



FOR MORE INFORMATION AND ASSISTANCE

For more information, to get help, or to meet other domestic workers, contact your local NDWA affiliate:

HUMAN TRAFFICKING

If your employer is physically or sexually abusing you, holding your documents or passport, threatening you or your family members, restricting you from leaving the house or talking on the phone, depriving you of food or sleep, or otherwise using force, fraud, or coercion to keep you working, contact:

The National Human Trafficking Resource Center Hotline (24/7) at 1-888-373-7888

These are possible indicators of human trafficking, and you can be connected to help.

OTHER RESOURCES

National Human Trafficking Resource Center's 24 Hour Toll-Free Hotline at 1-888-373-7888

If you are in immediate physical danger Call 911

To file a complaint with the Labor Department, CALL 1-888-52-LABOR.

If you have been unjustly treated, exploited, abused, injured or taken advantage of in the workplace, call (212) 481-5747 to make an appointment with an in-take specialist.

Beyond Survival

www.domesticworkers.org/beyond-survival

SOURCE:

Retrieved from from NYS Department of Labor "Facts for Domestic Workers"
<http://www.labor.ny.gov/legal/laws/pdf/domestic-workers/facts-for-domestic-workers.pdf>



**NATIONAL DOMESTIC
WORKERS ALLIANCE**

BEYOND SURVIVAL

THE NEW YORK
DOMESTIC WORKERS BILL OF RIGHTS



THE NEW YORK DOMESTIC WORKERS BILL OF RIGHTS



WHO IS A DOMESTIC WORKER?

You are a domestic worker under the Domestic Worker Bill of Rights if you work in another person's home:



- Caring for children or an elderly person
- Keeping house (cleaning and cooking)
- Doing other domestic jobs in the home (gardening or repairs)

THE DOMESTIC BILL OF RIGHTS

Under New York State labor law, including the Domestic Workers Bill of Rights, your employer must:

- Pay you at least the minimum wage (\$7.25 per hour)
- Pay you overtime at 1 1/2 times your basic rate of pay after 40 hours of work in a calendar week. If you live in their home, they must pay you overtime after 44 hours of work in a week
- Give you one day (24 hours) of rest per week – or, if you agree to work on that day, you must be paid at an overtime rate
- Give you at least three paid days off after one year of work for the same employer
- Pay you each week
- Not deduct money from your pay without your written permission, except for deductions authorized by law for your benefit, such as:
 - Income tax withholding
 - Social Security
 - Medicare
 - Health insurance
 - Automatic savings plans
- Not take money from your wages for breakage or other such reasons
- Give you written notification of all deductions, whether you are paid in cash, by check, or by direct deposit
- Keep detailed payroll and time records of:
 - The hours you work
 - Your wages and any deductions from those wages

WHO IS PROTECTED?

The Domestic Workers Bill of Rights and New York State Labor Laws protect you, whether you are:

- A citizen of the United States
- A legal permanent resident
- An immigrant with other lawful status (such as temporary protected status)
- An undocumented worker

These laws cover all workers. Their immigration status does not matter. However, workers must have work authorization in order to receive unemployment insurance.

INSURANCE AND BENEFITS

If you work at least **40** hours per week for a single employer, your employer must also provide you with Workers' Compensation insurance. This insurance pays your medical expenses if you are hurt on the job. It also will replace some of your lost income. Workers Compensation is available to workers regardless of immigration status.

If you work over **40** hours a week, you are also entitled to statutory disability benefits. When you cannot work because you are injured or sick (defined to include pregnancy) as a result of something that does not occur in the course of your work, your employer must have an insurance policy that pays you up to \$170 per week for up to 26 weeks, if you cannot return to work during that period and are not receiving other compensation from your employer. The employer can charge you up to sixty cents a week for the cost of that policy.

If your employer gives you meals and/or a place to live, they may get a specific credit toward the minimum wage they pay to you.