

WILD Organizers' Training

Domestic Workers' Bill of Rights

Facilitators' Outline

Welcome and Introductions

20 minutes

- Facilitators welcome participants and introduce yourselves (name, organization, and—in very few words-- why you are teaching this workshop). Keep your intro brief, and then ask participants to introduce themselves following your model.
- Each person in turn introduces her/himself giving the following information:
 - Name
 - Organization (if they are part of an organization)
 - (very briefly) What brings you to this training?

Note to facilitators: If you don't know everyone and you are not using name tags, you might want to note people's names & organizations on a flip chart

I. Warm-up: Our Experience

10 minutes

- A. Ask participants to raise their hand if:
- You've ever worked as a domestic worker.
 - A close friend or family member has ever worked as a domestic worker
 - You have ever worked in an organization or agency that works with domestic workers
 - You or a close friend or family member have ever employed a domestic worker
- B. End with a quick sum-up of the range of experience among the participants
- C. Have participants break into 2 groups by language (Spanish or Portuguese) for the rest of the training.

II. Intro to the workshop

15 minutes

A. Review the workshop objectives. Ask: “What questions or comments do you have?”

Flip chart: Objectives

B. Listen to the proposed ground rules. What would you add or change?

Flip chart : Proposed Ground rules

C. Review agenda, materials and flip charts.

Handout: Participants’ Agenda

Flip charts:

Agenda

Parking Lot (title only)

Jargon Buster (title only)

Note to Facilitators: The “Parking Lot” (a blank flip chart with the title “Parking Lot”) is a place to write down questions that cannot be answered in this workshop, or issues that are important but off-topic. “Jargon Buster” is a similar blank flip chart where you can write down and define terminology that not everyone knows, such as legal terms. Emphasize that participants should feel free to ask the meaning of unfamiliar terms. Probably others in the room don’t know them either, and we are all here to learn.

III. Who are Domestic Workers

30 minutes

A. All together, brainstorm: Who are “domestic workers”: what jobs do they do?
List all the jobs you can think of that could be included as “domestic workers”
Post answers on flip chart

Flip chart: “Domestic Workers” (title only)

B. If participants haven’t suggested them already, propose some “iffy” job categories, such as chauffeurs, gardeners, dog-walkers, house-sitters, *au pairs*. If the participants think they might be included, add them to the list

C. Pass out the handout “*Who is a Domestic Worker*”.

Handout: “*Who is a Domestic Worker*”

- Explain that this is not a legal definition of a domestic worker, but it is a legal definition of who is covered under the Domestic Workers Bill of Rights.
- Ask someone to read the definition from the Bill out loud.
- Ask, “What questions or comments do you have?”

D. Once people’s questions are answered and everyone understands the definition, turn the page over and look at the other side.

- Ask, “Using this as a guide, how would we revise our chart?”
- With participants’ input, add or cross out job categories from the flip chart

IV. What Problems do Domestic Workers Face?

30 minutes

A. Break participants into small groups.

- Give them each *sharpies* and *post-its*.

Materials: *Post-its* and *sharpies*

- Ask them, “From your experience as a domestic worker or working with domestic workers, what are the major problems they face at work? Write them on post-its, 1 problem per post-it. When you are done, post them on the flipchart”

Flipchart: “*Major Workplace Problems*” (title only)

Note to facilitator: You may want to model this. Name 2 problems, say Wage Theft and Sexual Harassment. Write each on a separate post-it and post them in different spots on the flip chart.

B. When every group of participants has posted their answers, ask them as a group to come up front, and rearrange the post-its into clusters of similar content. (*For example, all post-its having to do with low wages could be 1 cluster; all having to do with “job creep” another; all having to do with abusive employers another.*)

The actual cluster will depend on what the participants come up with.) Give each cluster a name (for example, “pay problems”, “no benefits”, “employer abuse”...)

- C. With input from participants (and depending on time) choose several of the most-mentioned groups, and ask “How do people deal with these problems today?” Make sure to get answers from the perspective of both the individual domestic worker and the advocacy organization or agency that helps DWs deal with their problems.

V. What Are DW rights under current law

30 minutes

- A. Introduction: “We all know that domestic workers are excluded from many of the protections that other workers take for granted under federal laws. However, Domestic Workers in Mass do have some rights under state laws. But even those rights are often hard to enforce.

Flipchart: *“Rights DW Currently Have in Mass*

- B. Go over the flipchart, naming the rights and pointing out that where it says “if...” that means that DW only have these rights under certain circumstances. Then pass out handout.

Handout: *Rights DW Currently Have in Massachusetts*

- C. Break participants into small groups, and ask them to answer the question “What are the problems with those rights?”

- D. Back together, discuss the small groups’ answers. Some of the answers that should be included are:

- a. It’s hard to prove minimum wage and overtime violations if there is not a clear definition of when a person is working
- b. It is very difficult and expensive for a person to bring a private lawsuit in court. The MCAD is a much easier and more worker-friendly way of enforcing discrimination laws
- c. Most employers of domestic workers employ only 1 or very few domestic workers. That makes unionization very difficult.

VI. What Would Bill of Rights do?

40 minutes

- A. Pass out the multi-page handout “New Rights under the Bill of Rights”, and tell participants they can follow along as you discuss the rights on the flipchart. The handout is a reference; we won’t go into all the details in today’s workshop.

Flipchart: “New Rights under the BOR”

Handout: “New Rights under the Bill of Rights” (multiple pages)

- B. Read each “right” on the flip chart in turn – or ask for a volunteer to read them. After reading the line,

- Fill in some of the details
- Ask for questions of clarification
- Ask: “Why is this important?”

(Note: Since the list of rights is long, this process could take a long time. It’s okay to ask people to be brief.)

- C. Present the last 2 pages yourself (“Enforcement”, and “Additional Provisions”), very briefly. The main points you need to make are:

- Enforcement:
 - You have already seen that the 2 agencies in charge of enforcing the BOR are the Attorney General’s Office and the MCAD. Here is their contact information.
 - One last important point is that because the bill’s intent is to protect DW rights, it is supposed to be interpreted in the workers’ favor
- Additional Provisions: A year after the bill is enacted, another state agency, the Executive Office of Labor and Workforce Development, has two tasks to complete:
 - Develop an outreach and training program for domestic workers and their employers about domestic worker rights
 - Prepare a report on development of further protections for DW

- D. Ask for questions and comments.

VII. How will we make use of the new law?

30 minutes

A. Pass out Bill of Rights Worksheets.

Handout: Bill of Rights Worksheet

B. Draw participants' attention back to the **flipchart** "*Major Workplace Problems*"

C. Divide into small groups. Each group pick one of the clusters of problems identified earlier. In the group, they should pick a particular problem within the cluster. Using the Worksheet as a guide, have the groups outline what they would do to deal with this problem once the Bill of Rights is passed. If they pick a problem that the BOR does not address, they should note that down and pick another issue.

D. Bring the groups back together and have each one report back briefly on what problem they discussed, and what they would do. (*Note: If the groups start repeating what each other has said, you might sum them up to shorten the report*)

E. All together discuss:

- a. How does the BOR help solve some of the problems we identified earlier?
- b. What is still missing? What problems does the BOR fail to cover?

VIII. Evaluation & Next Steps

10 minutes

A. Ask, "What additional training would be helpful for you in your work on the Bill of Rights?"

- Post answers on flip chart.
- Once answers are posted, ask for quick show of hands on how many people are interested in each topic, and note on chart for future use.

Flip Chart "*Additional training we would like*" (title only)

B. Ask participants to fill out evaluation form.

Handout: Evaluation form

C. Thank everyone for their participation.

Flip Charts for BOR Training

Flip chart for activity IIa

Objectives

By the end of this workshop, participants will have:

- Identified major issues domestic workers (DW) face on their jobs
- Reviewed the rights DW currently have under Mass laws
- Examined the new rights afforded by the DW Bill of Rights
- Practiced using the Bill of Rights to resolve a workplace problem

Flip chart for activity IIb

(Note: these are suggestions. Use whatever ground rules you find useful. You might try starting with 3 or 4, and let participants add)

Proposed Ground Rules

- Cell phones off (or on mute) – no texting
- Respect each other
- “Share the Air” – give everyone a chance to speak
- We’re here to learn, not judge
- Confidentiality
- Agree to disagree

Flip charts for activity IIc:

Agenda

- Welcome and Introductions
- Warm-up: Our Experience
- Introduction to Program
- Who are Domestic Workers?
- What Problems do Domestic Workers Face?
- Review of Domestic Workers' Rights under Current Law
- What Would the Bill of Rights Do?
- How will we make use of the new law?
- Evaluation & next steps

(title only)

Parking Lot

(title only):

Jargon Buster

Note: This can also be titled “In other words...”

Flip chart for activity IIIa: (title only)

Domestic Workers

Flip chart for activity IVa: (title only)

Major Workplace Problems

Flip chart for activity Va

Rights Domestic Workers Currently Have in Mass (sort of)

- Right to **minimum wage** and **overtime**
- Right to collect **unemployment** insurance if...
- Right to collect **worker's compensation** if...
- Right to be free from **sexual harassment**
- Right to be free from **discrimination on the basis of sex or race**
- Right to **unionize**
- Right to 8 weeks **unpaid maternity leave** if...

Flip chart for activity 6A

New Rights under the BOR

- **Earned sick time** (unpaid, but job protected)
- **Pay for all time worked**
 - * All time DW is required to be on employer's premises or on duty
 - * Meals, rest breaks
 - * Sleep time is sometimes included
- **Days of rest**
 - * Unpaid
 - * 5 paid rest days after 1 year full time, or 1250 hours
- DW doesn't have to pay for **Food** or **Lodging** except in certain circumstances
- **Privacy**
- **Protection against trafficking** (forced services, including sex)
- **Written employment agreement** if DW works 16+ hours per week.
- Employer must **keep records**, and give DW **notice of her/his rights**
- **Written explanation** if fired
- **Prior notice** if let go without cause
- **Discrimination** and **Harassment** provisions enforced by MCAD
- **PCAs** can take **sexual harassment** claims to MCAD

Flip Chart for activity VIIIa (title only)

ADDITIONAL TRAINING WE WOULD LIKE