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Revaluing Work(ers):
Toward a Democratic
and Sustainable Future

Edited By
Tobias Schulze-Cleven
Todd E. Vachon

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LABOR AND EMPLOYMENT RELATIONS ASSOCIATION

University of Illinois at Urbana-Champaign
School of Labor and Employment Relations
121 Labor and Employment Relations Building
504 East Armory Ave., MC-504
Champaign, IL 61820

Telephone: 217/333-0072 Fax: 217/265-5130

Website: www.leraweb.org

E-mail: LERAoffice@illinois.edu



The Future of Work for Domestic Workers in the United States: Innovations in Technology, Organizing, and Laws

ELAINE ZUNDL
Harvard Kennedy School

YANA VAN DER MEULEN RODGERS
Rutgers University

ABSTRACT

This study explores how domestic worker organizations are innovating in the context of the future of work. These organizations and the workers they represent are using innovations not only in organizing domestic worker bill of rights campaigns but also in creating new digital platforms with portable benefits, strengthening efforts to prevent wage theft, and reconceptualizing collective bargaining strategies to address the poor working conditions experienced by domestic workers. We use a qualitative approach focusing on interviews with New Jersey advocates and other stakeholders involved with domestic workers to provide a novel depiction of how they are engaged in different kinds of collective action in pursuit of greater domestic worker rights. The interview results provide insight into how the innovations improve the terms of employment for domestic workers and ensure that their remuneration matches the value of their work.

INTRODUCTION

Paid care workers in private households across the United States face significant challenges because of the low value attached to care work and the difficulty of regulating work that occurs in private homes. Labor law violations, lack of social protections, and precarious terms of employment are endemic among domestic workers. Low wages and poor working conditions are problematic not only for domestic workers but also the people they care for because the quality of care may be compromised. These concerns have gained increasing attention as the aging US population outsources more of its caring labor to paid workers, especially

women of color and women migrants from lower-income countries. The COVID-19 pandemic has further highlighted the plight of paid care workers. Many lost their jobs as a result of the necessary measures taken to slow the spread, while those who remained employed were deemed as essential healthcare workers but were generally not provided adequate personal protective equipment to keep safe.

Most domestic workers in the United States are women (92%), and about one third are immigrants—a much higher ratio than other occupations. In the global chain of care, domestic workers are doing the care work that makes other women's paid employment possible. This substitution of paid for unpaid care work typically performed by women applies not only to childcare, but also to the care of elderly, sick, and disabled family members, as well as performing household tasks such as housecleaning. Domestic workers earn some of the lowest wages among all occupations and chronically experience wage theft, including receiving wages below the minimum, having wages withheld arbitrarily and without recourse, or not being paid overtime. The lack of formal contracts and predictable work schedules are also common problems. The growing use of Internet-based technology to hire care workers and housekeepers in the "gig economy" has contributed to the insecure nature of domestic work, and workers without access to the Internet have been placed at a disadvantage in access to jobs. Sexual harassment, sexual abuse, and other forms of physical abuse also plague domestic workers, problems compounded by the fact that their work takes place in the private sphere. This issue has gained increasing attention in the wake of the global #MeToo movement, but the problem persists. In response to poor working conditions, nine states and two municipalities have passed some version of a domestic worker bill of rights (DWBOR) in which workers are guaranteed the minimum wage, overtime, rest periods, paid vacation time, disability benefits, and/or protection from sexual harassment and discrimination.

This study explores how domestic worker organizations such as unions, nonprofit organizations, co-ops, and immigrant rights groups are innovating in the context of the future of work. These organizations and the workers they represent are using innovations not only in organizing DWBOR campaigns but also in creating new digital platforms with portable benefits, strengthening efforts to prevent wage theft, and reconceptualizing collective bargaining strategies to address the poor working conditions experienced by domestic workers. We use a qualitative approach focusing on interviews with New Jersey advocates and other stakeholders involved with domestic workers to provide a novel depiction of how they are engaged in different kinds of collective action in the pursuit of greater domestic worker rights. The interviews provide insight into these four types of innovations that are designed to improve the terms of employment for domestic workers and ensure that their remuneration matches the value of their work. This chapter will proceed in three sections. First, we explain the industry context of domestic work and the recent trends in this workforce. Then, we

explain our interviews with domestic worker advocates. The main part of the paper provides an analysis of the four types of innovations that are aimed at improving conditions for domestic workers. We conclude with implications of the findings for post-pandemic approaches to domestic worker rights.

DOMESTIC WORK: INDUSTRY BACKGROUND

Collective action in pursuit of better working conditions and higher pay for domestic workers has a long history in the United States. Often considered one of the earliest catalysts of this movement, in 1881, close to 3,000 predominantly African American women in Atlanta went on strike to protest their low pay as washerwomen. Atlanta's washerwomen's strike led to higher pay and more autonomy for the city's domestics, and it encouraged women in other low-pay caregiving occupations to use similar tactics to obtain better wages and working conditions. Over the years, despite preconceptions that housekeepers, nannies, and personal assistants were unable to organize, various groups formed and mobilized together to push for higher pay and better working conditions (Boris and Nadasen 2008). Frustration over the exemption of domestic workers from federal and state-level labor codes helped to fuel these efforts to engage in collective action, as did numerous high-profile stories of worker rights violations (Hondagneu-Sotelo 2007).

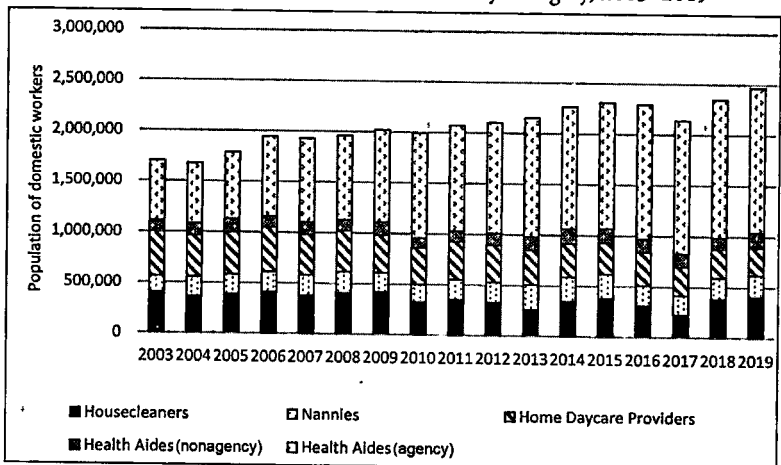
Historically, domestic workers in the United States have been excluded from major pieces of legislation to protect workers, including the 1935 Social Security Act (which gave workers the right to a pension and unemployment insurance), the 1935 National Labor Relations Act (which gave workers the right to organize into trade unions and bargain collectively), and the 1938 Fair Labor Standards Act (FLSA), which granted workers the right to a minimum wage and overtime pay for hours beyond a 40-hour work week. It took more than 30 years of pressure from various stakeholders for Congress to amend the FLSA in 1974 and grant most domestic workers the right to earn the minimum wage and overtime pay, including undocumented immigrants. However, certain categories of domestic workers continued to be exempted from the minimum wage and overtime regulations, including casual babysitters and workers who provided "companionship services" to the elderly and to disabled, sick, or injured individuals. Live-in domestic workers were also exempted from the right to overtime pay, although they were entitled to earn the federal minimum wage for all hours worked. The US Department of Labor further amended the FLSA in 2015 to expand coverage to more types of direct care givers, including home health aides, personal care assistants, nursing aides, and other professional caregivers (US Department of Labor 2018). Moreover, in 2016, Congress proposed an amendment to prevent wage theft and to increase employer liability in lawsuits filed by workers to recover stolen wages (the Wage Theft Prevention and Wage Recovery Act), but the legislation did not move past the committee stage. Thus, while there has been progress in increasing protections, it has been slow and incomplete.

As shown in Figure 1, the absolute number of domestic workers in the United States has risen steadily, from 1.7 million in 2003 to almost 2.5 million by 2019.¹ Growth in the number of home health aides, especially those who are employed by an agency, accounts for all of this increase.² Both the share and the absolute number of nannies, housecleaners, and home-based daycare providers have fallen over time. By 2019, agency-based home health aides comprised 58% of all domestic workers, up from just 35% in 2003. In contrast, the proportion of domestic workers employed as home-based daycare providers dropped from about one quarter to 11% during the period, reflecting both the decline in the absolute number of home daycare providers and the large increase in the number of home health aides.

Domestic workers are predominantly women. As shown in Table 1, 92% of all domestic workers in the years 2017 through 2019 were women, with an even higher percentage for housecleaners, nannies, and home daycare providers. About one third of domestic workers are immigrants, either naturalized or not naturalized. This share is higher than for nondomestic workers. Also of interest is the relatively high representation of non-naturalized immigrants among housecleaners (51%) relative to the other job categories (18% or less). Cleaning work is generally the least valued and most invisible, and it employs a disproportionate number of non-naturalized immigrants.

The invisible nature of domestic work is problematic because it reproduces a paradigm where disadvantaged and marginalized populations are forced to perform the labor of social reproduction. With a limited government infrastructure

Figure 1
Number of Domestic Workers in the U.S. by Category, 2003–2019



Source: Constructed using Current Population Survey Outgoing Rotation Group microdata for 2003–2019.

Table 1
Domestic Workers in the United States by Gender,
Citizenship Status, and Race, 2017–2019 (percentages)

	Nondomestic Workers	Domestic Workers	House- cleaners	Nannies	Home Daycare Providers	Health Aides (Nonagency)	Health Aides (Agency)
Gender							
Women	46.2	91.6	96.0	98.1	97.4	85.8	88.9
Men	53.8	8.4	4.0	1.9	2.6	14.2	11.1
Nativity							
US born	82.8	64.5	30.6	71.6	69.9	74.1	69.9
US naturalized	8.5	15.0	18.4	10.9	12.6	10.9	15.6
Immigrant not naturalized	8.8	20.5	51.0	17.6	17.6	14.9	14.5
Race/ethnicity							
White	63.0	40.8	28.0	63.7	52.9	49.8	37.3
Black	11.3	21.5	6.3	7.5	13.1	19.7	29.3
Hispanic	17.1	29.1	61.7	24.1	29.5	20.2	22.5
Asian	6.2	5.9	2.0	2.9	3.1	5.5	7.8
Other	2.4	2.7	2.0	1.9	1.4	4.8	3.1

Source: Constructed using Current Population Survey Outgoing Rotation Group pooled microdata for 2017–2019.

to support care work, families have turned to the market to obtain these services. Low-wage and time-intensive reproductive work is disproportionately performed by women of color and enabled by legal, political, and economic exclusions that have prevented people of color from organizing and competing for better paying jobs. The legacy of these exclusions helps to explain why migrant women of color make up a substantial proportion of workers in these jobs. Undocumented women are frequently tracked into domestic work because of constraints they face from immigration policies combined with the lack of public regulation of private homes (Rodríguez 2007). Lingering fear of deportation creates a situation of constant vigilance that makes forming political alliances very difficult.

While the domestic work industry provides essential services to families, the critical care work that domestic workers provide remains one of the most unregulated in the United States (Bernhardt, DeFilippis, and McGrath 2007). Wages and working conditions are often negotiated individually between household employers and domestic worker, making regulation and enforcement weak. Even when domestic workers are employed by an agency, wages are still low and enforcement of labor laws is still problematic. The burden of ensuring compliance with regulations and negotiating for fair working conditions falls largely on the shoulders of the workers, themselves, the majority of whom are

women. As a result, compensation and working conditions can vary greatly. Domestic workers also face various classification issues, including misclassification. In the case of domestic workers employed by an agency, if they are dispatched to work with different client households, they are often classified as independent contractors. This misclassification deprives the workers of important workplace protections such as the minimum wage, overtime, workers compensation, and health and safety regulations. Domestic workers who work for multiple families are often referred to as “live out” workers, in direct contrast to “live in” workers who reside full-time in the family’s home and often provide overlapping responsibilities including childcare, cooking, and cleaning.³ Most housecleaners work as live-outs and work for multiple households per week, thus piecing together jobs to create full-time employment. Housecleaners and other day laborers are often not protected under paid sick time or workers compensation mandates—not because the law expressly excludes them but owing to the nature of their employment relationships. When domestic workers work for multiple employers, they are unable to accrue the required working-hour thresholds to qualify for such protections. Workers who are employed full-time with a single employer are subject to greater protection.

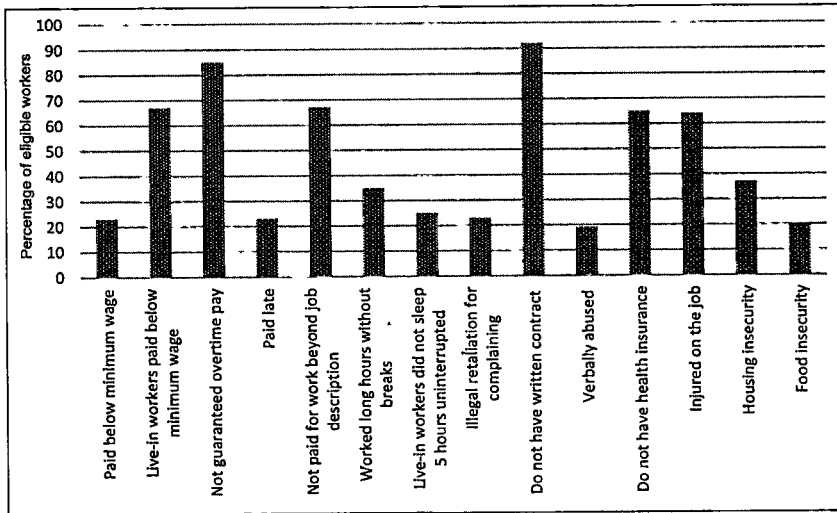
What data there are on the working conditions faced by domestic workers in the United States paint a rather bleak picture of low pay, labor law violations, and poor conditions. A benchmark 2012 report, which sampled 2,086 domestic workers across 14 cities, found high rates of wage theft through various forms of underpayment and nonpayment of wages and overtime pay that workers were legally owed (Burnham and Theodore 2012). As shown in Figure 2, about one quarter of respondents earned less than the minimum wage, although that rate was higher for live-in domestic workers who had the value of room and board deducted from their cash wages. Almost 90% of domestic workers were not guaranteed overtime. Domestic workers also reported pressure from employers to engage in extra work. Lack of respect and no recognition for the value of their work are also common issues reported by domestic workers. Deeply intertwined with these problems are common perceptions that care work should be provided out of altruism and generosity rather than a desire for financial compensation.

Inadequate coverage for domestic workers in the FLSA and in state legislation, as well as poor enforcement of labor standards that do cover domestic workers, has contributed to a surge in collective action in pursuit of innovations to how domestic workers are paid and how their work is valued. The next section describes our methodology for exploring these innovations among domestic worker organizations.

PARTICIPANT INTERVIEWS

We conducted a set of semi-structured interviews with ten leaders from ten non-profit organizations that advocate for domestic workers, low-wage workers, and immigrants in New Jersey.⁴ Our interviews, conducted in the fall of 2018,

Figure 2
Labor Standard Violations Among Domestic Workers in the United States



Source: Constructed from data for a sample of 2,086 workers in Burnham and Theodore (2012).

focused on the experiences of the domestic workers they represent, along with the actions they took to support their workers, including any possible engagement they had in organizing a DWBOR campaign. We first identified organizations for our sample by reaching out to those with a reputation for working with domestic workers and identified additional organizations through snowball sampling. We then conducted a set of additional interviews with representatives from two organizations outside of New Jersey that have developed worker-centered digital platforms for organizing domestic workers. The first organization, Up & Go, is a worker co-op for housecleaning and maid services in New York City. It is a second-generation co-op because it not only matches housecleaners with potential clients, but it also provides services that support the scaling up and development of new co-ops. Worker co-ops are considered a fairer way to organize low-wage workers such as domestic workers because the groups are self-governing, and they set standards. Such co-ops could leverage platforms to further benefit the workers who participate (Scholz and Schneider 2017). Funding and support for developing Up & Go came from a local nonprofit agency specializing in co-ops, a philanthropic organization, and the municipal government.

The second organization, Carina, is a partnership between the state of Washington and Service Employees International Union (SEIU) Local 775. Carina is a platform that connects home healthcare workers represented by SEIU with potential clients who use Medicare or Medicaid to pay for services. Either the home care worker or the potential client can use the platform to place an

advertisement and to set up a meeting. A state caseworker is involved in the matching process to ensure that both parties meet eligibility requirements.

These interviews informed our study of innovations in digital platforms for domestic workers.

DOMESTIC WORKER INNOVATIONS

The interviews provide a better understanding of how worker rights advocates have engaged in collective action to pursue innovations in how domestic workers are paid, protected, and valued. These innovations, which are further explored in the remainder of this chapter, include (1) DWBOR legislation in various states, (2) new digital platforms, (3) wage theft recovery, and (4) reinforcement of collective bargaining efforts. Key stakeholders in these efforts include community-based groups (also known as worker centers) that aim to organize domestic workers and provide support along a number of dimensions, including education, training, occupational health, and legal assistance (Fine 2006; Milkman and Ott 2014). Several of these worker centers along with other advocacy groups and community organizations came together in 2007 to form the National Domestic Workers Alliance (NDWA), which has proven instrumental in pushing for more inclusive labor laws and stronger enforcement at the state level to protect domestic workers.

Domestic Worker Bill of Rights

As of October 2020, DWBOR legislation exists in ten states and two municipalities, with active campaigns under way in multiple states, including New Jersey. DWBOR legislation has included protection against discrimination and harassment, paid time off, meal and rest breaks, notice of termination, protection against retaliation, the right to written employment agreements, mandatory days off, support for workers to prepare their own meals, overtime, and family leave. The NDWA and affiliated organizations have used lessons learned from prior campaigns to improve on existing bills and address the core challenges that workers face. These efforts are often referred to as DWBOR 2.0 legislation.

In our interviews with New Jersey advocates, there was a sense that early DWBOR legislation was not inclusive of many of the issues that their workers were experiencing. Nonprofit leaders were generally familiar with a DWBOR because they collaborate with national organizations or advocates from other states who have worked on these campaigns. One of the organizers shared that they had luck passing legislation locally because the conditions in the area were particularly bad for domestic workers. This person's organization helped to pass a municipal resolution to support a bill of rights mandating that workers receive regular breaks while cleaning houses. When asked if this might lead to a statewide bill of rights, the interviewee stated that workers were skeptical that a DWBOR would address their needs: "The bill of rights was geared to nannies and people working in one home. It wasn't really applicable to their reality."

When asked about New York's DWBOR, some of our key informants distinguished between the needs of domestic workers in New York versus those in New Jersey. In their eyes, New York (especially New York City) appears to have a larger proportion of live-in domestic workers employed directly by private households. This relatively higher concentration of live-in workers makes the DWBOR—with its focus on days off, breaks, and overtime pay—appear more relevant in New York than in New Jersey. This view was not universal, however, as some of our key informants did have experience with live-in domestic workers. These findings suggest our informants were innovating based on the local context of their workers. One key informant stated, "I think part of the issue is that there isn't a union or an entity pushing a bill of rights or organizing, combined with the fact that in New York there is a greater density of people working in that industry."

The NDWA has shifted attention to addressing the limitations that the interviewees mentioned. More recent campaigns continue to fight for rights established in prior bills but also target the omission of private homes from Occupational Safety and Health Act (OSHA) regulations and the lack of collective bargaining rights to raise industry standards. Other important features of DWBOR 2.0 legislation include an increased focus on enforcing legislation against wage theft, especially by including models for co-enforcement between state and city agencies that facilitate a partnership with domestic worker centers and community organizations to do outreach and education to both workers and employers. These same centers and organizations would also be formalized into wage or worker standards boards that work as a tool to raise industry standards.

Legislation passed by the city of Seattle in 2018 represents a major innovation on prior DWBOR laws. This bill established new labor standards and protections for domestic workers, including a Domestic Workers Standards Board, which is charged with creating and implementing higher standards for workers, including higher wages, written contracts, and a portable benefits system. In 2019, in large part a result of pressure from the NDWA, Philadelphia passed a city-level bill of rights (Bill No. 190607), which included a portable benefits system for paid time off made available through an app. The legislation is innovative because it provides a stand-alone legal right to paid time off that will accrue and aggregate the hours worked by domestic workers from multiple employers, thereby ensuring that a greater number of domestic workers benefit from paid time off. This app, called *Alia*, allows employers and workers to opt into a benefit program. The program allows workers to accept contributions from multiple employers (or clients), and the benefits are attached to the worker.

New Digital Platforms

The new portable benefits systems in the Seattle and Philadelphia reforms are excellent examples of innovations in digital platforms used to connect workers with employers. Stakeholders who are pursuing innovations in how domestic

workers are paid and valued are developing worker-centered digital platforms that facilitate access to benefits as well as new ways of organizing. The worker-centered platforms improve on earlier platforms such as Care.com that focus mostly on worker flexibility and responsiveness. Critics have objected to the way in which digital platforms have framed platform work as part of the sharing economy or as a vehicle for entrepreneurship. They argue that these narratives are partially responsible for the ability of digital-platform companies to exploit workers in the gig economy and capitalize on the lack of regulation in some industries like domestic work (Calo and Rosenblat 2017; Rosenblat, Levy, Barocas, and Hwang 2017; Sundararajan 2016). Although platforms like Care.com require the user to submit data on pay and documentation, workers complain that employers fail to comply with the rules. For example, pay rates in advertisements on a particular platform were not observed on the platform's private messaging feature, and actual weekly wages often fell below the minimum wage (Ticona and Mateescu 2018). For some, platforms such as Care.com are used more as an initial means of connecting the employer with the worker, and subsequent conversations are taken offline, thus limiting the accountability of household employers to adhere to the advertised pay rates.

Relatively more men than women are employed by platform-based companies as an additional source of income to supplement their day jobs; women tend to do platform work as their sole source of income (Forde et al. 2017). Bias against protected characteristics such as gender, race, and disability can negatively impact employment and earnings. This phenomenon is also known as "algorithmic discrimination" because of the ways in which automated technologies reinforce inequality (Rosenblat, Levy, Barocas, and Hwang 2017). Others argue that gender identity and sexual orientation are manipulated by different platforms in order to appeal to clients' gender-specific demands for workers (Schoenbaum 2016). Workers operating on digital platforms invest unpaid labor in advertising their services or cultivating a social media identity. This additional online work can be difficult for older workers who are less familiar with how to promote themselves online, and it can also disadvantage women who are more likely to be targets of online harassment. Moreover, gender pay gaps persist regardless of feedback scores, experience, occupational category, working hours, and educational attainment, which suggests that gender inequality is embedded in the operation of platforms (Barzilay and Ben-David 2016).

We used our interviews to explore the extent to which domestic workers and organizations that represent them have made innovations to better utilize digital platforms for finding employment and improving working conditions. In the two organizations we studied (Up & Go and Carina), workers were vocal partners in how these platforms were developed. In response to co-op workers' concerns about privacy, Up & Go decided against allowing potential clients to view workers' profiles, while Carina opted for abbreviated profiles focused only on care-related

skills and experience. While workers at Carina are responsible for updating their profiles, they do not have the ability to customize their profile, thus reducing the potential for competition and bias.

These worker-centered platforms establish trust in a different way than large private platforms do. Large, traditional platforms rely on recruiting an oversupply of workers to the site, forcing workers to compete against each other for clients. This system leads not only to an influx of workers and downward pressure on wages but also to little quality control or consistency in work standards. To address this quality issue, large platforms use rating systems and algorithms to filter out workers who do not measure up. In contrast, Up & Go establishes trust through early human interaction when contacting clients by allowing users to take the conversation offline. Carina matches clients only with unionized workers who are vetted and trained through the state system. Funding for this training is provided by the state because it has a vested interest in saving money by reducing employee turnover. A state caseworker checks that the match is appropriate.

Leaders from the domestic worker organizations we interviewed agreed that traditional platforms complicate potential legal recourse when workers encounter offline issues like wage theft and harassment. One interviewee said that domestic workers are frequently blacklisted from platforms if they make complaints about unpaid wages or poor working conditions. Domestic workers are often burdened with the responsibility of trying to get reinstated on the sites so that they can continue to access new opportunities. Our respondent said that domestic workers do not have the time or ability to protest their conditions: "Many of our clients find their work through Internet platforms, and we have unscrupulous employers, and bad practices are widespread. . . . It increases the complexity of their legal case, which might be a barrier." Our interviewees also said that domestic workers cannot turn to platforms to help them with issues of fraud or unpaid hours. They suggested that platforms collect a great deal of data on workers but fail to assist workers when clients do not hold up their part of the bargain. For example, platforms can obscure the identity of "bad actors" who may then simply create a new profile and continue to offer substandard terms of employment. This ability to create new profiles increases the complexity of filing a claim with the state or appearing in court.

Traditional platforms that target domestic workers often recast cleaning and maintenance work as side work for supplemental income. They also target younger workers and college students, promoting intermittent cleaning work as entrepreneurial. These younger workers are less likely to see themselves as a "domestic worker" than the immigrant female workers who have traditionally taken on this kind of work. In fact, one respondent from Up & Go suggested that the big platforms are not interested in the more traditional kinds of domestic workers who form the core membership of co-ops:

We've asked co-op members if they've heard of some of the platforms and they hadn't even heard of them. They might not have had the capacity to download or navigate the app. I think the biggest barrier is a language barrier ... and the app is entirely in English.

Both Up & Go's and Carina's workers are less comfortable with technology and email than the target audience of other platforms. Large platforms place the burden on workers to learn how to use the technology effectively. In contrast, worker-centered platforms focus on understanding and mitigating these barriers to accessing their platforms. To make sure that the platforms are appropriate for their target populations, both Up & Go and Carina perform continual user testing. They refine the design of their platforms not only to benefit their workers economically but also to ensure that workers can use them. Carina has invested substantial resources to ensure that their platform is not overly cumbersome while at the same time protecting the sensitive medical information of their clients.

The representatives we interviewed emphasized that successful partnerships between government agencies and community organizations were essential for making their platforms successful. They relied on state and local institutions for support for various needs, including data sharing, platform development, feasibility studies, and user testing. A representative from Carina emphasized the importance of these relationships because they ensured the platform was integrated into existing state and local structures:

The union and the state are both aligned in their interest in keeping workers working in their jobs, which helps clients get care, not get institutionalized, and aligns with their preferences. This is a cost savings for the state and for the union. It helps stabilize their membership.

In the case of Up & Go, New York City's interest in the platform was to grow the number of co-ops, while in the case of Carina, the state of Washington was looking to save money on turnover and training of home health workers. The state of Washington also benefited from the platform's data, which can be used to address gaps in access to providers. In this way, government partners perceived their role as long-term investors, and they were active stakeholders in advancing the economic standing of domestic workers in the local economy.

Wage Theft Recovery and Enforcement

Our interviews made clear that worker organizations believed that wage theft was a central issue and prioritized this work over pursuing a DWBOR, largely because they want to promote legislation that most effectively targets the needs of the greatest number of their constituents. Wage theft legislation impacts not

only domestic workers but also landscapers, day laborers, and other immigrant workers. For example, one of our key informants stated, "There are a lot of informal arrangements out there, and all those workers are only getting eight hours of the minimum wage when they should be getting overtime." This emphasis on wage theft is consistent with results from a survey of low-wage workers that one of the nonprofits conducted in 2018. Of the 90 workers who responded, 70% reported that they were not paid enough (Solis 2018).

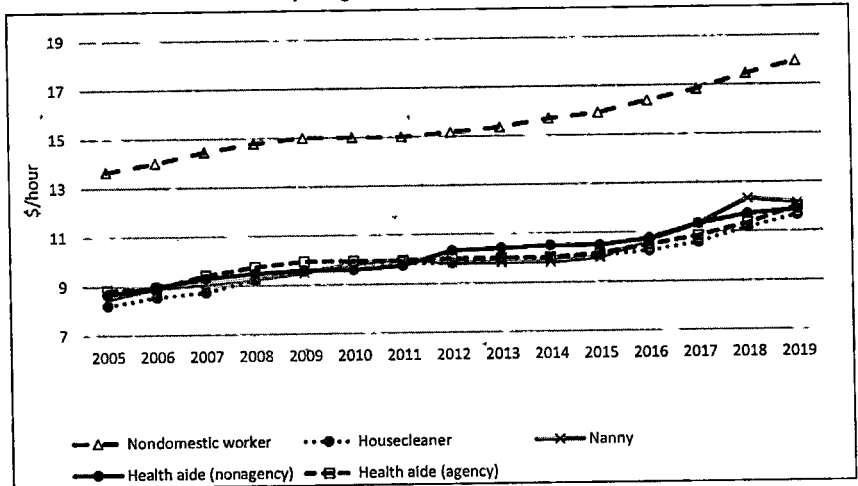
Precariously employed immigrant workers experience even greater risk for wage theft violations, and undocumented immigrant women are the most likely to experience minimum wage violations. Undocumented workers who typically have limited access to emergency assistance and government subsidy programs because of their immigration status—and who may avoid leveraging law enforcement and other government agencies for fear of arrest or deportation—are often left with limited recourse to mitigate the impact of wage theft on their households. Wage theft can lead to a number of negative outcomes for individuals and households, including financial hardship, depression, food insecurity, and lack of adequate healthcare.

Another useful source for information on wage theft among domestic workers is Bernhardt, Spiller, and Polson (2013), a study based on a survey of 4,387 low-wage workers across 16 job categories conducted in 2008 in three US cities (Chicago, Los Angeles, and New York). This sample represents a population of about 1.6 million low-wage workers, and home-based childcare, healthcare, and personal service providers constituted about 15% of the sample. Overall, two thirds of eligible low-wage workers experienced some sort of a pay violation in the week prior to the survey. Workers also reported a number of other violations related to breaks for rest and meals, illegal retaliation from employers for complaining or organizing, and obstacles to receiving workers compensation for workplace injuries. Certain workers are statistically significantly more likely to experience a violation of their right to get paid the minimum wage: women, Hispanics, undocumented immigrants, and high school dropouts. Of all the occupations examined, childcare and healthcare providers in private households had the highest odds of experiencing minimum wage violations.

Wage theft contributes to the overall low pay of domestic workers compared with other paid employees. Tabulations based on microdata for the United States indicate that nominal wages for domestic workers are roughly \$3 to \$4 per hour lower than for nondomestic workers (Figure 3).⁵ In addition, hourly wages for domestic workers still show more instability compared with nondomestic workers, whose nominal wages have risen fairly steadily since 2003–2005. In terms of real wages, on average, most hourly wage workers have seen no increase in take-home pay since 2003–2005.

Hence, there is a clear need for innovation to address these kinds of pay inequities. Efforts are under way to enforce wage and hour standards by including

Figure 3
Median Hourly Wages, 2003–2005 Through 2017–2019



Note: Each data point represents the median hourly wage of three years of pooled microdata from the CPS (so 2005 is constructed with 2003–05 data, 2006 is constructed with 2004–06 data, and so on). Wage data were unavailable for home daycare providers.

worker organizations in labor standards boards' associated with DWBOR 2.0 legislation. Another innovation is the addition of funding to support education and outreach, thereby advancing what is known as strategic enforcement (Fine 2015). Normative models of enforcement are predicated on traditional firm-to-employee relationships in which workers have sufficient power and voice to protest violations (Weil 2014). Worker organizations play an important role in helping to educate workers and employers about workplace regulation. They can also provide critical information to regulatory agencies about where violations are prevalent and mechanisms that create poor conditions for workers. The nonprofit leaders we interviewed agreed that domestic workers employed by agencies or informal brokers sometimes experienced violations that differed from those employed directly by the household. However, they believed these two types of domestic workers were equally vulnerable to abuse because of their immigration status, the intimate nature of the work, and the obstacles to taking legal action.

Some of the organizations that provide legal services believe wage theft is a focal point among domestic worker advocates because it can be addressed by legal means. Workers may be more interested in gaining respect or dignity despite the low-wage work they do, but in most cases, they can receive legal recognition only through the enforcement of wage and hour laws. One informant stated, "Wage theft is the thing that people have a remedy for. . . . People can get some kind of relief through filing a claim."

Collective Bargaining

Collective bargaining is a long-standing issue for domestic workers who are employed in a context where traditional collective bargaining is not practicable. Although some domestic workers have successfully managed to unionize, most have not due to resource and networking constraints. For example, home health aides in Washington and in-home childcare workers in California have successfully unionized by capitalizing on their funding from state agencies. In our case study, sectoral bargaining supports the work of the Carina Care platform because it serves workers and families receiving Medicaid and Medicare funding. For workers paid by private household employers, the path to collective bargaining is unclear.

In 2010, as part of New York's DWBOR, a feasibility study was ordered to determine how domestic workers could be included in the New York State Employment Relations Act. The study outlined how this act could be amended to include domestic workers, with the caveat that employees and employers would need to voluntarily submit to the process. Worker organizations have admitted that it is difficult to conceptualize a typical collective bargaining arrangement for domestic workers. Yet they have proposed bargaining units organized by geography and type of domestic worker.

While collective bargaining remains an unsettled issue, stakeholders involved in working on DWBOR 2.0 legislation have emphasized sectoral bargaining, which would create a wage and standards board to replace the reliance on a model of firm-level bargaining. Legislation put forward in July 2019 by Senator Kamala Harris and Representative Pramila Jayapal to enact a federal DWBOR included provisions for a board comprised of equal numbers of domestic worker representatives and employer representatives. The board would make recommendations on wages and standards to the Secretary of Labor, who would either implement, recommend legislation, or report why the board's recommendations could not be implemented. Worker organizations representing domestic workers, especially the NDWA and its affiliates, have argued that they should have a presence on this board because they can represent the voice of more workers. To be effective, sectoral bargaining legislation needs to protect worker rights to organize because domestic workers currently do not have protection from retaliation if they participate in organizing activities.

Several of our interviewees spoke to the difficulty of organizing domestic workers for state campaigns. Some organizers are able to locate workers by offering other services like health and safety training or classes in English as a second language. However, the nature of domestic work poses several difficulties for organizers, such as the spread of single workers across different households and their relative isolation:

This is not something that we can do on our own. We have reached out to national organizations to learn more about their

experiences, but we need the support of other organizations around the state. ... There also seems to be little information about domestic workers in New Jersey. ... Instead of organizing one workplace or workers in one workplace, people are employed by individual households.

Collective bargaining can be a powerful remedy to the disrespect and harassment that domestic workers experience. One of our interviewees said that domestic workers in the municipality covered by their organization were regularly asked to scrub the floor on their hands and knees, a practice that workers believed to be extremely demeaning. "You have to get people to focus on their rights. The biggest issue historically, when you went to work as a Latino, they required you to get on your knees and scrub the floors, and they refuse to do the work on their knees." Our key informants consistently emphasized that the low-wage workers they represent are concerned not only with wage theft but also with formally gaining dignity and respect. Closely linked with this problem was a desire among workers to have stronger enforcement of labor laws and explicit assurances of the ways in which labor laws will be enforced. Domestic workers view labor law enforcement as a means toward commanding more respect for their work.

CONCLUSION

Data from interviews with leaders from nonprofit organizations that represent domestic workers indicate that domestic workers are mobilizing in the development of new methods to improve workplace conditions and the terms of employment for domestic workers. These new methods include domestic worker bills of rights, digital platforms, wage theft recovery efforts, and sectoral bargaining strategies. Such innovations in pursuit of benefits and protections for domestic workers could also benefit other low-wage workers struggling with precarious and nontraditional work arrangements. For example, housecleaners who are represented by Up & Go's platform exemplify the struggles of many other gig workers. Moreover, DWBOR 2.0 campaigns highlight how the current infrastructure and systems for enforcing labor standards are simply not suited to the unique context of private homes and household employers. Crucial for the success of a campaign for legislation to protect domestic workers is a strong organizing capacity to help advocates and workers navigate the political climate to push new legislation and stronger enforcement.

Interviews we conducted with representatives from worker-centered platforms indicate that large traditional digital platforms that match domestic workers with household employers either ignore or further alienate the older immigrant workforce. In the discourse on digital-platform work, there are concerns that big platforms promote themselves as working toward the social good through the sharing economy, while at the same time they erode worker protections (Scholz

and Schneider 2017). In contrast, worker-centered platforms that are buttressed by strong non-profit groups can work with state and local governments to develop feasible alternatives. These platforms can meet the needs of worker organizations, governments, and community organizations while leveraging existing systems. Some warn that, while the platforms developed by worker-centered platforms such as Carina and Up & Go might seem like a universal solution for marginalized workers, interventions need to be carefully rooted in local communities and specific contexts (van Doorn 2017). Our research suggests that these worker-centered platforms have succeeded in promoting well-being because they promote compliance with labor standards, they partner with government agencies and community organizations for funding and key services, and they are true to the values of the unions and coops that developed them.

These innovations in the ways that domestic worker organizations and the individuals they represent have acted collectively to improve the terms of employment are needed now more than ever. The United States has over 2 million domestic workers, many of whom have experienced acute labor market setbacks and income insecurity during the COVID-19 pandemic. Since the start of the pandemic, domestic worker organizations have reported growing concerns about violations of worker rights. The risks and violations are particularly severe in the case of international migrant domestic workers because their rights are further circumscribed by immigration law and practice (Kabeer, Razavi, and Rodgers 2021). During the lockdowns, migrant domestic workers have often been caught between different degrees of lockdown in the United States and their home countries, leaving many without jobs and in legal limbo. They have not been able to access unemployment benefits and were unable to qualify for emergency response measures (such as healthcare or cash), nor could they look for alternative employment or return home because of travel restrictions. Not only has the pandemic exposed deep chasms in the United States by gender, race, and class, it has also exposed the urgent need for intensified collective action to protect the economic security and well-being of the domestic workers who clean, cook, and care for families across the country.

ENDNOTES

1. Figure 1 is constructed with microdata from the Current Population Survey Merged Outgoing Rotation Group (Flood et al. 2018). This subsample of the CPS is restricted to adults who are engaged in paid employment and were interviewed in the fourth and eighth month of the CPS survey rotation. Our employment sample retains all workers ages 18 and above, and we compare individuals who are employed in private households (labeled "Domestic Workers") with all other workers who are employed outside of households (labeled "Nondomestic Workers").

2. Domestic workers are divided into five categories using the definitions in Shierholz (2013): housecleaners, nannies, home-based daycare providers, nonagency-based home health aides, and agency-based home health aides. Our estimates are likely to underestimate the true number of

domestic workers given the inherent difficulties in the CPS in surveying domestic workers, especially undocumented immigrants.

3. Au pairs are an additional live-in category under the J-1 exchange visitor visa program. The program is intended as a cultural exchange, but emerging research has shown that the host families treat au pairs like workers. For more, see <https://cdmigrante.org/shortchanged>.

4. The interviews were approved by the Rutgers University Institutional Review Board and included the provision that interview subjects would remain anonymous (Protocol # 2018001923).

5. The wage sample is the same as the sample described in note 1 but further restricted to all employed individuals with positive reported hourly wages or weekly earnings. Home-based daycare providers are excluded from the wage sample because they are self-employed and do not report hourly wages or weekly earnings. Similar to the precedent set by Shierholz (2013), we constructed an hourly wage measure by taking weekly earnings, which included overtime and tips, and dividing it by usual hours worked per week. If this measure was less than a respondent's reported hourly wage, then we used their reported hourly wage.

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