



# Report on Outreach Efforts for Domestic Workers Legislation

December 30, 2010



## **Report to the Governor, the Temporary President of the Senate and the Speaker of the Assembly on Outreach to Domestic Workers and their Employers**

### **1. LEGISLATIVE CHARGE**

On August 31, 2010, Governor David A. Paterson signed A. 1470B (Wright)/ S. 2311-E (Savino), a law extending labor protections to domestic workers. This law, also known as the "Domestic Workers Bill of Rights," went into effect on November 29, 2010.

Section 10 of the Domestic Workers Bill of Rights law requires the Commissioner of Labor to report to the Governor, the Speaker of the Assembly, and the Temporary President of the Senate, with the assistance of an interagency working group, on how best to provide easily-accessible educational and informational material on employment benefits, tax, and insurance laws for domestic employers and workers. The legislation provided for participation of applicable state agencies including but not limited to the Workers' Compensation Board and the Departments of Insurance, Health and Economic Development.

In accordance with this charge, the Commissioner of Labor convened a meeting on September 27, 2010 of an inter-agency working group. The following New York state agencies were represented: the Department of Labor (DOL), Department of Insurance, Department of Health, Empire State Development Corporation, Division of Human Rights, the State Insurance Fund, and the Department of Taxation and Finance. In addition, on October 19, 2010, the Commissioner of Labor convened a second meeting with advocacy groups, community-based organizations (CBOs), employee and employer representatives and state agencies so that DOL and other state agencies could hear the perspectives of these stakeholders regarding the best vehicles for outreach to this isolated group of workers.

At both meetings, participants discussed key messages for the two main target audiences: domestic workers and their employers. Participants also discussed ideas about communication vehicles for reaching these audiences and suggestions for languages needed for translation.

### **2. UNIQUE ASPECTS OF THE INDUSTRY**

As discussed at length in the Commissioner's Report on the Feasibility of Domestic Worker Collective Bargaining, dated November 2, 2010, there are a number of factors which make this a unique population and which present challenges in any outreach efforts. Domestic workers are decentralized and work in individual homes, and a large percentage of such workers are immigrants. Domestic employers, meanwhile, employ workers not as part of their primary business, but in addition to their regular jobs. Many have limited time or ability, in addition to work and family responsibilities, to understand their already-existing obligations under current law, much less their new obligations under the Domestic Workers Bill of Rights. There is no formal organization or trade association of domestic employers; usually such organized associations play an important role in educating their members regarding applicable laws.

Moreover, there are limited numbers of formal organizations that represent domestic workers in New York State. Domestic Workers United (DWU) was formed in 2000 to advocate for domestic workers in New York, and currently has a membership of approximately 4,000.<sup>1</sup> The total number of domestic workers statewide has been estimated at between 120,000 and 240,000 workers.<sup>2</sup>

Therefore, other approaches to outreach beyond the traditional ways of reaching workers and employers – through unions and trade associations – must be considered.

### 3. METHODS FOR PROVIDING EASILY ACCESSIBLE EDUCATIONAL AND INFORMATIONAL MATERIAL FOR DOMESTIC EMPLOYERS AND WORKERS.

The unique aspects of this industry require a creative approach to providing information to domestic workers and employers. Because neither target audience is likely to have extensive experience with wage, employment, tax, or other laws, materials must be in easily-understood “plain language” and must avoid jargon or overly technical language. For domestic employees, advocates recommended that the basic fact sheet be translated by the Department into at least the following languages: Spanish, French, Haitian Creole, Tagalog, Nepali, and Hindi. Other useful languages would include Bengali, Tibetan, Polish, Urdu, Russian, Portuguese, Bosnian, Chinese, and Korean. DOL has already translated the fact sheet into Spanish, Tagalog, and Chinese, and is in the process of obtaining translations into French, Haitian Creole, Nepali, and Hindi. The DOL will later translate materials into as many of the other languages listed as resources allow. In addition, since there are many laws which already applied to domestic employment prior to the enactment of the Domestic Workers’ Bill of Rights, all outreach materials will cover the new law and key requirements of already-existing law.

#### A. WRITTEN MATERIALS

The DOL recommends, and is in the process of developing, three types of written materials:

1. A short, plain language summary of key facts about the new law and existing laws that domestic workers and employers need to know. Format is an 8 ½ x 11 inch fact sheet for easy photocopying and reproduction on-line. The summary includes contact and website information for appropriate agencies and is currently available in English, Spanish, Chinese and Tagalog; it will also be translated into other priority languages (as discussed in #3 above) as DOL resources allow.
2. A more detailed description of new and existing laws as they pertain to domestic employment, prepared by each relevant agency. This more in-depth information should be available on each agency’s web site. The DOL is posting this information regarding the laws

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<sup>1</sup> Domestic Workers United, November 10, 2010.

<sup>2</sup> Estimates based on data from the Quarterly Census of Employment and Wages, NYS Department of Labor, Division of Research and Statistics.

that we enforce on the Department's web site, along with links to other agencies' web sites for additional information. The material is accessible from the DOL's home page by searching on "domestic workers." Frequently Asked Questions will also be developed and posted on-line. The DOL began posting these materials in mid-December.

3. Several of the applicable laws require a posting by employers at a visible location in the workplace. However, this requirement may seem awkward for domestic employers, whose home is someone else's workplace. Therefore, a simple required posting notice for homes has been developed: a small card that will not intrude on a home setting, yet will include required information. The notice is available on our web site in both English and Spanish, with other translations and a printed version to follow. A newsletter/web site notice will be developed for use by CBOs, advocacy groups, employer and employee organizations, and other non-governmental organizations (NGOs) working with the DOL to publicize the new law.

#### B. METHODS OF DISSEMINATING INFORMATION TO DOMESTIC WORKERS AND EMPLOYERS

This section will suggest several of the most promising ways of disseminating information to domestic workers, their employers and both groups simultaneously. Most of the methods described are low cost or no cost; however, coordinating a direct outreach effort to all of them would obviously require considerable staff time. Therefore, we propose to collaborate with major CBOs and statewide organizations to reach these groups. This will be done through a major emailing and direct mail effort from DOL (see section C – 1 below).

##### Methods for reaching domestic workers:

- Consulates: Since many domestic workers are immigrants, many may rely upon their consulates for various kinds of important information.
- Employment agencies: A segment of the domestic worker population obtains employment through employment agencies; therefore, they are a useful vehicle for information dissemination.
- Advocacy groups, labor organizations, and CBOs: Domestic Workers United is the most active organization statewide with regard to domestic workers, and will play a critical role in distributing information to its members. In addition, there are many other labor organizations, service providers and CBOs which focus on low-wage workers and the immigrant community. The DOL's Bureau of Immigrant Workers' Rights (BIWR) has a database of approximately 695 organizational contacts, including CBOs, service providers, and others who work in the immigrant community statewide; these NGOs are an ideal route for spreading information.

- Libraries.
- Foreign language media, including not only print media but also particularly radio.

Methods for reaching domestic employers:

- Parenting blogs and list serves, such as Park Slope Parents, Urban Baby, etc.
- Parenting newspapers and magazines: Many parents receive national magazines such as “Parents” as well as local magazines such as “Time Out New York Kids.” In addition, many neighborhoods receive free weekly family or parenting newspapers.
- Organizations serving the elderly, such as the New York Chapter of AARP or the Alzheimer’s Association, could assist with disseminating information to families who are considering hiring a domestic worker to care for an elderly family member. Other potential outlets include the State Association of Nursing Homes and Senior Care facilities, as well as geriatric specialists.
- Local chambers of commerce have already-existing structures for distributing information to members, who may themselves be employers of domestic workers.
- The New York State Bar Association, the American Institute of Certified Public Accountants, and the American Accounting Association would also be helpful in disseminating information to domestic employers, since many people already rely upon such professionals for legal and tax advice.
- Co-op boards and condominium associations.

Reaching both domestic workers and employers:

- Schools, day care facilities, and after-school programs: Domestic employers who have children interact with the school system. In addition, a 2006 Report by DWU states that on average, domestic workers surveyed by the organization have two children of their own, so these institutions would be a useful way of reaching domestic workers as well.
- Elected officials: Mailings by elected officials could include a summary of the laws; this would reach domestic workers and employers because of the range of neighborhoods and communities covered.
- Pediatricians’ offices.
- Public service advertisements.

- Religious organizations and places of worship.

### C. DOL ACTIVITIES TO DISSEMINATE INFORMATION

In accordance with the above methods for disseminating information, the DOL will undertake the following activities in the coming months:

1. The DOL will send out a comprehensive electronic mailing to CBOs and statewide groups whose members may have an interest in the new law, including many of the groups listed in Section B above. The mailing will include the fact sheet, required posting and newsletter/web site notice. Where necessary, a hard-copy mailing will also be done of these materials.
2. The DOL will be holding a press event to publicize the new law. In addition to reaching out to English-language media, the DOL will make particular efforts to reach out to foreign language media.
3. The DOL will also publicize the provisions of the new law through its Labor Buzz Blog and social media tools (Facebook, Twitter, and Flickr) on an ongoing basis.
4. The DOL is looking into developing Public Service Announcements about the new law and will develop a video featuring domestic workers and employers talking about the law and what it means for them. The video is planned to coincide with the press event. PSAs would begin after the law takes effect and continue to increase awareness.
5. On December 7, the DOL's BIWR held a seminar for foreign consulate front-line staff, and provided a briefing on laws protecting domestic workers, including the new provisions of the Domestic Workers' Bill of Rights.
6. The BIWR conducts direct outreach activities in immigrant communities, often at night and on weekends, in order to educate immigrant workers about laws that protect them and about the DOL's programs and services. Frequently, the BIWR uses its mobile unit, "Labor on Wheels" for this outreach. The BIWR will conduct one or more targeted outreach events in playgrounds, parks, or other locations where domestic workers congregate.

### 4. CONCLUSION

Effective outreach and education will be critical to the effectiveness of the Domestic Workers' Bill of Rights legislation and to improving compliance with other laws related to

domestic workers that have long been in place. The unique circumstances of the domestic work industry require a creative approach to providing information to domestic workers and employers. The DOL believes that by developing simple, clear outreach materials; working closely with community groups and organizations to disseminate those materials to both workers and employers; and by employing a number of communications vehicles (as described in this report), the DOL and our partner agencies will be able to reach both domestic workers and their employers with information about their rights and obligations under the law.