

House Committee on Education and Labor, Subcommittee on Workforce Protections hearing entitled “*Essential but Undervalued: Examining Workplace Protections for Domestic Workers*,”

Thursday, July 28, 2022, at 10:15 a.m. (Eastern Time).

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Written Testimony

Good afternoon, Chair Adams, Ranking Member Keller, and members of the subcommittee, my name is Dr. C. Nicole Mason and I am the President of the Institute for Women’s Policy Research, an economic think tank focused on women’s economic security and understanding women’s labor force participation. Thank you for holding this hearing and for the invitation to testify today about essential workplace protections for domestic workers.

The title of this hearing, “Essential but Undervalued,” regrettably but aptly describes the situation facing domestic workers. This work – ranging from caring for our children to caring for our homes to ensuring the health of our elders – makes all other work possible. While the pandemic shined a light on the harm resulting from the lack of employment protections for this workforce, it is important to note that this harm long predates the pandemic. Despite the essential nature of domestic work, it is and has been undervalued in our economy due to its roots in forced enslavement and indentured servitude. As a result, domestic workers, who are disproportionately women of color, were left out of a variety of federal labor protections throughout the 20th century leaving these workers particularly vulnerable to poverty and exploitation.

The vulnerability of this workforce due to the lack of labor protections was exposed clearly during the COVID-19 she-cession. Domestic workers were among those most impacted as employers closed their homes. Many of these workers were unable to access unemployment support and did not have sufficient access to paid sick leave or health insurance. Nevertheless, domestic workers are a growing segment of the economy and the demand for such care work will continue to increase as our population ages. The most recent data from the Bureau of Labor Statistics shows that 15,000 home health jobs have been added since February 2020. The International Labor Organization estimates that domestic workers make up 2.3 percent of total employment worldwide, with more than 2.2 million workers in the United States. Over 90 percent of these workers are women, and more than half are Black, Latina, or Asian American/Pacific Islander. The domestic worker labor force is a clear example of occupational segregation resulting in women’s work being undervalued and Congress can and should act to address these issues.

The Institute for Women’s Policy Research has long researched many of the labor issues included in Congresswoman Jayapal’s legislation, the Domestic Workers Bill of Rights, and we support the inclusion of domestic workers in common workplace rights and protections such as paid sick days and protection from harassment and discrimination. We also support the establishment of additional protections, such as fair scheduling and access to affordable healthcare and retirement benefits.

IWPR has been advocating for paid family and medical leave since 1987. Yet, a 2021 IWPR Survey of women workers found that over one-third of women (37.5 percent) employed full-time report they do not have paid sick leave—and 65.2 percent of full-time workers surveyed report they do not have paid family leave. Domestic workers are significantly less likely to have access to paid sick days or family and medical leave, a problem that this legislation would address.

Additionally, domestic workers often lack clearly defined working hours and control over their schedules, resulting in low wages, uncompensated overtime, and fickle scheduling. Academic literature consistently show that temporal instability in the workforce is associated with psychological distress, poor sleep quality, and unhappiness. Unpredictable work schedules have been found to increase workers reporting work-life conflict. “Just-in-time” scheduling practices put workers in a vulnerable financial position—both by destabilizing earnings and by disrupting their access to safety net programs—and make it difficult for them to arrange childcare, attend school, or pick up a second job. Systemic lack of affordable child care and lack of access to child care beyond the traditional nine to five schedule makes it difficult for domestic workers to balance work with taking care of their children.

Domestic workers experience multiple, compounding negative economic consequences due to the lack of necessary workforce protections – many of which IWPR has studied. For example, in 2018, IWPR found that only 13 percent of women domestic workers had access to a pension plan and only 24 percent had access to an employer-provided insurance plan. In 2020, IWPR conducted a study that estimated the lifetime costs of sexual harassment on workers and found that physically isolated workspaces rife with power imbalances were the number one risk factor for sexual harassment. Fundamentally, the workplace structure of domestic work systematically creates vulnerability for workers. IWPR estimated that the costs of sexual harassment for a home health aide was more than \$128,000 of the course of a lifetime. Domestic workers also reported experiencing physical strain, depression, and psychological trauma due to their experience with sexual harassment.

These costs further exacerbate an economically insecure situation for domestic workers. These women face a workplace in which many of our most basic labor rights do not apply and their wages consistently fall behind the wages of all other workers. Domestic workers make at least \$7 an hour less than all other workers. This gap is widest for nannies who make a median average of \$11.60. Domestic workers are also more likely to work part-time, compounding a low hourly wage. Even among care workers, workers who are employed in the home are the lowest paid. The dominance of women and women of color in this low-paid, yet critical work is a significant contributor to the gender and racial wage gap.

Enacting the Domestic Workers Bill of Rights is essential and will ensure domestic workers receive basic workplace protections. In addition to the important provisions of the domestic worker’s bill of rights, IWPR supports pay equity, enhanced enforcement of anti-harassment law, \$15 minimum wage, and affordable, universal childcare that also works for those who need childcare beyond 9-5. The economic security and mobility of domestic workers depend on our investment in this essential workforce. Congress must ensure that these workers are included in common workplace rights and protections and that new protections be established to address the unique challenges of domestic work by passing the Domestic Workers Bill of Rights.