**PA 15-249**

SB0446

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# JOINT STANDING COMMITTEE HEARINGS

# LABOR AND PUBLIC EMPLOYEES PART 1

1 – 513

2015

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REP. TERCYAK: Thank you very much. Thank you, sir. Shall we ask somebody else if they know the burden for that?

I do believe a previous speaker may have mentioned it or has the information. Identify yourself again, please.

DR. FRANCESCA LITOW: Hi. It's Dr. Litow.

So with respect to workman's compensation, generally the standard is more likely than not. Again, works really well off a ladder and you broke your leg.

It's nearly impossible to meet with cancer, to say that any individual cancer is more likely than not due to any individual exposure. So in many states that have presumption, they use language such as significant contributed to, most significant risk factor, significant contribution. That -- that's the kind of language that -- that is used in other state statutes.

REP. TERCYAK: Thank you very much. Okay. Next up is Carolyn Treiss from PCSW.

And after Carolyn, we will start alternating the public with the other legislators who are here to testify on different bills. Thank you.

Welcome. Please begin.

SB446
SB428
HB5848
HB6249
HB6566

CAROLYN TREISS: Thank you. Good afternoon, Senator Hwang, Representative Tercyak, and distinguished members of the Labor Committee.

My name is Carolyn Treiss and I am the executive director of the Connecticut's Permanent Commission on the Status of Women. Thank you very much for the

opportunity to provide testimony today on several bills of interest to the PCSW.

You have my written testimony and it's rather lengthy. So in the interest of time, I am not going to read it word for word. Rather, I'd just like to highlight a few key points on a few of the bills that we've submitted testimony on.

With regard to proposed Senate Bill 446, AN ACT CONCERNING THE DEFINITION OF THE TERM "DOMESTIC WORKER," the PCSW does have the privilege of sitting on the Domestic Workers Task Force and we have plenty of opportunity to comment in that forum. So the only comment I want to make her is that the PCSW does suggest that specific protections be added to address situations involving human trafficking.

We do have evidence to suggest that domestic workers, because they are, in -- in many cases, immigrant women, that service in private homes is a prime area for trafficking to occur. And so we think that this important and perhaps overlooked vulnerability of domestic workers should be carefully considered in any conversations about protections for these workers.

With regard to proposed Senate Bill 428, AN ACT PROTECTING INTERNS FROM WORKPLACE HARASSMENT AND DISCRIMINATION, the PCSW thanks this bill's sponsors as well the committee for understanding the need to close what is a gaping loophole in workplace harassment and discrimination law.

As Senator Looney already very eloquently stated, unpaid interns, by virtue of their very status, are in particularly vulnerable positions with regard to sexual harassment and discrimination. The power differential between an intern and supervisor is significant.

And then, who manages the money?

REP. RYAN: Okay. Those are good questions. I think somebody's going to be able to come up later --

REP. RUTIGLIANO: Okay.

REP. RYAN: -- who will be able to answer those.

REP. RUTIGLIANO: Very good. Thank you. Thank you, Representative. I'll -- I'll reserve my question.

SENATOR WINFIELD: Others? If not, thank you, Representative Ryan.

REP. RYAN: Thank you.

SENATOR WINFIELD: Next, we will hear from Lori Pelletier, followed by Representative Lesser, followed by Wendy Giammarino.

LORI PELLETIER: Good afternoon. My name is Lori Pelletier and I serve as the chief executive officer of the Connecticut AFL-CIO, presenting over 200,000 unionized workers in every state, in every city and municipality in the state.

SB444 SB446
HB5860 HB5871

You have a long list of bills before you that we are both in support of and opposed to. I -- we've submitted written testimony so I just want to go over a couple of them.

Senate Bill 81, AN ACT CONCERNING JOURNEYMEN AND APPRENTICES, again, this bad idea continues to rear its ugly head. The idea that we're going to let people who are learning, who may be learning electrical, who may be learning plumbing, and dealing with gas mains to be out there having to deal with -- not having the proper supervision baffles me year after year.

Senate Bill 444, AN ACT CONCERNING SECRETARIES IN THE CORRECTIONAL FACILITIES, again, anybody who's been in the workforce for any length of time, your clerical help is the help that you need every day. And so these workers, who are predominantly women, in the correctional facilities deserve to have this hazardous duty pay. And again, this is an oversight that needs to be corrected.

Proposed Senate Bill 446, AN ACT CONCERNING THE -- THE DEFINITION OF THE TERM "DOMESTIC WORKER", again, in June of last year, the Connecticut AFL-CIO, before our convention passed a resolution that's attached to my testimony unanimously supporting domestic workers.

Again, we need to bring these workers out of the shadows. We need to get them protected and we need to show that the states cares about these workers.

House Bill 5860, AN ACT RECOGNIZING PROBATE COURT EMPLOYEES AS STATE EMPLOYEES, I was a little bit confused on some of the testimony previous in that they want to be able to fire people, but there's no turnover in the employees. So the idea that these employees are at will, listen, I'm elected to my job. My staff has a contract. I can't just fire them if I want to.

There's a process to go through. If it's good enough for the Connecticut AFL-CIO and the national AFL-CIO, then it should be good for probate court employees.

And lastly, I'd also like to talk about House Bill 5871. That, again, I can't -- I can't make up the -- the testimony that the previous speakers had on this. It's personal. My brother's a firefighter. I know the -- the crisis that the -- the profession is in in dealing with cancer.

oftentimes have contact with the inmate population.

One -- one instance in particular, a clerical worker was feet away from a -- a violent inmate who took out a correction officer with 17 years on the job. And if it hadn't been for the quick response of the -- the correctional staff, she could have been just as injured as this correctional officer.

Instances like this happen all the time. And these clerical workers should have the benefits that is afforded to the rest of the correctional staff.

I'll try to answer any questions you have. Thank you for hearing me on this matter.

REP. TERCYAK: Thank you very much. Thank you for waiting to testify. Do we have any questions? You're all set. Thank you very much, sir.

Natalicia Tracy, Maria Rodriguez, and Barbara Silva.

Thank you very much. Thanks for waiting. We only have about 40 people left after you. Take all the time you want.

NATALICIA TRACY: I will keep that in mind. Good afternoon, Representative Tercyak and members of the Labor and Public Employee Committee.

SB 446

Thank you for raising the domestic worker bill of rights concept, which I hope that will lead to a comprehensive bill that will make Connecticut the fifth state in the nation to recognize that all workers deserve protection under labor law and to correct from -- for some glaring historical exclusions that have -- that have been there for a very long time due to past injustices of slavery and Jim Crow.

My name is Natalicia Tracy. I am Ph.D. candidate at Boston University, but I'm also the Executive Director of the Brazilian Immigrant Center.

But before that, I was a domestic worker for 15 years. I suffered a great deal of exploitation and abuse while providing love and care to children in many U.S. families and to many wonderful senior citizens who needed support to live independently.

Last year, on June 2014, Governor Deval Patrick signed the most comprehensive domestic worker bill of rights yet to pass in the country in the state of Massachusetts, fourth state with California, and then we had Hawaii and New York, which was the first one, to extend domestic workers the same labor rights that other workers have enjoyed since the 1930s.

Over 67,000 domestic workers in the state of Massachusetts now have those rights and are engaged in the public education campaign to inform other workers and employers of their new rights and responsibilities under the law. And we hope to achieve the same for over 42,000 domestic workers here in the state of Connecticut.

We advocate for the domestic workers because they are alone at the workplace. Domestic service is the only occupation with the highest rates of exploitation, such as illegal deductions withheld from their pay, or receiving no pay at all, or giving long working hours with no clarity about when work begins and ends or what jobs do it.

These are very basic law -- basic labor rights that we usually think accompany most jobs. But domestic workers were deliberately not granted them under the law due to racially biased exclusion in the past.

We ask that the new domestic worker bill of rights, that -- don't assume that those rights are universal, that all workers are enjoying protection under labor law.

I know Connecticut cares about workers and I'm honored to be part of the team here that is working to bring needed changes. I'm confident that, as in many other areas, Connecticut would do the right thing and, once again, set a standard for the states to follow.

Again, thank you so much for raising this bill. Our domestic workers are only seeking some basic rights, respect, and dignity.

Thank you very much.

REP. TERCYAK: Thank you very much. Appreciate it. Any questions? No? Thank you very much.

Let's hear from Maria Rodriguez and Barbara Silva, please.

MARIA RODRIGUEZ: I'm so sorry. I don't speak English very well, but I am starting. Okay? I promise the next time, maybe I talk English. SB 446

IAME MANUCCI: I'll be translating for her.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: My name is Maria Rodriguez and I'm 44 years old and I come from Brazil.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: I came to this country after sitting four years of law in Brazil.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: I came with the intention of finding resources to finish my education.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: And to guarantee that my children, Barbara and Farid, also had better opportunities.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: And they're very smart kids.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: But we're here to talk about exploitation of domestic workers.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: I've been here for eight years.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: And I was exploited.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: Because there are not enough laws protecting domestic workers of Connecticut.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: I would work for 50 hours a week.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: Being paid $3 an hour.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: My daughter is here. I would never tell lies in front of her.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: I cried every day coming home from work, knowing that what I made would never be enough to give them a better life.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: But I work hard to give the best to them.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: I suffered a lot of shame having come here to find the resources for my children.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: And for you to work all day, all week, all month so that you can end up counting coins.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: I was alone here with two children.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: This is hard physical labor, domestic work.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: Veering from the testimony that you might have written in your hands.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: But I'm here to ask for your support for this bill.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: The Connecticut domestic workers are exploited.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: And beyond that --

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: -- the people -- the people who -- who hire us are not transparent with the government.

MARIA RODRIGUEZ: (Speaking Portuguese.)

IAME MANUCCI: This is not good for the workers or our country.

MARIA RODRIGUEZ: Thank you.

REP. TERCYAK: Thank you very much. Before you go, a couple of things. In a minute, we'll ask if there any questions, but before that, could your translator please give us her name for the record?

IAME MANUCCI: Yes. My name is Iame Manucci.

REP. TERCYAK: Thank you very much. Do we have any questions? Okay. Great. Thank you very much for taking the time to come here and stay to let us know what's up.

Barbara Silva. Then, we'll have Brian Anderson and Maria Rodriguez. Welcome.

BARBARA SILVA: I'm sorry. Good afternoon to Committee members. I'm here to support the Bill 446. My name is Barbara Silva.

It's been about seven years that I'm a -- a babysitter, a domestic worker. I work for a family. I take care of three kids while they go to work, run errands, or go out at night.

I was very lucky to find a family that respects me and pay for all the hours I work. However, such employees are not very common in the industry, like, as my mom, Maria Rodriguez, who just talked.

She was -- as she mentioned, she used to work over 40 -- 40 hours a week and get paid less than $5 an hour. I remember coming home from high school and being alone at home because she was still at work.

She would leave home by 6:00, 7:00 a.m. and only come back after 5:00 p.m. sometimes, most of the times, she would come home exhausted, like, really exhausted, and starving because she didn't have any breaks whatsoever.

She couldn't eat during work so she was -- she couldn't eat from 7:00 a.m. to 4:00 or 5:00 p.m., so she was always starving when she got home.

She could not complain about her work or she would get fired, because there's no -- there's no such thing as retaliation bill for domestic workers.

So sometimes employers would cancel her workday with only a couple of hours' notice or a couple minutes' notice, and they would not pay her for that day. And that would always affect our family since she was the main -- the main and only provider -- provider for our family.

So all of those experience have shown us that we certainly don't have basic rights and respect. So my point is some employers are terrific. They're generous, that -- like as the family I work for.

But some employers are, unfortunately, very demanding, very exploitative, and very abusive. So since household labor is the work that makes all other work possible, I have a question.

How long will we rely on luck to be respected and have basic rights? We certainly need laws to protect us, not luck.

Thank you so much.

REP. TERCYAK: Thank you very much. No wonder your mother's so proud of you. Do we have any questions? Yes, Senator.

SENATOR HWANG: Thank you, Mr. Chair. Are -- are you -- what -- what are you currently doing now, if I may ask?

BARBARA SILVA: I study and baby --

SENATOR HWANG: Okay. So -- are -- are you still babysitting?

BARBARA SILVA: Yeah.

SENATOR HWANG: Okay. Well -- well, you -- you've done a wonderful job. Your mother should be very proud of you. And I applaud your good work today. Okay?

BARBARA SILVA: Thank you.

SENATOR HWANG: Thank you, Mr. Chair.

REP. TERCYAK: Thank you very much. Brian Anderson, followed by Ana Maria Rivera. Then, we're going to hear from quite a few people about 5852. Thank you.

SB 108
HB 5865
SB 444

BRIAN ANDERSON: Good afternoon, Chairman Tercyak, members of the committee. My name is Brian Anderson. I'm a lobbyist for Council 4 AFSCME, the

REP. TERCYAK: Thank you very much. Nothing else? Thank you.

SENATOR FASANO: Thank you for your patience and allow me to go out of turn. Thank you.

REP. TERCYAK: We're all very busy and you are among the small crowd busier than most. Thank you very much, Senator.

Okay. Ana Maria Rivera, thank you for your patience. Followed by Renee Cannella, Adam Olshan, Linda Strumpf, Toby Rhinesmith, and Patricia Rosenberg.

Ana Maria, welcome. Thank you.

ANA MARIA RIVERA-FORASTIERI: Hi. Thank you very much. Good afternoon, Senator Winfield, Representative Tercyak, Senator Hwang, and Representative Vail.

My name's Ana Maria Rivera-Forastieri. I am the political director of the Working Families Organization in Connecticut, and we organize on behalf of working and middle class families on issues of social and economic justice. And we've actually submitted written testimony, but I wanted to emphasize the two bills that we're supporting today.

SB 446

One of them is House Bill 5858, which would provide more funding to the Connecticut Retirement Security Board.

So last year, we testified in support of creating a publicly-administered retirement saving plan in the state of Connecticut and we believe that the Legislature and the Governor took a right step in recognizing that there is a retirement crisis in our state and that the best solution to that problem

would be through a publicly-administered fund.

Now, our understanding is that the Retirement Board that has been convening for the last couple of months to study the issue needs additional funds in -- in order to hire experts and to conduct more research and to actually come up with an optimal plan for the state of Connecticut and for its workers.

And so we are hoping and we are urging this Committee to grant them the opportunity and the necessary tools to be able to complete this job.

And the second bill that we are supporting is Senate Bill 446, which would provide protections to domestic workers in the state of Connecticut that are currently not protected by many of the labor laws, both federally at state level.

And so I think a lot of people have already testified and more to come. But there are approximately over 40,000 domestic workers in the state of Connecticut that are providing essential services, taking care of our elderly, cleaning, and -- and doing house maintenance work at our houses.

And they are -- and while Connecticut -- and I've always made this argument, that while Connecticut has been sort of at the forefront in a lot of the economic justice issues and battles, we have, unfortunately, excluded domestic workers from these protections.

And so we believe that this Legislature should pass legislation in order to amend the current Connecticut law and to include these workers in the definition of employees and in the protections of workers' compensation law and sexual harassment.

And so we really do urge you to do that and to do that in a comprehensive manner, through a domestic

workers' bill of rights that will address many of the issues that are -- and many of the exclusions that are currently in place.

So that is all I have. If you have any questions, I'm happy to answer.

REP. TERCYAK: Thank you very much. Do we have any questions? Good job. Thank you very much.

Renne Cannella, followed by Adam Olshan, Linda Strumpf, Toby Rhinesmith, Patricia Rosenberg.

RENEE CANNELLA: Good afternoon, Chairman, members of the committee. My name is Renee Cannella. I'm an attorney from Stamford, Connecticut. I'm also a board member of the Connecticut Creditors Bar Association.

And I'm here to address House Bill 5852, which is an act concerning wage execution procedures. I'm not saying I'm for or against it, because I'm not really sure what it's saying.

Apparently, it's to simplify the wage execution procedure. However, quite honestly, the wage execution procedure in Connecticut is already very streamlined and easy to follow.

And I just want to put in context for you as to when a wage execution would actually come into play. A wage execution in Connecticut only comes into play after a matter has gone to judgment, after there has been a payment order by the judge, and after the defendant has defaulted on the payment order. Only then can a plaintiff engage the wage execution procedure.

And I would also bring to your attention the fact that, along the way, as the case is being litigated, and even after it has gone to judgment and there's

for 20 years, is no longer there.

I'm happy to answer any other questions on any of these bills.

SENATOR WINFIELD: Thank you for your testimony. Are there questions from members of the committee? Thank you again.

PATRICK SKURET: Thank you.

SENATOR WINFIELD: Next is David Denvir, followed by Jennifer Jennings, followed by it looks like Pat Saviano.

DAVID DENVIR: If I am not pressing things, good evening, Senator Winfield, Representative Tercyak, and the distinguished members of the Labor and Public Employees Committee. My name is David Denvir.

I am pleased to have this opportunity to speak with you addressing proposed Bill 446. I will have a suggestion as to how domestic workers -- a starting off point for finding domestic workers.

I have submitted written testimony, which I'll try to summarize. I speak to you, however, in my role as general counsel for a large employer. Prior to that, I was in private practice for 25 years.

So it may be difficult for me to summarize my comments. As a lawyer who usually bills by the hour, I tend to say too much rather than too little.

Companions and Homemakers is one of Connecticut's largest providers of nonmedical domestic services. That's home care for seniors throughout Connecticut. We were founded in 1990.

And in those 25 years, we've had many opportunities to examine the issues of domestic service and

domestic employment from many perspectives, three in particular.

The first perspective is the income-limited senior who needs home care services.

The second perspective is the hard working domestic worker, who we believe deserves protections equal to no more nor no less than any other industry.

And the third perspective is that of a business that provides employment for thousands of domestic workers while balancing the expense and the need to comply with each and every labor law, which we do.

Those experiences over 25 years, however, don't make it easy to speak to proposed Bill 446 because, in its present form, it's less than 30 words. But there are two points I can raise with regard to that bill.

The first is, as I know distinguished members of this Committee are very aware, in the last Legislative session, Special Act 14-17 established the Domestic Worker's Taskforce. We've heard that mentioned today during testimony from the Permanent Commission on the Status of Women and that commission -- excuse me, that taskforce is hard at work.

It's very capably led by Representative Tercyak and Senator Winfield. And one of the things that that panel is tasked with, if I may take liberties with that, is defining domestic worker.

We're at work on that. Our report has to be filed no later than October. So I would respectfully suggest that since that hard work is being done, that there's no need to further define domestic worker right now.

The second and probably predominant point of my testimony is to suggest, in the event that this bill does evolve and define domestic worker, or enable additional protections for them, is a starting point for the definition.

We have heard a good deal of testimony today from individuals, many from an immigrant community, talking about the abuses that are suffered when working in an individual household, predominantly employed by individuals as opposed to agency employers.

That theme also played out in a public hearing that the Domestic Worker Taskforce held. And the evidence demonstrated that not all domestic worker employment situations are created equal.

There are really two kinds. One are the agency-employed domestic workers whose agencies already are inspected by OSHA, are policed by the EEOCs, CHRO, the Justice Department. Employers that play into the workers' compensation insurance fund, into the unemployment insurance fund, that fund healthcare under the Affordable Care Act.

In other words, those are employers that treat their employees with dignity, pay them appropriate wages, and give them full protections.

I'll try to summarize my remarks. Thank you.

The secondary force of domestic worker labor is that, again, which testified today. Individuals employed in individual homes, often outside of the purview of appropriate law enforcement agencies.

Often individuals who encounter a language barrier. Individuals new to the country, unaware of their rights or unaware of the ability to access or find

help in -- help in the event that they are being exploited.

The key difference is the employer, not the worker. The agency employer already protects their workers. The individual household may not.

So I -- I suggest that if you are going to define domestic worker, that that's a good starting point. And actually, the taskforce had its origins in a substitute bill. I think it's 5527. Pardon me. Yes.

And -- and that bill originally had a form of definition for domestic worker that is very much along the lines of what I said. It separated the worker by who their employer was.

So in this regard, I do suggest that you delay any further acts to define domestic worker until the taskforce completes it work. And I ask that if you do define domestic worker that you consider the starting point that I have put forth here.

If you have any questions, I'm happy to address them. But most of all, I know it's late. I salute you for your stamina and for your retention to this matter and I thank you for your time.

SENATOR WINFIELD: Thank you, David Denvir.

DAVID DENVIR: You're welcome.

SENATOR WINFIELD: Are there questions from members of the committee?

REP. LUXENBERG: Sorry. I'll be brief.

SENATOR WINFIELD: Senator Luxenberg.

REP. LUXENBERG: Thank you, Mr. Chair. Just a quick

question from me.

From your perspective, why is it important that your employees not be classified as domestic workers?

SB 446 DAVID DENVIR: Well, Representative Luxenberg, thank you for the question. There are -- there are really two reasons for that.

The first is that efforts that I have seen put forward in legislation and have been advanced in other forums, to group all domestic workers under the same umbrella, in my opinion, are improper because, as my testimony supports, and as we've seen through the testimony of others today, not every situation is the same.

The -- the proposed domestic workers' bill of rights that I've seen, for example, would protect domestic workers by being the only industry in the country that has mandatory severance pay, the only industry in the country that has mandatory vacation pay.

And I think with regard to domestic service workers, it would be particularly inequitable to do that for the second reason I don't think they should be considered domestic workers. And that concerns the care plan for seniors as it exists throughout the country currently in -- in the state of Connecticut. I'll illustrate that.

Connecticut provides homecare services to thousands of seniors under what's called the Connecticut Homecare Program for Elders. That is a Medicaid-funded program half paid by the federal government and half paid by the state.

And many providers, such as my company, Companions and Homemakers, serve seniors under that program. The expense of that program is such that providers are being driven from it.

They are at the tipping point where one more financial burden of having to, for example, provide severance pay or mandatory vacation pay, could cause many providers to withdraw from the market. And I'll give you 30-seconds worth of figures to demonstrate the severity of that.

We estimate that participation in the ACA costs approximately $400 per month per employee. We don't mind paying it. We've provided a health plan for our employees for more than a decade, long before the ACA.

Minimum wage in January just went up by 40 cents. In January, it goes up another 45 cents next year.

In the last seven years, the Medicaid reimbursement rate that is paid to providers in the homecare program for seniors -- or for elders, excuse me, has gone up once in seven years. That increase was 15 cents an hour.

So if you factor in the additional expenses that these -- these providers have incurred in just the last 12 months alone, there's just no margin left. They can't afford to participate in the program, which means thousands of seniors would lose their care.

So those are some of the reasons that I don't think that agency employees should be considered domestic workers.

SENATOR WINFIELD: Are there other questions? If not, thank you very much for your testimony.

DAVID DENVIR: You're welcome, and thank you.

SENATOR WINFIELD: Next, we'll hear from Jennifer Jennings, followed by Pat Saviano and Adam Wood.

federal PLL will be public with those fights that they say they're having because I don't find them to have those fights at all. That without being public on it, we can't ever fix it because we don't know what those fights are.

But their inaction and their lack of -- of responsibility to workers and their pensions has led to workers being punished and pension administrators and companies holding onto the money that belongs to people who paid into it.

MATTHEW BROCKMAN: Yeah.

SENATOR WINFIELD: Thank you. Next, we will hear from Amazonia, followed by Mary Median, followed by Carla Gays -- Gayas.

Microphone. Turn the microphone on. Push the red button.

SB 446

BARBARA SILVA: Okay. We got it eventually. Good evening, members of the committee.

REP. TERCYAK: Yes. Please give us your name.

BARBARA SILVA: Barbara Silva.

REP. TERCYAK: Thank you.

MAZONINA SIQUERIA: (Speaking Portuguese.)

BARBARA SILVA: My name is Mazonina Siqueira. I'm Brazilian.

MAZONINA SIQUERIA: (Speaking Portuguese.)

BARBARA SILVA: I live in this country for ten years and I work as a -- I help house cleaners.

MAZONINA SIQUERIA: (Speaking Portuguese.)

BARBARA SILVA: I was always abused -- abused at my work, getting paid $4.60 an hour.

MAZONINA SIQUERIA: (Speaking Portuguese.)

BARBARA SILVA: The worst example of exploitation was recent.

MAZONINA SIQUERIA: (Speaking Portuguese.)

BARBARA SILVA: After I've been working for the same person for ten months --

MAZONINA SIQUERIA: (Speaking Portuguese.)

BARBARA SILVA: -- without having breaks to eat during the work --

MAZONINA SIQUERIA: (Speaking Portuguese.)

BARBARA SILVA: -- my health was debilitated.

MAZONINA SIQUERIA: (Speaking Portuguese.)

BARBARA SILVA: I had to go through emergency surgery.

MAZONINA SIQUERIA: (Speaking Portuguese.)

BARBARA SILVA: And the -- the person I was -- used to work for guaranteed that I -- I would go back to my work.

MAZONINA SIQUERIA: (Speaking Portuguese.)

BARBARA SILVA: The day I went back to work --

MAZONINA SIQUERIA: (Speaking Portuguese.)

BARBARA SILVA: -- he simply fired me.

MAZONINA SIQUERIA: (Speaking Portuguese.)

BARBARA SILVA: So I'm here to ask that -- for this bill, the 446 Bill, so we can have dignity.

MAZONINA SIQUERIA: (Speaking Portuguese.)

BARBARA SILVA: It's been more than four weeks --

MAZONINA SIQUERIA: (Speaking Portuguese.)

BARBARA SILVA: -- the last week that I worked.

MAZONINA SIQUERIA: (Speaking Portuguese.)

BARBARA SILVA: I ask you to support this bill.

MAZONINA SIQUERIA: (Speaking Portuguese.)

BARBARA SILVA: I'm sorry for the English.

SENATOR WINFIELD: Thank you. Great job. Are there questions from members of the committee? Senator Osten.

SENATOR OSTEN: So I have one question. You said that it's been four weeks since you last worked?

BARBARA SILVA: (Speaking Portuguese.)

MAZONINA SIQUERIA: No. (Speaking Portuguese.)

BARBARA SILVA: No. It's been four weeks that she was fired and he hasn't paid the week before the surgery.

SENATOR OSTEN: So did he know that you were working on the Domestic Workers Bill of Rights? Did your employer know that?

BARBARA SILVA: (Speaking Portuguese.)

MAZONINA SIQUERIA: No.

SENATOR OSTEN: You don't think so?

BARBARA SILVA: (Speaking Portuguese.)

MAZONINA SIQUERIA: (Speaking Portuguese.)

BARBARA SILVA: I don't think so.

SENATOR OSTEN: Okay. Thank you.

SENATOR WINFIELD: Thank you. Anyone else? If not, thank you very much.

MAZONINA SIQUERIA: Okay. Thank you.

SENATOR WINFIELD: Next, we will hear from Mary Median, Carla Gayas, and then Patrick Morales.

A VOICE: Excuse me. They're all workers and they had to report back in shift.

SENATOR WINFIELD: Okay.

REP. TERCYAK: Thank you very much.

SENATOR WINFIELD: What about Nina Siqueria?

A VOICE: (Inaudible.)

SENATOR WINFIELD: And then, James Bhandary-Alexander, who I can see is here. Ray Hart and Tatiana Molina.

JAMES BHANDARY-ALEXANDER: Was it actually my turn or -- yeah. Okay. SB446

Thank you very much. My name is James Bhandary-Alexander. I'm a staff attorney at New Haven Legal Assistance.

For those of you who aren't familiar, we are a nonprofit legal services provider for folks in New Haven County and a sister organization to Connecticut Legal Services and Greater Hartford Legal Aid.

I principally represent low wage workers and I -- I do -- I represent them before administrative agencies and in courts and I'm -- I'm representing my clients here today.

And I first want to lay out a few of the -- a few of the legal protections, because there's a legal structure to what these women have been telling you about that domestic workers are excluded from currently under Connecticut law.

And then, I would like to tell you -- have a little argument across time and space with my friend, David Denvir, who was here talking about agencies.

First of all, you should know that domestic workers are excluded from several federal protections that we all take for granted, including the National Labor Relations Act. Some domestic workers are excluded from the Fair Labor Standards Act, which is the minimum wage and overtime law. They're excluded from occupational safety and health law and they're excluded from Title VII, which we -- is the anti-discrimination law at the federal level.

All of these exclusions have historical roots in what we now view as disgraceful compromises that were made during the 1930s and don't have anything to do with any of you, but do, unfortunately, continue to effect these workers.

At the state level, many of -- most domestic workers are excluded from those analogous laws that exist at the state level. For example, some domestic

workers are excluded from minimum wage and overtime protections.

Domestic workers are de facto excluded from the protections of workers' compensation law because they, alone, need to work 26 hours a week to qualify. Something that's not true in any other industry.

They are exempted from employment discrimination statutes. They can't go to the CHRO if they're sexually harassed by their boss.

And they're also not covered by the new sick days law.

All of these exclusions, some of them are newer than others, but mostly they're old exclusions. So here's where I'd like to maybe argue gently with my friend David, which -- just to say that -- that waiting is -- is something people have been doing for a long time.

People have been waiting for -- for these rights for 70 or 80 years. So I hope you will not take his -- his -- prescription to wait too -- as too important.

And if I could just go over, for a second, and -- and tell you about the -- why I think agencies should be included, agency employees.

I have five clients right now who were not paid minimum wage and overtime. All five working women in New Haven who worked for an agency.

And they -- not only were they not paid minimum wage and overtime, they were fired for going to their boss and asking to be paid properly. They're not covered by the National Labor Relations Act, so they can't go to the National Labor Relations Board and say we were acting collectively to better the terms

and conditions of our employment. They're agency employees.

They were also told that if they didn't have such strong accents and spoke English better, they would be paid at a higher rate, which would be a textbook Title VII violation against national origin discrimination.

It would also be a violation of our own Connecticut Fair Employment Practices Act, except, even though they're agency employees, they are not covered by that.

So I will use them as an example that agency employees -- not all agency employees are -- are treated as well as the employees in -- in Mr. Denvir's organization are. And then, statistics back this up.

And I would just repeat one more thing, because on the Domestic Worker Taskforce, we have another employer who is a -- a homeowner and a single employer of a single employee.

And in response to the argument that agencies shouldn't be included in these new protections, her response was you're going to tell me that I'm on the hook, but you, who are part of a $75 billion industry, are not?

I think that's a good point. The margins aren't that small. It's a $75 billion industry and they certainly have the resources to protect these workers.

SENATOR WINFIELD: Thank you very much. Are there questions from members of the committee? If not, thank you very much.

Next on the list is Ray Hart, then Tatiana Molina,

then Winona -- how do you say it?

A VOICE: Close enough.

SENATOR WINFIELD: Okay. Ray Hart.

RAY HART: Ray Hart, correct. Easy name. Very warm seat, by the way.

Good evening. I know it's been a long day. I've been here just as long as you folks have.

Chairman, thank you for seeing me. Board and -- thank you very much for having me speak.

I'm here to talk about the Bill 5863. It's the -- it's the workers' compensation and Family Medical Leave Act bill.

What's happening right now is if you get hurt at work -- and by the way, I'm a full-time firefighter. So I'm not just talking about firefighters. I'm talking about anybody who's in the field working.

We get hurt on the job doing our duty. We fall from a roof, we fall down some steps, we break a leg.

We're unable to do our job for a few weeks until we mend and heal. While that is taking place, we're on workers' compensation, which is fine. So we're being compensated while we're out.

But we could be out for eight, nine, ten weeks. Go through physical rehabilitation, have our healing taking place. (Inaudible) so we can return to work.

Our employers have the ability to also charge us Family Medical Leave. Those of you who are familiar with Family Medical Leave, it -- it was designed to help protect the employee.

# JOINT STANDING COMMITTEE HEARINGS

# LABOR AND PUBLIC EMPLOYEES PART 2 514 – 982

2015

# State of Connecticut
## Latino and Puerto Rican Affairs Commission

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**Associate Legislative Analyst**
*Orlando Rodriguez*

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## Testimony on Bills SB-383 and SB-446

Orlando J. Rodriguez
Associate Legislative Analyst, Latino and Puerto Rican Affairs Commission

Labor and Public Employees Committee, February 17th, 2015
Hartford, CT

Senator Holder-Winfield, Representative Tercyak, Senator Hwang, Representative Rutigliano, and distinguished members of the Labor and Public Employees Committee; my name is Orlando Rodriguez and I am an Associate Legislative Analyst with the Latino and Puerto Rican Affairs Commission (LPRAC). LPRAC supports senate bills 383 and 446.

Domestic workers are often paid low wages and may not be protected by existing labor laws. SB-446 would make clear to all employers their responsibilities and the rights of their domestic workers in Connecticut. LPRAC would like domestic workers to be provided the following protections (among others) similar to New York's Domestic Workers Bill of Rights:

- The right to overtime pay at time-and-a-half after 40 hours of work in a week, or 44 hours for workers who live in their employer's home
- A day of rest (24 hours) every seven days, or overtime pay if they agree to work on that day
- Three paid days of rest each year after one year of work for the same employer
- The creation of a special cause of action for domestic workers who suffer sexual or racial harassment

In addition to New York, Hawaii, California and Massachusetts now have legislation protecting domestic workers.

The *Great Recession* in Connecticut was particularly difficult for Hispanic workers. While the unemployment rate for whites peaked at 7.5 percent in 2010, unemployment among Hispanics peaked at a dramatically higher **17.8** percent in 2011.[1] Currently, Connecticut has the 6th highest unemployment rate for Hispanics nationwide even as Hispanics will be needed to fill thousands of job openings created by Connecticut's retiring Baby Boomers.[2] It is vital for the state's economic future that Hispanic workers start entering the workforce now in large numbers to gain the skills for the workforce needs of Connecticut businesses. SB-383 will increase the availability of jobs for Latino residents of Connecticut. Furthermore, we recommend that the pool of state funds subject to the Minority Business Enterprises set aside be expanded by **$650 million** by including state grants to municipalities and state grants for school building projects.

We thank this commission for the opportunity to comment on these two bills, which are of great importance to Latinos in Connecticut.

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[1] http://www.ctvoices.org/sites/default/files/econ14workingct.pdf
[2] ACS 2013 1-yr table S2301.

Pg. 14 - line 18

Barbara Silva
22 Bonazzo Drive
Trumbull, CT 06611

Labor and Public Employees Committee
Legislative Office Building
300 Capitol Avenue
Hartford, CT 06106

SB 446

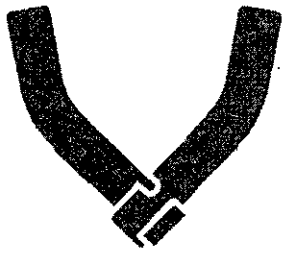
Dear Committee Members:

My name is Barbara Silva. I have been a domestic worker for seven years. I take care of three kids while their parents go to work, run errands and/or go out at night. The family I work for respects me and pay me for all the hours I work there. However, such employers are not very common in our industry. I was very lucky to find such a family, unlike my mom and most of my friends who do domestic work. My mom, as a housecleaner, used to work more than forty hours a week and get paid only five dollars an hour. I remember getting home from school and having nobody there because she was still working. Once she got home she was exhausted and starving. She worked from 7 in the morning to 5 in the afternoon without eating anything and with no breaks whatsoever. She couldn't complain about anything or they would fire her. She was often humiliated because of her ethnicity. Employees would cancel her workday with only a couple of minutes notice and not pay her for that day. Sometimes she would work 50 hrs and they would only pay her for 35 hours; which always affected us as a family since she was the main provider at home. All of those experiences have shown us that we certainly don't have basic rights and respect as domestic workers. My question is – How long will we have to rely on luck to be respected? We need laws to protect us, not luck.

Sincerely,

Barbara Silva

#33



Hand in Hand

THE DOMESTIC EMPLOYERS NETWORK

**Testimony Concerning S.B. 446**
**An Act Concerning the Definition of the Term "Domestic Worker"**

TESTIMONY OF DOROTHY TEGELER, MEMBER, HAND IN HAND: THE DOMESTIC EMPLOYERS NETWORK

February 16, 2015

Good afternoon and thank you for the opportunity to testify today.

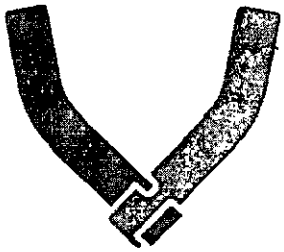
My name is Dorothy Tegeler. I am a member of Hand in Hand: The Domestic Employers Network. Hand in Hand is a national network of employers of nannies, housecleaners, and home attendants, along with families and allies. I am from West Hartford, Connecticut and I currently live in New Haven.

**Hand in Hand strongly supports the Connecticut Domestic Worker Bill of Rights, S.B. 446.** We believe that the standards and labor protections offered by S.B. 446 are an important step towards creating mutually beneficial working environments in the home.

**S.B. 446 is deeply connected to all Connecticut residents.** Domestic work touches all of our lives. At some point, all of us have engaged in or benefitted from domestic work-- we have cleaned, cared for family and friends, received or provided childcare. Many Connecticut residents are paid domestic workers, and many are domestic employers. Hand in Hand members nationally represent diverse employer communities that include mothers, members of faith communities, peoples with disabilities, seniors, working families, and employers committed to the collective good.

**S.B. 446 recognizes that domestic workers are invaluable.** Domestic workers care for and support their employers' homes, children, relatives, and bodies. Connecticut would come to a halt without its estimated 40,000 domestic workers, who make it possible for their employers to work to support their families, communities, and the entire economy of the state.

**S.B. 446 will support families to receive quality care and support.** In this economic climate, domestic workers need fair labor standards, job security, and basic protections more than ever. At the same time, middle-class and working Connecticut residents deserve high-quality care in their homes, and are looking for a set of guidelines to help create caring homes and just workplaces. The Bill of Rights is an important step to value and protect domestic workers in government policy, and to provides employers with clear guidelines and standards for employing those who for what we value most: our homes, children, and families.



# Hand in Hand

THE DOMESTIC EMPLOYERS NETWORK

**S.B. 446 provides workers & employers with much needed guidelines.** When individuals and families seek the support of nannies/childcare providers, housecleaners, or home attendants to support seniors or people with disabilities, we are often un-aware that we are becoming employers. We are left to muddle through the experience in the isolation of our homes. Domestic employment relationships need guidelines to help employers develop positive, mutually beneficial relationships with the workers who care for our homes, families and lives.

**Connecticut can and should be a leader in ensuring labor protections for domestic workers.**

*For more information, please contact Hand in Hand Director Danielle Feris: info@domesticemployers.org. For more about Hand in Hand, visit www.domesticemployers.org.*

CT Domestic Workers' Bill of Rights S.B. 446

Good afternoon Members of the Labor Committee:

My name is Noreen Noll. I live at 890 Stratfield Road in Fairfield, CT. I am here to speak in support of S.B. 446 concerning a CT Domestic Worker Bill of Rights. I am Vice President of the New England Board of the Women of the Evangelical Lutheran Church in America who are in favor of this legislative initiative to provide the same rights to this group of workers as most other workers have here in Connecticut.

I first became aware of the challenges these workers encounter every day about 2 years ago when Meghan Vesel, Deputy Director of the Brazilian Immigrant Center in Bridgeport, had applied for a grant from the Women of the ELCA to financially help her new support group for women from Brazil and other Central and South American countries to cope with the challenges they were encountering each day with work and living here in America. Inez Torres Davis , who at the Women of the ELCA in Chicago would be determining who would receive a grant, asked us on the New England Board if we knew of this organization. I did some checking and found they were doing good work here and the grant was given. I then became a liaison between the New England Board and the Brazilian Immigration Center. I attended meetings with the women and their families and learned a great deal about them and their experiences.

These workers take care of our families and homes. They are given great responsibilities and promises concerning wages, working hours and other conditions but unfortunately not all employers are trustworthy. If the worker was told they would receive a certain amount of money for a week's work and the employer reneges, what can the worker do? What if sexual harassment occurs, who can they turn to? If they are injured on the job and the employer refuses to get them medical help but instead threatens them with losing their job, what can they do? I have heard these ladies testify to these types of situations. It is time for them and others like them to have a safe and dignified work environment.

New York, California and Hawaii have passed Domestic Worker Bill of Rights since 2010. Legislation is pending in Illinois, Oregon and Massachusetts. The time has come for Connecticut to join in bringing justice to the 60,000 domestic workers in our state. Both employers and employees will benefit by everyone having clear guidelines on their responsibilities. We support the passing of a Domestic Worker Bill of Rights and hope you will support S.B. 446. Thank you.

Noreen Noll 2/17/15

Women of the ELCA New England

**Noreen Noll**
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TESTIMONY OF TOM FALIK, ON BEHALF OF
THE CONNECTICUT ASSOCIATION OF HOME CARE REGISTRIES
REGARDING PROPOSED BILL 446
AN ACT CONCERNING THE DEFINITION OF THE TERM "DOMESTIC WORKER"

Good afternoon Senator Holder-Winfield, Representative Tercyak and the other members of the Labor & Public Employees Committee. Thank you for the time to testify on this important issue. My name is Tom Falik. I am here today representing the CT Association of Home Care Registries (CAHCR) regarding SB-446 regarding the definition of a "domestic worker". Our Association is comprised of referral registries that provide independent caregivers to CT's elderly and people with disabilities.

In the 2014 Legislative Session, HB-5527 was passed creating a Domestic Workers Task Force, and requiring that Task Force to report its findings back to the Governor and Legislature by October 1, 2015. To date there has been one public hearing of this Task Force, and I do not believe that there have been any findings or report. In the absence of such findings or report, and with only a single line of drafted language in the current SB-446, it is difficult to know what comments this Committee is looking for in this Public Hearing. However, based on the text of the original proposed language of last year's HB-5527, and certain statements made at the Public Hearing of the Task Force held on November 21, 2014, we would submit the following comments:

1. The Task Force seems to be primarily focusing on incidents of abuse against domestic workers, particularly immigrants (legal and illegal). Historically in CT, domestic workers have been excluded from several CT workplace protections, including laws covering minimum wage, overtime, workers comp and human rights and opportunities statutes. To the extent that the final draft of SB-446 eliminates these exclusions, it would be an appropriate change to protect this class of citizens.
2. Federal and CT law already has numerous provisions regarding the technical requirements of (a) paying minimum wage and overtime, (b) registries and (c) the proper characterization of workers as either employees or independent contractors. We feel that it would be inappropriate for this Bill to interject additional rules regarding these issues, as it would add confusion to an already confusing area at the intersection of Federal and State law.
3. The original HB-5527 created numerous onerous and unreasonable employer responsibilities for families hiring domestic help, including providers of elderly care. These responsibilities included many that the State refuses to impose, due to complexity or financial cost, on small businesses, much less elderly individuals looking for homecare. Any additional requirements beyond the current State workforce laws in these areas should be considered based on the proper balancing of (a) the need to protect domestic workers, and (b) the ability of individuals and families to properly administer and fund any new requirements.
4. The original HB-5527 sought to exempt from the obligations of that Bill several programs of State government that funded domestic services and services to the elderly. We feel that such exclusions are totally inappropriate, and that if the State is going to impose obligations on families, it should be willing bear the same responsibilities to protect domestic workers that it provides. If the State has similar obligations, perhaps legislators will give greater thought to exactly which obligations should be imposed on families.

Thank you for this opportunity to testify. If SB-446 proceeds, we are hopeful that once the actual wording has been proposed, we will have an opportunity to comment on the specifics.

Iame Manucci
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ctdwbor@braziliancenter.org

SB446

Labor and Public Employees Committee
Connecticut General Assembly
Legislative Office Building
300 Capitol Avenue
Hartford, CT 06106

My name is Iame Manucci, and when I was 10 years old I moved to the United States with my parents. Though in Brazil she was an administrator for the board of education and a philosophy professor, my mother began to work as a house cleaner as soon as we arrived. She worked extremely hard and suffered many injustices.

We gradually witnessed her job duties being extended far beyond her pay. In addition to cleaning she found herself babysitting, cooking, and serving as a driver for the families she worked for. Because she didn't master the language and desperately needed to earn money, it was hard for her to impose boundaries and defend herself. We were undocumented at the time, and vulnerable as many new immigrants are. I distinctly remember one of my mother's employers, a well renowned lawyer, would pay her sporadically, purposely skipping payments and effectively withholding her wages. It amazed me to see the kind of exploitation that proliferated in American homes every day. So many times I helped my mother clean other people's homes. I watched her body decay after years of tough physical work and exposure to chemicals, and her spirit repeatedly crushed by the overwhelming injustice that comes with living in the margins of society, unprotected by the law. Some years later, my mother was diagnosed with Multiple Sclerosis, and it is hard not to attribute her diagnosis to the years of hard labor and stress she suffered as a domestic worker.

Today I am a college graduate and an American citizen, all because of the sacrifices my mother made. Because she humbled herself and worked hard for so many families, I was able to enjoy a life of opportunity. Is is imperative that domestic workers be fully protected under the law. The State of Connecticut must move toward the inclusion of Domestic Workers in labor laws that ensure they are paid fairly and are not abused on a daily basis.

Sincerely,

Iame S. Manucci
40 Patricia Road
Bridgeport, CT 06606
(475) 422-3745

February 16, 2015

Sen. Gary Winfield
Rep. Peter Tercyak
Domestic Worker Taskforce
Room 3800, Legislative Office Building
300 Capitol Avenue
Hartford, CT 06106

SB 446

Dear Senator Winfield and Representative Tercyak and esteemed members of the Committee:

My name is Mitsou Pun, and I am a long time resident of Connecticut. I was Certified Nurses Assistant (C.N.A.) for four years and half in a nursing home in Pennsylvania. This is physically demanding work-- taking care of the elderly. One day I carried and placed an elderly patient in her bed. She moved her body in the opposite direction and created extra stress and strain on my body. In order to protect her from falling, I absorbed this extra stress on my back and suffered an injury. As a result, it injured my spine and caused a pinch nerve and sciatica. I had to stop working and had to go to doctors, acupuncturists, chiropractors and other medical practitioners to restore my health I was on disability for two years and have sustained a permanent injury to body as a result of this work. My work as a CNA is very similar to that of a caregiver for the elderly working in a private home.

I know that most domestic workers do not have right to disability and would not be able to have the medical care that I received. Caring for the elderly is very demanding and strenuous, and it requires care for the person but also can cause bodily injury to the caregiver.

I just wanted to share my story so that you could be aware of the need for greater labor protections for domestic workers in Connecticut, including the right to workers compensation if they are injured on the job. Most domestic workers work out of a sense of care, duty and love for their clients/consumers.

Thank you for considering my story. I ask you to please pass Senate Bill 446- Domestic Worker Bill of Rights.

Sincerely,

*Mitsou Pun*

Mitsou Pun
36 Rose Street
Bridgeport, CT 06610
(203) 722-1460
mitsoumitch@netzero.net

Kerryann Meggie
131 Little Deer Road
Bridgeport, Ct 06606
February 16, 2015

LABTestimony@cga.ct.gov

Senator Gary Winfield
Rep. Peter Tercyak
Labor and Public Employees Committee
Legislative Building Office
380 Capitol Ave
Hartford, Ct 06106

Dear Sen. Winfield and Rep. Tercyak and Members of the Committee:

I have been employed for many years providing childcare services to several families. My current employment which spans just over five years has been quite a pleasurable experience. Annually, an employer-employee contract is drawn up with the sole purpose of being fair, concise and clear. Our contract explicitly states what actions are required of me, the rate and sequence of my compensation as well a clear indication of paid holidays, sick days and vacations granted per year.

Despite the sensitive and non-traditional nature of my job I have found that having a valid contract is beneficial to not only me but also to my employer. The contract sets guidelines of what the job entails; it also serves as an outline during the initial interviewing process. This allows both parties to have a clear understanding and an agreement to the terms and condition.

I ask the Labor and Public Employees Committee to pass S.B. 446 – An Act Concerning a Domestic Workers Bill of Rights.

Thank you for your time and consideration.

Sincerely

*Kerryann Meggie*

Kerryann Meggie

Mary Medina
45 Meadowview Avenue
Stratford, CT 06615
(203) 572-7467

February 16, 2015

Labor and Public Employees Committee
Legislative Office Builindg
300 Capitol Avenue
Hartford, CT 06106

Dear Esteemed Members of the Labor and Public Employees Committee:

My name is Mary Medina, I have lived in the United States for 6 years. For 2 years I have worked as a nanny for a family. At first, they offered me a weekly salary, with the condition that some days I would leave early and others I'd be leaving later, but they gave me no stability when it came to how many hours I would work. I accepted, because I was in need of work. Over the next few months, when they saw that my work was good, they began paying me by the hour. Still there was no stability when it came to when and how long I would work. I had no sick days, no vacation time, and never a bonus.

They later moved to a bigger house, farther away. I continued working, with the added responsibility of cleaning the house, but no change in wage. If they didn't need me to come in they would only tell me the night before or the morning of. I have a son, born here, who is four-years-old and bills to pay. I need more security, and to make sure I am paid for the work I do. The state of Connecticut needs laws that protect workers like me. We are being exploited and face much hardship.

Please pass S.B. 446- An Act Concerning a Domestic Worker Bill of Rights and restore dignity to our work.

Sincerely,

Mary Medina

**Connecticut Domestic Worker's Bill of Rights**

**All workers deserve protection under labor laws**

**Bridgeport, CT Brazilian Immigrant Center Inc.**

SB 446

## COMMUNITY LETTER OF SUPPORT

Domestic workers are housecleaners, nannies and caregivers that work within their employer's household. Over 60,000 domestic workers in the state of Connecticut enable their employers to pursue professions that contribute to the health of Connecticut's economy. Domestic work has long been perceived as outside the traditional workforce because domestic workers are typically women, often immigrants, who do the work that has historically been performed by housewives and servants. Due to the nature of domestic work, domestic workers are isolated from the workforce and are subjected to round-the-clock physically demanding labor, often with little or no clear separation between work and personal time.

The domestic service industry was intentionally excluded from federal labor laws. A Domestic Worker Bill of Rights in Connecticut will establish labor standards and oversight that protect domestic workers' basic workplace rights, including safe and healthy working conditions, meal and rest breaks, unemployment benefits, sick time to care for themselves and their families and protection in the event of discrimination and sexual harassment.

By passing a Domestic Worker Bill of Rights in Connecticut, both the domestic worker and her employer benefit. A DWBOR ensures the highest quality of care for families and homes by affording domestic workers dignity and respect and by reducing turnover and providing greater stability for workers and the families for whom they work.

A DWBOR provides domestic workers with a safe and dignified work environment and provides employers with clear guidelines on their responsibilities.

Other states that have passed a Domestic Worker Bill of Rights include New York in 2010 and California and Hawaii in 2013. DWBORs that are pending in other states include Illinois, Oregon, and Massachusetts.

We support a Domestic Worker Bill of Rights and ask our state legislators to do the same in Connecticut.

Name of Organization

Center for Latino Progress - CPRF

Signature of Organization Representative

Yanil Terón

Name and Title of Organization Representative

Yanil Terón, Executive Director

Address

95 Park Street, Hartford, CT 06106

Phone

860-247-3227

E-mail

LatinoProgress@ctprf.org

Date: January 14, 2014

**Connecticut Domestic Worker's Bill of Rights**

**All workers deserve protection under labor laws**

**Bridgeport, CT Brazilian Immigrant Center Inc.**

SB446

## COMMUNITY LETTER OF SUPPORT

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We support a Domestic Worker Bill of Rights and ask our state legislators to do the same in Connecticut.

CRISOL - ACUARELA / GRUPO QUETZAL

Name of Organization

Signature of Organizational Representative

Name and Title of Organizational Representative

Beatrice Chodosh / Maria Sandoval

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203-223-7628

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**Connecticut Domestic Worker's Bill of Rights**

All workers deserve protection under labor laws

Bridgeport, CT Brazilian Immigrant Center Inc.

SB 446

## COMMUNITY LETTER OF SUPPORT

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___X____We support a Domestic Worker Bill of Rights and ask our state legislators to do the same in Connecticut.

____X___ We will send a representative to a public hearing on the CT DWBOR.

Name of Organization

All Our Kin, Inc.

Signature of Organizational Representative

Jessica Sager

Name and Title of Organizational Representative

Jessica Sager, Executive Director

Address

414A Chapel Street, Suite 100, New Haven, CT 06511

Phone

(203) 772-2294 x19

E-mail

jessica@allourkin.org

Date 2/27/2014

14/2

**Connecticut Domestic Worker's Bill of Rights**

**All workers deserve protection under labor laws**

**Bridgeport, CT Brazilian Immigrant Center Inc.**

SB 446

## COMMUNITY LETTER OF SUPPORT

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We support a Domestic Worker Bill of Rights and ask our state legislators to do the same in Connecticut.

Name of Organization
Center for Popular Democracy

Signature of Organizational Representative

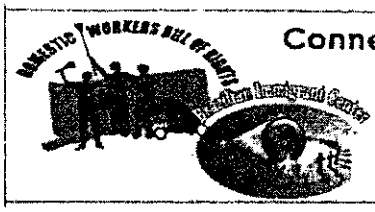
Name and Title of Organizational Representative
Nisha Agarwal, Deputy Director

Address
802 Kent Avenue
Brooklyn, NY 11205

Phone
347-915-0432

E-mail
nagarwal@populardemocracy.org

Date 1/15/2014

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Name of Organization

CT Students for a Dream

Signature of Organizational Representative

Carolina Bortolleto

Name and Title of Organizational Representative

Carolina Bortolleto - College Access Program Coordinator

Address

8 Hillside Circle

Brookfield, CT 06804

Phone

203-992-3052

E-mail

**Connecticut Domestic Worker's Bill of Rights**
**Domestic workers deserve protection under labor laws**
**Bridgeport, CT Brazilian Immigrant Center Inc.**

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SB446

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_____ Someone from my organization will attend a Public Hearing in support of the DWBOR.

Name of Organization: Caroline House, Inc.

_____ Date: January 27, 2014

Signature of Organizational Representative

Name and Title of Organizational Representative: Executive Director

Address: 574 Stillman St. Bridgeport

Phone: 203. 334.0640 E-mail: pregan@thecarolinehouse.org

**Connecticut Domestic Worker's Bill of Rights**
**Domestic workers deserve protection under labor laws**
**Bridgeport, CT Brazilian Immigrant Center Inc.**

## COMMUNITY LETTER OF SUPPORT

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_____ Someone from my organization will attend a Public Hearing in support of the DWBOR.

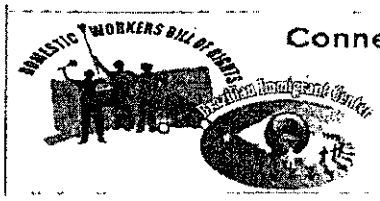
Name of Organization: The Center for Family Justice

Signature of Organizational Representative: Debra A. Greenwald  Date: 1/31/2014

Name and Title of Organizational Representative: Debra A. Greenwald, CEO/President

Address: 325 Fairfield Ave Bridgeport, CT

Phone: 203-334-6154  E-mail: dgreenwald@centerforfamilyjustice.org




**Connecticut Domestic Worker's Bill of Rights**

**All workers deserve protection under labor laws**

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SB 446

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✓ We support a Domestic Worker Bill of Rights and ask our state legislators to do the same in Connecticut.

✓ We will mobilize our membership to attend a public hearing in Connecticut on the CTDWBOR.

✓ We will send an organizational representative to a public hearing in Bridgeport on the CTDWBOR.

Name of Organization

CT Center for a New Economy

Signature of Organizational Representative

Name and Title of Organizational Representative

Jaime Myers-McPhail

Address

425 College St, New Haven, CT 06511

Phone

203-710-1084

E-mail

jaime@ctneweconomy.org

Date 3/3/14

**Connecticut Domestic Worker's Bill of Rights**
**Domestic workers deserve protection under labor laws**
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COMMUNITY LETTER OF SUPPORT SB446

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Name of Organization: New Haven Legal Assistance

Signature of Organizational Representative: [signature] Date: 1/27/13

Name and Title of Organizational Representative: Susan Nofi-Bendici, Executive Director

Address: 426 State Street New Haven CT 06484

Phone: 203-946-4811 E-mail: snofi-bendici@nhlegal.org

**Connecticut Domestic Worker's Bill of Rights**

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Name of Organization

Naugatuck Valley Project Inc.

Signature of Organizational Representative

Name and Title of Organizational Representative

Rev. Fionel G. Frezel President.

Address

26 Ludlow St, WATERBURY, CT 06702

Phone

203 574-2410

E-mail

NVP@conversent.net

**Connecticut Domestic Worker's Bill of Rights**

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**Bridgeport, CT Brazilian Immigrant Center Inc.**

**COMMUNITY LETTER OF SUPPORT** SB446

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Name of Organization

Ministerio de hermandad

Signature of Organizational Representative

Name and Title of Organizational Representative

Daniel Barrals Speaker

Address

122 willow St apt 2A Meriden CT 06450

Phone

(203) 687-6561

E-mail

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Name of Organization

National Employment Law Project

Signature of Organizational Representative

Sarah Leberstein

Name and Title of Organizational Representative

Sarah Leberstein, Staff Attorney

Address

75 Maiden Lane Suite 601, New York, New York, 10038

Phone

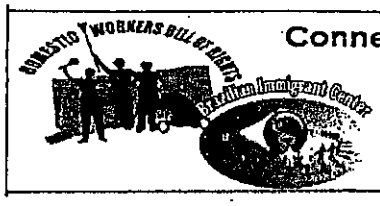
(212) 285-3025 x313

E-mail

sleberstein@nelp.org

Date

January 14, 2014

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Name of Organization National Domestic Workers Alliance

Signature of Organizational Representative:

Andrea Mercado

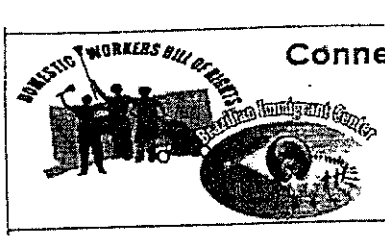
Name and Title of Organizational Representative: Andrea Cristina Mercado, Campaign Director

Address: 330 7th Avenue, 19th Floor, New York, New York, 10001

Phone: 646 360 5806

E-mail: andrea@domesticworkers.org

Date: March 10, 2014

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Name of Organization
THE LAW OFFICE OF MARIUSZ KURZYNA

Signature of Organizational Representative

Name and Title of Organizational Representative
MARIUSZ KURZYNA, OWNER

Address
130 WEST MAIN STREET, P.O. BOX 3104
NEW BRITAIN, CT 06050

Phone
860-357-6070

E-mail
MARIUSZ@KURZYNALAW.COM

Date 1/17/2014

3/

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Name of Organization
Alliance for Future

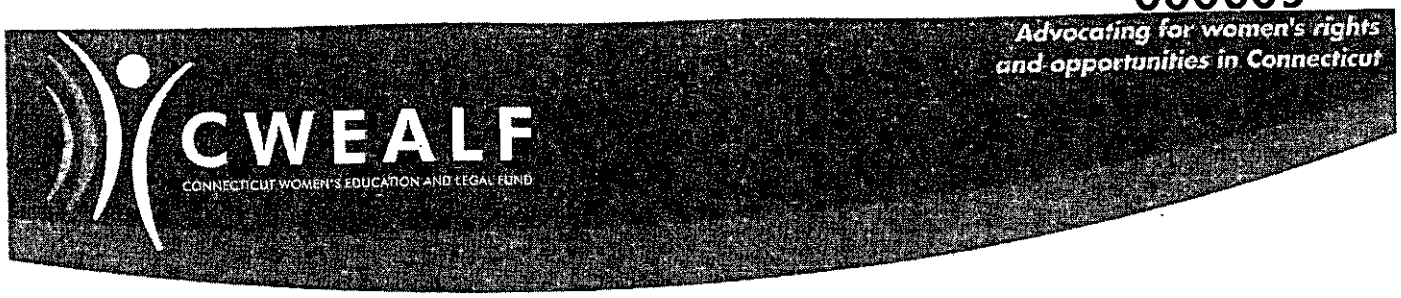
Signature of Organizational Representative
Edgardo Perez Cabrera

Name and Title of Organizational Representative
Organizer Edgardo Perez-Cabrera

Address
68 Danbury road. New Milford CT. 06776

Phone
203 460 7571

E-mail




Committee on Labor and Public Employees
Proposed Senate Bill No. 446
Submitted by: Catherine Bailey and Jessica Becker
Connecticut Women's Education and Legal Fund

The Connecticut Women's Education and Legal Fund (CWEALF) is a statewide non-profit organization dedicated to empowering women, girls, and their families to achieve equal opportunities in their personal and professional lives. For 40 years, CWEALF has provided information, referral, and support to women seeking guidance about issues involving family law, employment discrimination, education, and civil rights. As a women's right organization that advocates for fair workplace laws and serves many Connecticut women with little money, resources, or power, we urge your support of Proposed Senate Bill 446; *An Act Concerning the Definition of the Term "Domestic Worker."*

Domestic workers serve families as private housekeepers and caregivers to children and elderly dependents. The services that domestic workers provide promote healthy living within families and allow parents or guardians to remain productive in the workforce, thus making domestic workers essential to the state of Connecticut.

Shockingly, despite their contributions to the state's economy, domestic workers are not protected under current federal and state labor laws. For example, their employers are not required to pay them minimum wage, they cannot collect overtime pay, they cannot earn paid sick days, and they are not protected by anti-discrimination laws. There are approximately 40,000 domestic workers throughout Connecticut; many of whom are immigrant women and are vulnerable to mistreatment.

By excluding domestic workers from Connecticut's current labor laws, the state creates a subclass of employees whose contributions are undervalued, and left vulnerable to discrimination and unfair treatment. If enacted, Senate Bill 446 would ensure that domestic workers receive the rights to which they are entitled. Thank you for your time and consideration.

Carla Goyes
47 Cos Cob Avenue,
Cos Cob, CT 06807
(914)295-4943
cgoyes@gmail.com

**Via Email: LABTestimony@cga.ct.gov**

SB446

February 16, 2015

Sen. Gary Winfield
Rep. Peter Tercyak
Labor and Public Employees Committee
Room 3800, Legislative Office Building
300 Capitol Avenue
Hartford, CT 06106

Dear Sen. Winfield, Rep. Tercyak, and Members of the Labor Committee:

Many people may consider the care provider field as an informal career since it is a type of job that may have odd hours and requirements, even the work environment itself is informal. Many workers and employers had that view since it is a domestic job, at least that is the way I felt when I decided to be a child care provider.

In the world of nannies and sitters I have encountered different types of family philosophies, people I can trust and be trusted by since I'm taking a big responsibility by caring for their kids, but not every employer shares the importance of what a child provider is, since it goes beyond keeping the child safe while the parents are gone.

I believe that caring for someone a child or an elder is not just a job but a contribution to the world, is a way of influencing people by bonding, building a close relationship. But in the end it is a job. There are rules for both sides that have to be clear, there are boundaries that help to keep a free and honest relationship.

At my last job as a full-time nanny, I encountered many difficulties with the employer, which in previous jobs I never experienced any, since there weren't clear boundaries. There are many aspects of a job description that are revealed when the family and the provider are in an interview, but not every detail can be clear out, sometimes there are details that appear along the way. In this particular experience the job duties were changed inappropriately over time, but they were going way beyond that of a childcare job.

More than a year ago I agreed to a nanny position that included long hours (55 hours a week and on occasion more) with responsibilities to care for an infant, meaning responsibilities that are directly related to the baby, and a small pay, that was fair for the job demands. Within time, as the baby grew, and the baby needs changed more responsibilities were added, some related to the baby and some were not. Until there was a moment where the verbal contract was being forgotten and the demands were growing to a point that the boundaries were broken, since the demands were so much that the job was being changed from a nanny job to a combination of personal assistant, chef,

housekeeper, personal driver, even dry cleaning service. As my view of this job was changing, I was feeling taking advantage of.

I decided it was time to take action, I started to inform myself about what are the requirements for a nanny job, what does an employer expect and what are the duties. I asked other nannies in the area and researched on the web, and came to a simple conclusion, the best way I can solve this issue and feel that I can keep on trusting my employers, was by adding a written contract, a simple way to clarify the boundaries, as I was feeling I wasn't being respected. Five months into the job I approached my employers and requested a written contract. They didn't feel sure about it so nothing happened, and I let it go. Four months later, the additional work unrelated to the child continued. It got to the point that I was requested to drive the family for one hour each way to the airport, I didn't feel comfortable with the request and I explained to the family but they insisted. I felt at the moment the abusive requests were not stopping at any time, so I requested to have a meeting. At this meeting I did emphasize that the extra demands were not part of the job description, that it would be necessary to have a written contract. The family's response wasn't positive since this time I showed them all the information I had found on the web, even I shared the Bill of Rights for domestic workers.

After having a numerous meetings with the family, and reviewing the documentation they agreed to create a written contract. For this purpose they requested for me to create a job responsibility list. When I finished with it and they reviewed it, they didn't like it and decided to let me go.

At this point I had the impression that they had a plan that wasn't clear to me and never was discussed. My performance as a nanny was always my best, and they agreed I created a strong bond with their baby. I even sacrificed precious time with my daughter and partner for this job's extra-long hours. The bond was so strong that the baby called me "mama" because I cared for him for so many hours in the day. But in the end, this was only a job for the parents, it didn't matter the care, time, and love that the baby and I had invested.

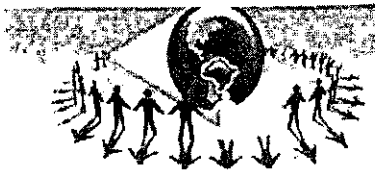
Now I am jobless but with more experience and more knowledge. Most importantly, I got to understand how important it is to bring a simple and legal agreement to the job, not matter how informal this job can be perceived. A written contract at the beginning of this job would have allowed me to stay in this job for more years to come and would have ensured a clear and respectful relationship between the employer and the nanny.

There is a Spanish saying that applies to my experience, it says "con cuentas claras, amistades largas" meaning "long friendships comes with clear agreements."

I urge the committee to vote for the CT Domestic Workers Bill of Rights in Connecticut – S.B. 446.

Sincerely,

Carla Goyes
Cos Cob, CT



# Brazilian Immigrant Center

Fighting for Social and Economic Justice

Boston, MA: 617-783-8001 ~ Cape Cod, MA: 774-470-2667 ~ Bridgeport, CT: 203-540-5444 ~ bic@braziliancenter.org

February 16, 2015

Sen. Gary Winfield
Rep. Peter Tercyak
Domestic Workers Taskforce
Legislative Office Building
300 Capitol Avenue
Hartford, CT 06606

Dear Senator Winfield, Rep Tercyak, and Esteemed Members of the Committee:

I have had the pleasure of working with domestic workers in Connecticut for two years. Our membership in Bridgeport is comprised of Latina, Haitian, and West-Indian women who work as housecleaners, nannies, and caregivers for the elderly.

Some of the women have struggled significantly in their work. One of our domestic workers was propositioned and sexually harassed by one of her clients in Fairfield County. Another has suffered humiliation by being told she is an expensive babysitter" and losing pay because cannot take any time off if her toddler son is sick or bring her child with her to work. Other times she has had to leave work late, leaving her own child in daycare with no one to pick him up. Several women have been exploited as housecleaner helpers receiving well below the state's hourly minimum wage. Lack of clarity around work responsibilities often lead to more work, longer hours, and no additional pay.

Domestic work is undervalued in our society and the lack of dignity and respect for this profession is reflected in our state's laws. These hardworking, industrious women provide care and comfort for Connecticut's families, yet their work is so often debased. Domestic work and the men and women who perform this work enable Connecticut families to earn their livings, enable them to have leisure time that would otherwise be spent doing household tasks, and also affords them the ability to pay state income taxes. Our state's laws do not adequately protect the state's domestic workforce in the event of harassment, discrimination or injury on the job. Why should this work, which is so critical for the healthy functioning and well being of Connecticut's families, be excluded from basic protections?

A Connecticut Domestic Worker Bill of Rights is not only sound for the workforce but for the domestic wo employers. We urge you to pass S.B. 446 – the Domestic Worker Bill of Rights.

Thank you for your consideration.

Sincerely,

Meghan Vesel
Deputy Director
Brazilian Policy Center
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Bridgeport, CT 06604
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(203) 540-5444

Via Email: LABTestimony@cga.ct.gov

February 16, 2015

Sen. Gary Winfield
Rep. Peter Tercyak
Labor and Public Employees Committee
Room 3800, Legislative Office Building
300 Capitol Avenue
Hartford, CT 06106

Dear Sen. Winfield, Rep. Tercyak, and Members of the Labor Committee:

My name is Lorna Barrows. I was born and raised in Jamaica. I came here to Bridgeport in 2000 and have worked as a nanny ever since. I have had three nanny jobs during this time. My first job was as a live-in nanny in Westport. I used to arrive on a Tuesday morning and was supposed to leave on Saturday. This never happened because the parents went out every Saturday and came back early Sunday morning. For this additional work I was never paid any overtime. At this particular time I was undocumented and did not think I had a voice to assert my rights.

I worked as a nanny in Westport for a different family until August of 2014. I took care of two children, a girl who is seven and a boy who is five. I loved these children because I had been taking care of them for five years. In my current position I have a written job description that explains my duties. It states that I am responsible for the well-being of these children from 8 to 6. The duties include taking the children to school and to their extracurricular activities. The job description contains a definition of light housework. Having a written job description keeps my employer and me on the same page.

As I mentioned above, I drove these children to and from their activities in Westport. Initially, I was not being compensated for the gas. The written job description did not specify if I would be reimbursed. This is where I feel I am abused in my current position. I told my employer that I needed to be paid for gas. He just gave me whatever he felt like giving me. After a while, every week I asked him for gas money. Then finally, he started to give me $20 every other week. This arrangement costs me more than I am being compensated for. It would have been helpful to have this arrangement spelled out in a contract when I first started.

Based on my experience, as a nanny, I believe there should be a guideline for employers and employees. Something that will make each person feel comfortable that they are not being exploited. I believe that all live-in domestic workers should be paid overtime. This is why I urge the Labor and Public Employees Committee to pass S.B. 446- the CT Domestic Worker Bill of Rights.

Sincerely,

Lorna Barrows
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INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA-UAW

DENNIS WILLIAMS, President GARY CASTEEL, Secretary-Treasurer

**Testimony Supporting**
**February 17, 2015**
**SB446 AAC the Definition of the Term "Domestic Worker"**
**HB5858 AA Providing Funding to the CT Retirement Security Board**
UAW Region 9A - Julie Kushner, Director, Beverley Brakeman, Political Representative

Senator Winfield, Representative Tercyak and Members of the Labor and Public Employees Committee, UAW Region 9A stands strongly in support of SB446 and HB5858. We urge members of this committee to stand with us in support of these two important measures designed to help working, middle class people and their families.

SB446
Last year, the UAW was very involved in passing Special Act 14-17 which created a task force to look at the issues faced by the state's domestic workers and make recommendations to the legislature on how to improve their work environment.

Nationwide, there are approximately 2.5 million domestic workers, of those about 60,000 reside in Connecticut. Domestic workers are largely women, often immigrants, who work for families doing childcare and/or household duties. Due to the nature of their work and the lack of rights and protections afforded the state's traditional workforce, these workers tend to be highly isolated, subject to round the clock hours and physically demanding work, experience a high degree of mistreatment and abuse at the hands of their "employers," and have almost no separation between their work and personal lives.

This is an unregulated industry that was intentionally excluded from coverage by federal labor laws, including the Fair Labor Standards Act, National Labor Relations Act, Family Medical Leave Act, and the Occupational Safety and Health Act. Yet, it is still a "real job" that because of the lack of regulation leaves these workers extremely vulnerable to mistreatment and abuse.

We urge this committee to support a bill that establishes labor standards that protect domestic workers' basic workplace rights, including safe and healthy working conditions, meal and rest breaks, unemployment benefits, sick time to care for themselves and their families, and freedom from discrimination and sexual harassment. This bill should provide domestic workers with safe and dignified work environments and employers with clear guidelines on their responsibilities that will bring domestic workers out of the shadows.

HB5858
Last year, the legislature recognized the importance of developing a state-administered retirement plan for private sector workers. It is imperative that this year we ensure that the Board receives the funding necessary to do a thorough study.

We have a retirement crisis in this country and in this state. A March 2013 analysis by the National Institute for Retirement Security ranked all states on the financial security of their aging population. Judging on three criteria: anticipated retirement income; major retirement costs like housing and healthcare; and labor market conditions for older workers; Connecticut had the second largest decline in financial security from 2000 to 2012.

Connecticut Students for a DREAM
*Empower. Educate. Advocate.*

February 16, 2015

Labor and Public Employees Committee
Room 3800, Legislative Office Building
Hartford, Connecticut 06106

REGARDING: Testimony in Support of the Connecticut Domestic Workers Rights Bill

Dear Members of the Labor and Public Employees Committee:

Connecticut Students for a Dream is a statewide network of undocumented youth and allies that seek to fight for the rights of undocumented families in Connecticut. We seek to empower our members through community organizing, leadership development, and advocacy.

Domestic workers are housecleaners, nannies and caregivers that work within their employer's household. Most importantly, domestic workers are many of our hard-working parents. Over 40,000 domestic workers in the state of Connecticut enable their employers to pursue professions that contribute to the health of Connecticut's economy. Domestic work has long been perceived as outside the traditional workforce because domestic workers are typically women, often immigrants, who do the work that has historically been performed by housewives and servants.

Due to the nature of domestic work, domestic workers are isolated from the workforce and are subjected to round-the-clock physically demanding labor, often with little or no clear separation between work and personal time.

The domestic service industry was intentionally excluded from federal labor laws. A Domestic Worker Bill of Rights (DWBOR) in Connecticut will establish labor standards and oversight that protect domestic workers' basic workplace rights; including safe and healthy working conditions, meal and rest breaks, unemployment benefits, sick time to care for themselves and their families and protection in the event of discrimination and sexual harassment.

By passing a Domestic Worker Bill of Rights in Connecticut, both the domestic worker and her employer benefit. A DWBOR ensures the highest quality of care for families and homes by affording domestic workers dignity and respect and by reducing turnover and providing greater stability for workers and the families for whom they work.

As an organization, we urge you to support The CT Domestic Worker Bill of Rights, S.B. 446.

Thank you!

Connecticut Students for a Dream.

Pg 19 line 21

SB446

TESTIMONY

OF

SARAH LEBERSTEIN, NATIONAL EMPLOYMENT LAW PROJECT

JAMES BHANDARY-ALEXANDER, NEW HAVEN LEGAL ASSISTANCE

ON

CONDITIONS FOR DOMESTIC WORKERS IN CONNECTICUT

AND

THE CONNECTICUT DOMESTIC WORKERS BILL OF RIGHTS

---

FEBRUARY 17, 2015

HARTFORD, CONNECTICUT

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New Haven Legal Assistance
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#55

To the Labor and Public Employees Committee:

SB446

The National Employment Law Project is a non-profit, non-partisan research and advocacy organization specializing in employment policy. We are based in New York with offices across the country, and we partner with federal, state and local lawmakers on a wide range of workforce issues.

Across the country, our staff is recognized as policy experts in areas such as unemployment insurance, wage and hour enforcement, minimum wages, and workplace protections for low-wage workers. This latter work has included a special focus on improving conditions for domestic workers, including work to pass Domestic Worker Bills of Rights in several states and to extend federal minimum wage and overtime rights to home care workers.

NELP was a strong supporter of House Bill 5527, the Connecticut Domestic Worker Bill of Rights, which we helped to draft. Introduced in the General Assembly's last session, HB 5527 would have closed exemptions for domestic workers in the state's workplace laws and establish new crucial and sensible industry-specific protections. With a workforce of approximately 40,000 in Connecticut, improving standards in this fast-growing sector will not only better the lives of thousands of workers and their families, it will boost the economy and improve the quality of care that families and individuals enjoy. We strongly recommend that the taskforce support a Connecticut Domestic Worker Bill of Rights based on HB 5527.

New Haven Legal Assistance Association, Inc. (LAA) is a nonprofit organization that was incorporated on April 7, 1964 to "secure justice for and to protect the rights of those residents of New Haven County unable to engage legal counsel." LAA was one of the first legal services programs established and the federal government used it as a model for similar programs throughout the country.

LAA provides high-quality legal services to individuals and groups unable to obtain legal services because of limited income, age, disability, discrimination and other barriers.

## Poor Working Conditions for Domestic Workers

Domestic workers are subject to numerous exemptions from state and federal workplace protections and suffer high rates of violations of the laws that do cover them.[1]

[1] The definition of "domestic worker" is not uniform across all workplace laws, and some workplace laws do not contain an explicit exemption for "domestic worker" but instead exempt workers employed in private dwellings, which has the effect of excluding domestic workers, or exempt most domestic workers on a de facto basis because they apply only to employers with more than a certain number of employees. "Domestic worker" is almost always defined to include nannies and babysitters as well as housekeepers. Depending on the law, the term domestic worker may also include caregivers to seniors and people with disabilities, although some laws only consider caregivers employed by the individual receiving care or his or her family, as opposed to those employed by third parties.

*Domestic workers are excluded from several core Connecticut workplace laws:*

- The Connecticut Minimum Wage Act (CMWA) exempts some domestic workers from the state minimum wage and overtime laws. The CMWA, at Conn. Gen. Statutes § 31-58(e), defines "employee" as "any individual employed or permitted to work by any employer but **shall not include any individual . . . employed in domestic service in or about a private home, except any individual in domestic service employment as defined in the regulations of the Fair Labor Standards Act, or . . . any individual engaged in babysitting** . . . ." This exclusion of certain federally-exempt workers has meant that home care workers, who are currently exempted from the federal Fair Labor Standards Act, are also shut out of the higher Connecticut Minimum Wage. The US Department of Labor has issued revised regulations that will, when they go into effect,[2] significantly narrow the federal exemption of home care workers and, simultaneously, the exemption of home care workers from the Connecticut minimum wage. A federal lawsuit challenging DOL's rules change has created confusion over the status of home care workers' federal wage rights, and so ensuring a clear right to state minimum wage and overtime protections is especially crucial. Even when the federal reform goes into effect, as it is expected to do, this language will create needless confusing about the scope of the law. Additionally, the CMWA's exclusion for "babysitters," which we believe is not meant to encompass nannies, nevertheless also adds confusion to the scope of coverage for workers providing childcare services.

- Connecticut's Workers Compensation Law exempts a significant portion of the domestic worker workforce. The Workers Compensation law provides that "Employee" **does not include "any person engaged in any type of service in or about a private dwelling provided** he is not regularly employed by the owner or occupier

[2] The US DOL's revised companionship rules significantly narrow the scope of the Fair Labor Standards Act's companionship services exemption, which encompasses virtually all home care workers, including those employed by agencies. When the rules go into effect, only a small group of home care workers will remain exempt: those workers who are both solely employed by an individual or household and who primarily provide fellowship and protection. All other home care workers will be entitled to wage protections. See the National Employment Law Project's fact sheet on the companionship regulations at http://www.nelp.org/page/content/state_chart_companionship. The rules were scheduled to go into effect on January 1, 2015. On January 14, 2015, a U.S. District Court judge in Washington, D.C. struck down US DOL's revised definition of exempt companionship services. This ruling follows one in late December invalidating DOL's new third-party employer exemption. US DOL has appealed the judge's ruling and has been granted an expedited appeal schedule. The DC Circuit could rule on the appeal as soon as this spring. Legally, US DOL is on strong footing as it issued the regulations with explicit authority from Congress and the rules properly interpret the law. The ruling, however, has created some confusion over the status of the federal rules reform and state laws that reference the federal law. The lawsuit has elevated the importance of state-level efforts to extend wage and hour protections to this workforce. See NELP Fact Sheet "Home Care Association v. Weill and What it Means for Home Care Workers" (February 2015), available at http://www.nelp.org/page/-/Justice/Fact-Sheet-Home-Care-Association-of-America-v-Weil.pdf?nocdn=1.

over twenty-six hours per week."[3] Conn. Gen. Stat. § 31-327(9)(A). This restriction does not apply to other workers in the state.

- Connecticut's Human Rights Statute, which includes protections against discrimination and sexual harassment, excludes domestic workers. The law **excludes from its definition of "employee" "any individual employed... in the domestic service** of any person. Conn. Gen. Stat. § 46a-51(9). The statute also exempts virtually all domestic workers on a *de facto* basis because it defines "employer" as "any person or employer with three or more persons in such person's or employer's employ". Conn. Gen. Stat. § 46a-51(10).

- Connecticut's sick days law applies only to businesses with 50 or more employees, therefore exempting most domestic workers on a de facto basis. Conn. Gen. Stat. 31-57r(f).

***These state-level exemptions are compounded by domestic workers' exclusion from important federal workplace protections:***

- The Fair Labor Standards Act (FLSA), which sets a federal minimum wage rate, maximum hours, and overtime for employees of certain occupations, excludes "casual" employees such as babysitters and "companions" for the sick or elderly. Live-in domestic workers are exempt from FLSA's overtime protections. And while the US DOL rule reform will close the federal exemption[4], decades of exclusion has meant that home care workers have not received minimum wage and overtime protections.

- The National Labor Relations Act (NLRA), which guarantees employees the right to organize, **excludes domestic workers from the definition of "employee".**

  The NLRA would be of little practical help to domestic workers even if did not exclude them, however, because the law is predicated on workers organizing collectively to negotiate with a common employer. (Home care workers employed by agencies are covered by the NLRA, although their NLRA rights are difficult to enforce in practice. Personal care attendants employed through state-funded programs in Connecticut have organizing and bargaining rights through a state law.)

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[3] Conn. Gen. Stat. § 31-327(9)(A). In assessing whether worker is "regularly" employed over 26 hours per week, the Workers Compensation Board looks to the twenty-six week period preceding the injury. *Smith v. Yurkovsky*, 2001 Conn. Wrk. Comp. LEXIS 110 (December 12, 2001). Case No. 4324 CRB-3-00.

[4] See note 2, above.

[5] See http://www.nlrb.gov/sites/default/files/attachments/basic-page/node-1727/representation_case_outline_of_law_4-16-13.pdf p.215.

- **Domestic workers are also exempt** from the Occupational Safety and Health Act (OSHA); Title VII (protections from discrimination on the basis of race, color, religion, sex, or national origin, applies only to employers with 15 or more employees); the Americans with Disabilities Act (applies only to employers with 15 or more employees), and the Age Discrimination in Employment Act (applies only to employers with 20 or more employees).

***Domestic workers experience high rates of minimum wage and overtime violations***

Domestic workers' exclusion from key workplace laws is compounded by their physical isolation in private homes, which makes them less likely to be able to exercise the few rights they do enjoy or negotiate for decent standards, and placing them at unique risk of abuse. The impact of exclusions and workers' isolation is made clear by the results of NELP's 2009 landmark study of employment practices in low-wage industries in the U.S.'s three largest cities—New York City, Chicago, and Los Angeles—*Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in American Cities*. The study revealed systemic and severe violations of employment and labor laws across core sectors of the economy, with domestic work standing out among the most unregulated and prone to violations.

Domestic workers are routinely subject to minimum wage and overtime violations, especially when paid flat weekly or monthly amounts for very long work days. The NELP report found that workers in the domestic service industry experienced the following:

- Minimum wage violations: 41.5% of domestic workers were paid less than the minimum wage in the week preceding the survey;

- Overtime pay violations: 88.6% of domestic workers were not paid the required weekly overtime pay at the time of the survey;

- "Off-the-clock" work: 82.6% of domestic workers who worked before or after their shift were not paid for that part of their working time;

- Meal break violations: 83.6% of domestic workers who worked enough hours to qualify for a meal break had their breaks denied, shortened, or interrupted.

- Workers' complaints about these abuses frequently lead to immigration threats, to threats of firing, or to actual firing.

In addition to these violations, domestic workers are often subject to illegal deductions from pay for food and lodging or travel costs. They rarely receive paid sick days, vacation days or employer-provided health insurance. And the work is often physically exhausting and draining.

Proposals for a Connecticut Domestic Worker Bill of Rights

In the context of the exemptions and violations described above, Connecticut has a unique obligation to step in and help to establish a framework of core workplace standards for the industry. The Connecticut Domestic Worker Bill of Rights introduced last session would have done exactly that. I will briefly summarize its provisions. We support the inclusion of these provisions in future legislative efforts, and believe Connecticut could move swiftly by placing the following provisions into the current Raised Bill 446.

***Closing Domestic Worker Exemptions in Workplace Laws***

- Close exemptions in the Connecticut Minimum Wage Act at Conn. Gen. Stat. § 31-58(e) through two changes: (1) removing the exemption for "any individual . . . employed in domestic service in or about a private home, except any individual in domestic service employment as defined in the regulations of the Fair Labor Standards Act" and (2) narrowing the exemption for "any individual engaged in babysitting" to "any individual engaged in babysitting of an irregular and intermittent or of a casual nature."

- Narrow the exemption in the Workers Compensation Act by replacing the provision at Conn. Gen. Stat. § 31-275(9)(B)(iv), which exempts from coverage "Any person engaged in any type of service in or about a private dwelling provided he is not regularly employed by the owner or occupier over twenty-six hours per week" with the following provision: "Any person engaged in domestic service in a private home, unless that home or household paid cash remuneration to individuals employed in such domestic service equal to one thousand dollars or more in any calendar quarter in the current or preceding calendar year." The language we propose is derived from the Connecticut Unemployment Insurance law.[6] By aligning the two statutes we would make it easier for employers to understand their obligations to workers. Several states' workers compensation statutes use similar language, including the following: CA, DE, DC, HI, IO, KS, MD, MN, OH, and OK.[7]

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[6] Conn. Gen. Stat. §31-222(a)(1)(J) uses nearly identical language.

[7] CA domestic workers are eligible for workers compensation if they have worked more than 52 hours during and earned more than $100 in the 90 days prior to the injury, Cal. Lab. Code §3352(h); DE domestic workers in private homes are covered if they earn at least $750 in any 3-month period from a single household, Del. Code. Ann. Tit 19, § 2307; D.C.'s workers compensation statute covers employers of domestic workers who in a calendar quarter employed one or more domestic workers for at least 240 hours; D.C. Code Ann § 32-1501(9)(E); under HI's workers compensation statute, "excluded employment" includes domestic workers earning less than $225 (cash) per calendar quarter and domestic workers of public welfare recipients. An employer can elect to provide coverage, Haw. Rev. Stat. §§ 386-1; IO's workers compensation statute covers employees engaged in service in or about a private home who earn at least $1,500 from their employer during the 12 consecutive months before the injury, Iowa Code Ann. § 85.1(1); KS's workers compensation law applies to employers who had a total gross annual payroll for the preceding calendar year of not more than $20,000 for all employees, Kan. Stat. Ann. § 44-505(a)(2); MD's workers compensation law covers domestic workers in private home who are paid at least $1,000 by their employer in a calendar quarter. Md. Code Ann. LE § 9-209; MN's workers compensation law covers household

- Amend the Connecticut Fair Employment Practices Act to eliminate the exemption for domestic workers at Conn. Gen. Stat. § 46a-51(9). Amend § 46a-51(10) to provide that domestic workers are protected by the Statute notwithstanding language limiting coverage to employers with three or more employees. One key benefit of this reform would be to extend protections from sexual harassment to domestic workers.

***Establish industry-specific workplace protections.***

A Domestic Worker Bill of Rights should establish baseline standards and provide for greater protections from abuses that are common in the domestic work industry. These protections should apply to "domestic workers" as defined in a new section of the Labor Law, and should include workers who perform work of a domestic nature in or about such private dwelling, including, housekeeping, home management, child care, caretaking of individuals, including sick, convalescing and elderly individuals, laundering, meal preparation, home companion services and other household services for occupants of the private dwelling or the guests of such occupants. We propose only narrow exceptions for babysitters employed on a casual basis and personal care attendants employed through state-funded programs. The new protections should include:

- Annual paid leave time: accrues at the rate of one hour of leave for every 40 hours worked, up to 56 hours per year;

- One day off per 7-day calendar week - with premium pay of one-and-a-half times the worker's regular rate of pay if she voluntarily agrees to work on this day;

- Seven days advance notice of termination or severance pay for workers, excepting cases involving good faith allegations of abuse or neglect;

- Written disclosure at the time of hire of the worker's pay rate, work hours, wage payment schedule, job duties, availability of leave time, deductions, and of the rights provided under the Bill of Rights;

- Increased protection from impermissible deductions for food and lodging; reimbursement for job-related expenses.

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workers paid at least $1,000 by their employer in a 3-month period in the preceding year, Minn. Stat. Ann. §176.041(n); OH's workers compensation law covers household workers who earn at least $160 in any calendar quarter from a single household, and casual workers who earn at least $160 in any calendar quarter from a single employer, Ohio Rev. Code Ann. § 4123.01(A)(1)(b); OK's workers' Compensation Act does not apply to . . . [a]ny person who is employed as a domestic servant or as a casual worker in and about a private home or household, which private home or household had a gross annual payroll in the preceding calendar year of less than Ten Thousand Dollars ($10,000.00) for such workers." Okla. St. Ann. tit. 85, § 2.1(1).

- Protection for sleep time for workers required to spend the night at their employer's home, and compensation for all hours worked when sleep is interrupted;

- A right to privacy in private living spaces and in a worker's private communications and protection from seizure of a worker's documents; and

- A private right of action and an administrative mechanism for enforcing the Bill of Rights provisions and protection from retaliation for enforcing these new rights; enhanced civil penalties for violations, including mandatory double damages and attorneys' fees; joint and several liability for third-party employers.

- Require employers of live-in domestic workers to provide 31 days of notice prior to termination except in cases of employee wrong-doing, and to maintain premises in a habitable condition, just as is already required of other landlords.

- The right to raise health and allergy concerns over cleaning products with employers; the right to request substitutions of cleaning products.

***Strengthen Mechanisms for Worker and Employer Education and Outreach***

HB 5527 included a provision establishing a Domestic Workers Taskforce. This provision is obviously no longer needed, but we do strongly recommend the Taskforce explore policies to educate workers and employers of the law and to ensure robust enforcement of domestic workers' rights, including the creation of a position for a domestic worker coordinator to set up education, training, and enforcement of this act within DOL and across departments; support for worker organizations to do education with workers about the bill; and research into the creation a domestic worker registry, like Oregon has created[8] for homecare workers.

## Several States and the Federal Government Have Recently Acted to Improve Protections for Domestic Workers.

The Connecticut Domestic Worker Bill of Rights is part of a larger trend towards increasing workplace protections for domestic workers.

In the past several years, coalitions of domestic workers rights groups, domestic employers, labor unions, and other supporters have run state-level campaigns to pass Domestic Worker Bills of Rights. New York passed the first Domestic Worker Bill of Rights in 2010.[9] The NY law

[8] See Oregon Chapter 116, available at https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2014R1orLaw0116ss.pdf

[9] 2010 Sess. Law News of N.Y. Ch. 481 (A. 1470-B).

achieved minimum wage and overtime protections for some groups of domestic workers who had previously been excluded; established annual paid days off and a day of rest; and charged the New York State Department of Labor with studying the feasibility of unionization for domestic workers and with reporting on the agency's enforcement of the bill.

Hawaii[10] and California[11] followed suit, both passing Bills of Rights in 2013. Massachusetts is the latest state to have passed a Domestic Worker Bill of Rights.[12] Signed into law this July, the MA DWBOR is arguably the furthest-reaching so far, and its provisions generally consistent with those in the Connecticut bill.

Workers and advocates have also made great strides towards raising standards for the home care workforce, which is a sub-group of the overall domestic worker industry. The most significant success has been the closing of the federal companionship exemption, which has long excluded home care workers from basic federal wage and hour protections. On September 17, 2013, the U.S. Department of Labor issued final regulations, effective January 2015,[13] that apply the federal minimum wage and overtime protections of the Fair Labor Standards Act to most of the two-million-plus home care workers in the United States. The new rules significantly narrow the exemption, correcting a decades-old injustice that has fueled poverty wages and destabilized an increasingly vital industry. Movement is now underway to ensure the smooth implementation of these new federal regulations.

## Conclusion

Over 40,000 nannies, housekeepers and caregivers report to work at homes across Connecticut each day so other families can go to their own jobs. This vital workforce keeps Connecticut's economy moving, but domestic workers are not protected by some of the state's most basic workplace laws. They have little recourse when they're denied wages or forced into unpaid overtime, and no place to turn if injured on the job or sexually harassed. The Connecticut Domestic Workers' Bill of Rights addresses the longstanding, unfair exclusion of domestic workers from core labor protections, reflects the unique conditions and demands of the industry in which they work, and clarifies employers' obligations. We strongly urge you to support a CT DWBOR. Thank you very much.

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[10] HI HB 56.

[11] CA AB 241.

[12] For a summary of the bill's provisions, see http://www.domesticworkers.org/new-rights-under-the-massachusetts-domestic-workers-bill-of-rights.

[13] On January 14, 2015, a U.S. District Court judge in Washington, D.C. struck down US DOL's revised definition of exempt companionship services. This ruling follows one in late December invalidating DOL's new third-party employer exemption. US DOL has appealed the judge's ruling and has been granted an expedited appeal schedule. The DC Circuit could rule on the appeal as soon as this spring. Legally, US DOL is on strong footing as it issued the regulations with explicit authority from Congress and the rules properly interpret the law. The ruling, however, has created some confusion over the status of the federal rules reform and state laws that reference the federal law.

* * *

*For more information, please contact NELP Senior Staff Attorney Sarah Leberstein at* sleberstein@nelp.org or (212) 285-3025 x313 or New Haven Legal Assistance Staff Attorney James Bhandary-Alexander at jbhandary-alexander@nhlegal.org or (203) 946-4811 (x136).

*The Unitarian Society of Hartford*

50 Bloomfield Avenue, Hartford, CT 06105
(860) 233-9897 ~ www.USHartford.com

The Rev. Cathy Rion Starr
The Rev. Heather Rion Starr
Co-Ministers

**Rev. Cathy Rion Starr**
**revcathy@ushartford.com, 541-390-7553**
**Testimony in favor of S.B. 446, Domestic Worker Bill of Rights**
**2/16/15**

As a Unitarian Universalist minister and domestic employer, I am wholly in favor of a Domestic Workers' Bill of Rights that would ensure basic labor protections and human rights for nannies, housecleaners, personal attendants, and other domestic workers. I serve as Co-Minister of the Unitarian Society of Hartford, and I am a member of Hand in Hand, the Domestic Employers Network.

My partner and I are parents of a toddler who relies on dedicated childcare providers in our home to allow us to do our job. My brother, who has Down Syndrome, relies on personal attendants to allow him to live independently. Many of my congregants, especially our seniors, employ attendants, housecleaners, and other in-home support.

As Unitarian Universalists, we are called to respect the inherent worth and dignity of every person, and we all want to be fair employers – our faith, our values, and our conscience call us to it. But what is fair? There are no clear standards to follow.

Here are two examples:

First, due to a doorbell failure (because sometimes, it really is that simple and ridiculous!), one of our childcare providers waited outside our door for 30 minutes before leaving. By the time we realized what had happened, she was unable to return. My partner and I (we both work for the Unitarian Society of Hartford) had an important board meeting to get to, and we were incredibly grateful and lucky that another childcare provider was able to come cover for us on just a few minutes notice. These two providers are not only loving and trustworthy with our child, but they are incredibly dedicated as well. *Should we pay the provider who came and tried to do her job, but we didn't answer? Should we pay extra to the one who came on 5 minutes notice?*

Second, my brother recently hurt himself and needed to go to the hospital. His staff could not reach my parents and I was in California, so he took my brother to the hospital and waited with him for a couple extra hours until my parents were able to come so he could go home to his family and his own young children. Knowing I could do nothing from so far away, I was so relieved to know that my brother had someone with him who he knows and loves and whom we all trust. Again and again, my brother's staff bend over backwards to help out. As a family, we rely on them to give the rest of us the freedom to attend to the rest of our lives, knowing that my brother has what he needs to be independent with his staff. *What is fair compensation and overtime for my brother's staff?*

*What is fair compensation for each of these providers? What does it mean to be fair and respectful and appreciative of our dedicated providers? How much sick time is fair to pay when they need to cancel to keep their germs to themselves? What about when weather gets in the way of our plans, as it has so often lately – then what is fair compensation?*

We need a Domestic Worker Bill of Rights in Connecticut to provide clear, fair, and just answers to these questions. We need these for those of us who *want* to do the right thing and don't know how, and we need it for those who might be too busy or stressed or careless to be thinking about treating their employees fairly.

I urge you to work towards the passage of such a bill.

Connecticut Domestic Worker's Bill of Rights

All workers deserve protection under labor laws

Bridgeport, CT Brazilian Immigrant Center & Partners

# PLEASE SUPPORT SENATE BILL 446 – AAC THE DEFINITION OF THE TERM "DOMESTIC WORKER"

**Labor & Public Employees Committee**
**Public Hearing: February 17, 2015**

A domestic worker is a person who works within their employer's household. Domestic workers perform a variety of household services for an individual or a family, from providing care for children and elderly dependents to cleaning and household maintenance, known as housekeeping.

**GENERAL FACTS**: There are over 52 million Care workers in the world, 2.5 million in the United States, and over 42,000 in the State of Connecticut. This is the profession that makes all other work possible! Domestic workers have historically been viewed as outside the traditional workforce, largely because most are women, often immigrants, doing the work most often done by housewives and servants at home. Due to the nature of domestic work, they are isolated from the rest of the workforce and subjected to round-the-clock physically demanding labor, often with little or no clear separation between work and personal time.

**THE PROBLEM:** This is an unregulated industry that was intentionally excluded from coverage by federal labor laws, including the Fair Labor Standards Act, National Labor Relations Act, Family Medical Leave Act, and the Occupational Safety and Health Act. Yet, it is still a "real job" and often a hard one demanding professionalism and dedication for care workers who do it. They are among the most vulnerable to abuse and mistreatment of all workers, since their workplaces typically are not subject to any laws regulating job safety, wage and hour standards, or protections against discrimination, including sexual harassment.

**THE SOLUTION: A Connecticut Domestic Workers' Bill of Rights!**

* **For Workers:** Establishes labor standards that protect domestic workers' basic workplace rights, including safe and healthy working conditions, meal and rest breaks, unemployment benefits, sick time to care for themselves and their families, and freedom from discrimination and sexual harassment.
* **For Employers:** Ensures that employers receive the highest quality of care for their families and homes by affording domestic workers dignity and respect. Reduces turnover by providing greater stability for workers, and improves the health and safety of employers and their families by protecting domestic workers' health.
* **For Connecticut:** Provides domestic workers with safe and dignified work environments and employers with clear guidelines on their responsibilities that will bring domestic workers out of the shadows. Protecting domestic workers also protects the safety of our communities, ensures the health and wellbeing of the families of domestic workers, and strengthens the state economy by freeing up more individuals to participate in the paid workforce.

**POTENTIAL PROVISIONS FOR SENATE BILL 446:** ☐ We Support the amendment of CT state labor law to guarantee basic work standards and protections: 24 hours off per 7-day calendar week; meal and rest breaks; limited vacation and sick days; parental leave; protection from discrimination, sexual harassment, illegal charges for food and lodging, and eviction without notice; unemployment benefits; notice of termination; and a means of enforcing these standards. Domestic employers would not include state licensed or registered employment or staffing agencies, or the employers of those who work as casual babysitters.

**VICTORIES & PROGRESS:** New York enacted a Domestic Worker Bill of Rights in 2010; Hawaii passed theirs in June 2013; California's passed in September 2013, and Massachusetts' domestic worker bill of rights was passed and signed into law in June 2014.

**For more information** Please contact: Meghan Vesel, Deputy Director at dw@braziliancenter.org -404-583-1682
Natalicia Tracy at ED@braziliacenter.org -617-784-2756 or Iame Manucci, Campaign Organizer
ctdwbor@braziliancenter.org

Center for Youth Leadership

Why wait for someone else to make a difference?

**Connecticut Legislature**
**Labor and Public Employees Committee**
***Testimony in Support of SB 446:***
***An Act Concerning the Definition of the Term Domestic Worker***

***February 17, 2015***

*Maria Rivas and Tatyanna Molina*

Good afternoon Senator Holder-Winfield, Representative Tercyak and members of the committee.

My name is Maria Rivas and this is Tatyanna Molina. We are members of the Center for Youth Leadership at Brien McMahon High School in Norwalk. On behalf of our 226 members, we are here to testify in support of *SB 446, which looks to update laws in order to provide protections to domestic workers.*

The Center for Youth Leadership addresses several social issues, including the rights of immigrants, which includes day laborers, students who do not have papers, and domestic workers. Our work includes direct service; public awareness initiatives to educate others about the lives and rights of immigrants; and social change campaigns that influence policies and laws.

Twice a month for the past six years we have provided day laborers that gather on a bridge in South Norwalk with food, clothing and access to medical and legal services. We have worked with several organizations for several years to raise awareness of the plight of undocumented students, including those who fled the violence of Central America this past summer. These issues are important to us

because the fathers and uncles and brothers of some of our members are day laborers, and we have hundreds of students at our school, including some of our members, that are undocumented.

The same holds true for domestic workers. Many have sons, daughters, nieces and nephews that attend our school and are members of the Center for Youth Leadership. The domestic workers in our community are among the estimated 42,000 such workers in the state.

We have heard countless stories of the work performed by these workers and the emotional and legal limbo they oftentimes find themselves in. The emotional limbo stems from the shame associated with what many people consider "illegitimate" work (believe us - housekeeping, caring for a child or a senior citizen - is more than legitimate work).

But there is a healthy dose of legal limbo as well.

♦ One woman, the mother of one of our former members, talked at length about a broken kneecap she suffered at the home of an employer. The employer did nothing to help her (not even a referral to a doctor) and the woman, fearful of losing her job, continued to report for work.

♦ Another woman, her hands raw from the chemicals she used to clean an employer's house, would take her high school aged daughter (one of our members) out of school countless times so she could help her clean.

♦ The mother of one of our current members worked for a family for years from 7 AM to 7 PM five or six days a week. The family would never allow this woman to take a day off, even for what you and I would consider a valid reason. This woman was fired when she took time off to rest from an operation to remove her appendix.



Absent protection under the law, domestic workers are at the mercy of employers, some of whom act with impunity when it comes to wage exploitation,

workplace abuses, and sexual harassment. In fact, one of our partners - a domestic violence agency - has managed cases that include the harassment of domestic workers by employers.

The domestic workers we talk to suffer in silence, on the outskirts of hope, because they need the job; because of their legal status; because they are unfamiliar with federal and state labor laws; and because they do not have access to advocates. We suspect the same for the hundreds of domestic workers in lower Fairfield County.

Therefore, we strongly urge that the legislation you pass mandates employers to produce a written agreement at the time of hire of the worker's:

1. Pay rate, work hours, wage payment schedule, and job duties;

2. annual paid leave time:

3. right to one day off per 7-day calendar week, with overtime pay provided if the worker voluntarily agrees to work on his/her day off;

4. protection from deductions for food and lodging;

5. right to privacy in private living spaces and in a worker's private communications;

6. protection from seizure of a his/her documents; and

7. protection from retaliation for enforcing these rights.

Also, we encourage the Department of Labor to produce a document that outlines worker and employer rights, and to distribute the document to public sector and private sector networks that work with employers and domestic workers. This is especially true for those employers who want to make a good faith effort to follow the law when hiring domestic workers.



Please do not get us wrong. The domestic workers we know are grateful for their jobs and the ability to provide for their families, live in nice communities and send their children to good schools. But their dignity - like yours and mine - is not negotiable. Yes,

their personal dignity is intact but that's because of who they are as people. This bill of rights provides workers with the kind of respect and dignity accorded those who are protected under the law. That protection should not discriminate, which is why we urge you to pass SB 446.

Thank you very much for listening.

~ ~ ~

*Center for Youth Leadership*
*300 Highland Avenue*
*Norwalk, Connecticut 06854*
*203.852.9488*

**Testimony Supporting**

**Proposed S.B. No. 446 – An Act Concerning the Definition of the Term "Domestic Worker"**

Joanna Vincent[1]

Committee on Labor and Public Employees

February 17th, 2014

Senator Winfield, Representative Tercyak and Distinguished Members of the Labor and Public Employees Committee:

My name is Joanna Vincent and I am a student at Yale Law School.

I thank the co-chairs of the Committee and Committee members for considering this Bill. I had the pleasure of meeting Senator Winfield in November last year at a Wage Theft Conference organized by the New Haven Legal Assistance Association. I wish to thank him for devoting his time to chairing the Domestic Workers Taskforce and building the momentum that is needed to eventually make this Bill law.

The Bill in its current form aims to "provide protections not currently afforded under law to domestic workers."

To understand what this Bill would achieve, it is necessary to map out the complex array of exclusions that pervade Connecticut's labor laws.

Currently domestic workers are specifically excluded from the many protections so important to so many other workers in Connecticut.[2] For example, domestic workers are often not protected by:

- Connecticut's workers compensation law, which presently covers workers who provide services in or about a private dwelling *only* if they regularly work over 26 hours a week – a time limitation that does not apply to other workers in Connecticut.[3]
- Connecticut's discrimination and sexual harassment laws, as they specifically exclude individuals employed in the domestic service of any person.[4]
- Connecticut's provision of sick days, which apply only to businesses with 50 or more employees.[5]

This is compounded by the fact that domestic workers are excluded from some federal labor law protections such as:

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[1] Ms. Vincent is a student at Yale Law School. This testimony was prepared through the Yale Law School Legislative Advocacy Clinic under the supervision of J.L. Pottenger, Jr., Nathan Baker Clinical Professor of Law and Ellen Scalettar, Visiting Clinical Lecturer in Law, at Yale Law School.

[2] NB: There is no statutory definition of "domestic worker" that applies to these exclusions.

[3] Conn. Gen. Stat., § 31-275(9)(B)(iv).

[4] Conn. Gen. Stat., § 46a-51(9).

[5] Conn. Gen. Stat., § 31-57r(4).

- Protections from retaliation by virtue of a specific exclusion under the National Labor Relations Act of 1935.[6]
- Protections under Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 by virtue of their definitions of employer, which requires that a minimum number of employees be engaged.[7]
- As regards live-in domestic workers, overtime pay under the Code of Federal Regulations.[8]

I believe that one concrete step the Connecticut legislature could take during this session is to remove these exclusions from Connecticut's laws. The occasion will hopefully arise for a discussion like this also to take place at the federal level in relation to the retaliation and anti-discrimination provisions outlined above, but for now, our focus must be on the laws that affect domestic workers in their home state of Connecticut.

In some instances, the removal of exclusions would require a definition of what is meant by a 'domestic worker'.[9] We recognize that there are complexities involved with this next step. Attuned to these complexities, the Domestic Workers Taskforce has established a sub-committee that is specifically dedicated to working through the nuances of the definition. I have conducted legal research into the definition for the Taskforce and the Brazilian Immigrant Centre, which has involved analyzing the definitions that have been adopted under the Domestic Workers Bill of Rights of other states including California, Hawaii, Massachusetts and New York, as well as the International Labor Organization's Domestic Workers Convention 2011 (No. 189).[10]

If the General Assembly did no more than to remove the exclusion of domestic workers from Connecticut's labor laws, it would provide more protections to domestic workers than they currently receive.

However, the Brazilian Immigrant Center and the National Domestic Workers Alliance also are urging the Connecticut legislature to take the next big step and - in addition to removing the exclusions - enact a Bill of Rights that provides fair, minimum and tailored protections for domestic workers in recognition of their vulnerability in the workforce. The type of protections sought include protections that would flow naturally from the particular nature of their

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[6] National Labor Relations Act, 29 U.S.C. § 152(3) which defines the term "employee" to exclude any individual employed "in the domestic service of any family or person at his home".

[7] Civil Rights Act of 1964, 42 U.S.C. § 2000e(b) which defines 'employer' as a person who, inter alia, has "fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year"; Age Discrimination in Employment Act of 1967, 29 U.S.C. § 630(b) which defines "employer" as a person who, inter alia, has "twenty or more employees for each working day in each twenty or more calendar weeks in the current or preceding calendar year."

[8] 29 C.F.R. § 552.102.

[9] For example, to extend protections under Connecticut's discrimination and sexual harassment laws to domestic workers, it would not suffice to remove the exclusion of individuals "in the domestic service of any person", because only employers with three or more employees are covered by the law. Instead, domestic workers could be covered by the laws without regard to the total number of domestic workers the employer engages. Clarity could be achieved in this respect by including a definition of a "domestic worker".

[10] NB: The United States has not ratified the Convention. Article 1 defines a 'domestic worker' as "any person engaged in domestic work within an employment relationship".

employment relationship, including reimbursement for cleaning products purchased, payment for time taken to drop children to school and families to airports, rest periods for live-in domestic workers and sufficient advance notice if a shift is cancelled.

It is time for this issue to rise to the top of Connecticut's legislative agenda. During Connecticut's last legislative session, the issue was referred to the Domestic Workers Taskforce for further in-depth consideration. Domestic worker protections are urgently needed for the sake of immigrants, a workforce that is largely made up of women, and employers who are looking for guidance regarding their legal obligations when engaging domestic workers. Importantly, also, Connecticut's most vulnerable populations - children and the elderly who are frequently cared for by domestic workers - will benefit from their caregivers receiving the protections that the rest of the community enjoys.

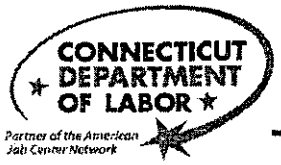
Other states have recently passed Domestic Workers' Bills of Rights. It is time for Connecticut to become a national leader, remove the existing exclusions and enact a strong Bill of Rights that can be a model for other states to follow.

There are many domestic workers and organizations that are on board with these changes and momentum is building every day. We urge this legislature to make the Bill a priority for this session and give domestic workers the protections that most Connecticut workers – including you and I – take for granted.

Kind regards

Joanna Vincent

Yale Legislative Advocacy Clinic




**Written Testimony of**
**Sharon M. Palmer, Commissioner**
**Department of Labor**
**Labor and Public Employees Committee**
**February 17, 2015**

Good Day Senator Winfield, Representative Tercyak, Senator Hwang and Representative Rutigliano and members of the Labor and Public Employees Committee. Thank you for the opportunity to provide you with written testimony regarding ***Senate Bill 446 AAC the Definition of the Term "Domestic Worker".*** My name is Sharon Palmer and I am the Labor Commissioner.

The proposed bill seeks to update Connecticut's laws in order to provide protections not currently afforded under law to domestic workers. I am privileged to serve on the Domestic Worker Task Force. The task force was charged with studying issues involving domestic workers in the state and making recommendations for legislative initiatives to provide outreach and education services to domestic workers and employers of domestic workers in the state. The report by this task force is due on October 1, 2015.

I look forward to my continued work on this task force and assisting with the crafting of language supporting domestic workers.

Thank you for the opportunity to provide input concerning this proposed bill.

Nina Siqueira
17 Faifield Avenue
Shelton, CT 06484
(203) 583-0728

Pg 19 line 9
(Barbara Silva interprets for her.)

February 16, 2015

Labor and Public Employees Committee
Connecticut General Assembly
300 Capitol Avenue
Hartford, CT 06106

Dear Committee members:

My name is Mazonina Siqueira. I from Brazil and am 55 years old. I have lived in this country for 10 years, working as a helper cleaning houses. I have always been exploited, earning very low wages, sometimes as low at $4.60 per hour. The worst example of exploitation I have suffered was: after 10 months of hard physical labor working for the same person, without any meal breaks, my health was seriously affected. I had to have an emergency surgery. After this surgery my boss assured me that I would continue to work, but on the day I was to return, I was fired. Until today, I have not been paid for the last days that I worked. The state of CT needs laws that protect workers like me, laws that clarify our basic rights, like the right to pause for meals and to be paid for the work we do. Please support bill 446.

Sincerely,

Mazonina Siqueira

# 54

Pg 17 - ~~Line 18~~ Line 1

Testimony of David L. Denvir
General Counsel of
Companions & Homemakers, Inc.

Labor and Public Employees Committee Public Hearing

**Proposed SB 446 AAC THE DEFINITION OF THE TERM "DOMESTIC WORKER"**

Tuesday, February 17, 2015

Senator Winfield, Representative Tercyak and distinguished members of the Labor and Public Employees Committee:

Good Afternoon. My name is David Denvir. I thank the Committee for the opportunity to address Proposed Bill 446, "An Act Concerning the Definition of the Term Domestic Worker", and speak to you in my role as General Counsel for Companions and Homemakers, Inc.

Companions and Homemakers, one of Connecticut's largest providers of non-medical homecare for seniors, has provided homecare to seniors in every one of Connecticut's 169 cities and towns since 1990. In those twenty-five years we've observed domestic service employment from three perspectives: the senior receiving homecare, the hardworking domestic worker, and the business challenges of balancing the needs of each.

With that experience, I share a few observations.

It is difficult to speak forcefully to Proposed Bill 446 in its present form of less than thirty words. Part of the bill – defining domestic worker – is already underway. In 2014, substitute bill 5527, Special Act 14-17, created a Domestic Worker's Taskforce. The Taskforce is currently defining domestic worker and will submit a final report no later than October 2015. I have the pleasure of serving on that taskforce with Senator Winfield, Representatives Tercyak and Santiago, Commissioner Sharon Palmer, and others. Since that panel, if you'll pardon my liberties, has been tasked with defining domestic worker, I respectfully suggest that additional legislation to the same point is not needed.

#48

The origin of substitute bill 5527 was a bill that proposed, but did not adopt, a definition of 'domestic worker' wherein the employer was the talisman separating domestic workers from other laborers. That definition split domestic service into two groups: workers employed by state licensed agencies, and workers employed by individual homeowners. I suggest that distinction is an appropriate starting place to define domestic worker.

The Taskforce convened a public hearing eliciting testimony of two distinctly different employment experiences and employment models for domestic workers. The first model was the agency employed domestic worker, where workers labor under the same umbrella of protection applicable to other industries. Worker's compensation insurance, health insurance, unemployment compensation, regulatory wage and hour enforcement and discrimination policing courtesy of the CHRO, EEOC and other agencies.

Agency employees afforded full labor protections were contrasted by a second domestic service workforce, a workforce employed not by licensed agencies, but by individual homeowners, and that workforce reported employment abuses. Those workers, deserving no less protection, were predominantly of an immigrant community. They often experienced language barriers and had limited awareness of labor enforcement organizations or their legal rights. Without exception those workers were employed and paid by the homeowner, not by licensed agency employers.

Domestic workers in that second group can include those privately hired by the homeowner upon 'referral' by a registry. Registries receive a fee in exchange for referring a domestic worker to a private homeowner for direct hire. Registries, unlike Agency employers, have no obligation under current law to monitor whether the homeowner follows wage and hour laws, have no obligation to provide worker's compensation, health or unemployment insurance, and no financial incentive to support homeowner compliance with labor laws. Workers hired by registry referral are employed and paid by the homeowner, not an agency employer, and where wages are paid in such a fashion, labor violations can escape the notice of enforcement agencies or go unreported.

I urge this Committee to adopt a definition designating domestic workers as those employed by the homeowner, only. Agency employers undergo annual licensing and constant regulatory review. Homeowners privately paying domestic workers are not likely to have the expertise or desire to withhold taxes, file quarterly returns or provide insurance, and where one labor law is suborned, many will likely follow.

NATIONAL DOMESTIC
WORKERS ALLIANCE

SB446

To: Connecticut Labor and Public Employees Committee
From: Elly Kugler, Staff Attorney, National Domestic Workers Alliance
Re: Testimony in Support of a Connecticut Domestic Worker Bill of Rights
Date: Feb. 17th, 2015

The National Domestic Workers Alliance (NDWA) is a leading voice for dignity and fairness for the millions of domestic workers in the United States, most of whom are women. Founded in 2007, NDWA works for the respect, recognition, and inclusion in labor protections for domestic workers while building a powerful movement rooted in the human rights and dignity of domestic workers, immigrants, women, and their families. The national alliance is powered by 42 affiliate organizations of over 10,000 nannies, housekeepers, and caregivers in 26 cities and 18 states. In partnership with locally-based worker centers, women's groups and immigrant rights organizations, we have supported successful Domestic Worker Bills of Rights in California, Hawaii, Massachusetts and New York.

NDWA applauds Connecticut's efforts to study the problems of this industry through the creation of a domestic work task force, and strongly encourages Connecticut to pass a robust Domestic Worker Bill of Rights bill. This bill should ensure that Connecticut domestic workers are carved in to basic labor protections that other workers enjoy and are given protections specific to problems and conditions in the domestic work industry; and the bill should provide means by which all industry participants can understand their rights and responsibilities and transform the industry.

I. Connecticut Domestic Workers Need to be Included in Basic Labor Protections

Currently, some sectors of domestic workers are excluded from certain Connecticut worker protections, and in other cases the language of the protections is unclear. The Connecticut Bill should ensure that all domestic workers are entitled to protection from harassment and discrimination[1]; give homecare workers employed in private homes basic rights under the Connecticut Minimum Wage Act[2]; make domestic workers eligible for worker's compensation if the worker earns $1,000 or more per calendar quarter[3]; amend the Connecticut Fair Employment Practices Act to eliminate the exemption for domestic workers at Conn. Gen. Stat. § 46a-51(9); and clarify that time a domestic worker spends traveling between jobs for one single employer or agency is compensated travel time – a right most other Connecticut workers already enjoy.

a. Many of these worker carve-outs are modeled on biased federal law exclusions

[1] Makes all domestic workers eligible for protections under the Act regardless of the number of employers. Right now the Connecticut's Human Rights Statute only applies to workplaces of three or more workers.
[2] Right now, some homecare workers are excluded and the law's language is confusing about whether nannies are included – this modification clarifies that only casual babysitters are excluded from these protections, and all other domestic workers are included
[3] This modifies the CT Worker's Compensation Law, which currently only applies to domestic workers who work 26 hours a week or more for a single employer – this also brings the Worker's Compensation Law in line with the Connecticut Unemployment Insurance law.

In many cases where domestic workers are explicitly carved out of protections, those exclusions are modeled after the exclusions in the Fair Labor Standards Act ("FLSA") – the federal law that set the original floor for worker wage and overtime protections. Domestic workers were originally excluded from FLSA not for a valid policy reason but because Southern senators were unwilling to pass a law that equalized the wages of an overwhelmingly African American and female workforce.[4] Since its passage, FLSA has been amended to provide protections for most domestic workers, and most recently, the Department of Labor has taken steps to include homecare workers who provide companionship services as well.[5] Connecticut can follow this lead, ending irrational exclusions that are rooted in bias.

b. Analogous inclusions have been successful in CA, HI, MA and NY

For each of the four states that have passed domestic worker rights legislation, carving workers into basic protections was a key component of the bill. The Hawaii bill[6], which passed in 2013, included most domestic workers in wage and hour and anti-discrimination protections. The New York bill, passed in 2010, likewise gave domestic workers increased entitlement to existing anti-harassment protections as well as improved access to disability benefits, worker's compensation and unemployment insurance. The 2013 California bill entitled a broader set of domestic workers to overtime pay. The 2014 Massachusetts bill included domestic workers in an already existing right to maternity leave and carved workers into anti-harassment and anti-retaliation protections.

II. Domestic Workers Need Industry-Specific Protections

Domestic workers engage in specialized labor and like any other industry, their work has risks and problems unique to the industry. Connecticut already has specialized protections specific to the needs of workers in particular industries.[7] Connecticut domestic workers need clear expectations about job conditions, laid out in writing; increased worker health and safety protections; enhanced protections for live-in workers who are especially vulnerable to abuse and severe labor exploitation; and simple measures that increase workplace fairness and reduce worker poverty.

a. Workers need clear expectations, laid out in writing

Domestic workers have little control over their working conditions. Employment is usually arranged without the benefit of a formal contract.[8] As a result, both workers and employers often face confusion about job hours, payment, and duties – which can lead to both wage theft and exploitation of the worker, and unnecessary strife between workers and employers. Connecticut should require that employers provide a written disclosure at the time of hire that includes pay rate, work hours, wage payment schedule, job duties, availability of leave time, deductions, and worker rights provided under the Bill of Rights – and should

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[4] "There has always been a difference in the wage scale of white and colored labor....You cannot put the Negro and the white man on the same basis and get away with it." Statement of Representative J. Mark Wilcox in 1937, opposing the proposed Fair Labor Standards Act if FLSA equalized wages of white and black workers, as reported in *The Echoes of Slavery: Recognizing the Racist Origins of the Agricultural and Domestic Worker Exclusion from the National Labor Relations Act,* Juan F. Perea, 72 OH ST. L.J. 95, 115 (2010); "The president was quick to reassure, when asked if Fair Labor Standards Act (FLSA) would "force" Southern housewives to "pay your negro [sic] girl eleven dollars a week." He replied that no wage and hour bill would "apply to domestic help.'" Eileen Boris & Premilla Nadasen, *Domestic Workers Organize!*, 1089-7011 WorkingUSA: The Journal of Labor and Society 413, 420 (Dec. 2008)

[5] Note that these federal FLSA inclusions for homecare workers are currently in flux – making the need for clear protection at a state level even more important. See the Department of Labor's homecare website at http://www.dol.gov/whd/homecare/ for more information.

[6] SB535 HD2. More information at http://labor.hawaii.gov/domestic-workers-rights/

[7] See, eg, Connecticut regulations for high-risk work (http://www.ctdol.state.ct.us/wgwkstnd/laws-regs/highrisk-regs.htm#definitions); protections for cosmetic workers (DOL Sec. 31-62-A2 (http://www.sots.ct.gov/sots/lib/sots/regulations/title_31/060_062.pdf)

[8] Home Economics – The Invisible and Unregulated World of Domestic Work, by the Center for Urban Economic Development at University of Illinois, DataCenter, and NDWA (http://www.domesticworkers.org/homeeconomics/key-findings)

commission the Connecticut Department of Labor to create templates employers may use. The Domestic Worker Bills of Rights in Massachusetts included this requirement. In Hawaii, New York and Massachusetts, agencies in charge of worker protections created educational materials for the use of workers and employers.[9]

b. Workers who engage in housecleaning are vulnerable to special health risks and need protection

The cleaning products used by housecleaners cause many housecleaners to suffer from health problems, especially since these housecleaners may be spending hours on end using these products. 29 percent of housecleaners suffered from skin irritation, and 20 percent had trouble breathing in the prior 12 months.[10] Epidemiological studies have shown an association between cleaning work, exposure to chemical irritants and asthma, including both new onset asthma, work-exacerbated asthma, and asthma-like symptoms.[11]

Connecticut should provide for worker health and safety by giving workers engaged in housecleaning the right to raise health and allergy concerns over cleaning products with employers; the right to request substitutions of cleaning products; and the right to substitute products that are less harmful unless the employer can demonstrate medical necessity

c. Live-in domestic workers are vulnerable to abuse and need specific protections

Live-in workers are in the complex situation of being both employee and tenant, and are often on call for 24 hours a day with no access to uninterrupted sleep. 67 percent of live-in workers are paid below the state minimum wage, and the median hourly wage of these workers is $6.15.[12] Live-in workers are also often most likely to experience harassment, severe labor exploitation and trafficking – and their current unprotected status leaves them highly vulnerable.[13]

Because of their vulnerable situations as both tenants and workers, live-in workers need basic housing protections that are approach the basic standards for other tenants. Specifically, live-in workers need a right to privacy in private living spaces and in a worker's private communications and protection from seizure of a worker's documents; 31 days advance notice of termination except in case of worker wrongdoing; inclusion in existing tenant entitlements to living conditions that are maintained in a habitable condition; increased protection from increased protection from impermissible deductions for food and lodging; protection for sleep time for workers required to spend the night at their employer's home, and compensation for all hours worked when sleep is interrupted.

The Massachusetts bill contains extensive privacy protections for live-in workers, and also entitled live-in workers to live in habitable conditions. It also grants workers termination rights if terminated without cause of either written notice and 30 days lodging or severance pay of two weeks average earnings, with the exception of if there were good-faith allegations of abuse.

d. Domestic workers often labor in conditions of poverty, and need protections that allow them to earn a fair wage and to support their families

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[9] See http://www.mass.gov/lwd/press-releases/governor-signs-domestic-workers-bill-of-rights.html (MA); http://labor.hawaii.gov/domestic-workers-rights/ (HI); http://www.labor.ny.gov/legal/domestic-workers-bill-of-rights.shtm (NY)

[10] Home Economics – The Invisible and Unregulated World of Domestic Work, by the Center for Urban Economic Development at University of Illinois, DataCenter, and the National Domestic Workers Alliance, available at http://www.domesticworkers.org/homeeconomics/key-findings

[11] Quirce S et al. Cleaning agents and asthma (review article) 2010; J Investig Allergol Clin Immunol 2010; Vol. 20(7): 542-550; Found at: http://www.jiaci.org/issues/vol20issue7/1.pdf

[12] Home Economics – The Invisible and Unregulated World of Domestic Work, by the Center for Urban Economic Development at University of Illinois, DataCenter, and NDWA (http://www.domesticworkers.org/homeeconomics/key-findings)

[13] Beyond Survival: Organizing to End the Trafficking of Domestic Workers. available at http://www.domesticworkers.org/beyondsurvival

Connecticut domestic workers are 94% female, and racially diverse: 58% white, 20% Latino, 17% African American, and 2% Asian.[14] This is a growing industry - Connecticut is projected to have a 39% increase in the need for home health aides alone by 2022.[15] However, although this industry is growing, it is growing with poverty wages. Domestic workers struggle to make ends meet. In the New England area, 42% of homecare workers must rely on some form of public assistance to survive.[16] Nationally, at least 48% of domestic workers were paid an hourly wage below what is needed to adequately support a family.[17] Domestic workers experience acute financial hardships. Many indicate that their most basic needs go unmet. 60 percent spend more than half of their income on rent or mortgage payments. 37 percent of workers paid their rent or mortgage late during the year prior to being interviewed. 40 percent paid some of their other essential bills late during the same time period. 20 percent report that there were times in the previous month when there was no food to eat in their homes because there was no money to buy any.[18]

At the same time, domestic workers face injury and illness on the job, but cannot afford to take time off to recover. 38 percent of workers suffered from work-related wrist, shoulder, elbow, or hip pain in the past 12 months. 31 percent suffered from other soreness and pain in the same period. 29 percent of caregivers suffered a back injury in the prior 12 months.[19] 36 percent of nannies contracted an illness while at work in the prior 12 months.[20]

Domestic workers need baseline protections that allow them to earn fair compensation. Workers should be reimbursed for costs that the employer asked them to incur for the employer's benefit; should get reporting time pay if they show up to work and then are sent home without notice; and should get advance notice of termination. In addition, domestic workers should be able to earn annual paid leave[21], should be entitled to one day off per calendar week, and should get advance notice of termination.

The Massachusetts law contained protections against unfair pay deductions, including a prohibition on deductions for meals, rest periods, lodging, sleeping periods without the written consent of the worker. The New York bill banned deductions from paycheck for broken items and required written notice of all deductions. The New York law required that workers get a day of rest every seven days or else overtime pay for working the seventh day, and three paid days of rest per year. The Massachusetts bill requires a 24 hour weekly rest period and a monthly 48 hour rest period.

## III. Fixing the Domestic Work Industry is a Team Effort

Workers, employers and employment agencies and the Connecticut government will all have to collaborate to raise industry standards. This collaboration is necessary given the fast pace of growth in this industry and the poor conditions in which many domestic workers currently labor. In order to allow all members of the industry to raise standards, Connecticut's law should allow employers to sue other employers for repeated failures to comply with the domestic worker rights laws, and the state should create clear materials developed in collaboration with workers and consumers to ensure all parties understand their rights and responsibilities.

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[14] Economic Policy Institute analysis of Current Population Survey Outgoing Rotation Group microdata, *available at* http://www.epi.org/files/2013/in-home-workers-state-tables.pdf

[15] PHI State Data Center, *available at* http://phinational.org/policy/states/connecticut/

[16] Id.

[17] Home Economics – The Invisible and Unregulated World of Domestic Work, by the Center for Urban Economic Development at University of Illinois, DataCenter, and NDWA (http://www.domesticworkers.org/homeeconomics/key-findings)

[18] Id.

[19] Id.

[20] Id.

[21] Paid leave accrues at the rate of one hour of leave for every 40 hours worked, up to 56 hours per year

**Summary: What Needs to Be in the Connecticut Domestic Worker Bill of Rights (SB 446/01361):**[22]

Include domestic workers in the protections that other workers enjoy:

- Give homecare workers employed in private homes basic rights under the Connecticut Minimum Wage Act[23]
- Make domestic workers eligible for worker's compensation if the worker earns $1,000 or more per calendar quarter[24]
- Ensure all domestic workers are entitled to protection from harassment and discrimination[25]
- Amend the Connecticut Fair Employment Practices Act to eliminate the exemption for domestic workers at Conn. Gen. Stat. § 46a-51(9).
- Clarify that time a domestic worker spends traveling between jobs for one single employer or agency is compensated travel time – a right most other Connecticut workers already enjoy

Ensure workplace fairness and prevent poverty:

- Require that workers be reimbursed for costs that the employer asked them to incur for the employer's benefit
- Annual paid leave time[26]
- One day off per seven-day calendar week - with one-and-a-half times the worker's regular rate of pay if she voluntarily agrees to work on this seventh day
- Reporting time pay: If a worker shows up to work and then is sent home without working, she must be paid for at least four hours of work at a wage of at least the minimum that the worker earns.[27]
- Seven days advance notice of termination or severance pay for live-out workers and 31 days of advance notice of termination for live-in workers, except in cases of worker wrongdoing

Address problems specific to the domestic work[28] industry:

- Clear expectations, laid out in writing: Written disclosure at the time of hire of pay rate, work hours, wage payment schedule, job duties, availability of leave time, deductions, and of the rights provided under the Bill of Rights

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[22] This bill is the product of collaborative drafting by the Brazilian Immigrant Center, the National Domestic Workers Alliance, the National Employment Law Project, and the NuLawLab at Northeastern University. The general contents of this bill were originally drafted by these groups in collaboration with the Connecticut Legislative Commissioner's Office, and was reviewed by the Connecticut Department of Labor, and subsequently proposed to the Connecticut legislature as Raised Bill 5527. The amended version of "Raised Bill 446" includes additional changes made by the drafting organizations. This document is a broad summary; for the full bill as proposed, request a copy from one of the organizations that collaborated in drafting.

[23] Right now, some homecare workers are excluded and the law's language is confusing about whether nannies are included – this modification clarifies that only casual babysitters are excluded from these protections, and all other domestic workers are included

[24] This modifies the CT Worker's Compensation Law, which currently only applies to domestic workers who work 26 hours a week or more for a single employer – this also brings the Worker's Compensation Law in line with the Connecticut Unemployment Insurance law.

[25] Makes all domestic workers eligible for protections under the Act regardless of the number of employers. Right now the Connecticut's Human Rights Statute only applies to workplaces of three or more workers.

[26] Paid leave accrues at the rate of one hour of leave for every 40 hours worked, up to 56 hours per year

[27] This is modeled off Connecticut protections for cosmetic shop workers, DOL Sec. 31-62-A2 (http://www.sots.ct.gov/sots/lib/sots/regulations/title_31/060_062.pdf)

[28] "Domestic workers" defined here as individuals employed to perform work of a domestic nature in or about a private home, including, but not limited to, housekeeping, house cleaning, home management, nanny services including childcare and child monitoring, caretaking of individuals in the home including sick, convalescing and elderly individuals, laundering, cooking, home companion services and other household services for members of households or their guests in private homes. Not included are babysitters employed on a casual basis and personal care attendants employed through state-funded programs.

- Protections for worker safety: Workers have the right to raise health and allergy concerns over cleaning products with employers; have the right to request substitutions of cleaning products, and may substitute products that are less harmful unless employer can demonstrate medical necessity

- Basic decent housing and fair pay for live-in workers:

  - A right to privacy in private living spaces and in a worker's private communications and protection from seizure of a worker's documents

  - 31 days advance notice of termination except in case of worker wrongdoing

  - Live-in workers are entitled to living conditions that are maintained in a habitable condition, just as required for other tenants
  - Increased protection from impermissible deductions for food and lodging

  - Protection for sleep time for workers required to spend the night at their employer's home, and compensation for all hours worked when sleep is interrupted

- Improving the industry and worker access to protections:

  - A private right of action with attorney's fees and an administrative mechanism for enforcing the Bill of Rights provisions

  - Workers are protected from retaliation for enforcing these new rights.

  - Industry employers can target companies that break the law to cut corners. Agency employers have standing to sue other employers who repeatedly violate this law. Third-party employers – including registries – are jointly and severally liable for violations under this law.

  - The Connecticut Department of Labor ensures that workers and consumers know their rights and responsibilities under the Bill of Rights

Pg 14- line 1

February 16, 2015[1]

Sen. Gary Winfield
Rep. Peter Tercyak
Labor and Public Employees Committee
Legislative Office Building
300 Capitol Avenue
Hartford, CT 06606

Thru interpretation by JAME MANUCCI

Dear Senator Winfield, Rep Tercyak, and Esteemed Members of the Committee, Good Morning

Ladies and Gentlemen, my name is Maria Lima Rodriguez. I am a domestic worker. I worked as a house cleaning helper. In Brazil, I studied law for 4 years. I arrived in this country 8 years ago in search of better conditions for my professional training and that of my kids.

In my first week, I began working the only job that required nothing beyond physical labor. I cleaned people's homes. My employer, the other woman who cleaned with me, was what it called the "schedule owner". Many Brazilian women come here and have to buy houses, or buy a house schedule from other Brazilian women, sometimes for as much as three months worth of income.

I worked long years under exploitation, given no respect, and abused because of my language impairment. When I started cleaning, I would work 9 hours per day earning $3.33 per hour. I stopped working for that woman. I could not accept, and looked for another job thinking it would be different. I was naive. At my new job, I worked every week from 7:00 to 4:00, cleaning 3 to 4 houses, earning $5.67 per hour.

This was repeated throughout my experience as a domestic worker in this country, always changing jobs when my body could not take it anymore. On top of the exploitation of my wages I also suffered from being overworked. I found in the United States something I did not expect. Such a well respected country could not possibly allow for such deplorable work conditions for its domestic workers. I cried every night when I came home, my body ached, and I lacked the strength to get up and eat...going to sleep with the same hunger I felt through the day. At work, I was never even given water to drink.

Thank you for listening to my story. I urge you to pass S.B. 446- An Act Concerning a Domestic Worker Bill of Rights.

Sincerely,

Maria Lima Rodriguez
165 Madison Terrace
Bridgeport, CT 06606
(203) 763-9613
marialima_raydan@hotmail.com

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TESTIMONY OF TOM FALIK, ON BEHALF OF
THE CONNECTICUT ASSOCIATION OF HOME CARE REGISTRIES
REGARDING PROPOSED BILL 446
AN ACT CONCERNING THE DEFINITION OF THE TERM "DOMESTIC WORKER"

Good afternoon Senator Holder-Winfield, Representative Tercyak and the other members of the Labor & Public Employees Committee. Thank you for the time to testify on this important issue. My name is Tom Falik. I am here today representing the CT Association of Home Care Registries (CAHCR) regarding SB-446 regarding the definition of a "domestic worker". Our Association is comprised of referral registries that provide independent caregivers to CT's elderly and people with disabilities.

In the 2014 Legislative Session, HB-5527 was passed creating a Domestic Workers Task Force, and requiring that Task Force to report its findings back to the Governor and Legislature by October 1, 2015. To date there has been one public hearing of this Task Force, and I do not believe that there have been any findings or report. In the absence of such findings or report, and with only a single line of drafted language in the current SB-446, it is difficult to know what comments this Committee is looking for in this Public Hearing. However, based on the text of the original proposed language of last year's HB-5527, and certain statements made at the Public Hearing of the Task Force held on November 21, 2014, we would submit the following comments:

1. The Task Force seems to be primarily focusing on incidents of abuse against domestic workers, particularly immigrants (legal and illegal). Which we support, our members are often in competition with groups that fly under radar and do not follow current state requirements to register with DCP. Historically in CT, domestic workers have been excluded from several CT workplace protections, including laws covering minimum wage, overtime, workers comp and human rights and opportunities statutes. To the extent that the final draft of SB-446 eliminates these exclusions, it would be an appropriate change to protect this class of citizens and we would support those changes.~~.~~

2. Federal and CT law already has numerous provisions regarding the technical requirements of (a) paying minimum wage and overtime, (b) registries and (c) the proper characterization of workers as either employees or independent contractors. If the proposed bill ~~We feel that it would be inappropriate for this Bill to interject~~ adds additional rules regarding these issues, could ~~as it would~~ add confusion to an already confusing area at the intersection of Federal and State law that sometimes are difficult for employers to sort out and all but impossible for families to navigate when trying to care for a loved one.~~.~~

3. The original HB-5527 created numerous onerous and unreasonable employer responsibilities for families hiring domestic help, including providers of elderly care. These responsibilities included many that the State ~~refuses to impose, due to complexity or financial cost, on small businesses, much less elderly individuals looking for homecare.~~ does not impose on itself. Any additional requirements beyond the current State workforce laws in these areas should be considered based on the proper balancing of (a) the need to protect domestic workers, and (b) the ability of individuals and families to properly administer and fund any new requirements.

~~4. The original HB-5527 sought to exempt from the obligations of that Bill several programs of State government that funded domestic services and services to the elderly. We feel that such exclusions are totally inappropriate, and that if the State is going to impose obligations on families, it should be willing bear the same responsibilities to protect domestic workers that it~~

~~provides. If the State has similar obligations, perhaps legislators will give greater thought to exactly which obligations should be imposed on families.~~

Thank you for this opportunity to testify. If SB-446 proceeds, we are hopeful that once the actual wording has been proposed, we will have an opportunity to comment on the specifics.

# STATE OF CONNECTICUT

*ASIAN PACIFIC AMERICAN AFFAIRS COMMISSION*

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*Executive Director*
Mui Mui Hin-McCormick
*Legislative Analyst*
Alok Bhatt

Tuesday, February 19, 2015

Dear Chairman Tercyak, Chairman Winfield, and distinguished members of the Labor and Public Employees Committee of the Connecticut General Assembly:

My name is Alok Bhatt. I serve as Legislative Analyst for the Asian Pacific American Affairs Commission (APAAC/the Commission). The Connecticut General Assembly established APAAC in 2008 to engage and advocate for our state's Asian Pacific American (APA) population. This population consists of peoples originating from over 62 countries, who speak more than 100 distinct languages and dialects.

In supporting APA women, and all women facing barriers to basic labor rights, APAAC writes in strong support of SB 446: An Act Concerning the Definition of the Term "Domestic Worker". The Commission supported a similar concept during the 2013 regular session, and will continue to promote policy that positively impacts the APA community in Connecticut.

Currently, little data exists on the demographics of domestic workers in Connecticut. The Connecticut Department of Labor estimates there are approximately 3,500 domestic workers in Connecticut, nearly all immigrants and women of color[1]. Globally, more than 53,000,000 domestic workers provide a variety of personal and home care services, often for low wages, long hours, and minimal legal protection[2]. Even in the United States, our Fair Labor Standards Act (FLSA) covers only public and private sector employees[3]. Informal employees, including care providers who work up to 24-hour shifts, remain excluded from basic labor rights, such as minimum wage and paid sick leave.

The Commission believes a clear statement of rights and responsibilities, fair wages, paid leave, and other benefits contribute to a sustainable industry model. By respecting the dignity of home and personal care providers, fostering a safe work environment, and reducing turnover, a Domestic Workers Bill of Rights will culminate in positive changes for an important yet overlooked workforce.

Furthermore, the Commission stands behind the rights of domestic

[1] http://www1.ctdol.state.ct.us/lmi/wages/naics2013.asp#Social
[2] http://www.ilo.org/global/topics/domestic-workers/lang--en/index.htm
[3] http://www.dol.gov/whd/flsa/

# STATE OF CONNECTICUT

*ASIAN PACIFIC AMERICAN AFFAIRS COMMISSION*

workers to file complaints with the Labor Commissioner without fear of retaliation. Worldwide, domestic workers have reported exploitative treatment such as verbal, physical, and even sexual abuse, confinement, nonpayment, and derisory housing conditions[4]. We cannot allow these workers to remain so vulnerable any longer. Connecticut must commit to protecting domestic workers as it does public and private sector employees. We must enable these workers to exercise their human rights, while charging employers to honor the same.

In uplifting domestic workers, many of whom are APAs, from an institutionalized underclass, APAAC expresses strong support for a Domestic Workers Bill of Rights which will bring Connecticut in line with the international community of industrialized nations, as well as afford necessary protections to those who work to make our lives and homes comfortable.

The Commission greatly appreciates your time and consideration of this significant matter.

Sincerely,

Alok Bhatt
*Legislative Analyst,* Asian Pacific American Affairs Commission

[4] http://www.antislavery.org/english/slavery_today/child_domestic_work.aspx

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TO: CT Labor and Public Employees Committee
FROM: Jordan Laris Cohen, Yale Law School J.D. expected '17
DATE: February 17, 2015
RE: Testimony in Favor of Proposed S.B. No. 446, An Act Concerning the Definition of the Term "Domestic Worker"

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Mr. Chairmen, and members of the committee,

My name is Jordan Laris Cohen and I am student at Yale Law School in New Haven. The summer of my sophomore year in college I volunteered at Domestic Workers United, an advocacy group of nannies, housekeepers, and eldercare providers. DWU had just succeeded at passing a domestic worker bill of rights in New York, similar to the one now under consideration in Connecticut. I came to this work through my brother, who had been helping to organize employers of domestic workers within the Jewish community, who were in favor of the bill.

While I was interning at DWU I saw plenty of cases of mistreatment, of inhumane working conditions, and of verbal and physical abuse. But today instead I want to tell you about a conversation I had with my friend David. David was a good friend from college, and also happens to have just gotten married. In the middle of that summer I was hanging out with David and started telling him about some of what I was learning—how domestic workers had been excluded from labor protections in the 1930s, based upon the prejudice of southern segregationist senators; how many received less than minimum wage and no overtime, much less sick leave or healthcare benefits.

David interrupted me and said, "You know my grandma has someone who lives with her and takes care of her. She's paid decently but must have not had a day off in the entire year." He stopped to think about it and he repeated himself, with what seemed like a mix of surprise and rising feeling of shame: "not a single day off."

I mention David's story because I know he and his grandma are not malicious, selfish, or even outwardly ungenerous. And yet she was engaged in what we'd properly see, and what David instantly saw, were unconscionable and—in any other setting—highly illegal practices. There's a way in which the intimate relationships of domestic work can cover up casual exploitation, and how the needs of domestic workers as individuals become invisible or subsumed under those of the employer and her family. Few people realize that nannies often have children of their own, and the time they spend nurturing someone else's child is often time missed with their own family.

This law, which is so desperately needed and long overdue, brings to light an industry that has for too long produced injustice in the shadows. It establishes clear, basic, and truly modest rules—one guaranteed day of rest a week, the minimum wage, an hour of paid leave for every 40 hours worked (up to 56 in year). I bet that there are a lot of people out there like David's grandmother—well-intentioned, good people who nonetheless engage in employment practices that, with a single look and an ounce of empathy, we'd recognize as intolerable. To be sure there are also plenty of cases of outright abuse, and consciously taking advantage of domestic workers. In order to address both sets of cases, I strongly urge you to adopt the current bill.

# New Haven Peoples Center

37 Howe Street, New Haven, Connecticut 06511


**Testimony to the Labor and Public Employees Committee**
**February 17, 2015**

SB446

**Joelle Fishman, Coordinator, New Haven Peoples Center**

Last March the Peoples Center delivered testimony to the Labor and Public Employees Committee hearing in Bridgeport in support of a domestic workers bill of rights. Last session the decision was to establish a study. Therefore, I would like to re-submit the remarks made last year as part of your current deliberations.

The New Haven Peoples Center is an all-volunteer community meeting place whose constituency includes many workers who are excluded in one way or another from full protection under labor law.

We are aware of the difficult conditions that domestic workers are subjected to including hours worked and health and safety, among many others.

The story of one of our participants who could not be here today is representative of all 40,000 domestic workers in our state who are not covered by labor law.

This particular woman is a home care giver, and an immigrant from the African continent. She covers several homes each day and has to take many buses to get to widespread locations and perform her work. At the end of the day she is rushing back home to take care of her own family. If she has a grievance or a suggestion to better organize the workload there is no standard that she can refer to.

It is wrong that she and all of the 40,000 domestic workers in our state, are denied the same rights under labor law as any other worker. It is time to right this wrong.

Our state has taken important steps recently with the organization of home child care providers and home health care workers. Our state is considering a raise in the minimum wage to $10.10. The State Legislature is also being asked to end the exclusion of tipped workers to the wage raise.

Let Connecticut step forward once again, with the domestic workers bill of rights. As has been said, the bill of rights will be a benefit to the domestic workers, to their employers, and to the Connecticut economy. Providing standards to guarantee a stable workforce, work guidelines and improved health and well being is a win-win situation for the workers and the families they serve.

Those who have brought the Domestic Workers Bill of Rights forward deserve a lot of appreciation and support for helping to make Connecticut better for everyone.

We also urge the committee to take seriously the proposal that would protect immigrant workers from unfair retaliation for exercising their rights at the workplace. If the rights of these vulnerable workers, who are suffering widespread abuse of wages and hours, are not protected, then the rights of all workers are weakened.

Thank you.

pg 15 - line 18

Connecticut Working Families Organization
30 Arbor Street, Hartford, CT 06106
Workingfamilies.org/Connecticut
(860) 523-1699

February 17th, 2015

**Re: Testimony in favor of HB 5858, AA Providing Funding to the Connecticut Retirement Security Board, and SB 446 AA Concerning the Definition of the Term Domestic Workers**

Dear Senator Winfield, Representative Tercyak and Members of the Labor and Public Employees Committee,

My name is Ana María Rivera-Forastieri and I am the Political Director of the Connecticut Working Families Organization. Working Families organizes on behalf of working and middle class families on social and economic justice issues. We have historically advocated for laws and policies that improve the quality of life of workers and their families—good wages, affordable healthcare, workplace protections and the right to collectively bargain.

Working Families would like to support two bills today:

**First, HB5858, which would provide more funding to the Connecticut Retirement Security Board.**

Last year, Working Families testified in support of creating a state-administered retirement savings plan. We did so for several reasons:

1. Connecticut is facing a retirement crisis. More and more workers do not have access or cannot afford a private retirement plan which forces many of us to work past the age of 65 in order to survive.
2. Wall Street has attacked our retirement system and has made huge profits at the costs of our seniors, while at the same time selling workers subpar retirement plans with high administrative fees and low rates of return.
3. The lack of retirement security for our workforce is hurting our economy. More seniors have to rely on social assistance programs than before because they do not have enough savings to support themselves. Increased poverty levels among our seniors decreases local spending and harms local business.

This legislature and our Governor took a step in the right direction by recognizing that there is a retirement crisis in our state and that the best way to address it would be through a publicly administered retirement plan. Legislations was passed to invest money to start laying the groundwork for the creation of the plan, which created a Retirement Security Board. This board is tasked with conducting a feasibility study and an implementation proposal. The Board has been meeting for the last several months and it has made a determination that it requires additional funds in order to gather more information, hire necessary experts, and develop an optimal plan for our state and our workers.

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We believe that this Committee has an important choice to make—it can either make an investment that provides the Board with the necessary tools to conduct a comprehensive study or it can choose not to invest any more resources to this project and understand that it will conform to limited information and expertise. We do not believe that conformity is the right choice in creating a program that will have an enormous impact on the lives of hundreds of thousands of people in Connecticut for decades to come.

The reasons that many of you had in supporting the creation a public retirement plan have not changed. The struggles that many of you identified in our workforce still remain. Allow the Board to continue the task of addressing those reasons by granting them the necessary funds to finish the job.

**Second, SB 446, would provide protections to a group of workers that are not afforded under current labor laws.**

There are approximately 40,000 domestic workers in the state of Connecticut. These workers are providing essential services to individuals and their families. Some of these include caregiving for children and elderly dependents, cleaning and house maintenance.

Domestic wormers make up the most vulnerable workforce in our state because they have been excluded from major federal and state employment and labor laws.

While Connecticut has been ahead of the game on a multitude of economic justice issues, we have been unable to guarantee many of these victories to domestic workers. For example, the Connecticut Minimum Wage Act has excluded some domestic workers by narrowing the definition of employees that are covered by the state minimum wage. Our Workers Compensation law rarely covers domestic workers because it requires that they work over 26 hours a week be covered—this limitation does not apply to other workers in the state. The CT Paid Sick Days law does not cover domestic workers either, because it only applies to businesses with 50 or more employees. Lamentably, these are just some of the instances in which our laws have failed domestic workers.

We believe that legislation is necessary to protect workers and provide much needed dignity in the workplace. We urge this Committee to consider amending current Connecticut law to include these workers in its minimum wage and overtime laws, it should extend Workers Compensation to include more domestic workers and it should provide benefits like paid sick days and paid time off. Legislation should be in the form of a Domestic Workers Bill of Rights, which will address many of the aforementioned issues in a comprehensive manner.

Thank you,

Ana María Rivera-Forastieri

**Testimony Supporting**

**Proposed S.B. No. 446 – An Act Concerning the Definition of the Term "Domestic Worker"**

Professor Anika Singh Lemar

Committee on Labor and Public Employees

February 17th, 2014

Senator Winfield, Representative Tercyak and Distinguished Members of the Labor and Public Employees Committee:

My name is Professor Anika Singh Lemar and I have been a resident of Connecticut since 2007. I am a member of the Hand In Hand Domestic Employers Network, a national network of employers of domestic workers who share a common belief that workers and employers should enjoy dignified and respectful employment relationships and also of the Domestic Workers Taskforce.

I am a Clinical Associate Professor of Law at Yale Law School and an employer of a domestic worker. I submit this testimony in support of Proposed Senate Bill No. 446 because I believe that domestic workers should receive the protections that are afforded to other workers in Connecticut. To this end, I believe that removing the current exclusions of domestic workers under Connecticut's laws will provide workers with the protections they rightly deserve.

In addition to removing exclusions, a Bill of Rights that contains protections for domestic workers would facilitate fair and just employment relationships, providing tailored protections to domestic workers and much needed guidance for employers who, like myself, are looking to do the right thing.

I currently employ a nanny in my house on a regular full-time basis, whose work I greatly value. My nanny enables me to retain a full time position at Yale University and my children to receive high-quality care. I endeavor to provide her compensation commensurate with the quality and value of her work. Too many other employers abuse their relationships with the women and men who serve their families and households or are simply uninformed about the relevant regulations. Removing the exclusions, enacting a Bill of Rights, and informing employers of their obligations would set a floor of minimum conditions and provide much needed guidance to employers seeking to cultivate a stable, just and respectful relationship.

There is momentum building in favor of this Bill and I urge the Connecticut legislature to support the move to extend basic minimum labor protections to domestic workers.

Pg 14 Line 11

**Brazilian Immigrant Center for All**
**1067 Park Avenue**
**Bridgeport, Connecticut 06604**

February 17, 2015

*TESTIMONY OF NATALICIA TRACY IN SUPPORT OF SB446, AN ACT CONCERNING A DOMESTIC WORKER BILL OF RIGHTS CONCEPT*

Good afternoon, Senator Winfield, Representative Tercyak, and members of the Labor and Public Employees Committee. Thank you for raising the domestic workers bill of rights concept that hopefully will create a space for constructive discussions that will lead to a comprehensive bill to make Connecticut the fifth state in the nation to recognize that all workers deserve protection under labor law, and to correct some glaring historical exclusions that have their origin in the past injustices of slavery and Jim Crow. My name is Natalicia Tracy. I am a Sociology PhD Candidate at Boston University and the Executive Director of the Brazilian Immigrant Center, here in Bridgeport, Connecticut. Before that, for 15 years I was a domestic worker myself, and I suffered a great of labor exploitation and abuse while was providing love and care to children in many U.S. families, and to many wonderful senior citizens who needed support to live independently.

In our neighboring New England state in June 2014, Governor Deval Patrick signed the most comprehensive domestic workers bill yet passed, making Massachusetts the fourth state, after California, Hawaii, and New York, to extend to domestic workers the same basic labor rights that other workers have enjoyed since the 1930s. Over 67,000 domestic workers in the state of Massachusetts now have those rights and are engaged in a public education campaign to inform workers and employers of their new rights and responsibilities under the law, which goes into effect on April 1. Workers in Massachusetts have been afforded the:

1/Right to be **paid for all working time** which includes:

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- Any time the Domestic Worker is required to be on the employer's premises or on duty (except as provided below)
- Meal periods, rest periods, and sleeping time unless:
  - The Domestic Worker can leave the premises, and
  - Can use the time for her sole use and benefit, and
  - Is completely relieved of all work duties, and
  - There is a written agreement not to be paid
- The Employer doesn't have to pay for sleep time if:
  - The Domestic Worker works 24 hours or more, and
  - There is an agreement in writing between the Domestic Worker and employer, and
  - The Domestic Worker's sleeping time is not usually interrupted by work, and
  - The Employer provides adequate sleeping quarters.

- 2/The Right to **days of rest**
  - If the Domestic Worker 40 or more hours a week, the employer must provide at least 24 consecutive hours of rest per week and 48 hours of consecutive rest per month (to coincide with religious worship, when possible).
  - If the Domestic Worker voluntarily works over 40 hours per week or during a day of rest, the employer must pay overtime rate (time and a half) for each excess hour worked.
- 3/**Food**: The Domestic Worker does not have to pay for food and beverages unless:
  - Food/beverages are voluntarily and freely chosen, and
  - There is a written agreement between the employer and Domestic Worker stating the cost of food, and
  - The Domestic Worker has the ability to easily bring or prepare her own food if she wants, and
  - The price accurately reflects cost of food and cannot exceed $1.50 for breakfast, $2.25 for lunch, and $2.25 for dinner.
- 4/**Lodging**: Domestic Worker does not have to pay for lodging unless:
  - Lodging is voluntarily and freely accepted, and
  - The Domestic Worker actually desires and uses the lodging, and
  - There is a written agreement between the Domestic Worker and employer, and
  - Lodging meets safe and sanitary housing legal standards, and

- The price does not result in the Domestic Worker making less than the hourly minimum wage, and
- The price is reasonable, which means:
  - It does not exceed $35.00 per week for a room used by one person, $30.00 per week for a room occupied by 2 people, $25.00 per week for a room occupied by 3 or more persons.

- 5/ The Right to **protection against trafficking,** through civil enforcement by the Attorney General under provisions of the Massachusetts Anti-Trafficking Law
  - Employer cannot engage in sex trafficking of domestic workers or labor trafficking, called "forced services"
  - Forced services entails threatening serious harm, physically restraining an individual, destroying, hiding or taking any immigration documents, engaging in extortion, or causing or threatening to cause financial harm, in order to confine the worker in the job
- 6/Right to **request** a **written evaluation** (though the employer is not required to provide it)
  - A Domestic Worker may request a written evaluation after 3 months and annually thereafter
  - A Domestic Worker may dispute the evaluation under the Personnel Records Law
- 7/Right to a **written employment agreement,** if the Domestic Worker works 16 hours or more per week. Agreement must include:
  - Rate of pay, including overtime
  - Whether additional pay is provided for added duties/multilingual skills
  - Working hours (including meal breaks and other time off)
  - Whether the employer provides benefits – paid or unpaid -- days of rest, sick days. vacation days, personal days, holidays, health insurance, severance pay, transportation costs, etc.
  - Fees or costs for the worker, if any, including costs for meals or lodging
  - Responsibilities of the job
  - The process for addressing grievances and asking additional pay for added duties
  - The right to collect workers compensation, if injured in the performance of job duties
  - Circumstances under which employer can enter the Domestic Worker's designated living space on the employer's premises
  - Required notice for termination by employer and, if required, by Domestic Worker
  - Any other rights or benefits provided to the Domestic Worker
- 8/Right to **document retention and notice of rights**

- Employer must retain all notices and agreements for at least two years
- Employer must provide notice to worker that enumerates Domestic Worker labor rights under all applicable state and federal laws

- 9/Right to **notice/lodging/severance before termination** of **live-in Domestic Workers** without cause
  - 30 days of written notice of loss of living quarters, or granting of at least 30 days of lodging either on-site or in comparable off-site conditions, or severance pay equivalent to average earnings for 2 weeks
  - **Note**: There is no right to notice or severance pay if the employer makes good faith allegation in writing of abuse, neglect or other harmful conduct towards employer, employer's family, or individuals residing in employer's home
- 10/Right to **protection against retaliation**
  - The employer may not fire or in any other way discriminate against a Domestic Worker who seeks to assert her rights to fair wages and overtime. This provision removes the exception for DWs who work 16 hours or less.

11/The right to **protection against discrimination**

- Right to take a **sexual harassment** or other harassment claim to the Massachusetts Commission Against Discrimination (MCAD)
- *Personal Care Attendants* have right to take **sexual harassment** claims only to MCAD.
- Right to maternity leave of up to 8 weeks for the birth or adoption of a child.
- Right given to all domestic workers to bring **discrimination** claims to the Massachusetts Commission Against Discrimination. For workers where there are 6 or more employees, the right is effective on September 24, 2014; for workers where there are less than 6 employees, the right is effective on April 1, 2015.

  [The Massachusetts Commission Against Discrimination enforces the provisions under Right No. 11.]
- 12/Right to bring a private lawsuit if Domestic Worker is **injured on the job** by a fellow employee (effective September 24, 2014.)
- 13/Right to **privacy**
  - A Domestic Worker has the right to expect privacy (which includes the right to privacy in the bathroom) that is available under the state's Privacy Law

- The employer cannot take any of the domestic worker's documents or other personal effects
- Employer cannot restrict or interfere with domestic worker's private communication or monitor communication

**By April 1, 2015,** the Executive Office of Labor and Workforce Development (EOLWD) in consultation with the Attorney General will:

- Develop and implement a multilingual outreach program to inform Domestic Workers and their employers about rights and responsibilities under the law
- The outreach and education program will include know your rights information, model employment agreements, educational materials for employers on their human resources duties – including information on taxes, benefits, worker's compensation insurance laws, and a model written work evaluation form.

**By April 1, 2015,** the Attorney General will publish regulations concerning the parts of the bill enforced by that Office.

We advocate for domestic workers because they are alone at the workplace. Domestic service is the one of the occupations with the highest rates of labor exploitation, such as having illegal deductions withheld from pay, or receiving no pay at all, or having long working hours with no clarity about when work begins and ends, or what the job duties really are. These are very basic labor rights that we usually think accompany most jobs, but domestic workers were deliberately *not granted* them under the law, due to racially biased exclusions in the past. What we ask for in the Bill of Rights addresses many workers' rights that we assume today are universally enjoyed; attempts to bring domestic workers up to the same standard our society holds for other kinds of workers; and, provides some civil remedies to address continuing unfair working conditions. Right now, domestic workers have little or no recourse for complaint if they are exploited or abused, which they are too often. This is due in large part to the lack of regulation in the industry, and the absence of clear legal guidelines for employers to follow in how they should treat their employees.

An added urgency, of course, is that the people who do domestic work in Connecticut – as in other parts of the nation – are mostly *low-income women of color, many of them immigrants.* Anything we can do to increase the labor rights and protections of these important caregivers – especially provisions for fair compensation – can thus be very effective as a poverty-reduction strategy in our state.

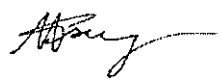
American families depend on over 2 million domestic workers today to take care of their most precious and vulnerable possessions -- their children, their parents, their sick family members, and their private homes. As baby boomers turn 65 -- one every 8 seconds -- by 2035 the U.S. will need 4 million domestic workers. If we are lucky enough to live a long life, we eventually all will need someone to care for us. We all gain in receiving the quality care we want if we also give those who deliver it the respect, dignity and fair pay that their important work deserves.... so they in turn can provide and care for their own families. This is a win-win situation.

The domestic workers movement has gone global, with the International Labor Organization's passage of Convention 189 on Decent Work for Domestic Workers, making decent working conditions a human right that has already been approved by 17 nations. In the United States now working with the NDWA are *46 organizations in 26 cities, throughout 18 states*, all working to build a grassroots movement with the objective to introduce Domestic Worker Bills of Rights in many more states throughout the nation.

I know Connecticut cares about all workers and I am honored to be part of the team here that is working to bring needed, positive changes, hopefully making Connecticut the fifth state in the U.S. to recognize domestic workers' need for standard labor protections. I'm confident that, as in so many other areas, Connecticut will do the right thing and once again set a standard for other states to follow.

Again, thank you so much for raising this important bill. All domestic workers are only seeking -- as I have myself in my own years of experience doing care work -- dignity, respect and protection from abuse. We are grateful for your continuing support of SB446, *an Act Concerning the Domestic Worker Bill of Rights Concept.*

Yours sincerely,



Natalicia Tracy
Executive Director

# CONNECTICUT AFL-CIO

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Testimony of the Connecticut AFL-CIO before the Labor and Public Employees Committee

February 17th, 2015

Senator Winfield, Representative Tercyak and members of the Labor and Public Employees Committee,

I am Lori Pelletier and I serve as the Executive Secretary- Treasurer of the Connecticut AFL-CIO. I am here to testify on behalf of the 900 affiliated local unions who represent 200,000 working men and women from every city and town in our great state as follows:

Proposed S.B. No. 446 AN ACT CONCERNING THE DEFINITION OF THE TERM "DOMESTIC WORKER". (LAB)

We support this proposed legislation. Attached is a resolution passed unanimously at our convention last year

We appreciate the committee holding this public hearing.

Respectfully,

Lori J. Pelletier

Executive Secretary- Treasurer, Connecticut AFL-CIO

#16

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RESOLUTION 6

**SUPPORT DOMESTIC WORKERS**

**WHEREAS,** a domestic worker is someone who works within their employer's household performing a variety of household services including care for children and elderly dependents to cleaning and household maintenance;

**WHEREAS,** there are over 52 million domestic workers in the world, 2.5 million in the US, and over 60,000 in CT;

**WHEREAS,** domestic workers have historically been viewed as outside the traditional workforce, largely because most are women, often immigrants, doing the work most often done by housewives and servants at home;

**WHEREAS,** due to the nature of domestic work, these workers are isolated from the rest of the workforce and subjected to round-the-clock physically demanding labor, often with little or no clear separation between work and personal time;

**WHEREAS,** this is an unregulated industry that was intentionally excluded from coverage by federal labor laws, including the Fair Labor Standards Act, National Labor Relations Act, Family Medical Leave Act, and the Occupational Safety and Health Act;

**WHEREAS,** domestic workers are among the most vulnerable to abuse and mistreatment of all workers, since their workplaces typically are not subject to any laws regulating job safety, wage and hour standards, or protections against discrimination, including sexual harassment;

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**WHEREAS,** domestic worker legislation is designed to protect domestic workers' basic workplace rights and is also good for employers and their families and for the state and its workforce;

**WHEREAS,** in 2014, there was introduced in the Labor Committee HB 5527 AAC Domestic Workers Bill of Rights, that would amend Connecticut state labor law to guarantee basic work standards and protections including 24 hours off per 7-day calendar week; meal and rest breaks; limited vacation and sick days; parental leave; protection from discrimination, sexual harassment, illegal charges for food and lodging, and eviction without notice; unemployment benefits; notice of termination; and a means of enforcing these standards;

**WHEREAS,** in 2014, the Labor Committee, while moved by the testimony of several Connecticut domestic workers, passed a bill which then went on to pass overwhelmingly in both the House and Senate, creating a Task Force to study the needs of this community of workers and develop legislation for future years;

**WHEREAS,** New York enacted a Domestic Worker Bill of Rights in 2010; Hawaii passed theirs in June 2013; California's passed in September 2013, and Massachusetts has a bill that has passed their House and Senate and going to conference committee;

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**THEREFORE, LET IT BE RESOLVED** that the Connecticut AFL-CIO will actively support and work with its affiliates to ensure that this Task Force is developed and implemented as the legislation requires and results in serious recommendations for state labor law reform that will protect domestic workers at work;

**THEREFORE, LET IT BE FURTHER RESOLVED** that when the Task Force completes its work in October of 2015, the Connecticut AFL-CIO will actively support its legislative recommendations.

Submitted by: UAW Region 9A CAP Council

Convention Action: APPROVE REJECT

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2-17-2015

**Testimony of Stacey Zimmerman SEIU CT State Council**

**Support**

**SB 446 An Act Concerning the Definition of the Term "Domestic Worker"**

**HB 5858 An Act Providing Funding to the CT Retirement Security Board**

Chairman Tercyak and Winfield distinguished members of the Labor and Public Employees Committee, thank you for the opportunity to testify here today. My name is Stacey Zimmerman; I am here today representing the Service Employees International Union Connecticut State Council the state's largest labor union with over 65,000 members.

**SEIU strongly supports SB 446 An Act Concerning the Definition of the Term "Domestic Worker".** SEIU supported the passage of Special Act 14-17 last year which created a task force to study the issues faced by CT's domestic workforce and how to modernize and refresh our labor laws to recognize the vital work provided in a "domestic' setting.

Due to the unregulated nature of this work there is no official number of these workers but estimates are that 2.5 million people in this country would fall under the "domestic worker" category with potentially 60,000 in CT the vast majority being women.

This is an unregulated industry that was intentionally excluded from coverage by federal labor laws, including the Fair Labor Standards Act, National Labor Relations Act, Family Medical Leave Act, and the Occupational Safety and Health Act. This is the industry that time forgot; sadly in 2015 the labor law governing this industry is based on 19th century values and ethics. We can and must bring this hidden workforce out of the shadows and into the modern age that values a fair days pay for a fair days work.

We have the opportunity to protect domestic workers' basic workplace rights, including safe and healthy working conditions, meal and rest breaks, unemployment benefits, sick time to care for themselves and their families, and freedom from discrimination and sexual harassment..

SEIU is a strong supporter of modernizing our laws to reflect the work the people do and giving them the dignity they deserve.

**SEIU strongly supports HB 5858 An Act Providing Funding to the CT Retirement Security Board.** Although this bill will not be a panacea for the looming retirement security crisis it is a huge step forward in renewing the social contract that was begun with the implementation of Social Security and the establishment by labor organizations and corporations to offer defined benefit pensions.

Sadly the social compact that was established from the WWII era is quickly eroding if not gone already. The time of working hard and knowing your retirement security was assured is over. Corporate America and large financial institutions have made a switch to unsecured 401k style retirement plans or nothing

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Connecticut General Assembly

Permanent Commission on the Status of Women

*The State's leading force for women's equality*

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**Testimony of**
**Carolyn Treiss, Executive Director**
**The Permanent Commission on the Status of Women**
**Before the**
**Labor and Public Employees Committee**
**February 17, 2015**

Senators Winfield and Hwang, Representatives Tercyak and Rutigliano, and distinguished members of the Labor Committee, my name is Carolyn Treiss and I am the Executive Director of Connecticut's Permanent Commission on the Status of Women (PCSW). As a non-partisan arm of the General Assembly, the PCSW monitors, critiques and recommends changes to legislation to inform public policy, and assesses programs and practices in State agencies for their effect on the state's women. Thank you for this opportunity to provide testimony today on several bills of interest to the PCSW.

**Proposed S.B. No. 446 AN ACT CONCERNING THE DEFINITION OF THE TERM "DOMESTIC WORKER"**

Acknowledging that Connecticut's current statutory landscape does not adequately protect the rights of domestic workers in Connecticut, in the 2014 Legislative Session the General Assembly passed Special Act 14-17, which created a Task Force on Domestic Workers to study issues involving domestic workers and to make recommendations for legislative initiatives to address the issues identified. The PCSW is honored to have a seat at that table, as domestic workers, a female-dominated profession, have historically received wages well below the poverty line and continue to be excluded from some of the most fundamental labor protections other workers in Connecticut enjoy.

The Task Force is currently exploring the definition of *domestic worker* and has not yet reached a consensus. The PCSW believes that last year's bill, H.B. 5527, as originally raised in committee, offers a good starting place for discussions on the definition and on the rights that should be afforded domestic workers. H.B. 5527 identified the following key criteria in the definition of domestic worker:

- The individual is paid by the owner of a private dwelling, to perform work in that dwelling, maintaining the home itself or caring for the young, disabled, ill or elderly inhabitants of that dwelling;
- Domestic worker does not include a babysitter whose work is irregular, intermittent or of a casual nature;
- Domestic worker does not include personal care attendants providing services under to state-funded programs.

#1

It may be advisable to add a clarification that a domestic worker may live in the private dwelling in which she works or may maintain a residence outside of the private dwelling. Another consideration is whether the domestic worker is employed by an agency or directly by the owner of the private dwelling and whether that distinction is a meaningful one in terms of necessary protections.

In terms of protections, H.B. 5527 offered domestic workers coverage under state minimum wage and overtime laws, paid time off, protection for on-the-job injuries, protection from harassment and discrimination, privacy protections and industry-specific workplace protections. The PCSW would recommend additional protections against human trafficking, as recommended by some members of the Trafficking in Persons Council. Since domestic workers are primarily immigrant women, service in private homes is a prime area for human trafficking. In 2013, the International Institute of Connecticut served 54 human trafficking clients, and 11 of those were in domestic labor trafficking situations (10 female and 1 male);[1] and in 2012, the National Human Trafficking Resource Center identified 14 potential human trafficking matters in Connecticut, including two domestic worker cases.[2] Additional monitoring and surveillance by governmental entities will increase the detection and prevention of human trafficking.

PCSW again thanks the committee for including our voice on the Task Force and looks forward to our continuing discussions on this issue so critical to so many women working without protections in vulnerable work situations.

## Proposed S.B. No. 428 AN ACT PROTECTING INTERNS FROM WORKPLACE HARASSMENT AND DISCRIMINATION

The PCSW thanks this bill's sponsors as well as the committee for understanding the need to close this gaping loophole in workplace harassment and discrimination law. It may come as a surprise to some that unpaid interns who experience sexual harassment or discrimination in the workplace have no recourse under federal or state law, as they do not fall within the definition of "employee." A select few states, including Oregon and Illinois, as well as New York City and Washington, D.C., have made changes to their laws to provide protections to unpaid interns and the Texas legislature is currently considering such a proposal.

Unpaid interns, by virtue of their very status, are in particularly vulnerable positions with regard to sexual harassment and discrimination. The power differential between an intern and supervisor is significant – interns are trying to build a reputation, make a positive impression and leave the internship with a good reference for future employment opportunities – all of which can be exploited by unscrupulous supervisors wishing to take advantage of the situation. Without protection against retaliation for making a complaint, interns' voices are effectively silenced while discrimination against – and harassment of – interns can go unchecked in the workplace.

The PCSW urges the committee's support for this proposal and would respectfully welcome the opportunity to work with the committee on drafting the specifics of the language.

## Proposed H.B. No. 5848 AN ACT CONCERNING WOMEN RE-ENTERING THE WORKFORCE.

This bill would create a workforce re-entry program, administered by the Department of Labor, aimed specifically at women returning to work after absences from the workforce. It would provide technical training, interview skills and other training appropriate for women returning to work. The PCSW applauds the bill's

[1] International Institute of Connecticut (March 4, 2014).
[2] National Human Trafficking Resource Center (2012), Data Breakdown: Connecticut State Report.

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Is there objection? Is there objection? So ordered. [gavel]

Are there any announcements or introductions? Any announcements or introductions? Representative Baker? Okay, then. Will the Clerk please call Calendar No. 670.

CLERK:

Yes, Mr. Speaker, on Page 38, House Calendar 670, Favorable Report of the Joint Standing Committee on Labor and Public Employees, Senate Bill 446 AN ACT CONCERNING THE DEFINITION OF THE TERM DOMESTIC WORKER.

DEPUTY SPEAKER RYAN:

The distinguished Chair of the Labor and Public Employees Committee, Representative Tercyak of New Britain, sir, you have the floor.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER RYAN:

The question is acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate. Representative

Tercyak, you still have the floor.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. This is a relatively simple bill. Last year we talked about domestic workers and many people were concerned.

But as often happens when something comes up the first year, there's not enough knowledge to make decisions. We established the task force that has been meeting and, we've established the task force that has been meeting. A report is not due until October, but there is one oversight, one area of the law where domestic workers are not allowed that we would like to change, and people agree now.

This is something we can do now. We don't need to get a report later. We can give people their rights now on this. We will have a couple of amendments on it, which I'll ask to be called soon, and they will mean that domestic workers who are currently denied anti-discrimination or harassment rights in Connecticut will be given them like any other employee.

Mr. Speaker, with that, the Clerk has an amendment, LCO 8374. I would ask the Clerk to please call the amendment and I be granted leave of the

Chamber to summarize.

DEPUTY SPEAKER RYAN:

Will the Clerk please call LCO 8374, which has been designated Senate Amendment Schedule "A."

CLERK:

Senate Amendment Schedule "A," LCO 8374 as introduced by Senator Gomes, Senator Winfield, and Representative Tercyak.

DEPUTY SPEAKER RYAN:

The Representative seeks leave of the Chamber to summarize the amendment. Is there objection? Is there objection to summarization? Hearing none, Representative Tercyak, you may summarize the amendment.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. This amendment refers to the definition as part of the Human Rights and Opportunities Chapters of our General Statutes and it brackets out the exclusion of domestic workers, by, as it says in Section 9 on the last line of that section where it now says, in the domestic service of any person. We will remove that line. That is the entirety of LCO No. 8374 and I move adoption.

DEPUTY SPEAKER RYAN:

The question before the Chamber is adoption of Senate Amendment Schedule "A." Will you remark on the amendment? Will you remark on the amendment?

If not, I will try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER RYAN:

Opposed, nay? The ayes have it. The amendment is adopted. [gavel] Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. The Clerk has another amendment, LCO 8651. I'd ask the Clerk to please call that amendment, too, and that I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER RYAN:

Will the Clerk please call LCO 8651, which will be designated Senate Amendment Schedule "B."

CLERK:

Senate Amendment Schedule "B," LCO 8651 introduced by Senator Coleman and Senator Kissel.

DEPUTY SPEAKER RYAN:

The Representative again seeks leave of the Chamber to summarize the amendment. Is there

objection to summarization? Is there objection? Hearing none, Representative Tercyak you can again summarize this amendment.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. In this amendment we attempt to streamline some of the regulations and bring domestic workers into the possibilities allowed for other workers.

All the different sections named that includes the complaints and of review, dismissal, mediation. Another one's about discriminatory practices.

Another one is notice concerning compliance, discriminatory housing practices, sexual orientation discrimination and on and on in that vein.

While it's a very long amendment, it's necessary for a very simple fix of moving domestic workers under the protection of CHRO, and with that, sir, I would ask for acceptance of the amendment, adoption of the amendment.

DEPUTY SPEAKER RYAN:

The question before the Chamber is adoption of Senate Amendment Schedule "B." Will you remark on the amendment? Representative Rutigliano of the 123rd, sir, you have the floor.

REP. RUTIGLIANO (123rd):

Thank you, Mr. Speaker. Mr. Speaker, we are supportive of the amendment and urge adoption. Thank you.

DEPUTY SPEAKER RYAN:

Thank you, sir. Will you remark further on the amendment? Will you remark further on the amendment before us?

If not, I will try your minds. I will try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER RYAN:

Opposed, nay? The ayes have it. The amendment is adopted. [gavel] Representative Serra.

REP. SERRA (33rd):

Thank you, Mr. Speaker, a question to the proponent of the bill or the amendment.

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. SERRA (33rd):

Thank you, Mr. Speaker. Is it the intent of the legislation that the Connecticut domestic worker's definition includes au pairs in the U.S. under the

State Department's JI Vista Program, through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. I don't claim to be expert on the State Department's JI Visa Program, although I do understand that underneath it, au pairs are supposed to be students, are here for only one or two years on a cultural exchange program.

So while we weren't specifically including, planning to include them in this, this hasn't been discussed with the Department of Labor before and I wouldn't want to commit anybody to anything, but I do understand the difference between somebody making their career as a domestic worker and an au pair coming over to be a student and take care of, and help take care of household needs for somebody, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Representative Serra.

REP. SERRA (33rd):

Through you, Mr. Speaker, I thank the Representative for his answer. Thank you.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Representative Rutigliano of the 123rd, sir, you have the floor again.

REP. RUTIGLIANO (123rd):

Thank you, Mr. Speaker. Mr. Speaker, this bill was not without controversy. The issue was that there was an active task force that is looking into the definition of a domestic worker and working out some of the issues.

But what should not be controversial is the basic human right of being protective from harassment in the workplace. So this bill, which allows the task force to continue and finish its work by October in the meantime protects these workers from harassment and allows them to go in front of the Commission on Human Rights, and we are very supportive of the bill, Mr. Speaker, and we urge acceptance and adoption. Thank you, sir.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Will you remark further on the bill before us? Representative Smith of the 108th, sir, you have the floor.

REP. SMITH (108th):

Thank you, Mr. Speaker, good evening to you, sir.

I agree with the Ranking Member in the sense that anybody in the workforce should be free of discrimination, should be free of harassment of any sort.

So from that standpoint the underlying bill as amended can be looked upon very favorably to provide protection for these domestic workers.

The trouble I have with the bill is, I'm not sure who a domestic worker is. Now I know we had a task force and the task force as the good Chairman from Labor indicated is in the process of being concluded, but there's still some time to go on that.

And my understanding, and I'll ask the Chairman from Labor is that the purpose of the task force was to define what a domestic worker is, and if the good Chairman could just respond whether I'm accurate with that assessment or not, through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker, that was certainly a large part of what we were going to do but we had always hoped to be looking at not just how we define the domestic worker but how we bring them under

normal workers' rules for everybody else and treat them like they are workers, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

And through you, Mr. Speaker, do we have yet a definition of a domestic worker?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker, no we do not. What we are doing is eliminating the phrase, or in the domestic service of any person and then other places where that applies.

There is no definition from us or in the statutes of what a domestic worker is, through you, Mr. Speaker, thank you.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

I thank the Chairman for his answers. My question then is, who would be covered under this act as amended, through you?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

The undefined domestic workers, sir, through you.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

And who would be a domestic worker, through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

A domestic worker would be, once this bill passes, would be an employee. That means any person employed by an employer except for those excluded, or employed by such individual's parent, spouse or child. Domestic workers work in and around people's homes and are their employees. Thank you very much, sir, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker, and through you to the Chairman, would a babysitter be considered a domestic worker under the terms of this bill as amended,

through you?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. A casual babysitter would certainly not be covered under this, either this bill or our working definition of the term domestic worker and other casual workers about the home would also not be called domestic workers, should whatever work they're doing, whether it be babysitting or yard work or keeping up the house be of not a full-time, permanent nature.

If somebody's a babysitter and something else then they're not also a domestic worker. If somebody works for many employees at doing yard work they're not a domestic worker for any one of those individuals, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

And I thank the Chairman to help clarify the question of who is and who is not domestic worker. And the term, one who is a casual worker at the home is not to be considered a domestic worker.

And I'm just trying to get to the point as what level do we reach when we get beyond casual where he or she becomes a domestic worker, through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Tercyak, do you understand the question?

REP. TERCYAK (26th):

No, I do not, sir, through you.

DEPUTY SPEAKER RYAN:

Representative Smith, could you just be a little clearer on what you're asking, please? Thanks.

REP. SMITH (108th):

Sure, be happy to, Mr. Speaker. So I thought I heard the Chairman say that one who was a casual worker around a house is not considered a domestic worker under the terms of this bill.

And I'm trying to understand, at what level does one become more than a casual worker such that he or she would be covered under this act, through you?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much. A casual worker is somebody

who does something occasionally, is my understanding of the term when used legally.

It is not for somebody who is full-time, often a resident in the place they are working, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

And I thank the Chairman again. So I'm just going to delve down, just so we make sure who this is covering and who is not.

So if I'm a gardener and I go to the good Chairman's home every weekend to garden and so I'm there every Thursday and Friday and that's the extent of my service, and I garden for other people as well. Would that type of work be considered a domestic servant under this particular bill as amended, through you?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Representative, again, could I ask the Chamber to quiet down so that the two people who are discussing the bill can hear each other? Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. Through you, the answer is no.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

And I thank the Chairman for that. So just to amp it up a little bit. So if I was the same gardener who was there four days a week, would that then be considered a domestic worker under the terms of this legislation, through you?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Through you, Mr. Speaker, the answer is no, but I'm hoping this line of questioning doesn't continue with too many more days of the week added, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

I heard no, but I wasn't sure of the rest of the response so we'll just level it up to six days of the week. I'm there, I'm gardening every single day. I

have other work that I do on the side as well. Would I then be considered a domestic worker under the terms of this bill, through you?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Through you, Mr. Speaker, the answer is no.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

Now what is the qualifying event, then, that would make me a domestic worker under the terms of this bill in my scenario, through you?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker, as in the rest of the statutes we do not yet define the qualifying event in that we do not yet define the domestic worker.

However, domestic workers are named as excluded from labor protections and we are taking that exclusion away so that they will be protected by the human rights organizations.

This bill does not address changing who is or who is not a domestic worker in any way. That stays the same. This bill has to do with the rights of domestic workers, through you, Mr. Speaker, please.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

Okay, thank you, Mr. Speaker, and thank the Chairman. So who is, then, a domestic worker, through you?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. Domestic workers after this bill will come under the definition of employee, a person employed by an employer, not including an individual employed by their own parent, spouse or child.

Anyone who works in a private home as a nanny, for instance, a nanny and cleaner or personal care attendant to the elderly, caretaker of home and family, those folks would come under domestic workers.

But again, I think it's important to mention, we are not at all addressing or changing or adding to the

definition of domestic workers. That is not part of this bill if I'm not a better expert on it, but it is not part of this bill, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

And I thank the Chairman for the help in trying to define who is and who is not a domestic worker. I thought I heard him say that a nanny would be considered a domestic worker, but I'm not positive if he said that, so I'll ask that question, through you, Mr. Speaker.

Would a nanny, someone living in the home taking care of the children, be considered a domestic worker, through you?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker; yes, under those conditions, a person working, a nanny working for a living as a nanny in a home is a domestic worker, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

And would a home care aide, somebody who comes into the home, takes care of grandma because she can't get to the store, buys her groceries, comes in three or four times a week, three or four hours a day.

Would that type of person be considered a domestic worker under the terms of this bill, through you?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Through you, Mr. Speaker, the answer is no. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

And would the answer be no because there's not a direct employee/employer relationship or is there another reason, through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

No, it would be because of the part-time and casual nature of coming in a couple, few hours a day,

a couple days of week, through you, Mr. Speaker.

Oh, actually, let me back up. Although it is possible for these definitions to, for these relationships to be better described, if for instance a home care agency is paying the worker then they are certainly not a domestic worker. They are already covered under employee bills and employee rights, through you, Mr. Speaker, thank you.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

I think I understood the answer. So if there was a third party who is paying the person going in and out of the home taking care of grandma, that would not apply as one who is a domestic worker, and because the worker was only there three to four times a week, which is more casual than permanent in nature, that person is not considered a domestic worker.

But one who perhaps is a live-in nanny is considered a domestic worker. Now if the person who is taking care of grandma stays over three or four times a week on an as-need basis, would that person then be considered under the terms of this bill, a domestic worker, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. Could I please ask the good Representative to repeat the question, through you, sir.

DEPUTY SPEAKER RYAN:

Once again, please, Representative Smith?

REP. SMITH (108th):

Absolutely, Mr. Speaker. So if we have someone who stays over the home on an as-needed basis, perhaps somebody's, the child is not home to take care of her mother, the daughter is not home to take care of her mother, the son is not home to take of the mother and a domestic worker or a person is in the home, stays there over night, and that's on an as-needed basis, not necessarily every night, but you know, when the need arises.

Perhaps the person works two or three times a week at nights and they need somebody in the home. In that scenario, would that be a domestic worker, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. I must apologize. This bill is to extend human rights to domestic workers. This bill is not to define domestic workers. We make no changes there.

This bill is not to define employees. We are not addressing the A/B/C test. This bill is simply and only to extend human rights to the people who are excluded by it in our General Statutes by having the word, by being labeled as not an employee because they are in the domestic service of any person. That's what we're addressing.

We are not dealing with the A/B test. We are not defining what an employee is. We are not defining what a domestic worker is. None of those things are being addressed in this bill.

We are extending human rights to a group of workers who are presently denied that opportunity under our General Statutes, only addressing human rights.

And I'm sorry that I'm not better able to answer other questions, but all we are doing is addressing human rights. We are not changing anything else, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker, and I'm just wondering how we extend rights to a group of people if we do not know who they are.

So if we cannot define who a domestic worker is, how in God's name are we extending rights under the Commission on Human Rights and Opportunities to a group to whom we don't know who they are?

As I stated when I started this conversation I'm very much in favor of giving rights to anyone in the workplace who should be free from discrimination, harassment, abuse of any sort, any nature. I don't care who they are.

But it seems to me that we're trying to define a group without a definition. We are trying to provide protections to a group without knowing who they are.

One of the reasons for the task force, Mr. Speaker, was to define who a domestic worker is and who is not. The various scenarios that I gave to the Chamber begs the question. We don't know who they are.

So if I'm a domestic worker and I feel I'm being

abused and I want to go before the Commission on Human Rights and Opportunities, how do I do that if I don't know if I'm covered?

If I'm an employee or an employer, how do I know what that person is able to exercise the rights under the Commission of Human Rights and Opportunities?

So while the Chairman may think the answers or questions I have proposed to him are smug and perhaps some other reason, I'm not sure. But what I'm trying to find out is who is, and who is not a domestic worker and I'm still waiting for the answer, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Tercyak. I believe the Representative would like to know who this bill is intended for by defining the term domestic worker that's in the title.

REP. TERCYAK (26th):

Thank you very much. In Section 1, Subdivision 9 of Section 46a-51 of the General Statutes, there is, it talks about an employee means any person employed by an employer, but shall not include any individual employed by such individual's parents, spouse or child.

Presently it includes, or in the domestic service of any person. We have adopted Senate Amendment "A," which will remove, or in the domestic service of any person.

We are not addressing any definitions here. We are not creating new definitions. The very way that the law was able to exclude people from human rights, this should be able to, this will change that and allow the same people who the law now knows they can exclude, to be included under basic human rights for any human being who is a worker and an employee.

So through you, Mr. Speaker, I will never be able to define domestic worker much better than that. It is not addressed, that definition is not addressed in this action. This action is not the final work of the task force. That remains to be done. It would be more reasonable to expect that in October when the final task force report is due. Thank you very much, Mr. Speaker, through you.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker. I think we're getting there. So if I understand the Chairman correctly, if

t here is an employee/employer relationship established for someone who happens to be working in the home, then that person under this bill if it passes, would be covered, or at least be allowed to pursue whatever claim they have under the CHRO. Is that a fair assessment, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. The questioner has me thoroughly confused. What I know is, there are about eight troubling words in Section 1, Subdivision 9 of Section 46a-51 of the General Statutes, which deals with human rights and opportunities.

It doesn't deal with anything else except for human rights and opportunities. It doesn't define this worker versus that worker.

We are extending the protections of Connecticut's human right laws to these workers. We know who they are because they are presently excluded by those eight words. There is no greater definition that is needed to exclude these people from human rights laws, and therefore, there is no greater definition that is needed to include them, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

All right, thank you, Mr. Speaker, and I thank the Chairman for the attempt in clarifying, so one would just have to establish that there is an employee/employer relationship in order to be covered under this bill. Is that a fair assessment, through you?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker. It took a while to get there, but I think we have reached the end of the circle. I appreciate the Chairman's responses. I say to the Chamber that again, everyone should be afforded the basic protections of decency, free from discrimination, harassment, abuse of any sort. I stand here all in favor of that.

I would have loved to know, under this bill,

which is part of a task force, who actually this applies to, but I guess if a domestic worker can establish that he or she is involved in an employer/employee relationship then he or she would be afforded the protections under this bill, and for that I am in favor.

I look forward, however, to the resolution of the task force so we can define really who is and who is not an employer and who is and who is not an employee.

So I'll continue to listen to others who may have concerns about the bill, and I thank you, Mr. Speaker, and the Chairman.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Representative Staneski of the 119th, ma'am, you have the floor.

REP. STANESKI (119th):

Good evening, Mr. Speaker, a few questions through you, to the proponent of the bill, please.

DEPUTY SPEAKER RYAN:

Please proceed, ma'am.

REP. STANESKI (119th):

Thank you. I guess I'm confused with the conversation that I just listened to because we don't define domestic worker, and I have two questions.

When this bill was drafted and the intent of the bill and the legislation is, actually I wonder if I can align my comments with the good colleague, Representative Smith with respect to nobody should be harassed, abused, and they should be able to work free of those things happening.

But prior to this bill being drafted, it was drafted because somebody's being excluded. So could the good Chair, please, through you, Mr. Speaker, elaborate on who was excluded, through you, Mr. Speaker, please?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. In Section 1, Subdivision 1 of Section 46a-51, which deals with human rights and opportunities, we have the lines, Section 9, about employee.

It ends with, the exception of who is, among people who are not employees is someone who is the domestic service of any person. There is, under this section 46a-51 of the general provisions of the Human Rights and Opportunities chapter, and this subsection is about definitions.

We define blind commission, commission legal counsel, commission of court discrimination, many things. We mention employee once in Section 9 and all we are doing in that definition is deleting the words, or in the domestic service of any person.

That is as good as a definition as the Connecticut General Statutes offer right now. I'm sorry if, through you, Mr. Speaker, that's the only definition we have. That is the only time we define employees under the definition section of the Human Rights and Opportunities chapters of our Connecticut General Statutes, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, sir. Representative Staneski.

REP. STANESKI (119th):

Thank you, Mr. Speaker, and I would just ask the indulgence of the Chair for one more moment, please, for another question or clarification.

So if I am one of these undefined domestic workers and I am harassed or feel that I've been abused, where do I go to file a complaint if I have not been defined?

I guess, I'm not a lawyer, so I'm asking about how do you get to, how do you get to where you get the

justice that you deserve under civil rights laws, thank you, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, sir. Unless we do this bill you have nowhere to go to, to complain that your human rights have been violated, nowhere.

Under the definition section of Section 507, I'm sorry of Section 1, Subdivision 9 of Section 46a-51 employee is defined. That is the only place that mentions domestic workers under our definition and the only mention is that they're in the domestic service of any person.

If we do not change that, then these people do not continue to live in a gray area. They live in a deep, dark hole. They have absolutely nowhere to turn to complain that their human rights are violated. They are specifically excluded in our General Statutes.

This is not new. These folks were excluded long, long, ago. We're trying to fix that now that we know about it. Thank you very much, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Staneski.

REP. STANESKI (119th):

Thank you, Mr. Speaker, and I appreciate the Chairman's animated response. I guess my concern as somebody who is not in the legal profession, and I appreciate that he's saying this bill will fix that.

I'm glad that the task force is continuing its work, but I know how, as a lay person you go to a lawyer and you have a complaint and then the lawyer opens up a book and they're looking for what they can do to help you.

And I just want to make sure that this does exactly what the good Chair is saying it does. So I'm going to trust him on his word, and I am supporting this and I hope that we will be able to narrowly define it with work of the task force.

Because I think that as we look at pieces of legislation that we're being told will result in justice being done for some members of our society that live here in Connecticut, we have to make sure we're doing the right thing, so thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Representative Miner

of the 66th, sir, you have the floor.

REP. MINER (66th):

Thank you, Mr. Speaker, good evening. I have a couple of questions if I might, through you to the proponent of the amendment, please?

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. MINER (66th):

Thank you, Mr. Speaker. So, Mr. Chairman, through the Speaker, does this change in status create a different overtime or vacation time or sick time status for these individuals, through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. This adds domestic workers as employees under our Human Rights and Opportunities Statutes. It is not changing anything under other statutes.

In the task force we continue to struggle with overtime versus not overtime. While we have the struggle, the federal government is discussing it also, and we are making no changes about anything

except to let the people who are called domestic workers in our statutes be able to appeal to the Human Rights Commission, the Commission on Human Rights and Opportunities, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Miner.

REP. MINER (66th):

And through you, Mr. Speaker, once this change takes place, the Governor signs the bill, it is effective, if an individual feels that they have in some way been treated inappropriately as our statutes are laid out, they would be as entitled as anyone else to, I would imagine, some investigation and some process that we in the Legislature would be able to request some facts on, to find out how often this might occur and to whom it might have occurred, through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Through you, Mr. Speaker, if I understood the question correctly, the answer is yes. This will make them eligible to complain to the Commission on Human Rights and Opportunities.

This will not change any of their practices about how often and it will not change the question about how often decisions are made one way or another. What were going to do is say that the always made decision now, that a domestic worker has to be turned away at the door when they try to find some place to complain. That is all we are trying to change here, sir, through you, Mr. Speaker, please.

DEPUTY SPEAKER RYAN:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker, and I thank the gentleman for his answer. Ladies and gentlemen, I remember, I think it was back maybe in March there were probably about five or six individuals that made an appointment to come and see me and expressed some concern that we hadn't been able to take action on the bill in the Labor Committee. At least there was some concern whether we would be able to get that full bill passed.

And as we had a conversation, began to talk about the issues that they were facing, it seemed to me that the most logical first step was to provide them the same protections that everybody else that I represent in the district that I serve would have, if they were

to make such a claim against an employer.

So if I understand the gentleman correctly, it's not a complaint about whether they're entitled to vacation time or sick time, whether they're entitled to different work hours.

If I understand the gentleman, these are very basic work rules that I think all of us, no matter what nationality you were of and where you may have come from, are entitled to, and that was kind of the basis that I started in terms of our conversation back earlier this spring.

Mr. Speaker, I rise to support the bill, and I understand it probably falls short of what some of the individuals were hoping to have happen, but I think this is the first step. I think it does provide us an opportunity to see how often this may occur, to whom it may occur, whether there is any patterns that we should be concerned about. I think all that information probably wasn't as robust as it could have been for the Committee, and I would hope that we would take that first step tonight. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Representative Srinivasan of the 31st, sir, you have the floor.

REP. SRINIVASAN (31st):

Good evening, Mr. Speaker. Mr. Speaker, human rights, I have been listening to this debate, and human rights is something that each and every one of us firmly believes in.

Human rights, Mr. Speaker, is not a luxury. Human rights is basic needs, is in my opinion, a birthright. So I'm a little bit confused as I listen to this debate that it is on the domestic. Are we defining a domestic worker or are we talking about human rights, so that is the part that I'm confused about.

I'm not here to question human rights. No question about that at all. I'm a firm believer in human rights, but where is this connected to a domestic worker is where I have difficulty in understanding, in spite of listening to this debate for this length of time.

Through you, Mr. Speaker, if the good Chair of Labor Committee can try to answer for me as to what is it in the domestic worker that we are looking for, or is this bill got nothing to do with the domestic worker and it addressing the issue of human rights in each and every one of us, through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Tercyak. I know you have probably answered this already, but could you be a little more specific here and help Representative Srinivasan understand this? Thank you.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker, I will give it my best. Domestic workers, however they may be defined in this, has nothing to do with the definition. We neither start a definition nor change a definition, nor cancel a definition.

All this does is, our law right now says they're not employees, they're not entitled to a single one, to appeal for a single one of their human rights being denied should it happen. You are. I am. I'm sorry, Mr. Speaker, through you, the good questioner is, and I am, they are not. They are not because in the General Statutes when we get to human rights, in the very beginning there are definitions. There is only one time workers are mentioned.

It says, employees mean any person employed on an on, and then exclusion, but shall not include any individual employed by such individual's parent, spouse or child, and here we go, or in the domestic

service of any person.

If we pass this bill, as we passed Senate Amendment "A," we will remove or in the domestic service of any person. And now, just like not one of us is described as an employee, there is no description of any kind of what makes somebody an employee in Section 9, in Subdivision 9. That will continue.

What will change is the exclusion. That's it. They don't' define Legislator, doctor, nurse or ball player. They also don't define domestic worker. However, we don't exclude doctor, nurse or ball player. The language is specific to exclude domestic worker.

We are trying to fix that and only that, and give those workers the same human rights that doctors and nurses and baseball players and every single other worker in America enjoys. Actually, every single other worker in Connecticut enjoys. We're not yet changing the rules for the whole nation, through you, Mr. Speaker. Thank you very much. I hope that that was sufficient, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Mr. Speaker, that was definitely sufficient and I now get that. What we are doing here is not defining a domestic worker but making sure that human rights that are a right for each and every one of us is extended, or shall we say as the good Chairman said, not excluded for a domestic worker. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Representative Shaban of the 135th, sir, you have the floor.

REP. SHABAN (135th):

Thank you, Mr. Speaker, if I may, a question through you?

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. SHABAN (135th):

Thank you, sir. I was kind of listening to the debate outside the Chamber because I wanted to make sure I'm understanding where we're going here.

If a domestic worker or someone who's working in your home, is not an employee under the tax statutes, would they still be defined as an employee pursuant to this bill should it pass, through you?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. I would have no idea. This bill does nothing to address that, through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Shaban.

REP. SHABAN (135th):

Well, I guess that's really a question then that we should answer, because if you're an employee under our CHRO standards, but you're not an employee under our tax standards, what is the quote, unquote, employer, supposed to do?

Are they supposed to file, can they issue a 1099, are they supposed to file a W-2? What happens when a domestic worker as a defined in this act becomes an employee, quote, unquote, under this act? What is the employer supposed to do vis-à-vis taxes, through you?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. Under the sections of the Human Rights and Opportunities

chapters that we are discussing, the definition of employer speaks not at all of taxes. That has nothing to do with this section, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Shaban.

REP. SHABAN (135th):

Well, thank you, Mr. Speaker. Well, it may have nothing to do with this section, but it certainly has to do law, public policy and the statutes of the State of Connecticut.

Because if someone is declared an employer, that triggers a whole host of statutory and common law obligations that may or may not come into play under this proposed bill.

So through you, Mr. Speaker, when there was a public hearing on this debate or whether there was any legal research or analysis presented on this bill, was there any consideration given to the bleed over, if you will, of declaring someone an employer for one person but unknowing whether they're an employer for another purpose, through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. There are many parts of this issue that remain undetermined that the task force hasn't decided yet.

One thing we have decided is that this chapter of the human rights laws should apply to every worker, even domestic workers. That's all this section talks about.

While we have had discussions about who is an employer and who is not, we have not, we are not here today trying to resolve any questions there may be about that.

Today, we are trying to extend human rights to domestic workers. We know who they are because it says domestic people in domestic service don't get them now. It mentions, it does not mention taxes. It does not mention time off or anything else. None of that is addressed in either the bill or in the Human Rights and Opportunities section, through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker. Well, if none of that was addressed or considered by the task force, I

suggest perhaps their work is yet to be completed, because you can't be half an employer. You can't be half an employer. You're either you're in or you're out.

That's bad public policy to say, all right, for this purpose you're an employer but for this purpose, you know what? We're not so sure. We're not so sure.

So what happens when the Department of Labor comes and says, you know what? If this is an employer under the CHRO statutes, we're going to impose overtime requirements, or you know, certain workplace safety standards, which may or may not be a good idea.

But what you're telling me is, we don't know under this bill. Am I accurate? There's no determination, through you, Mr. Speaker, there's no determination of whether or not this employer definition is going to bleed over to the wage and hour law, through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker, the good speaker was correct when he said our work is not yet done. We hope to finish in October as per the law

that we, this Body, passed last year.

We are aware our work is not done. What we are doing is only the part everybody could agree on. People thought that everybody deserves human rights. Nowhere in the section on human rights do we discuss taxes. Nowhere in the section on human rights do we discuss any other obligations an employer might have with an employee. To do that, we would have to discuss other bills where those things are dealt with.

This is no different than when we have addressed changes in rules for working. We don't, we address the part that we change. We don't also write new language for everything we are not.

At this time, what we are changing is the exclusion of domestic workers from our human rights laws. We are not dealing with anything else. There is no bleed over to anything else that we have been warned about or imagined, nothing about pay, overtime or those issues can be brought, are issues for the Human Rights and Opportunities Commission.

We are dealing with human rights and opportunities, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker. By human rights, I mean, it's, that's one of those 300 pound terms. We're talking about the CHRO statutes, the Commission on Human Rights and Opportunities, and I appreciate the gentleman focusing on that, which means yeah, any discrimination laws, that type of thing, sexual harassment and whatnot.

But in order for there to be a sexual harassment suit or investigation, there has to be an employer. In order for there to be a discriminatory practice or termination claim, there has to be an employer.

So if we're making a determination under our laws, under our statutes that these people are now employers, are you telling me for legislation intent that that definition as employer under the CHRO statutes has no bearing on whether or not they are employers under the wage and hour statutes, through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Through you, Mr. Speaker, this is nurse is not saying that. What I'm saying is, this bill refers to

human rights and human rights. For as long as there are no other mentions of those other concerns in the human rights section, we are dealing with human rights, and nothing with our legal folks.

We've had, there are two attorneys employed by the state at least, who participate in helping the task force. We haven't addressed that. We admit that that is yet to be done.

Nothing here is meant to address more than it means. We change what we have bracketed out, the exclusion. Thank you very much, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker, so under the CHRO statutes, the Commission on Human Rights and Opportunities, if there's an investigation made under the quote, unquote employer, and either the CHRI examiner releases the employee to pursue a lawsuit, a lawsuit against the quote, unquote employer, is it the intent of this, or for legislative intent at least, will that employee, at least under the CHRO standards also be allowed to bring other claims in court once being released by CHRO as an employee, through you,

Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. As we mentioned in Amendment "B," we are dealing with the Commission on Human Rights and Opportunities section. We are dealing with complaints, review, dismissal, mediation, findings, attempt to eliminate discriminatory practice, discrimination.

Another citation, 46a-82 you can find is discriminatory practice complaint filing. Another cited section is 48-86a notice concerning complaint, 46a-64c discriminatory housing practices are prohibited, 46a-81e sexual orientation discrimination is banned, including for housing, 46a-100 discriminatory practices. This does allow for a cause of action upon release from the Commission.

In 46a-44 we deal with complaint, certification, hearing, settlements, default, in 46a-89 we deal with petition for relief regarding discriminatory employment practice, discriminatory housing and public accommodation practices.

So sir, since not one word here has to do with

other kinds of complaints except for discrimination, I would say the answer is no.

DEPUTY SPEAKER RYAN:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker, and I appreciate the gentleman providing that answer, because frankly on the face of the bill, that is not obvious, and I think that is a huge, huge hole in the public policy statement and legal statement that this bill seeks to make.

Now unfortunately, when you get a legislative intent, which is always good to have, but when you get legislative intent, the only time you actually get to the legislative intent if there's a lawsuit and appeal and some lawyer or some litigant actually has the time, energy and resources to drill down on the legislative record to try and determine what this statute does.

So I suggest, I suggest that whatever this task force is going to continue to do, frankly, I think this bill is half cooked. I think it's half cooked, because the gentleman is right.

People shouldn't be discriminated against,

especially if they're working in someone's home. That's bad behavior. I think we're all against that, and if there's a technicality in the law that prevents them from being protected by the law, we should fix that.

But if we're gonna, if the fix is gonna create more of a problem, then we have to do some more work on the bill.

I think this bill again, is half cooked. I appreciate the gentleman giving the responses. I'm going to continue to listen to the debate but you know, as it's currently constructed, I'm not sure I could support this. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Representative Vargas of the 6th, sir, you have the floor.

REP. VARGAS (6th):

I'm an avid student of history and I had the opportunity to teach history and I think we have a fair idea of what a domestic employee is. And I certainly remember when our Chief Legal Counsel of the Aetna was being considered for Attorney General of the United States of America, that her nomination was deep sixed when it was discovered that she had a domestic

worker employed right here in the City of Hartford, our capitol city, who happened to be an undocumented worker.

And I think most of us who know a little bit about the history of Connecticut and our 13 colonies, know very well, what indentured servitude is or was, a precursor to the system of slavery.

So I think, first of all, I want to thank my colleagues from the other side of the aisle, Dr. Srinivasan and the other Legislators who have spoken on this issue who understands the narrow scope of this bill, which is language that I believe none of us would have supported when the CHRO statutes were first written.

That someone who is employed in the domestic service of someone else should be excluded from human and civil rights. None of us would have entertained such a notion.

Now we have a narrow bill recommended by a task force that is looking into this whole issue of domestic work that is recommending that we delete that passage from the statutes.

I appreciate the support from all those Legislators on the other side of the aisle that have

said they're going to support this bill, and I encourage my colleagues on the Democratic side of the aisle to support this bill.

And also, if in October, in the wisdom of this task force, other statutory rights are conferred on domestic employees, I think we should listen to those very carefully, too.

Because I believe that in this nation, this great nation of ours and in this state of ours, State of Connecticut, we believe everyone should have the ability if they feel discriminated, if they feel their human rights have been violated, to go before CHRO and make their case.

No group of individuals should be excluded. We're talking mostly about women here. We're talking mostly about women that make very little money and that work very, very hard, and we're talking about a very narrow scope, a very narrow bill, that seeks to confer what it should be universal rights, human rights.

So I hope it's a bipartisan bill and I hope we can all support this bill. Thank you, Madam, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Representative Perillo of the 113th, sir, you have the floor.

REP. PERILLO (113th):

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you for noticing, sir.

REP. PERILLO (113th):

If I may, through you, sir, a few questions to the proponent.

DEPUTY SPEAKER RYAN:

Proceed.

REP. PERILLO (113th):

Mr. Speaker, through you, I want to get an understanding of the full scope of who we are including in the list of individuals who may appear before CHRO and get some sort of satisfaction.

So I think in order to do that we need to understand the full scope of what an individual might go before CHRO to challenge, to bring forth.

If the gentleman could give me a brief, very brief, I don't intend to drag this out, listing of what those human rights issues are that an individual might bring before CHRO that might help me to better understand what individuals might be included within

this bill.

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. This bill with the adoption of Senate Amendment "B" deals with how, goes to the sections of how to file a complaint, of finding, or an attempt to eliminate discriminatory practices.

It deals with notice to employers concerning complaint, but for workers it's about discriminatory housing practices are prohibited, sexual orientation discriminated is not allowed, including in housing, discriminatory practices there is a cause of action now upon relief from Commission. None of these are new by the way.

We are just no longer excluding domestic workers from them. There is another section that's about complaint to a certification hearing, settlement or default and then the last section that is cited is the petition for relief regarding discrimination, discriminatory employment practices and also in that section is discrimination regarding housing or public accommodation practices. That's it, sir, through you.

DEPUTY SPEAKER RYAN:

Representative Perillo.

REP. PERILLO (113th):

Mr. Speaker, thank you very much. I was able to decipher most of that, and even though there aren't many people in the Chamber, I had a hard time hearing the gentleman. There's no need to ask folks to be quiet, but if the gentleman could just enunciate a little bit better in answers to my future questions, that would be helpful to me.

So I have a daughter. She is one year and four months old. From time to time my wife and I are able to get out, perhaps go to dinner. Obviously we need a babysitter for that, you know.

She's a lovely girl. Her name is Emily. She's a high school student entering her senior year. Would we be able, let me rephrase. If Emily complained about the cleanliness of our house and we chose not to hire her going forward because of that, would she be able to lodge a CHRO complaint, through you, sir?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. The changes we

are making today would not give Emily any more rights to get through the door to file a complaint. Discrimination, everything I read, housing, discrimination on sexual orientation, discriminatory practices, complaints, hearings, settlements, petition for relief about discriminatory employment practices, nowhere does it mention cleanliness of the house the person works in.

So the answer, sir, would be no.

DEPUTY SPEAKER RYAN:

Representative Perillo.

REP. PERILLO (113th):

Thank you, Mr. Speaker. But the gentleman didn't answer my question. The question wasn't about cleanliness. The question was about the complaint.

Would I be able to no longer hire Emily if she complaints to others that my house wasn't clean, and if so, would Emily be able to file a complaint with CHRO. That was the question, through you, sir.

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. This adding domestic workers or removing their exclusion does not

change the casual employment status of babysitters or occasional housekeepers, through you, Mr. Speaker.

Through you, Mr. Speaker, then the answer is again, no. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Perillo.

REP. PERILLO (113th):

Thank you, Mr. Speaker. Could the gentleman clarify the difference between an occasional housekeeper and a domestic worker?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

[pause]

REP. TERCYAK (26th):

I hesitate to do it because I don't want to be creating a definition that does not exist in the law for domestic worker.

However, in our discussions in the task force and with attorneys and with others, a phrase frequently bandied out, bandied about is casual worker, for example, a babysitter, the person who mows the lawn

once or twice a week, people who are not, in fact, employed in somebody's household all the time, through you, Mr. Speaker, thank you.

DEPUTY SPEAKER RYAN:

Representative Perillo.

REP. PERILLO (113th):

Thank you, Mr. Speaker. So someone who worked in a household for 20 hours a week, would they be considered a domestic worker or a housekeeper?

DEPUTY SPEAKER RYAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. Sadly, this is one of those occasions where it depends. If they are working in the house 20 hours a week and were placed there by an employment agency that covers their unemployment taxes and similar things like that then yes, they're a domestic worker, but they're not an employee of the homeowner. They would be the employee of the agency.

If they were placed there by one of those things that calls themselves a referral service, right now today it's questionable who's employee they are. The referral services says they're not the employer and

many of the people who they send the worker to five or 20 or 40 or 100 hours a week are unaware that they have any legal obligations that that person is, in fact, their employee.

So that's why I'm back to, it depends. Should they be paid by the homeowner and living in, then they would come under the definition of domestic worker. I'm sorry that domestic worker is not better defined in the statutes, but we are not creating new law here in how to define them.

What we have here is a strike-all amendment about a bill that once was meant to define a domestic worker. It is a strike-all amendment and no longer attempting to define domestic worker.

Now, we are trying to remove the exclusion for domestic workers from our employment laws. Thank you, Mr. Speaker, through you.

DEPUTY SPEAKER RYAN:

Representative Perillo.

REP. PERILLO (113th):

Thank you, Mr. Speaker, the question was whether or not someone who works 20 hours a week cleaning a house would be a domestic worker and thus able to file a complaint with CHRO, or to be a casual worker i.e.,

a housekeeper and not able to file a complaint with CHRO. The question was not answered. Could the gentleman please try again to answer it?

DEPUTY SPEAKER RYAN:

Representative Tercyak, please.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. The answer remains the same as it is in statute today. We are not addressing that at all or trying to change it in this bill. Thank you, sir.

DEPUTY SPEAKER RYAN:

Representative Perillo.

REP. PERILLO (113th):

Thank you, Mr. Speaker. If I have someone in my house who cleans two, three days a week, by the way, I do not, I clean, my wife cleans.

Were I to pay someone to do that, I would like to know whether or not that individual could file a CHRO complaint? Today's questioning for myself and from everybody else who asked questions, has not answered that question.

So I'm not going to belabor this. I'm not going to ask the question again. I'm not going to ask for a clearer answer. And in fact, I'm going to support the

bill.

But we ought to know what we're doing and I don't think we know what we're doing with the language that is before us. I hope it helps people. I hope it gives people rights. I hope it secures their human rights, but I don't know if it does because it's not clear in the bill, and the questions can't be answered.

So I'm going to vote yes, and I hope it does with the intention it is to do. Thank you, sir.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Representative Buck-Taylor of the 67th, ma'am, you have the floor.

REP. BUCK-TAYLOR (67th):

Mr. Speaker, I know that this has been a difficult topic as trying to nail down what we're talking about. I think everybody in this Chamber wants to make sure that everyone is protected as far as basic human rights are concerned.

The problem that I see with what we're presenting here is that we're asking for one definition of an employee under the Human Rights Act and under the Wage Act, domestic workers are still excluded.

I decided to look under domestic service as a

definition so that I could get a better handle on this. Now, in the wage statute that excludes domestic workers it specifically says, except for any individual in domestic service employment as defined in the Fair Labor Standards Act.

So I decided that I would look at the Fair Labor Standards Act and the Fair Labor Standards Act includes companions, babysitters, cooks, waiters, maids, housekeepers, nannies, nurses, caretakers, handymen, gardeners, home health aides, personal care aides and family chauffeurs.

Now, we have heard a lot of conversation tonight about how domestic worker doesn't include the babysitter and domestic worker doesn't include any of a number of these categories, so I think that there's a fair confusion as to once you take domestic worker out of the statute, you're not putting in there that it doesn't include babysitters of a certain period of time, or it doesn't include somebody who cleans your house once every couple of weeks.

The domestic worker, because it wasn't defined to begin with, now is leaving a very big loophole under the Human Rights Act as far as are babysitters included? Under the Federal Labor Act they are.

Are people who come in occasionally to clean your house included? Well, according to the Federal Labor Act they are, but according to what we were hearing tonight they aren't.

I think that this bill is a very good attempt at doing something very, very good but it's confusing as to who is covered under it now. It's also confusing to employers who are going to have someone who is defined as an employee under the Human Rights Act, but probably isn't defined as an employee under the Minimum Wage Act.

So I applaud the efforts for everyone. I think this is a wonderful thing that we're working towards, but I think that for laws to be effective they have to be clear, and I do not believe that this law as presented is clear, so thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Representative Carter of the 2nd District, sir, you have the floor.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. I know we've gone on a long time at this, so I'm hoping I'm one of the last ones.

You know, I'm raising up in support of this. As

we've gone through this, I think the real problem and why it's been so cloudy is, it's almost like a back door approach as we're trying to do this.

Right now if you look at the statute, you look at the Human Rights statute, people are covered. It's not, we're a state like Connecticut, we're not not giving people human rights. I think that's number one that's important.

To call this all about human rights isn't exactly true, because under the provisions of anybody who's a person is covered.

But what this is, this is an opportunity to clearly define what those domestic workers are, and that's really nothing more than that.

And it's important that we look at this. This was at a time when they were excluded when people like that were part of our family, and I think what's happened is, the times have changed over the years. Now we have people coming into our homes working for agencies. We have people coming from all over the place, and I think we're doing a very good thing by attempting to clarify it. I just think as we've gone about it, maybe we haven't done it the right way.

I'm going to support this. I hope the task force

is successful. Thank you.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Will you remark further on the bill as amended? Will you remark further on the bill as amended?

If not, will staff and guests come to the Well of the House. Will the members please take your seats. The machine will be opened.

CLERK:

[bell ringing] The House of Representatives is voting by roll. The House of Representatives is voting by roll. Will members please report to the Chamber immediately.

[pause]

DEPUTY SPEAKER RYAN:

Have all members voted? Have all members voted? Will the members please check the board to see if their vote is properly cast.

If all members have voted, the machine will be locked. The Clerk will take a tally. Will the Clerk please announce the tally.

CLERK:

Senate Bill 446, as amended by Senate "A" and "B" in concurrence with the Senate

| | |
|---|---|
| Total Number Voting | 144 |
| Necessary for Passage | 73 |
| Those voting Yea | 130 |
| Those voting Nay | 14 |
| Absent and not voting | 7 |

DEPUTY SPEAKER RYAN:

The bill, as amended, passes in concurrence with the Senate. [gavel] Will the Clerk please call Calendar No. 316.

CLERK:

On Page 44, Calendar 316, Favorable Report of the Joint Standing Committee on General Law, Substitute House Bill 5286 AN ACT PROHIBITING THE IMPORT AND SALE OF COSMETICS THAT CONTAIN MICROBEADS.

DEPUTY SPEAKER RYAN:

The distinguished Chair of the Environment Committee, Representative Albis from the 99th District, sir, you have the floor.

REP. ALBIS (99th):

Thank you, Mr. Speaker, good evening.

DEPUTY SPEAKER RYAN:

Good evening.

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Sorry. Mr. Clerk, will you call the next amendment - I mean the next bill.

CLERK:

Page 3, Calendar No. 202, Senate Bill No. 446 -

THE CHAIR:

Sorry - sorry, Mr. Clerk. Senator Duff.

SENATOR DUFF:

Thank you.

THE CHAIR:

Why do you stand, sir?

SENATOR DUFF:

I'm not standing. Continue on, please.

THE CHAIR:

You are standing. You were standing. You aren't standing. Okay, I give up. I guess, Mr. Clerk, I was incorrect. The Majority Leader was not standing, so would you continue with the bill that you called?

CLERK:

I'll start this again. Page 3, Calendar No. 202, Senate Bill No. 446, AN ACT CONCERNING THE DEFINITION OF THE TERM "DOMESTIC WORKER," Favorable Report from the Committee on Labor.

THE CHAIR:

Senator Gomes. Good evening again, sir. [pause] Senator Gomes.

SENATOR GOMES:

Good evening, Madam President.

THE CHAIR:

Good evening again, sir.

SENATOR GOMES:

I move the - hold on a minute. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

Motion's on acceptance and passage. Will you remark, sir?

SENATOR GOMES:

Yes. Madam President, we have a - LCO 8374. Would the Clerk please read it?

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8374 will be designated as Senate Schedule "A."

THE CHAIR:

Senator Gomes.

SENATOR GOMES:

I move adoption of the amendment.

THE CHAIR:

Motion's on adoption, sir. Will you remark further?

SENATOR GOMES:

Madam President, this amendment becomes the bill, I imagine. And what we're lookin' for is just a certain amount of recognition from the legislature here to determine what is a domestic worker.

This bill says a definement of what is a domestic worker and domestic workers are nannies, childcare providers, homecare providers to seniors or to people with disabilities, sometimes also called companion and providers - companionship providers, housecleaners, or housekeepers. They work in a private home whether they are directly hired or by an agency.

And the reason why I'm seekin' to do this and [ ] determine what a a domestic worker is, that was a shortest example what they are. But I'm going to - I'm gonna yield to - I'm gonna yield to Senator Coleman at this moment.

THE CHAIR:

Thank you. Senator Coleman, will you accept the yield, sir?

SENATOR COLEMAN:

Yes, Madam President. I'd be pleased to accept the yield.

THE CHAIR:

Please proceed then, sir.

SENATOR COLEMAN:

Thank you. Can we stand at ease momentarily?

THE CHAIR:

The Senate will stand at ease for a moment.

(Chamber at ease.)

THE CHAIR:

The Senate will come back to order. Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. I apologize for the confusion.

THE CHAIR:

Not a problem, sir.

SENATOR COLEMAN:

Is Senate "A" on the floor?

THE CHAIR:

Yes, sir. Will you speak on Senate "A" first?

SENATOR COLEMAN:

If it has not been -

THE CHAIR:

Adopted. It has not been adopted at this point.

SENATOR COLEMAN:

If it not has been moved, I move adoption of Senate "A."

THE CHAIR:

Motion's on adoption. Will you remark, sir?

SENATOR COLEMAN:

Madam President, I will - it's a short amendment. I'll read it. It indicates "Strike everything after the enacting clause and substitute the following in lieu thereof: "Section 1, Subdivision (9) of Section 46a-51 of the general statutes is repealed. And the following is substituted in lieu thereof, effective January 1, 2016: 'Employee' means any person employed by an employer but still not include any individual employed by such individual's parents, spouse or child." It deletes out "or in the domestic service of any person."

The amendment, in effect, Madam President, modifies for purposes of the bill the definition of employer. I would urge adoption of the amendment.

THE CHAIR:

Will you remark on Senate "A?" Senator Hwang.

SENATOR HWANG:

Yes. Thank you, Madam President. If I may, I greatly appreciate the Chair of Labor's work in offering this amendment. And it reflects a collaboration of understanding that the original document was extensive in trying to create a definition of domestic workers. And I think, as evident from our dialogue back and forth, our concern was the fact that for us to offer a much more extensive definition, it would run against the good will or the good intention of the domestic workers' task force that was entrusted by this body to come up with a working definition and a real application of the plight and concerns of domestic workers' protection and coverage in our workplace.

But I think this definition moves it a little bit and offers a step forward. But at the same time, I would offer and put into legislative records that I would encourage moving forward, that we heed the feedback of the task force that should complete its work in October 2015. And from that be able to develop a much more comprehensive strategy, as well as public policy as it relates to domestic workers. Through you, Madam President, some questions to the proponent of the amendment.

THE CHAIR:

Will you - proceed, sir. Senator Coleman, prepare yourself. Please proceed, Senator Hwang.

SENATOR HWANG:

Thank you, Madam President. And for the quick initiation to this, Senator Coleman. Can you offer the definition and its applicability as relative to the Commission on Human Rights, CHRO, as it relates to this definition and protections under it? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Madam President, it's either my hearing or the acoustics. I did not hear the question clearly. I apologize for -

THE CHAIR:

Senator Hwang.

SENATOR COLEMAN:

- asking the gentleman to repeat the question.

THE CHAIR:

Not a problem. Senator Hwang, would you repeat? And I'd ask the Chamber to please curtail their conversations here. Senator Hwang.

SENATOR HWANG:

I will rephrase. Thank you, Madam President.

THE CHAIR:

Thank you.

SENATOR HWANG:

According to statute, what would the definition change to a employee be in this statute? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR HWANG:

As you know it from legal law.

SENATOR COLEMAN:

Thank you, Madam President. And as I would understand it, the definition is modified, so that essentially a relative could not be considered an employer. Or a person who is a relative performing domestic services for another person would not be included within the definition of employer for CHRO purposes. Through you, Madam President.

THE CHAIR:

Thank you. Senator Hwang.

SENATOR HWANG:

Through you, Madam President, it seems like we are still a work in progress on this definition. And for that, I will not belabor the discussion.

I will be voting no on this bill with the hope and the legislative initiative request to begin working forward and having a clear and defining value-added definition moving into the future. And I hope this body will agree with that. Through you, Madam President.

THE CHAIR:

Let me preface any other discussion. It is on Senate "A" only.

SENATOR HWANG:

Correct.

THE CHAIR:

Okay, not the bill. Will you remark on Senate "A?" Will anybody remark on Senate "A?" Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Madam President, I support Senate Amendment "A." I think that the change just to the bill reflecting of where it was going to where it is is a huge change. But I also think there's a huge impact.

You know, many of you have been in this Chamber and down the hallways over the last few days and the - you see the ladies who are now gathered in the gallery sort of like above our side over here who have been out there with signs and asking for support of this bill. And when you talk to them, they'll tell ya the reason why they need it is because when they go to work in houses, they get faced with sexual harassment. They get faced with wages of $2 an hour. They get faced with doing work in a manner and in a method, which most of us would find to be very undesirable and very distasteful.

And what this building is about, it's not about the lobbyists who come and corner you. It's about people. And it's about listening to their voices and making decisions being in their shoes. And when you listen, they do have a choice.

They don't need this bill. But then they need a lotta money to hire a lawyer to go defend their rights in court. Or we could give'm some protection, some ability to make a complaint on their own when that line is crossed, when their dignity is crushed, when their humility is broken. And that is this bill.

It's not askin' a lot. It's asking to give them every right that every other worker in this state has. A right to air a wrong without having to go deep in their wallet to do it.

So, Madam President, I thank the Committee for bringing it out. And I thank this Chamber for bringing it forward. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further on Senate "A?" Will you remark further? Senator Gomes, do you wanna remark on Senate "A", please.

SENATOR GOMES:

Madam President, at this time, I would like to yield to Senator Winfield for a few words.

THE CHAIR:

Senator Winfield. Will you accept the yield on Senate "A?" Senator Winfield.

SENATOR WINFIELD:

Yes. Thank you, Madam President. Very briefly. I think Senator Fasano did a great job of explaining. I would just simply say this. Historically, domestic workers have been carved out of protections that're offered under CHRO for employees. We're not redefining anything. We're simply saying that they will be considered employees and the protections that're offered under CHRO will now be afforded to domestic workers.

On the other issues, the task force will have the opportunity to complete its work and come back and give us suggestions. And hopefully, in the next Session, we will move forward with those suggestions. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. Madam President, I rise simply to ask for a roll call vote on the amendment.

THE CHAIR:

A roll call vote will be taken. Will you remark further? Will you remark further? If not, Mr. Clerk, will you call for a roll call vote on Senate "A?" The machine is open.

CLERK:

An immediate roll call vote has been ordered in the Senate. An immediate roll call vote has been ordered in the Senate.

[pause]

CLERK:

An immediate roll call vote has been ordered in the Senate. An immediate roll call vote has been ordered in the Senate.

[pause]

THE CHAIR:

If all members have voted, all members voted, the machine will be closed. Mr. Clerk, will you call the tally.

CLERK:

Senate Amendment "A," LCO No. 8374

| | |
|---|---|
| Total Number Voting | 35 |
| Necessary for Adoption | 18 |
| Those voting Yea | 32 |
| Those voting Nay | 3 |
| Absent/not voting | 1 |

THE CHAIR:

The amendment passes. [gavel] Will you remark further on the bill? Will you remark further on the bill? Senator - I'm sorry? Senator Duff.

SENATOR DUFF:

Thank you, Madam President. Madam President, I'd like to mark this item PT and I do mean T and move on to the next bill, please.

THE CHAIR:

Thank you, sir. Mr. Clerk. Page 37.

CLERK:

Page 37, Calendar No. 409, Senate Bill No. 796, AN ACT CONCERNING LENGTHY SENTENCES FOR CRIMES COMMITTED BY A CHILD OR YOUTH AND THE SENTENCING OF A CHILD OR YOUTH CONVICTED OF CERTAIN FELONY OFFENSES, as amended by Senate Amendment Schedule "A," LCO 6400, and House

call for a roll call vote on the bill and the machine is open.

CLERK:

An immediate roll call vote has been ordered in the Senate. An immediate roll call vote has been ordered in the Senate.

[pause]

THE CHAIR:

Have all members have voted, all members voted, the machine will be closed. Mr. Clerk, will you call the tally,, please.

CLERK:

Senate Bill 796

| | |
|---|---|
| Total Number Voting | 35 |
| Necessary for Passage | 18 |
| Those voting Yea | 32 |
| Those voting Nay | 3 |
| Absent/not voting | 1 |

THE CHAIR:

[gavel] The bill is passed. Senator Duff.

SENATOR DUFF:

Thank you, Madam President. Madam President, if we could return to the item I had marked PT and ask Senator Gomes to finish what he was doing with the bill. Thanks.

SB 446

SENATOR GOMES:

Thank you, Madam President. For purposes of an amendment, I yield to Senator Coleman.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. And yes, I do accept the yield from Senator Gomes.

THE CHAIR:

Thank you, sir.

SENATOR COLEMAN:

Hopefully now, Madam President, the Clerk should be in possession of LCO 8651. I'd ask that the Clerk please call that amendment.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8651 will be designated as Senate Schedule "B."

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Madam President, I move adoption of the amendment.

THE CHAIR:

Motion's on adoption. Will you remark, sir?

SENATOR COLEMAN:

First, Madam President, let me say I appreciate the collaboration of Senator Kissel in working out these issues - Senator Kissel and others, particularly members of the Judiciary Committee. This amendment incorporates one of the bills that was on the agenda of the Judiciary Committee during the Committee process. It was not reached, unfortunately, but there are some good things that the amendment seeks to

accomplish with respect to the Commission on Human Rights and Opportunities.

Based on my review, it is almost an entirely technical amendment. It accomplishes some clarifications and some rephrasings of terminology, some updating of terminology. It accommodates some new procedures. For example, it talks about a pre-answer conciliation process. And that is new to the Commission on Human Rights and Opportunities procedure.

Additionally, the amendment renames some other procedures, specifically the merit assessment review process. Under this amendment, it becomes the case assessment review process. Some of the timeframes and timelines within the process are shortened in a manner, which is thought to benefit both complainants and respondents in having their controversy decided in a more timely and more efficient manner. In some places, the amendment authorizes the Commission's Legal Counsel to act in places where the Executive Director or the Executive Director's designee had been authorized to act.

In the short of it, Madam President, in my view, the amendment is a view that will make the process - or make the procedure and the process at the Commission on Human Rights and Opportunities more effective and more timely for the benefit of respondents and complainants. So I would urge my colleagues to adopt the amendment. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President. I will be mercifully brief on this. I commend -

THE CHAIR:

Thank you.

SENATOR KISSEL:

- Senator Coleman for working so diligently on this and resurrecting this as an amendment from one of the bills that failed on the last day of the Judiciary Committee. Some of the more nettlesome parts of the underlying bill have been taken out, such as utilizing email or fax to initiate a complaint thereby reverting to more traditional forms followed in the Superior Court, such as in-hand service or first class mail.

It also - a couple of the provisions regarding the legal counsel for the CHRO to unilaterally reverse a decision of a hearing officer or unilaterally reopen a case that has already been settled. And for those reasons, I think it's the best work product that we could come up with and I highly recommend adopting this amendment. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further on the amendment? Will you - not? If not, I will try your minds. All in favor of Senate "B," please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "B" is adopted. Will you remark further on the bill? Will you remark further on the bill? If not, Senator Coleman.

SENATOR COLEMAN:

Madam President, it's not my bill. It is my amendment. But if there are no further remarks to be made, if there's no objection, I'd ask that the item be placed on the Consent Calendar.

THE CHAIR:

Oh, there is an objection.

SENATOR COLEMAN:

Thank you, Madam President.

THE CHAIR:

We will call - well, Senator Fasano, did you wanna speak on the bill? No? Thank you. We will - Mr. Clerk, will you call for a roll call vote on the bill. The machine will be opened.

CLERK:

An immediate roll call vote has been ordered in the Senate. An immediate roll call vote has been ordered in the Senate.

[pause]

THE CHAIR:

All members have voted, if all members voted, the machine will be closed. Mr. Clerk, will you please call a tally.

CLERK:

Senate Bill 446

| | |
|---|---|
| Total Number Voting | 36 |
| Necessary for Passage | 19 |
| Those voting Yea | 33 |
| Those voting Nay | 3 |
| Absent/not voting | 0 |

THE CHAIR:

The bill passes. [gavel] Mr. Clerk.

CLERK:

Page 12, Calendar No. 491, Substitute for Senate Bill No. 795, AN ACT CONCERNING A TWO-GENERATIONAL SCHOOL READINESS AND WORKFORCE DEVELOPMENT PILOT PROGRAM, Favorable Report from the Committee on Human Services.

THE CHAIR:

Good evening, Senator Moore.