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Finally, overtime coverage for all domestic workers in California!

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Finally, overtime coverage for all domestic workers in California!



SEP 30 2013 By [Hina Shah](#)

After nearly 75 years of exclusion from federal and state labor protections, domestic workers have finally scored two important victories in their fight for equal treatment. Late last week, Governor Brown signed AB 241, extending California overtime protections to domestic workers who spend a significant amount of time caring for children, elderly and people with disabilities. One week earlier the federal Department of Labor finalized new rules that significantly extend federal minimum wage and overtime protections to domestic workers who care for the elderly and people with disabilities. Together, these actions extend overtime coverage to all domestic workers in California.

These historic changes are a direct result of [domestic workers organizing](#) on the local, state, and national level. Over the past eight years, the [California Domestic Workers Coalition](#) has built a grassroots, worker-led, statewide movement in California that includes allies from labor, faith groups and employers. Similar efforts by domestic workers in New York and Hawaii have also resulted in legislative victories.

The struggle for equal treatment of domestic workers dates back to the beginning of the regulated workplace. Domestic workers organized a massive letter writing campaign in the 1920s and 1930s. Highlighting slave-like working conditions, they petitioned President

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Franklin and Mrs. Eleanor Roosevelt, as well as Secretary of Labor Frances Perkins, to cover them under the Fair Labor Standards Act, to no avail. Thirty-six years later, when Congress amended the FLSA to include most domestic workers in minimum wage protections and overtime pay, it exempted live-in domestic workers from overtime and excluded casual babysitters and companions for the elderly or people with disabilities entirely.

In California, a similar letter writing campaign was instituted to get the Wage Board to regulate employment in the home as early as the 1940s. However, when California finally adopted a Wage Order for Household Occupations in 1976, it exempted domestic workers (called “personal attendants”) who spent a significant amount of time caring for children, elderly and people with disabilities. Personal attendants finally gained minimum wage protection in 2001 and have only now gained the right to overtime.

These gains, while significant, are not secure. Because the federal regulations do not take effect until 2015, there is fear that they may be reversed with a change in administration. The California statute is set to expire in 2016, unless the legislature acts to extend it.

One reason for these time limitations is [the fear that home care will become unaffordable](#) for many modest to low-income recipients. Available evidence is to the contrary.

Currently, fifteen states provide minimum wage and overtime protection to home care workers and twenty-one states provide minimum wage. According to the [Paraprofessional Healthcare Institute](#), institutionalization [rates are not higher in states that provide home care workers with minimum wage and overtime](#). Furthermore, there is significant cost to [high turnover rates](#) (estimated at between 44 and 65%) that is a direct result of low wages and poor working conditions.

While neither AB 241 nor the federal rules are a panacea, domestic workers in California have much to celebrate this month. Today’s home-care industry is staffed by trained professionals. These workers are their families’ breadwinners. The removal of these historical exemptions at both the federal and state level is an important first step in valuing their labor as real work, and recognizing the dignity of those who care for our loved ones.



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