



Domestic Workers Bill of Rights: Section by Section Summary

Section 1. Short Title; Table of Contents

Short Title: The “Domestic Workers Bill of Rights Act.”

Section 2. Findings

Finds that domestic work plays an important role in the economy and impacts commerce between states. Finds that domestic workers often face unacceptable working conditions and an inability to attain economic security due to specific legal exclusions as well as the isolated nature of the work. These conditions are harmful to domestic workers and their families and to the individuals, families, and communities they assist. Finds that the International Labour Organization’s Domestic Workers Convention calls for rights for domestic workers that are addressed in the provisions of this bill. Finds that domestic work, especially home care jobs, will be in-demand jobs over the next decade and key to high quality care.

Section 3. Definitions

- Defines “domestic worker” as an individual who is paid directly or indirectly for the performance of domestic services, including an employee as defined by FLSA. Defines “domestic work hiring entity” as any entity that pays directly or indirectly for the performance of domestic services, including employers as defined by FLSA. Defines “domestic services” as work in interstate commerce and services of a household nature performed by an individual in a private home. For FLSA provisions, defers to FLSA definitions of covered employees and employers. The bill does not apply to casual babysitters or child care providers providing care in their own homes. Includes additional definitions, such as personal or home care aide, self-directed care, and shared living.

Title I– Domestic Worker Rights and Protections

Subtitle A– Amendments Under the Fair Labor Standards Act of 1938

- **Sec. 101. Overtime protections** Includes live-in domestic workers employed by private households in federal overtime requirements.
- **Sec. 102. Live-in Domestic Workers (workers whose primary residence is that of their employer)**
 - **Termination notices**

If an employer terminates a live-in domestic worker without cause, the employer must provide written notice and at least 30 days of lodging (the same or comparable) or severance pay of two weeks of employment. If the employer chooses to provide off-site, but comparable housing, they must give the employee at least 24 hours to vacate the employer’s household. The penalty for violations is 2 weeks wages and an additional equal amount as liquidated damages. This is modeled after provisions in the Nevada and Massachusetts Domestic Worker Bill of Rights.
 - **Access to communications**

Employers must provide live-in domestic workers with the ability and reasonable opportunity to access telephone and internet services without interference and without charge. If the employer does not have telephone and/or internet service, they must provide reasonable opportunity for the domestic worker to access those services at another location at the domestic worker’s expense.
- **Sec. 103. Enforcement**

The existing enforcement provisions of the [Fair Labor Standards Act](#) are extended to Sec. 102 to ensure that live-in domestic employees have the same ability to enforce their rights as other employees protected under the FLSA. The FLSA enforcement mechanisms include the Department of Labor’s ability to pursue civil and criminal remedies, including unpaid wages, damages, penalties, and fines, as well as a private right of action for individual employees.

Subtitle B – Domestic Worker Rights

- **Sec. 110. Written Agreements**

Modeled after the Massachusetts and Nevada Domestic Workers Bills of Rights, this section requires that domestic work hiring entities who employ a domestic worker for more than 8 hours a week have a written agreement.

 - The agreement must include information about: location where the work will be done; rate of pay, including overtime and compensation for additional

duties, if any; the work schedule at the time of time of hire, including meal and other times off; reporting time pay policy and the right to receive personal time; if applicable, information about days of rest, sick days, vacation days, personal days, holidays; transportation, severance, and health insurance costs; any fees or other costs for the domestic worker; responsibilities associated with the job and their regularity; for live-in workers, a description of causes for immediate termination; if applicable, workers compensation coverage details.

- It must also be
 - in a language(s) understood by both the worker and hiring entity.
 - Signed and dated by both (after ample time for review)
 - Retained for a period of three years from the date when services were last performed.
- No provisions in the written agreement may waive a domestic worker's rights under federal, state or local law.
- The agreements may not contain mandatory pre-dispute arbitration clauses for employee claims of their legal rights, non-compete agreements, non-disclosure agreements or non-disparagement agreements limiting the ability of domestic workers to seek domestic work post-employment.
- Requires the DOL to create templates for the written agreements. These templates must be available in multiple languages and must not include mandatory arbitration, non-disclosure agreements, non-compete agreements or non-disparagement agreements.
- The penalty for not providing a written agreement under this section includes up to \$5,000 for an aggrieved domestic worker for the first violation.
- **Sec. 111. Earned Sick Days**

Modeled on the federal "Healthy Families Act" framework and laws in numerous states and cities, this provision allows domestic workers to earn one hour of paid sick time for every 30 hours worked, up to 7 paid sick days (56 hours) per year. The sick time could be used for the domestic worker to care for their own family member or dependent, or for self care. Workers may begin to use the time they have earned after 60 calendar days of employment. Hiring entities are permitted to offer more generous policies. This provision would not pre-empt more generous state or local laws. Does not apply to shared living arrangements.
- **Sec. 112. Fair Scheduling Practices**

Modeled after Connecticut and New York's fair scheduling laws aimed at protecting lower-income workers from unfair scheduling practices. Ensures domestic workers don't lose pay when they are cancelled on last minute. Requires the regular rate of

pay for last minute cancellations when domestic workers show up to work and receive notice of cancellation and half the regular rate of pay if their hours are reduced or cancelled with less than 72 hour notice, with exceptions for emergency situations. Does not apply to shared living arrangements.

- **Sec. 113. Right to Request and Receive Time off for Personal Reasons**

Modeled off of New York City law, ensures that domestic workers who regularly work at least eight hours each week can get at least two requests granted for scheduling changes related to personal events such as caregiving, health and legal proceedings per calendar year. Allows domestic workers to request additional changes without retaliation. Does not apply to shared living arrangements.

- **Sec. 114. Privacy Protections**

Modeled after the Nevada, Massachusetts and Seattle Domestic Workers Bill of Rights, this section prohibits hiring entities from (1) recording or monitoring domestic workers' use of restroom or bathing facilities, private living areas, or activities related to dressing; (2) restricting domestic workers private communications, unless they significantly interfere with their work; (3) monitoring private communications; (4) confiscating workers' personal effects or documents.

- **Sec. 115. Meal and Rest Breaks**

- Modeled off of laws in California, Massachusetts, and Seattle, this section ensures that domestic workers have the right to break for meals and rest.

- **Meal breaks**

Provides domestic workers who work more than 5 hours for the same hiring entity a paid 30-minute uninterrupted meal break.

- **Rest breaks**

Provides domestic workers who work four or more hours for the same hiring entity a paid rest of at least 10 uninterrupted minutes paid at the regular rate of pay for each four hours worked, unless the worker is relieved of all duties during that time.

- **Safety considerations**

In situations where a domestic worker's duties prevent them from taking an "off-duty" break, domestic workers will receive an "on-duty" break. Such meal and rest breaks shall be paid.

- **Sec. 116. Unfair Wage Deductions for Cash Shortages, Breakages, and Loss**

Hiring entities cannot deduct from wages or require reimbursement from domestic workers for cash shortages or items broken in the home unless it can be shown that the loss or breakages is caused by a dishonest or willful action of the domestic worker. Wage deductions taken in violation of this rule are considered unpaid wages. In addition, penalty fees shall not be deducted from worker wages or payments. Further prevents against deductions from wages of penalty fees if a domestic worker communicates directly with a consumer of domestic work services directly as opposed to communicating through an app or messaging service provided by an

on-demand platform.

- **Sec. 117. Prohibited Acts**

Protects domestic workers who exercise their rights and protects against retaliation. Creates a rebuttable presumption that if within 90 days the hiring entity takes adverse action, including reporting or threatening to report on an individual's citizenship or immigration status, against an individual who has asserted their claim or exercised their rights under the act that the adverse action is retaliation.

- **Sec. 118. Enforcement Authority**

This section is modeled off the enforcement mechanisms in the [Fair Labor Standards Act](#). As such, this section gives the Secretary of Labor the right to investigate violations and take administrative and civil action against those in violation of the law. Individual workers also have a private right of action. The damages and penalties structure is based on the Fair Labor Standards Act.

Subtitle C - Domestic Worker Health and Safety

- **Sec. 121. National Domestic Worker Hotline**

Directs DOL to award a grant for a national hotline for domestic workers to call in cases of non-life threatening emergencies and to find emergency and survivor support services.

- **Sec. 122. Access to Health and Safety**

Mandates that the Consumer Product Safety Commission require manufacturers of cleaning supplies to publish safety data fact sheets on their website so that consumers, hiring entities and domestic workers can access information to use products safely. Also requires the National Institute for Occupational Safety and Health (NIOSH) to develop educational materials in multiple languages for domestic workers on safe practices especially for child care and cleaning (similar to what they do for home care and other industries).

- **Sec. 123. OSHA Training Grants**

Include domestic workers in Susan Harwood OSHA training grant funding eligibility.

- **Sec. 124. Workplace Harassment Survivor Supports Study**

Directs GAO to study and recommend improvements to federal support programs for survivors of workplace harassment in low-wage, vulnerable, and marginalized sectors like domestic work. This would include recommendations to ensure that domestic workers can safely access housing, health care, mental health, and counseling service supports; as well as workers' compensation, unemployment insurance, disability benefits, transportation stipends, and other support.

Subtitle D - Amendment to Title VII of Civil Rights Act of 1964

- **Sec. 131. Protections against Discrimination in Employment**
Uses language identical to the Be Heard Act. Protects employees in any size of workplace, including a workplace of one, against discrimination and harassment.

Title II – Standards Board, Benefits and Workforce Development

- **Sec. 201. Domestic Worker Standards Board (“the board”)**
Modeled off boards in New York, California, and Seattle.
 - **Purpose**
Establishes a Domestic Worker Standards Board with the authority to investigate standards in the domestic work industry and issue recommendations to the Secretary to promote the health, safety, and well-being of domestic workers.
 - **Membership**
The board consists of 11 members appointed by the Secretary, of whom 5 are appointed to represent domestic workers and 5 are appointed to represent domestic work hiring entities and one outside expert. The domestic worker representatives must be nominated by organizations that meet specified criteria for representing domestic workers. The domestic work hiring entity representatives must include at least 2 persons who employ 1 domestic worker in their home, at least 1 person nominated by a hiring entity or association that employs 2 or more domestic workers, at least 1 person who relies on a Medicaid-funded personal or home care aide, and at least one family caregiver. These hiring entities must have a good record with regard to violations of labor, safety, and civil rights laws. The Department of Labor will administer the board and facilitate the participation of workers on the board.
 - **Standards setting process**
The board makes recommendations to the Secretary of Labor. The first set of recommendations shall be issued within one year of passage of this legislation after which, the board must issue updated recommendations every three years. Provides an emergency procedure for recommendations to be made outside of the three-year cycle.
 - **Recommendations authority**
The board may issue recommendations including, but not limited to: health and safety; other workplace standards; improved enforcement; domestic worker benefits; and any other subject approved by the Board. For any issue not within the secretary’s authority, the Secretary shall make a recommendation to Congress to do an expedited review and take action on the issue.

- **Effect on Existing Benefits**
 - Does not impact any contract, collective bargaining agreement, or any employment benefit program or plan that provides greater rights to employees or individuals than the rights established under this Act.
- **Public hearings**

The board must hold at least one public hearing in each region of the country during each decision-making cycle. These hearings must provide an opportunity for information and testimony about workers' needs and experiences, as they pertain to the board's mandate. Requires that hearings be held at times, locations, facilities, and with interpretation services that facilitate the participation of domestic workers.
- **Voting procedures for recommendations**

Specifies procedures for voting, including majority rule. All recommendations are subject to approval by the Secretary of Labor.

 - The Secretary of Labor has 90 days to accept, reject, or recommend modifications to the report and recommendations of the board. If the Secretary chooses to deviate from the board recommendations, the Secretary must issue a public report to Congress outlining why the recommendations were altered. Upon accepting the recommendation of the Board, the Secretary of Labor shall adopt rules and regulations necessary to carry them out.
- **Sec. 202. Domestic Workers Benefits Study.**

Requires DOL to conduct or commission a study or studies to identify barriers to domestic workers' access to work-related benefits such as health insurance, retirement security and unemployment insurance, and to make recommendations both about how to improve existing programs and develop new ones that are more inclusive.
- **Sec. 203. Workforce investment activities grants for domestic workers**

Establishes a new competitive grant program for worker-led organizations to develop plans to meet the needs of domestic worker career training and development in the area to be served by the organization. The organizations must specify the domestic worker population to be served, the education and employment needs of the population, and the services to be provided to help workers obtain new or retain current employment and improve wages and or working conditions. The grant plan must also specifically address how investment in improved wage levels and skills for domestic workers - including home and personal care, cleaners, and child care workers - will help meet the fast-growing demand by health care consumers to receive a high-quality of care while living in their homes and communities.

- **Sec. 204. Report on Career Pathways, Training Standards, and Apprenticeships for Domestic Workers**

Requires DOL, in coordination with the Department of Education and HHS to prepare a report for Congress on the development of career pathways, national training standards, and credentials for domestic workers that help meet the growing demand for domestic workers; identify improvements in career pathways, training standards and apprenticeship opportunities; and how these can improve wages and working conditions across the industry.

Title III – Implementation of the Domestic Workers Bill of Rights

- **Sec. 301. Definitions**

- **Sec. 302. Notices of domestic worker rights**

Similar to notice requirements for other federal labor laws. Requires the DOL to create a notice of rights based on the new protections available under this law and existing rights for domestic workers. The notice must be made available in multiple languages and online. The notice would also include contact information for organizations that can help workers and hiring entities learn more about domestic worker rights. Also requires the Secretary of Labor to establish a website that summarizes the rights of employees and covered individuals under this act within 180 days.

- **Sec. 303. Interagency Task Force on Domestic Workers' Bill of Rights Enforcement**

Establishes a task force led by DOL, including the DOL's Wage and Hour Division, OSHA, and the Office of the Solicitor; HHS, including CMS and ACL; and the EEOC. Within 6 months the task force is required to (1) conduct regional hearings to learn more about the issues and challenges for the enforcement of the federal rights and protections of domestic workers and (2) make recommendations on the best enforcement strategies and submit these to Congress, and (3) after 3 years, submit a report on the efficacy of the joint enforcement efforts and recommendations and conduct audits on them every three years afterwards.

- **Sec. 304. Establishing a National Grant for Community-based Education, Outreach, and Enforcement of domestic workers' rights**

Creates a new DOL competitive grant for education, outreach and co-enforcement projects (awarding one in each region of the country) with community-based organizations to educate workers and hiring entities on the new rights, protections and benefits for domestic workers in federal law and enhance the enforcement of domestic worker rights and protections. Programs may also provide mediation services between hiring entities and employees.

- **Sec. 305. Encouraging the use of fiscal intermediaries**
The Secretary of Labor is required within the first year to issue a rule to facilitate the use of fiscal intermediaries that enable payments between domestic workers and hiring entities, to improve transparency, enforcement, and improved working conditions.
- **Sec. 306. J1 Visa Program**
Underscores the existing obligations of the Department of Labor to enforce labor laws for workers in the J-1 visa program and requires The Department of State to inform au pairs of their rights under the Fair Labor Standards Act.
- **Sec. 307. Delay the Effective Date for Government Programs**
Delays the effective date of penalties under this law, including the private right of action, for government funded programs such as Medicaid by 2 years from the date of enactment.

Title IV – Funding

- **Sec. 401. Federal Medical Assistance Percentage Increase**
Provides a payment mechanism intended to cover additional costs that low-income, Medicaid-funded consumers and Medicaid programs they rely on may face as the result of this act, while also improving Medicaid’s capacity to incentivize and accommodate future improvements to worker conditions. Temporarily boosts the federal medical assistance percentage (FMAP) to states and directs the HHS Assistant Secretary for Planning and Evaluation (“ASPE”) to formulate a new FMAP calculation that accounts for changes to the home care workforce from this bill.
- **Sec. 402**
Sets up the process for determining an FMAP that best ensures a robust homecare workforce under Medicaid. Instructs the Secretaries of HHS and DOL to develop joint regulations on the application of the provisions of this bill to personal or home care aides’ services funded through the Medicaid program. Requires that those regulations recognize the role of self-directed care for persons with disabilities; facilitate state and federal compliance with section 504 of the Rehabilitation Act; Title II of the Americans with Disabilities Act; and *Olmstead v. L.C.*, 527 U.S. 581 (1999), and ensure the protection, stability and expansion of the workforce
- **Sec. 403**
Authorization of appropriations.