workers, the City of Philadelphia in conjunction with community stakeholders led by the National Domestic Workers Alliance - PA Chapter has made significant advancements for domestic workers. While there remains much more to ensure dignity, respect, and fair treatment and working conditions for all domestic workers in Philadelphia, the below advancements demonstrate significant commitment to achieving those goals.

Philadelphia Domestic Workers Bill of Rights

Starting May 1, 2020, Philadelphia's domestic workers are protected under the Domestic Worker Bill of Rights. Domestic workers include nannies, house cleaners, caregivers, and others who provide services in the home. Philadelphia's new law, which advocates say is "one of the strongest bills protecting domestic workers in the nation,"⁴ provides domestic workers with some of the same labor rights that other workforce sectors have long had, as well as creating new rights in recognition of the unique workplace challenges facing domestic workers.

The following is a written description of each of the rights won under the Philadelphia Domestic Worker Bill of Rights and why each is critical to ensuring safe and dignified working conditions, in the words of domestic worker members of the National Domestic Workers Alliance - PA Chapter:

⁴ Orso, Anna. *Philly to expand rights for housekeepers and nannies, including requiring a contract and paid leave*. October 2019. Philadelphia Inquirer.

The New Right Under the Law

Why It's Important

Written agreement in English and the preferred language of the workers, outlining pay rates, schedules, and benefits, among other workplace provisions

"A contract sets boundaries on my work duties and what is expected from both myself as a nanny and from my employer. It supports me when those boundaries are being crossed."

Two weeks advance notice of termination or two weeks payment if the employer fails to give the appropriate notice; this increases to four weeks notice or pay for live-in workers

"This gives proper structure in terms of my finances, time for me to find another job or start looking, and recognizes that we are real workers."

A day off after six straight days of work for live-in workers

"Everyone needs rest. We are humans and cannot work 365 days a year. When I rest and relax, I can do my job better."

Right to a paid rest break after four hours worked consecutively

"We should be treated as humans. We need to eat and recuperate from things like a child's tantrum or challenging behavior from those we are caring for."

Right to 30 minute unpaid meal break after five hours worked consecutively, or pay if the meal break is interrupted

"You have to eat to keep going."

Protection from employers keeping personal identity documents of the worker

"I'm not the possession of my employer. This can also be an indicator of labor trafficking and we as domestic workers face high rates of trafficking."

Protection from discrimination under the Philadelphia Human Relations Commission

"There need to be real consequences for people who discriminate against us. We need to have a sense of protection that other works have long had."

Privacy protections prohibiting employers from filming in private areas of the home

"It's disgusting to be filmed in the most private circumstances. There must be strong consequences for this."

Unpaid sick leave job protections

"If I'm not feeling well or my family member isn't feeling well, I need to take time to take care of them without fear of being fired."

Protection from retaliation including around perceived immigration status in response to a worker exercising her rights

"Our rights mean nothing if there aren't consequences when employers violate them. Fear of retaliation is one of the biggest reasons domestic workers don't speak up about the abuse we experience."

“The basic benefits in this bill are absolutely crucial to every worker.

I know how much I have relied on benefits from my own work place, and the workers who make my work life possible deserve no less. But domestic workers should not have to rely on the good intentions or best efforts of their employers in order to have their work respected and their rights protected. **Without exception, every single employer I've spoken to is grateful for the guidance of a contract and for the ability to have hard conversations about expectations and how to end, extend, or negotiate a working relationship.** Domestic workers are some of the most intimate people in many of our lives, and navigating those relationships can be really challenging. Having legal protections and written contracts is a benefit to everyone involved.

- Elana Bauer, Employer

Employers have also expressed their gratitude for the Bill of Rights. The contract offers clear guidance and facilitates critical conversations around expectations. Especially given the intimate nature of domestic work, employers have praised the Bill of Rights as "a benefit to everyone involved."

However, domestic workers continue to face labor rights exclusions due to constrictions from state law, including their explicit exemption from the Pennsylvania Minimum Wage Act which outlines minimum wage and overtime protections.⁵ Domestic workers continue to be excluded from federal labor provisions, including being legally barred from forming a union.⁶

Domestic Workers Standards and Implementation Task Force

Philadelphia's City Council created the Domestic Workers Standards and Implementation Task Force (DWTF) by Resolution No. 190838 to consider, analyze, make recommendations to City Council's Committee on Law and Government, City Council and Mayor. In recognition of the historic marginalization of domestic workers given its roots in enslavement and current exclusion from basic employment protections, the City of Philadelphia commits itself to ensuring dignity, justice, and fairness for domestic workers.

The mission of the DWTF is to recognize domestic workers as essential and valued contributors to the growth and prosperity in Philadelphia with shared values of respect, dignity, justice, and fair wages for all workers. The Task Force brings together domestic workers, employers, government, and other stakeholders to ensure dignity for Philadelphia's domestic workforce and uphold and defend the Domestic Workers Bill of Rights.

Current Task Force members include:

Councilmember Katherine Gilmore Richardson

Councilmember Kendra Brooks

Candace Chewning, Department of Labor

Nicole Kligerman, PA Director, NDWA

Maria del Carmen Diaz, Worker Leader, NDWA

Betania Shephard, Worker Leader, NDWA

Annie Johnson, Worker Leader, NDWA

Dominique Thurmond, Community Legal Services

Julia Ticono, Employer

Lois Volta, Employer

5 Pennsylvania State Assembly, Act 5 Section 5. *Minimum Wage Act of 1968*. 1968.

6 Goldberg, Harmony. *The Contested Exclusion and Inclusion of Domestic Workers from Federal Wage and Hour Protections in the United States*. International Labor Office. 2015.

Philadelphia Worker Relief Fund

At the start of the COVID-19 pandemic in 2020, domestic workers and other low wage workers identified lack of government financial support as a core challenge. **While the vast majority of domestic workers lost most of their employment, state and federal financial assistance programs excluded many domestic workers because of the lack of immigration status.**

As such, the National Domestic Workers Alliance worked directly with the Office of Worker Protections and the Mayor's Office of Immigrant Affairs to advocate for and stand up the Philadelphia Worker Relief Fund to provide emergency direct cash assistance to workers and families impacted by COVID-19 who were left out of all federal and state relief. The Fund distributed over \$2.2 million in emergency direct cash assistance to 2,820 Philadelphia workers, including hundreds of domestic workers, who were left out of federal and state COVID-19 relief programs. The vast majority of recipients were people of color from very low-income households (less than \$20,000 per year), and people used their relief funds to meet basic needs like food, rent, and clothing. Funds were distributed through a network of community-based organizations with deep relationships in communities that include workers excluded from relief. The Fund provided a national model for excluded workers in other localities.

Vaccine Campaign

Domestic workers were devastated by the COVID-19 pandemic as many lost almost all income, do not have health insurance in the case that the worker or family member contracted COVID, and could not access state and federal financial relief because of their immigration status or the status of someone in their family. That lack of access for domestic workers was also reflected in the City vaccine roll out, as private-pay, in-home domestic work was not reflected in the lists of essential worker classifications prioritized for vaccine eligibility. (For instance, child care workers were listed but not nannies.) Through the longstanding successful partnership with PDOL and the National Domestic Workers Alliance and the advocacy of domestic workers and City staff, domestic workers were able to much more easily access vaccine clinics across Philadelphia. This partnership resulted in over 500 domestic workers and their essential worker family members being able to be vaccinated significantly sooner than they otherwise would have been able.

Wage and Hour Tracking for Cash Workers

Wage and Hour logbooks are available from the PDOL as a way for workers to establish hours worked and wages paid over time. Documentation is an ongoing challenge in enforcement for "invisible economy" industries. This is a helpful tool workers can use to prove occurrences of pay irregularities or even wage theft. The Office of Worker Protections conducted training with National Domestic Workers Alliance member leaders on how to use the logbooks. These leaders then were able to lead trainings in their city wide committees.



Community Outreach and Education Fund

Labor laws increase economic security, keep families healthy, and promote economic equity. Shortfalls in weekly work hours (under employment), low wages, lack of job protection and lack of access to benefits fuel poverty in Philadelphia. Many of these inequities are gendered and racial. Communities who experience frequent violations of labor laws tend to not only have complex relationships with government but are hardest to reach due to accessibility such as language, technology and housing insecurities. Considering this and that the Office of Worker Protections is a new office, **depending on complaints alone will not result in labor law compliance.**

Established in July 2022 following the Philadelphia Worker Relief Fund, **the Community Outreach and Education Fund is an opportunity for community organizations to partner with the Office of Worker Protections to foster collaboration with trusted community organizations across the city to protect Philadelphia workers.** As workplace protections have grown to include COVID-19 Paid Sick Leave, the Domestic Worker Bill of Rights law, Fair Workweek, and Wrongful Discharge from Parking Employment, expanded outreach has been a priority for the Office. During the past few years, the Office of Worker Protections has been working to grow relationships and build trust with communities hit hardest by labor law violations in order to create a standard where labor law compliance and exercising your rights is typical and expected in Philadelphia workplaces.

This initiative of the Office of Worker Protections was selected to receive funding from the Operations Transformation Fund announced on July 12, 2022, along with a dedicated budget from the Office. The Community Education and Outreach Fund provided over \$16,000 each to trusted community organizations who will participate in programming that will equip them to support communities and protect Philadelphia workers around the Domestic Worker Bill of Rights Law.

Core Lessons from Advancements

Several core components enabled the above advancements for domestic workers in Philadelphia, going from a city without any domestic worker organizing or protections in 2018 to our current day progress. Some of those ingredients include:

Partnerships	Trusting and working together with community organizations on outreach and education is critical
Resources	Creating simple and concise complaint forms and flyers in multiple languages that can be used and shared for increasing awareness
Investments	The Office of Worker Protections launched a Community Outreach and Education Fund (explained further above), deepening collaborations with community leaders
Dedicated Budget for Outreach	The Office of Worker Protections has a dedicated budget for outreach programs and language access in order to minimize barriers
Engagement	Highly engaged and committed domestic worker leaders with the National Domestic Workers Alliance - PA Chapter
Organizing	Strong national domestic worker organizing movement and partnerships that was able to demonstrate the possibilities of the Domestic Worker Bill of Rights with the passage of 10 state and one city law previous to Philadelphia's passage
Collaboration	Strong collaborative relationship between the Office of Worker Protections and the National Domestic Workers Alliance
Broader Expansions of Workers Rights	Recent successful passage of other landmark labor policies in Philadelphia, including Fair Work Week and the Paid Sick Ordinance, demonstrating public and political support for low wage workers
Coalitions	Wide organizational support for underrepresented workers from labor unions, community organizations, legal non profits, and others
Pro-Worker Environment	Broader Philadelphia political context, including relatively pro-union and pro-immigrant city policies and politicians

Core Challenges in Enforcement

Though critical new rights have been enshrined in law through the DWBOR, enforcing those rights is an on-going challenge. Key challenges include:

- **Fear of retaliation**, including losing the job, immigration status, and potential for subsequent slander and reputational damage, which can be devastating in an industry that relies on word-of-mouth referrals
- **The nature of domestic work**, in which primarily one worker is in a single home, creates many challenges including:
 - exacerbates the power imbalance between the worker and employer
 - creates hyper-personalized relationships; and is of one worker in a single home
 - Makes mass outreach to a single worksite impossible
 - Lack of a consolidated list of workers or employers
- **Deeply ingrained mistreatment of domestic workers** by employers rooted in the racialized and gendered legacy of enslavement
- **Persistent discrimination and sexual harassment**
- **Traditionally off the books**, under the table work within the “gray economy,” which makes written proof of violations challenging
- **Deep distrust of government**, particularly in regards to immigration and potential for deportation or alerting ICE to their immigration status
- **Many employers do not consider themselves as such**
- **Challenges in negotiating contracts with employers**, particularly for workers who are less comfortable in English and/or have lower literacy levels
- **Lack of knowledge of the DWBOR** for workers and employers alike, requiring deeper outreach to workers and employers
- **Belief by many that labor laws do not apply to immigrants** because many other laws exclude undocumented people
- **The “gig-ified” nature of the work**, particularly for house cleaners, makes policy enforcement challenging because it requires negotiation between a worker and many different employers
- **Pandemic shut down when the law took effect**
- **Language access**
- **Continued “invisibilization” of domestic workers** from other City departments when creating policy that is based on type of work
- **On-going exclusion of domestic workers from state and federal policies**, including the Pennsylvania Minimum Wage Act and the federal Fair Labor Standards Act

Forthcoming Recommendations and Next Steps

The Domestic Worker Bill of Rights has led to key improvements and victories for domestic workers within the City of Philadelphia. However, many challenges remain to be overcome.

The second portion of our report, forthcoming in the next year, will have specific policy recommendations. Feedback from the city's Community Outreach and Education Fund program participants will be included. This information will better help clarify what is working well on the ground, and where policies may fall short.

Policy recommendations will cover a variety of topics such as:

- **Working with the Philadelphia Human Relations Commission** to combat the unique discrimination and harassment that domestic workers face. This includes the enormous power differentials of a single worker working in a single family home.
- **Ensuring that domestic work is included as a job classification in all city departments** that identify constituents for services, programs, and/or city priorities based on job type.
- **Improving readily accessible language justice in all city departments**
- **Increasing budget to the Office of Worker Protections** to
 - hire more investigators and community outreach specialists increased outreach
 - shorten time for investigations
- **Continuing community based organization re-grant programs for labor rights outreach**
- **Identifying state and federal policies that pose obstacles to progress.** The purview of the City Task Force is local, but outside factors have major impacts on our ability to improve conditions (such as the PA Minimum Wage Act exclusions, the exclusion from Fair Labor Standards Act, the legacy of enslavement, and the intentional exclusion from all federal policy)
- **Identifying domestic worker hubs and industry standard setters**, focusing outreach and enforcement

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