

# *Resolution on the Rights of Domestic Workers*

*Submitted by Andrew S. Gardner, LD3, on March 4, 2013*

WHEREAS it is the universal and inalienable right of all persons to fair conditions of employment and decent conditions and durations of labor; and,

WHEREAS the protection of these rights must never rely on the beneficence or magnanimity of an employer or any other person of authority, given that no reasonable person would rely upon such for the protection of any other fundamental right, e.g. free speech or due process of law; and,

WHEREAS both federal <sup>1</sup> and state law <sup>2</sup> specifically exclude domestic workers from most regulations of the conditions of employment and regulation of the safety of the workplace; and,

WHEREAS the collaborative research of the Center for Urban Economic Development at the University of Illinois, DataCenter, and the National Domestic Workers Alliance shows that domestic workers in the United States have few legal protections and are subject to wage theft, harassment, indecent working conditions, and indecent durations of labor <sup>3</sup>; and,

WHEREAS the International Labour Organization adopted Convention 189, *Convention concerning decent work for domestic workers*, on June 16, 2011, establishing a baseline for the protection of the rights of domestic workers <sup>4</sup>;

BE IT THEREFORE RESOLVED that the Arizona Democratic Party requests the United States House and Senate bring federal law into compliance with ILO Convention 189 and direct the Department of Labor and the National Labor Relations Board to effect appropriate regulations to ensure compliance; and,

BE IT FURTHER RESOLVED that the Arizona Democratic Party requests the Arizona Legislature, taking the actions of the New York Legislature in 2010 in passing NY A1470B-2009 <sup>5</sup> as inspiration, undertake reform of Title 23 of the Arizona Revised Statutes and direct the Industrial Commission to effect appropriate regulations complying with those articles of Convention 189 over which the state government has jurisdiction in order to alleviate the worst abuses of domestic workers; and,

BE IT FURTHER RESOLVED that the Arizona Democratic Party requests that President Obama sign and the Senate ratify ILO Convention 189, adding it to the fourteen other ILO conventions to which the United States is party.

<sup>1</sup> The National Labor Relations Act of 1935 specifically excludes domestic workers from protections. [goo.gl/NBjHH](http://goo.gl/NBjHH), last visited 6/17/13

<sup>2</sup> Employers of domestic workers are not covered by occupational health and safety regulations: A.R.S. Sec. 23-401.(6,7), [goo.gl/Lh3cA](http://goo.gl/Lh3cA), last visited 6/17/13; nor by worker's compensation laws: A.R.S. Sec. 23-902., [goo.gl/RtAyS](http://goo.gl/RtAyS), last visited 6/17/13

<sup>3</sup> *Behind Closed Doors: Working Conditions of California Household Workers*. A report by Mujeres Unidas y Activas, Day Labor Program Womenss Collective of La Raza Central Legal and DataCenter. [goo.gl/9rfgK](http://goo.gl/9rfgK), last visited 6/17/13; See also: *Domestic Workers' Rights in the United States: A report prepared for the U. N. Human Rights Committee in response to the Second and Third Periodic Report of the United States*. University of North Carolina School of Law Human Rights Policy Clinic. [goo.gl/oVJZa](http://goo.gl/oVJZa), last visited 6/17/13; *Home is Where the Work Is: Inside New York's Domestic Work Industry*. Domestic Workers United, DataCenter, Dr. Robin D.G. Kelley, NYU Immigrant Rights Clinic. ; [goo.gl/jkEMR](http://goo.gl/jkEMR), last visited 6/17/13 *Why a Domestic Workers Bill of Rights?*; Dr. Lauren D. Appelbaum, Research Director at the UCLA Institute for Research on Labor and Employment. [goo.gl/PVqMa](http://goo.gl/PVqMa), last visited 6/17/13

<sup>4</sup> See International Labour Office Report: "Convention No. 189: Decent Work for Domestic Workers," ([goo.gl/yrRFs](http://goo.gl/yrRFs), last visited 6/17/13)

<sup>5</sup> NY A1470B-2009: *An act to amend the labor law, the executive law and the workers' compensation law, in relation to establishing regulations regarding employment of domestic workers including hours of labor, wages, and employment contracts*. Signed into law August, 2010. [goo.gl/GMnVi](http://goo.gl/GMnVi), last visited 6/17/13.