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Spotlight interview with Priscilla González (DWU - USA)

"I could kill you, no one would know"

Brussels, 29 November 2010 (ITUC Online): As of 29 November this year, domestic workers in New York State finally have a number of rights recognised, following the enactment of a new Bill of Rights specifically protecting them. This victory, a first on United States territory, is the result of a long struggle led by Domestic Workers United (DWU), an organisation grouping over 4,000 domestic workers. Priscilla González, director of DWU, tells us about the progress made.

How many domestic workers are there in New York?

According to estimates, there are over 200,000 domestic workers in the New York metropolitan area and over 2.5 million across the United States. They are approximate estimates, and we believe the actual figures are, in fact, much higher, as the demand for the services that domestic workers provide is constantly on the rise. We see the industry boom in large urban centers like New York where there is a high degree of social and economic inequality.

Are all these workers legal residents?

We do not have data regarding domestic workers' status, as the labour legislation applies to everyone in the United States, whether they are legal or not. For domestic workers, regardless of whether or not they are documented, US labor laws have discriminated against them. The Bill of Rights in New York finally begins to rectify that gross injustice.

Could Domestic Workers United be considered as a union?

In the United States, domestic workers do not have the right to unionise, as they are explicitly excluded from the Labor Relations Act that guarantees most other workers the right to unionise and bargain collectively. So the legislation does not allow us to form a union, but DWU is very similar to a union: an organisation managed by workers, for the workers. If we could, we would register as a union.

What is the reasoning behind the exclusion of domestic workers from the Labor Relations Act?

It is a workforce largely made up of immigrant women and women of colour, and work done by women, especially black women, has been devalued throughout history. The history of domestic work in this country dates back to the time of slavery: African slave women were the first domestic workers in the United States. This concept of the place and value of domestic work has never really been updated.

Housework is, moreover, devalued based on gender. The work done by men tends to be valued more than that done by women. Domestic work is carried out in the private sphere and, although it may be remunerated, it is not respected at all. In the 1930s, when the first labour laws started to be passed in the United States, a very powerful lobby in the South blocked any attempt to give African Americans, mainly domestic and farm workers, the least opportunity to assert themselves in society. Back then, the trade union movement was willing to make this concession in exchange for other gains, such as the eight-hour day and other work-related legislation. It was a concession benefiting the largest majority. This exclusion remained in place until the signing of the Bill of

Rights, which will take effect on 29 November in New York State.

What concrete changes will the new Bill bring?

It guarantees one day's rest a week, at least three days' paid leave per year after one year of employment, overtime pay for more types of domestic workers, protection against harassment and discrimination; and temporary disability benefits for part-time workers. It also mandates the Department of Labor to study the feasibility of collective bargaining in the domestic work industry.

This historic legislation is a great step forward in winning recognition and basic rights for a critical work force that was invisible for too long. The organizing of domestic workers, the broad coalition of support, and the campaign that pushed for this legislation is what made this incredible victory happen. When the Governor of New York signed the bill into law, he wanted to acknowledge domestic workers who "dreamed, planned, and organized" for years until this long overdue injustice was corrected.

How will this legislation be enforced within private homes?

We are working with the New York Department of Labor to train its investigators about the realities of our sector: what the dynamics are, what the employers' usual evasion tactics are, the conditions domestic workers face when they try to negotiate, etc. We are also launching a mass Know Your Rights campaign to educate workers about their rights and to ensure that employers know about their responsibilities.

We will also be launching a large-scale organising campaign. In key areas of the city where domestic workers live and work, we are going to train dozens of domestic workers to serve as eyes and ears on the ground and to be a resource for other domestic workers. They will be the first line of defense in cases of abuse and exploitation in a given area. It will be a kind of rapid response network, loosely based on the workplace representative model: a DWU representative will keep an eye on what is happening in the area, she will train and support the workers there, and they will be able to react rapidly in case of abuse. If you are isolated behind closed doors, it is hard to stand up for yourself, but if you know that there is a representative of your organisation in the same building or down the street, you have a greater degree of reassurance that someone will have your back; all the more so if your employer also knows it. Our aim, therefore, is not to operate in secret: it has to be known that someone is on the lookout.

Enforcing the Domestic Workers Bill of Rights is a multi-pronged effort that's about education, organizing, and ensuring that employers are brought into compliance.

What are DWU's other key activities?

We devote a lot of time to building our membership base. We meet up with them wherever they are: the playgrounds, parks, churches, stations, public transport, etc. Our members do this work voluntarily, before or after work. We also have paid organizers who are in charge of recruiting and coordinating actions on the ground.

We have been holding our meetings at the same place, at the same time, for 10 years. The stability and consistency of our presence are important, because the workforce is subjected to very precarious conditions, so in this way, even when the workers lose touch with us, they know where to find us.

We also conduct training programmes so that domestic workers get the tools and trainings they need to advocate for themselves and other workers and lead campaigns that lead to change in the industry. We cover topics as diverse and as relevant to our work as economic policy, globalisation, migration, history of the domestic work industry in the US, gender issues, and we also develop organising skills.

Through our trainings, domestic workers learn that they have rights (whether they have papers or not) and that they have the right to demand their application. Together, we assert that domestic work is a profession like any other, worthy of respect in our society and protection under the law. All our lives we have been told that it is an unskilled job, but this is totally untrue: a significant degree of skill, knowledge, experience and expertise are needed to care for children or the elderly, and to manage a household.

Do you also give support to individual cases where workers suffer from violations?

Yes. Aside from the general campaigns, such as that for the adoption of new legislation in New York, we carry out advocacy campaigns for domestic workers seeking justice after suffering from serious forms of abuse and exploitation. Some have been sexually abused, others have been forced to live in cellars or have been paid just three dollars an hour (when the minimum wage is over \$7), etc. In some instances, we hold a demonstration in front of the employer's home or company and denounce them in the press, to alert their neighbours and colleagues that these wrongdoings are taking place nearby, and push them to pay the compensation they owe the worker. When lawsuits must be filed, we partner with lawyers who volunteer their services to defend domestic workers. We have already managed to win over 500,000 dollars in domestic workers' unpaid wages.

Is exploitation worse for live-in domestic workers?

Both categories of domestic workers face different forms of abuse and exploitation; those living with their employer, however, are typically expected to work around the clock, without any extra pay. Also, when live-in workers lose their jobs, they also stand to lose housing, so they are at once left both jobless and homeless. There are also many cases of international trafficking of domestic workers. A few years ago, in Long Island, two Indonesian workers were tortured and held in slavery for years. One of them ended up escaping and was found on the roadside with nothing but a towel around her. A DWU member told us one day that her employer had said to her, "I could kill you, and no one would know"... and unfortunately it is the case that often times no one would know! Your identity papers have been confiscated, you do not have access to the telephone, you are trapped inside the house, and no one knows you are there.

Do you work with the American trade union movement or other civil society organisations?

DWU always seeks opportunities to build alliances and strategic partnerships, because we believe that by connecting our struggles to those of others, we are building a stronger movement to end oppression and exploitation for all. Trade unions that, in the 1930s, had agreed to the non-protection of domestic workers, have understood that it is in the trade union movement's interest to improve the conditions of the most marginalised workers. In New York, for example, we have been working closely with many different types of unions to advance rights for all workers. One union that is very close to us organises the doormen of buildings in the affluent avenues. The doormen know who the domestic workers are in the buildings, who the good and bad employers are. It's an organic relationship that developed from real conditions on the ground. Also, through the National Domestic Workers Alliance, which we helped to form in 2007, we are working closely with the AFL-CIO for the adoption of an ILO Convention on domestic work in 2011.

DWU has also developed a qualification for domestic workers...

We established the first nanny training programme in New York nine years ago, in collaboration with the Cornell University Labor Programs. It provides basic training in paediatrics, child psychology, workplace injury prevention, first aid and negotiating techniques, etc. At the end of the course, they receive a certificate from the university

and from DWU, which they can present during a job interview or use to negotiate a raise. It is one of the most prestigious universities in the United States, so receiving a qualification from it and from a domestic workers' organisation offers a great credential. The course runs over four Saturdays, all day, for a month.

What health and safety risks do domestic workers face?

Lifting very heavy objects, climbing ladders to clean candelabra, leaning out to clean windows, exposure to dangerous chemical products, etc. Many employers want the worker to use a toothbrush to clean the corners in the rooms of their house, on their knees, which is not just bad for your back and knees but also extremely humiliating. During our training programmes, we explain how to protect oneself: by wearing gloves, learning to read the labels on cleaning products (and asking the employer to buy another product), etc.

Could more be done to provide domestic workers with occupational training?

We are in the process of setting up an additional training program that we hope to launch in 2011. Some wealthy employers have many specific requirements about how to look after certain costly textiles, silverware handed down from one generation to the next, about how to fold their clothes, set the table, ... Occupational training would be useful in meeting these requirements. It's a misconception that domestic work has no career ladder. Nannies, housekeepers, and elder caregivers are dedicated to their work, and our members in DWU are keen on educational opportunities that can give them deeper knowledge and greater skills.

How do you advise domestic workers whose employer asks them to fulfil different tasks (housework, cooking, childcare, ...), which are, in fact, different occupations?

DWU gives training on negotiating; we give the workers support to build their confidence and their knowledge about their rights. We encourage them, for instance, to ask for clarity regarding the job description when they start. There is often no written agreement, and a whole series of tasks is added once the worker is there. You can be hired to take care of a child and very soon find yourself doing the housework and different chores for the whole family. But your wage stays the same!

We have posted a standard employment contract on our website that workers can print out. Many of them use it. If the employers do not consider themselves to be employers, and the workers are in a position of weakness because they need the job, discussions about mutual expectations are not held as much as they ought to be. We have therefore developed this contract as a way of helping to initiate this conversation and put things down on paper.

Establishing a conventional working relationship is not always easy within the framework of a private home...

Good relations with the employer are desirable, but they can make the roles and responsibilities very hazy. The attitude towards a domestic worker who also takes care of the children may, for example, be as follows: "It's Anita, we see her as a member of our family, we adore her, so if I come home twenty minutes late it doesn't matter, I don't have to pay her overtime, if anything, I'll get her a little present." But this type of lateness happens all the time. The absence of standards, guidelines regarding your responsibilities as an employer, reinforces the chances of you violating a person's rights as a worker.

The intimacy of the relationship between the employer and the domestic worker, linked to the fact that the workplace is the employer's private home, means that many employers do not see themselves as such... All this creates a fertile breeding ground for

exploitation and abuses of all kinds.

If a domestic worker is aware of her rights but her employer will have none of it, what do you advise?

In our training programmes, we approach negotiations through role play. There is no guarantee of course: if you have to deal with an abusive person, you won't get anywhere, especially as there are often two employers (two spouses) against one worker. That's why legislation is so important, as it will make compulsory all the terms a worker has such difficulty negotiating by herself. Workers need support to be able to negotiate, to give them the confidence to do so, but the government also has to be brought face to face with its responsibilities to ensure a stable workforce.

Could the adoption of an ILO Convention on domestic work help domestic workers in New York?

The United States is not keen on adhering to international standards. But if we can get the ILO Convention for domestic workers ratified in the US, it would give us a significant boost in advocating for national legislation, since we could replicate or build upon the precedents set by the standards laid out in the Convention. Also, international instruments are often rooted in human rights frameworks, which have often not gained much traction in the US. A ratified ILO Convention would represent a major opportunity for us to meaningfully define workers' rights as human rights. It would broaden the message such that more people in the US could see themselves and their values reflected in these struggles – led primarily by immigrant and low-wage workers – for dignity and justice.

Interview by Samuel Grumiau

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