



The Facts on Oregon's Senate Bill 552- Domestic Workers' Protection Act

BACKGROUND:

Domestic workers ("DW") comprise a growing workforce that has been historically excluded from workplace protections. Domestic workers provide in-home services such as childcare, home care to seniors and persons with disabilities, and housekeeping. The unique nature of domestic work subjects domestic workers to extreme exploitation and abuse.

WHAT THE MEASURE DOES:

Senate Bill 552- establishes workplace protections for certain domestic workers, including overtime pay, periods of rest, paid personal time and protection against harassment. Directs the Oregon Bureau of Labor and Industries to adopt rules to implement.

WHICH DOMESTIC WORKERS ARE COVERED UNDER SENATE BILL 552?

The bill provides protection to nannies, house cleaners, and housekeepers working in the private home.

The following individuals are exempt from the bill:

1. Home care workers who provide services to senior and persons with disabilities
2. Parent or spouse of the employer
3. Child of the employer under age of 26 years old
4. Casual babysitter
5. Independent contractor

WHAT DOES THE OREGON DOMESTIC WORKER PROTECTION ACT ("DWPA") DO?

The bill amends Oregon Labor Law to provide:

1. Overtime pay at 1.5 the DW's base rate for hours in excess of 40 hours in a workweek or in excess of 44 in a workweek if DW lives in the home of the employer.
2. 24 consecutive hours of rest each workweek. If the DW works on rest day, then the employer is required to pay the worker overtime.

3. 8 hours of consecutive rest in a 24- hour period and the bill requires a space with adequate conditions for uninterrupted sleep for live-in DW's.
4. The right for live-in DW's to cook their own food, subject to reasonable restrictions on the religious or health needs of their employer.
5. 3 personal leave days off, if the DW works at least 30 hours per week during the previous year for an employer.
6. Protection against harassment in the workplace based on gender, race, religion, disability, sexual orientation or national origin. Employers of DW may not:
 - Request that the DW allow the employer to have possession of the worker's passport
 - Sexually harass or subject the DW to a hostile work environment
7. Protection against retaliation and discrimination with respect to the hiring and the employment of DW's.
8. Rights to meal and rest periods, but these rules will be adopted and implemented by the Bureau of Labor and Industries.
9. Commissioner of Bureau of Labor and Industries shall adopt regulations for the calculation of overtime wages for DW's during periods of travel and medical emergencies.

HOW MANY EMPLOYEES MUST AN EMPLOYER HAVE TO BE COVERED UNDER OREGON'S DISCRIMINATION AND HARASSMENT LAWS ?

In order to be protected by Oregon's discrimination laws, employees must be employed by an employer with *at least one or more employees*, except for certain protections such as physical/mental disability and injured workers, which require six or more employees.

Generally, the protected categories under Oregon's discrimination laws include:

- Race/color
- National Origin
- Sex (includes gender, pregnancy and sexual harassment)
- Sexual orientation
- Religion
- Retaliation for opposing an unlawful employment practice
- Association with a member of a protected class
- Age (18 or older)
- Marital Status
- Physical/Mental Disability
- Injured workers
- Family Relationship

WHERE CAN DW'S GO TO ASSERT THESE NEW LABOR LAWS?

The Bureau of Labor and Industries (BOLI) enforces Oregon's civil rights and wage and hour laws. Workers that wish to learn or assert their labor rights in Oregon should contact the below websites for further information.

<http://www.oregon.gov/BOLI/Pages/index.aspx>

Filing a wage claim- http://www.oregon.gov/boli/WHD/Pages/W_Whhowinf.aspx

Filing a discrimination claim- http://www.oregon.gov/boli/crd/Pages/c_crcompl.aspx