

Training for Homeworkers



APRIL 2013

Today We Will Discuss:



- who homecare workers are
- working conditions of homecare workers
- laws and regulations protecting homecare workers
- some contentious issues of homecare work
- best practices promoting the rights of homecare workers

Topic 1



Who are “Homecare Workers”?



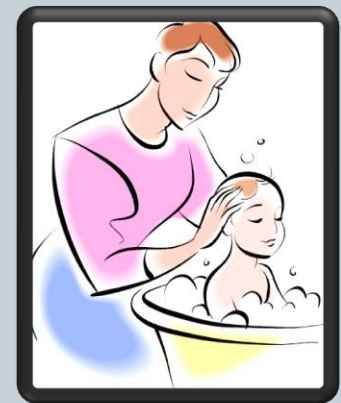
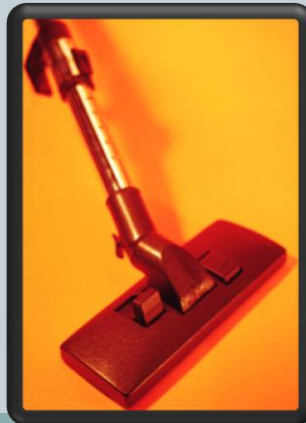
Who are “Homecare Workers”?

- “**Homecare workers**” care for older people and people with disabilities and/or chronic health conditions in their homes.



What do homecare workers do?

- “Homecare workers” provide services combining health care with personal assistance, such as:
 - 1) Health care : routine health care and medication management
 - 2) Personal assistance: housekeeping, meal preparation, bathing and personal hygiene



Why are they important?

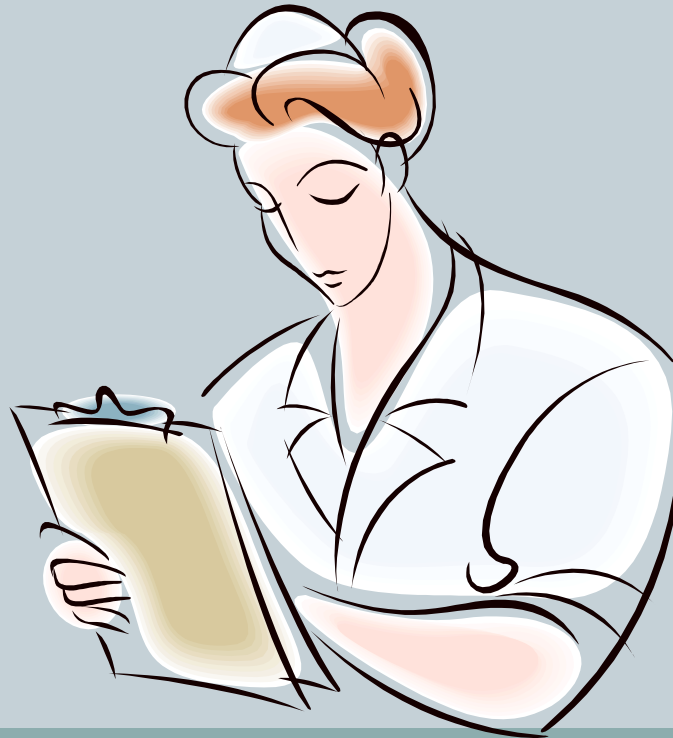


- Personal assistance or homemaking is important
- However, even more important are practical tasks with oversight (e.g., medication reminders) and frequent monitoring and social connectedness.

Topic 2



Working Conditions



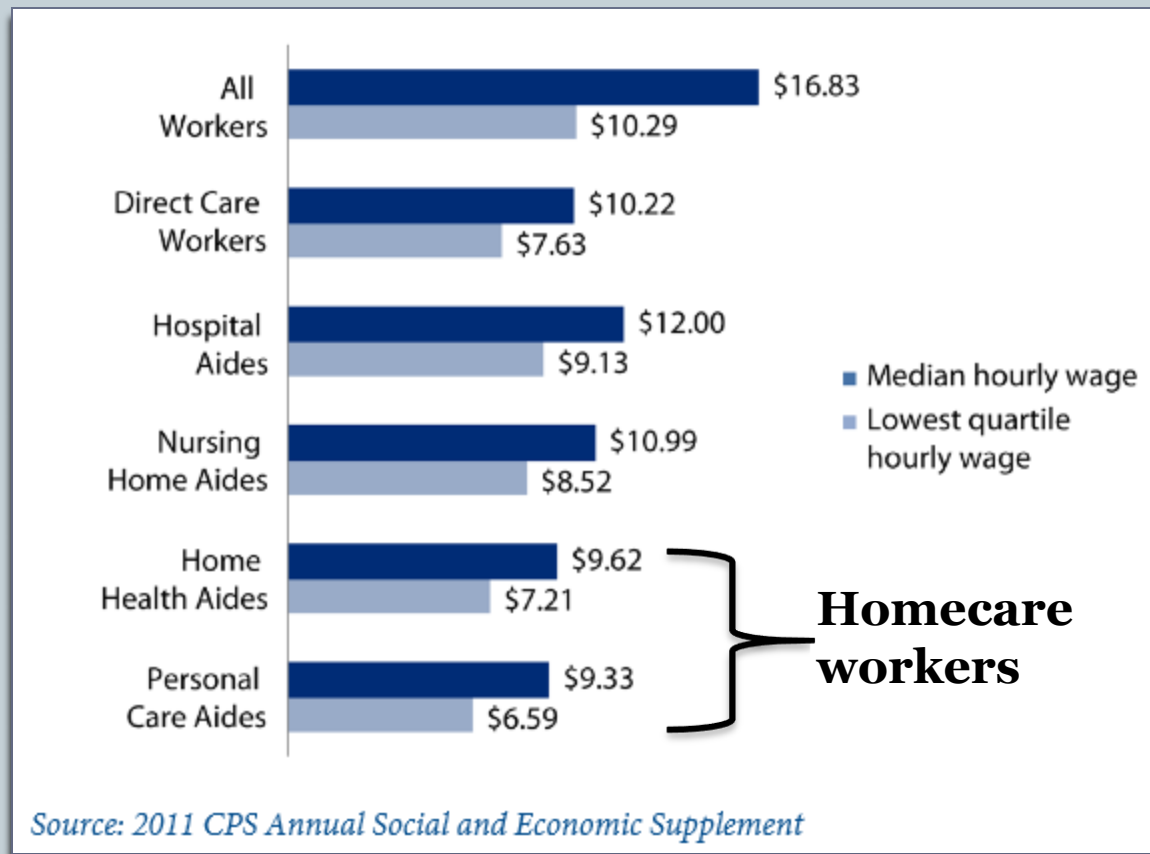
Homecare Work Background



- A work force of about 2.5 million.
- By the 1990s, homecare was the fourth largest occupation in U.S.
- The second fastest growing occupation in U.S.
- Women and immigrants represent a growing segment of the workforce.
- Majority are women in their 40s and 50s.
- One of the most vulnerable workforces: work without the benefit of core labor standards or basic employment protections.

How much do they earn per hour?

Comparison to other care workers in U.S



How much do they earn per hour?

Comparison to other countries

	U.S		Canada (CAD)		South Korea (USD)
Minimum Wages	Federal	7.25	Federal	-	4.48
	California	8.00	Ontario	10.25	-
	Wyoming	5.15	Alberta	9.75	-
Average wage (Lowest quartile)		9.47 (6.90)		12.71*	6.00

- Source : 2011 U.S. Census Bureau's Current Population Survey from Smith , 2012.
- Canadian Home Care Association, 2003* (There is no data on the average nationwide wages of homecare workers since 2003)
- Korean Care Workers Association, 2012

How Many Hours Do They Work?



Average weekly working hours in U.S (%)

**FIGURE 2. DISTRIBUTION OF AVERAGE WEEKLY HOURS
WORKED AT MAIN JOB, 2010**

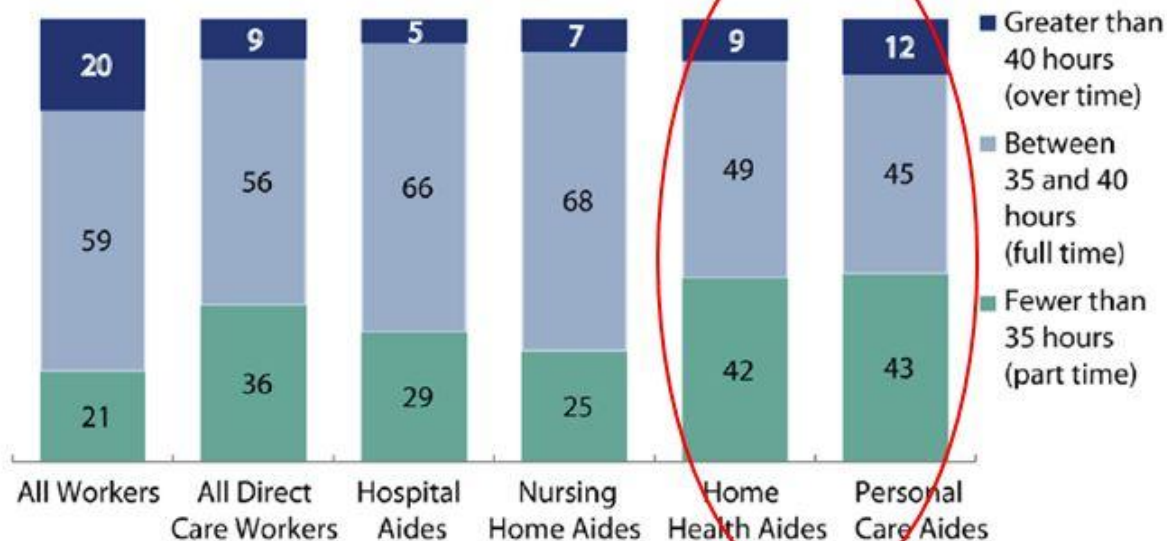


Figure from Smith (2012)

How Many Hours Do They Work?

Comparing three countries



U.S

- The ratio of part time work is greater than national average
- Most part time homecare workers cannot find full time work.



Canada

- Part-time or casual work is common
- Some work around 10 hours per week while others work over 40 hours.
- Unpredictable hours



S. Korea

- Part-time or casual work are common
- They work between 25 to 30 hours per week.
- Unpredictable hours

Do They Receive Overtime Pay?



U.S

No



Canada

No



S. Korea

No

Do They Have Day of Rest, Sick Leave and Paid Vacation?



U.S

No



Canada

Partly but very poor



S. Korea

No

Shifts and Travel



- Shifts spread out over the course of the day
- Unpaid regular - long travel between patients
- Intensive work in a short time period



Homecare Workers' Health and Safety

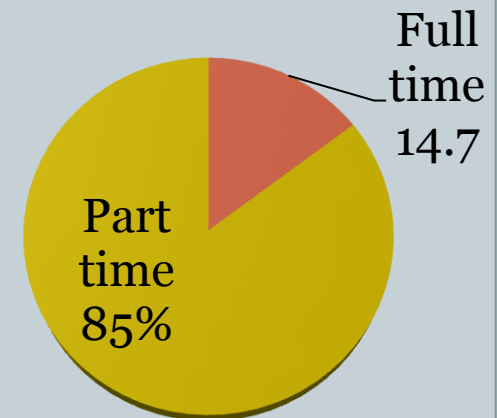
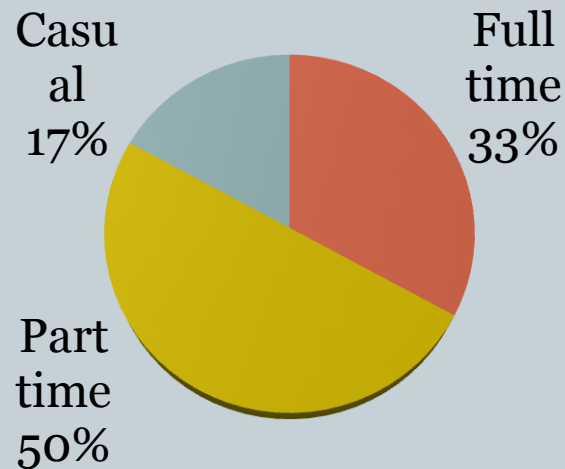
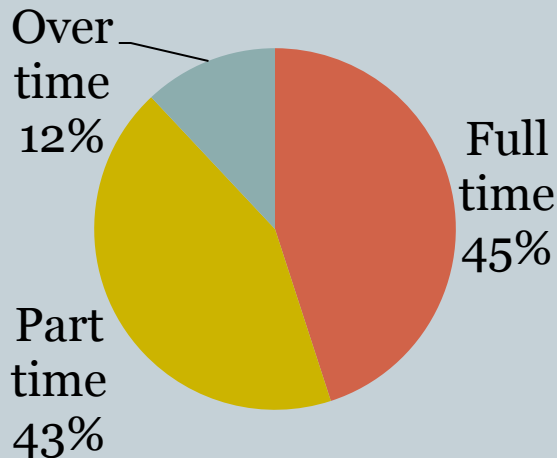
Some homecare workers experience...

- Work-related injury
- Lack of cooperation from clients
- Verbal abuse from the client or client's family
- Discrimination



Employment Protections for Job Security

- The lack of guaranteed hours
- Unpredictable working schedule





Main Concerns of Homecare Workers

- Wages are too low
- Poor job security
- Poor benefits
- No respect or recognition

What Working Conditions Need to Be Improved?

- Better wages
- Compensation for travel time
- Decent work schedule
- Improved benefits
- Promote more respect of homecare workers

Topic 3



Laws and Regulations



Which Laws Protect Homecare Workers?



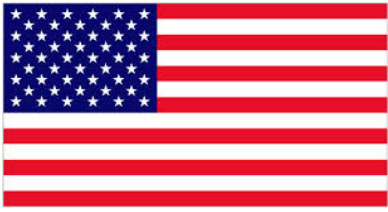
- Homecare workers are excluded from “Fair Labor Standards Act.”



- Homecare workers are excluded from “Employment Standards Act”, but minimum wage is protected.



- Homecare workers were excluded from “Labor Standards Act”, but partly included since 2009.



A closer look at U.S. laws



- **1935 : National Labor Relations Act**, domestic and agricultural workers are excluded.
- **1938: Fair Labor Standards Act (FLSA)**, domestic workers and farm laborers are again excluded.
- **1970 : Occupational Safety and Health Act**, domestic workers are excluded
- **1974: Fair Labor Standards Act amended (FLSA)**, domestic workers gain protections, but babysitters and "companions" of elderly persons are still excluded.
- **2007: Supreme Court decision.** Elderly companions not entitled to overtime. Homecare workers are considered as elderly companions.
- **2010 : Domestic Workers Bill Of Rights.** Homecare workers are still excluded. (companionship exemption)
- **2011: International Labor Organizations (ILO)** establishes fair labor laws. The United States has not signed on.
- **2013:** On September 17, 2013, the U.S. Department of Labor's long-awaited regulations were finalized, extending federal Fair Labor Standards Act (FLSA) protections--including minimum wage and overtime pay--to home care workers nationwide

Proposed Revisions of the FLSA



- On Dec. 15, 2011, the Obama administration proposed revisions to the FLSA, and then-Labor Secretary Hilda Solis offered her support for the revisions.



President Obama on Ensuring Fair Pay for In-Home Care Workers

[See Video...](#)

1

2

3



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A closer look at Canadian laws



Homemaker exemption

- Homecare workers are classified as “homemakers”.
- Excluded from the Canada Health Act (1984)
- Excluded from the Employment Standards Act (ESA)





A closer look at Korean laws



- The Korean government introduced the long-term care system in 2008.
- Unclear whether homecare workers were workers around that time.
- According to long-term care regulations, homecare workers are workers. However, while the Ministry of Health and Welfare recognized homecare workers as workers, the Ministry of Labor denied this in 2009. Since 2009, homecare workers have been excluded from the Labor Standards Act.
- After protesting, lobbying, and picketing against this decision, homecare workers were partly included as workers in 2009, but this is still very limited.

Topic 4



Contentious Issues

1. Home as workplace
2. Care labor as "real work"
3. Companionship exemption
4. Disability/Consumer Rights vs. Worker Rights

Home as Workplace



- American, Canadian and South Korean homecare workers experience verbal, sexual and physical abuse. This abuse occurs due to the isolated setting of employers' home as workplace.

Home as Workplace (Cont)



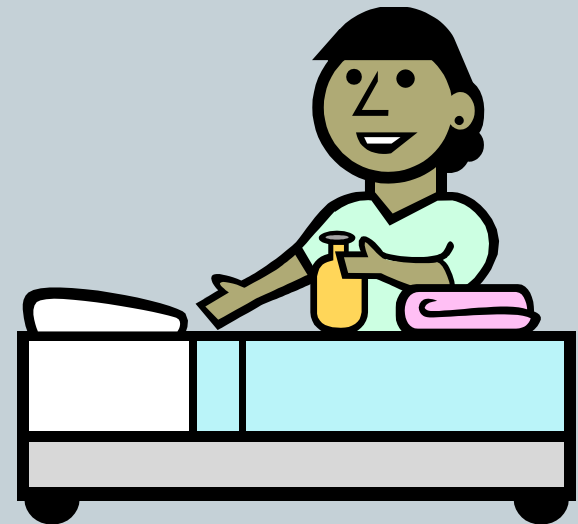
- These abuses are less likely to happen in hospitals or nursing homes than employers' home.
- What makes homecare distinct from other jobs is not what they do at work, it is **where** they work.



Care Labor as “Real Work”



- One of the main concerns of homecare workers is the lack of recognition and the low status of their job.
- Working conditions (low wages, unpredictable schedules, poor benefits, physical work) contributes to this lack of respect.
- Some people think that services provided by homecare workers can be provided by anyone.
- However, a lot of jobs which are considered “real work” nowadays, were not treated so in the past because these services were provided by housewives and mothers. (e.g., cooks, launderers etc.)





- Since care labor has not been treated as “real work”, homecare workers don’t get full legal status as workers who are protected under labor law.
- Care labor should get more recognition as necessary labor - “real work”, by recognizing the realities of our aging society and rapidly growing service industry.



Companionship Exemption



- According to “companionship exemptions” of the Fair Labor Standards Act (F.L.S.A), homecare workers are “companions” of elderly persons, they are not “real workers”.
- Thus, homecare workers are excluded from F.L.S.A protections, such as minimum wages and overtime pay.
- The term “companionship” was first appeared in the 1970s when domestic servants received F.L.S.A. protections.



- Companionship exemptions compare home healthcare aides to babysitters. This implies that homecare workers watch the elderly, and that watching the elderly is not “real work.”
- This exemption has allowed staffing agencies to avoid paying overtime. It treats women who labor to support their families as if they were teenagers earning some spending money.
- As a result, the existing exemption mainly serves the homecare franchises, an \$84 billion industry that is one of the most profitable in the United States.

Disability/Consumer Rights vs. Worker Rights



The Consumer



**The State of
California**



**Public Authority
for IHSS**

- ✓ Selects worker
- ✓ Hires worker
- ✓ Supervises worker
- ✓ Fires worker
- ✓ Verifies hours worked
- ✓ Signs timesheets
- ✓ Pays Share of Cost (see p. 10)
- ✓ Provides employment references

- ✓ Pays IHSS hours worked
- ✓ Pays employer taxes
- ✓ Provides Workers Compensation, Unemployment and Disability insurance to those qualified

- ✓ Negotiates wages and benefits for workers
- ✓ Provides health insurance and transportation benefits enrollment for eligible workers
- ✓ Provides training classes to eligible workers

- **Who is the
Homecare
Worker's
Employer?
(All three of them)**

- (from IHSS handbook, 2008)

Disability/Consumer Rights vs. Worker Rights



- The state IHSS regulates how much money or how many hours of support an elderly or disabled person is entitled to. That means consumers don't have much abilities to increase wages or benefits.
- Gaining workers' rights or unionization means the possibility of wage demands and strikes against elderly and disabled consumers. If homecare workers are pitted against consumers, the public might well sympathize with consumers.
- Thus, we need to think of some issues;
 - Will we put the burden on families who must make do with limited resources?
 - Do we expect women to provide their services with low wages and no benefits in bad working conditions?
 - Or are we willing to commit the funding to reimburse providers adequately for the services they provide?

Topic 5



- **History of Organizing Homecare Workers**





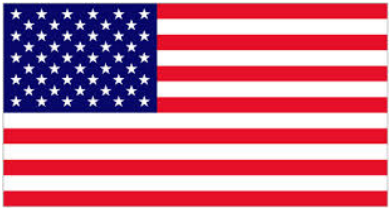
- Long history of organizing domestic workers and homecare workers



- Relatively short history of organizing homecare workers

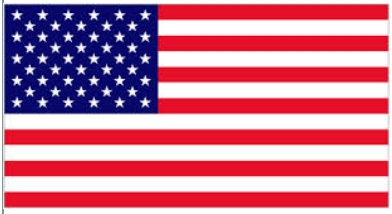


- History of organizing is very short but quite militant and workers are being rapidly organized



U.S Organizing History of Homecare Workers and Domestic Workers

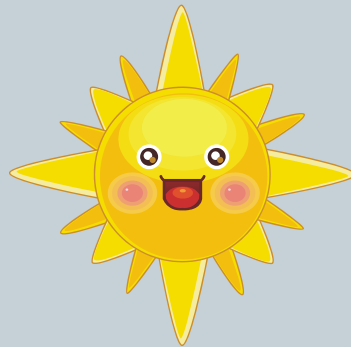
- 1881: Atlanta Washing Society 10-day strike
- 1937: Domestic Workers Association
- 1942: United Domestic Workers' Local Industrial Union 1283 in Baltimore, MD.
- 1965: Domestic Workers of America
- 1968: National Union of Domestic Workers
- 1969: Domestic Workers Organization in Detroit
- 1972: Comité Nacional de Empleadas del Hogar

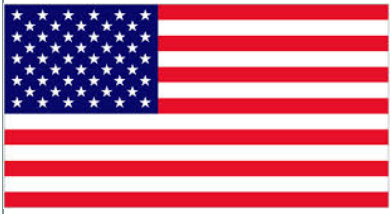


Recent Generation of Organizing



- 1993: Coalition for Humane Immigrant Rights of Los Angeles
- 2000: Domestic Workers United (DWU) (New York)
- 2007: National Domestic Workers Alliance
- 2009: International Domestic Workers Network (ILO)

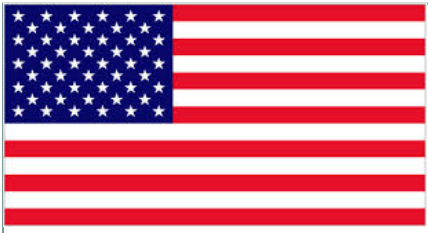




Successful Campaigns



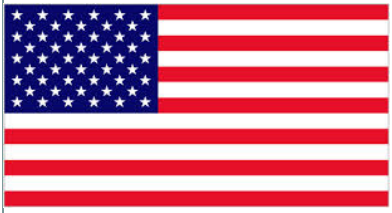
- Historical victory of achieving “**the Domestic Workers Bill of Rights**” in New York (2010).
- However, homecare workers were excluded again because of “companion exemption.”



Homecare Worker Unions



- **UHW** : California United Homecare Workers
- **SEIU- ULTCW** (Service Employees International Union- United Long Term Care Workers) in California



Successful Case of SEIU



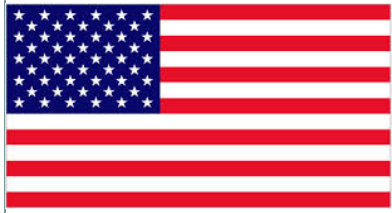
- California's In-Home Supportive Services (IHSS) system established in 1973.
- In California, over 200,000 women of color and immigrants are working as homecare workers.
- SEIU successfully organized homecare workers as union members, carried out campaigns to protect workers (e.g., better wages and medical benefits) in the 1980s and 1990s.



SEIU ULTCW



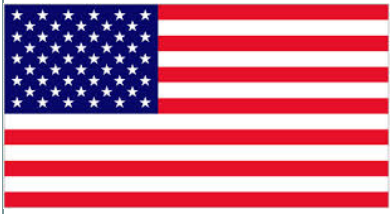
United Long Term Care Workers®



Organizing Benchmarks and Key Issues

County	Organizing Started	Public Authority Ordinance Passed	Union Election	Union Contract(s)	No. of Workers	Conditions
Los Angeles	1987	1997	1999	1999- 2004	74,000	\$6.75/hr medical
Alameda	1993	1993	1994	1997-2000 2000-2002	7,000	\$7.82/hr medical
San Francisco	1993	1995	1996	1997-2000 Currently in negotiations	8,000	\$9.70/hr medical dental

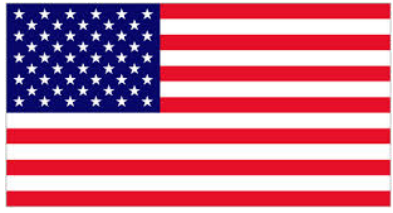
(from Delp and Quan, 2002)
(California minimum wage in 2002: \$6.75)



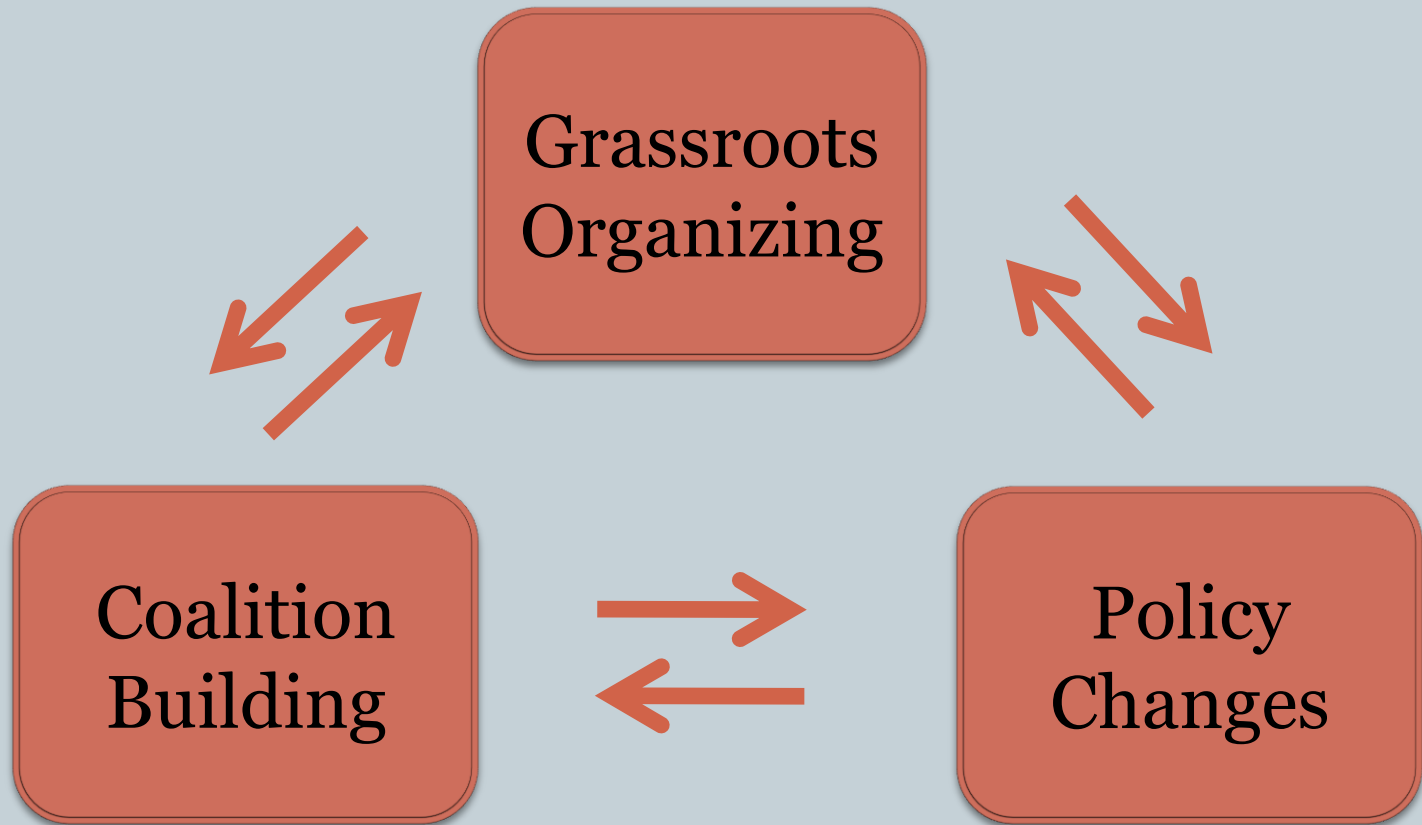
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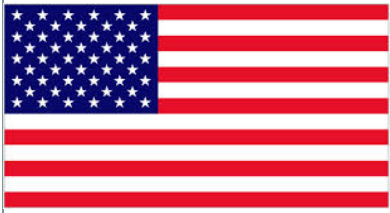
- Unions have been able to negotiate higher wages in urban counties.
- In 2008, 50 counties in California paid higher than the state minimum wage of \$8.00 per hour.
- IHSS workers earned the highest wages in the eight-county San Francisco Bay Area, with most counties offering \$11.50 per hour. (2008)
- Santa Clara County paid a Bay Area and statewide high of \$12.35. (2008)



The Union's Strategies



(from Delp and Quan, 2002)



- **Grassroots organizing** and political mobilization around day-to-day worker issues; this became the foundation of all organizing work.
- **Policy changes** aimed at restructuring the system to benefit workers while delivering better care to consumers; these became the tools for accomplishing change.
- **Coalition building** between workers, consumers, and advocates; this became the means for asserting public pressure to effect the organizing goals.



Organizing Homecare Workers in Canada



- Overview:
- Mainly women and immigrants
- While unionized HCWs have higher wages and better benefits, the majority of home-based HCWs are non-unionized, with few benefits.
- Difficulties to organizing: high turnover, dispersed small work units (invisible), and language diversity.



Organizations and Unions



- Canadian Union of Public Employees (CUPE)
- Service Employees International Union (SEIU)
(Local 1 Canada, Local 2 BC)





Unionized Homecare Workers Earn More



By Union Status	Hourly Wage
Unionized	\$13.49
Non-Unionized	\$11.95
Overall	\$12.71

National Averages of HSW Hourly Wages
Source: Canadian Home Care Association, 2003



Successful Campaign



- A big SEIU victory: Government of Ontario announces PSW registry (2011)



- SEIU members celebrating the announcement of the registry, Toronto Canada



Organize Homecare Workers in South Korea



- Overview:
- The Ministry of Health and Welfare introduced the long-term care system in 2008.
- Elderly homecare workers and personal support workers (for the disabled) started working from 2008 through the government subsidy program.
- Mainly women in their 40-50s.
- Overall 56,500 homecare workers.
- Comparatively very short history of homecare work (5 years) but very rapidly and militantly organized.





Organizing Homecare Workers in South Korea

- 2008 Korean Care Workers Association (KCA)
- 2008 Personal Support Workers Association (PSWA)
- 2009 After KCA picketed and organized legal monitoring, homecare workers got recognition as “workers” who are protected under labor law.
- 2011 After the PSWA lobbied, picketed, and filed complaints, personal support workers got recognition as “workers.”



2009, homecare workers rally in Seoul



- 2012 300 homecare workers win a lawsuit about overtime pay (receiving \$230,000 backpay)
- 2012 Become a member of care workers union under the Korean Confederation of Trade Unions (KCTU)
- 2013. March. National Personal Support Workers Union
- 2013. March. Homecare worker allowance is introduced. (Monthly \$100)



2012. Homecare workers rally in front of the Ministry of Health and Welfare in Seoul

Questions?





Thank you!!

This project was specially designed for you by
Asian Immigrant Women Associates.

