

MAKING IT WORK FOR WORKERS

A Study on the Efficacy of the
Massachusetts Domestic Workers Bill of Rights



BOSTON COLLEGE | LAW

January 2023

Message from the Executive Director of the Brazilian Worker Center, Lenita Reason

The Brazilian Worker Center (BWC) is a community-based organization that supports immigrants on issues of workplace rights, and provides a variety of community support services. We work in partnership with community members; supporting them in executing their rights through organizing, advocacy, education, leadership, capacity building, and civic engagement. We join Brazilians and other immigrants by supporting them in organizing against economic, social, and political exclusion in order to create a more just society. The passage of the Massachusetts Domestic Workers Bill of Rights (DWBR) in 2014 was the culmination of such an organizing effort by five community groups, including BWC, and represents a monumental step toward such justice.

Nearly seven years since the DWBR went into effect, BWC thought it vital to study the impact of this law on domestic workers. Domestic workers are essential to our community – they take care of our homes and our loved ones – and therefore, it is our duty, as a community, to also take care of them. We hope this study will push all of us to work harder to fulfill the promise of the DWBR.

This report is being released at a crucial time for the immigrant community. Nearly a decade after our coalition passed the DWBR, and after years of advocacy and challenges from opposition groups, we passed a new law, the Work and Family Mobility Act. This law allows people, regardless of immigration status, to obtain their driver's license in the state of Massachusetts. However, our work for immigrant workers must continue and this Report provides a blueprint for how we can further advance the rights of domestic workers in our state.

The passing of the DWBR was possible due to a collective effort informed by our shared belief that the exclusion of domestic workers reinforces social inequalities including sexism and racism. The majority of individuals who are domestic workers are immigrant women of color, and they have historically faced discriminatory actions and social injustices. Many Black immigrant women are the pillars of their families and the community, greatly contributing to their spouse's and children's social, economic, and physical needs, and supporting other families throughout the state through domestic work. These women are resilient warriors and they deserve to be treated as such. When our society treats domestic workers with dignity and respect, we all thrive.



A handwritten signature in black ink, appearing to read 'Lenita Reason'.

Lenita Reason, January 12, 2023

Executive Director of the Brazilian Worker Center

ACKNOWLEDGEMENTS

This report is the product of the collaboration between the Civil Rights Clinic at Boston College Law School* and the Brazilian Worker Center. This report was co-authored by students Ayesha Ahsan, Katie Bekel, Lloyd Hancock, and Julie Meyer, working under the supervision of Professor Reena Parikh, and Lenita Reason and André Simões of the Brazilian Worker Center. Previous student attorneys in the Civil Rights Clinic, Laura Caro Ruiz, Jessica Bielonko, Steven Levy, Noah Yurek, Sarah Cortinez, Erin McLaughlin, Heather Odell, and Misbah Husain, and Boston College School of Social Work students Kate Ziegelstein, Nina Mitukiewicz, and Teresa Marzilli conducted the study in partnership with BWC's Lenita Reason and Nalacia Tracy, the former Executive Director of BWC. Gessyenia Telles and Paula Correa, organizers with BWC, were invaluable in recruitment of and outreach to domestic workers. Professors Claire Donohue, Thomas Crea, Karen Dexter, Alejandro Olayo-Mendez, and Brinton Lykes, as well as Boston College School of Social Work student Megan Collier, provided valuable consultations during the course of the study, and BC Law alumna Kristen Rosa designed this report. Brazilian Worker Center gratefully acknowledges the seed funding for this research provided to them by the Sociological Initiatives Foundation, with special thanks to GMA Director Prentice Zinn, and late SIF board president, Glenn Jacobs.

The following individuals generously volunteered their time to participate in the study: Heather Rowe, Kate Watkins, and Lauren Moran of the Massachusetts Attorney General's Office Fair Labor Division; Carlos Matos of the Wage and Hour Division of the U.S. Department of Labor (WHD); Mark Pedulla of the Office of the Solicitor of the U.S. Department of Labor; Jim Mulligan of the Boston Area South Region Occupational Safety and Health Administration Office; H. Harrison of the Massachusetts Commission Against Discrimination; and Marydith Tuitt of the Massachusetts Commission on the Status of Women.

Thank you to all of the domestic workers, domestic worker employers, and workers centers that participated in this study.

* This Report does not purport to represent the university's institutional views.

Dedication

We would like to acknowledge the inestimable contribution of everyone who has fought and still fights to protect workers' rights, and a heartfelt thank you to Angela A. de Sena, a brave fighter who fiercely fought against an aggressive cancer while also advocating against social injustices. Angela was born in 1962 in Guanhões, Minas Gerais- Brazil. She came to the US in 1996 in search of the American Dream. Since arriving here, she always worked hard. She lived in Framingham for many years, where she was very active in the Brazilian community and a member of St. Tarcisius Church and at the Brazilian Worker Center. At the Brazilian Worker Center, her efforts supported many workers, especially domestic workers. In 2014 she helped start the Building Justice Committee to support workers in promoting safety and recovering stolen wages. She struggled for justice and dignity for everyone. Her efforts will never be forgotten, and her legacy will always be a part of our daily work at BWC. She will always be in our hearts and minds. We dedicate this report to her.



In the nearly eight years since the enactment of the Massachusetts Domestic Workers Bill of Rights¹ (“DWBR” or “Bill”), there has been little analysis of the efficacy of the Bill or its impact – do workers know about it? Are employers complying with it? Is the government enforcing it?

The Brazilian Worker Center, a women-led worker center based in Boston focused on advocating for immigrants’ labor rights, and the Boston College Law School Civil Rights Clinic, conducted a study between 2021-2022, on the impact of the Domestic Workers Bill of Rights. This study sought to answer those questions through surveys and interviews with four stakeholder groups: domestic workers, employers of domestic workers, government agencies, and worker centers.

This report discusses the findings of the study and offers recommendations for how to ensure that the rights of domestic workers are not simply enshrined in the Massachusetts General Laws, but are actually reflected in their everyday experiences.

Methodology

To study these questions, researchers developed surveys for each of the four stakeholder groups, tailored to each group's interaction with the DWBR. The questions in the domestic worker survey centered on their knowledge of the Bill and their working conditions. The employers' survey was focused on their knowledge of the Bill and their compliance with it. The survey instruments for the worker centers and government agencies focused on their role in educating domestic workers and employers about the DWBR and enforcement of the Bill.

Findings

Survey results highlighted two major obstacles hindering the efficacy of the DWBR:

1. lack of knowledge about the Bill and how to report a violation and
2. lack of resources to properly enforce it.

Over 75% of domestic worker respondents had little to no knowledge of the DWBR. Furthermore, employers were also largely unfamiliar with their obligations under the Bill. Almost half of the employers surveyed reported they had not heard of the DWBR. Additionally, the survey results indicate that various rights provided to domestic workers under the Bill, including overtime pay and a written contract, are not being provided to them.

Lack of knowledge about the Bill by domestic workers and their employers correlated with greater non-compliance with the Bill's requirements.

Similarly, greater familiarity with the Bill had a positive correlation with the provision of greater protections to domestic workers, including the provision of written contracts, payroll records, and paystubs.

More than 90% of workers reported not seeking help when they thought their rights had been violated and among them, more than 1/3 cited the reason as not knowing how to enforce their rights. Interviews with worker centers also highlighted that many domestic workers fear retaliation from

their employers if they report violations of the Bill. In follow-up interviews with domestic workers, several of them shared a fear of getting fired, or immigration-related consequences if they confronted their employer to discuss a violation.

Most employees and employers reported learning about the Bill from a worker center, yet these organizations reported significant funding challenges, hindering their ability to engage in sufficient outreach and enforcement of the DWBR to meet the need. Worker centers also suggested the need for greater state-wide collaboration between lawmakers and agencies to address the lack of knowledge about the DWBR and how to enforce it.

The Massachusetts Attorney General’s Office (“MA AGO”) currently has no meaningful way to affirmatively identify employers of domestic workers in order to educate them about their obligations under the Bill prior to a violation or complaint being made. Stakeholder groups also pointed out that enforcement of the DWBR by the MA AGO occurs only after the agency receives a complaint, which places the burden on workers and others to identify and report violations.

Recommendations

The study results highlighted four key areas of improvement: identification and education of employers, education of domestic workers on the DWBR and enforcement, increased resources for worker centers and increased collaboration between government agencies, lawmakers and worker centers.

1. Employer Identification and Education. Targeted outreach to employers to educate them about the DWBR is critical to increasing their compliance with the Bill. However, employers are hard to identify because most hire domestic workers directly through private transactions that are not monitored, regulated, or reported to the government. In order to identify such employers, we recommend adding a simple yes/no question on state tax forms asking the filer if they were a customer of a domestic worker in the prior












calendar year. We then propose making any necessary legal changes to allow the MA Department of Revenue to share this information with the MA AGO, so the agency can directly send employers materials about the DWBR.

2. **Increasing Domestic Worker Education on the DWBR and Enforcing Their Rights.** Most domestic workers are unaware of their rights under the Bill and lack the knowledge of how to enforce their rights if they are violated. One solution to this problem is having targeted PSA-style campaigns and advertisements along major public transportation routes in multiple languages, highlighting the MA AGO hotline number they can call if their rights have been violated.

3. **Increasing Resources for Worker Centers.** Worker centers are vital to enforcement of the DWBR, but they lack the necessary resources to address demands for their assistance. We recommend additional funding and grants be provided to worker centers to focus on DWBR education and enforcement. Additionally, lawmakers should make the statutory changes needed to enable the MA AGO to share the monetary fines collected from enforcement actions with worker centers for cases in which worker centers assisted the Fair Labor Division in identifying violations or served as a liaison between the agency and the domestic worker.

4. **Strengthening Collaboration and Coordination Between Government Agencies, Worker Centers, and Lawmakers.** To increase knowledge and enforcement of the DWBR and fulfill the Bill's promise, a coordinated outreach campaign between worker centers, government agencies, and lawmakers is necessary. The reach of each of these groups alone is limited, but with coordination these groups have the potential to drastically increase knowledge and enforcement of the DWBR.

The DWBR was passed by the Massachusetts state legislature and signed into law by Governor Deval Patrick in June 2014, with an effective date of April 1, 2015. The passage of the bill came at a time when state governments across the country and the world were passing similar laws aimed at protecting domestic workers, including Brazil in 2013.²

NEW YORK		2010
HAWAII³		2013
CALIFORNIA		2014
MASSACHUSETTS		2015
OREGON		2016
CONNECTICUT		2017
ILLINOIS		2017
NEVADA		2018
SEATTLE, WA		2018
NEW MEXICO		2019
PHILADELPHIA, PA		2020

Among all these laws, the Massachusetts DWBR remains the most comprehensive state law protecting domestic workers.⁴ The passage of the MA Bill was the culmination of years of activism and organizing by worker centers and domestic workers. It guaranteed labor rights for workers long excluded from protections due to systemic racism and sexism⁵ and created new safeguards to ensure domestic workers are able to do their jobs with dignity. The law placed affirmative obligations on employers of domestic workers and established an enforcement mechanism that allows workers to seek legal remedies if employers violate their rights under the Bill.⁶

Who Is Considered a Domestic Worker?

As defined by the Domestic Workers Bill of Rights, domestic workers are workers who provide paid domestic services for a household, including but not limited to housekeeping and cleaning, home management, home companion services, childcare, cooking, laundry, and caring for older adults or sick people.⁷ The Bill states that other household service positions provided for members of a household or their guests, may also qualify as domestic work.⁸ It is notable that the term “domestic worker” is a construction that is rarely used by domestic workers themselves to describe their jobs. For example, when asked about their job, a domestic worker is more likely to reply that they are a nanny, housekeeper, caretaker, or cleaner, than they are to say that they are a “domestic worker.”

What Protections Are Guaranteed Under the Domestic Workers Bill of Rights?

Under the Domestic Workers Bill of Rights, all Massachusetts domestic workers are entitled to certain protections, including:

Pay. Like other workers, domestic workers are entitled to the state minimum wage and must be paid for all hours worked.⁹ The DWBR clarifies that this generally (there are some exceptions) includes all time a worker is required to be on the employer’s premises on duty.¹⁰ Domestic workers are also entitled to overtime pay, which must be at least 1.5 times their regular pay rate for any hours worked over 40 hours in a one week period.¹¹ The DWBR explains that overtime pay is also required if a domestic worker elects to work on their day of rest and as a result, works over 40 hours in a week.¹² The DWBR also specifies how to calculate a worker’s salary when the domestic worker resides at their employer’s home. Employers are only allowed to deduct the cost of lodging from the worker’s wages if an employee voluntarily chooses to live with the employer (meaning it is not a condition of the employment itself) and if the lodging meets certain living standards.¹³

Time Off. Employers must provide workers with a 30-minute meal or rest break every day that they work at least 6 hours. Employers who employ workers for 40 hours a week or more are required to give workers a rest period of at least 24 consecutive hours every week and at least 48 consecutive hours every month.¹⁴ Workers have the right to take up to 8 weeks of unpaid job-protected leave for the birth or adoption of a child. If an employee is required to be on duty for 24 hours or more, meals, rest, and sleeping periods are considered working time.¹⁵

The bill provides further protections for domestic workers who are employed for 16 hours or more a week by a single employer. That includes provision of a written contract and time sheet:

Written Agreement. Employers must provide – in writing – an agreement that outlines:

- the rate of pay, for both regular hours and overtime hours;
- working hours, including breaks for meals and other time off;
- provisions regarding time off;
- the job responsibilities;
- the process of seeking additional pay for increasing duties;
- the possibility to collect worker's compensation if the worker sustains an injury;
- the required notice of termination for either party; and more.

The written agreement must be provided to each worker in a language that the employee understands and must be signed by both the worker and the employer.¹⁶

Notice Requirement. Employers must also provide their employees with notice of their rights under the DWBR which can be satisfied by providing them with a copy of the Massachusetts Attorney General's "Notice of Rights of Domestic Workers."¹⁷

Payroll Records. Further, the law requires that employers are required to keep payroll records and retain those records for three years.¹⁸ Workers are entitled to a pay stub that includes the number of hours worked each day.¹⁹ Workers also have the right to request written feedback from their employers three months after the start of their employment and once annually after that.²⁰

The methodology employed in this study was informed by the goals of assessing knowledge, compliance, and enforcement of the DWBR, as well as understanding the characteristics of four stakeholder groups: domestic workers, employers (of domestic workers), government agencies, and worker centers. Government agencies were included based on their role in enforcing or educating about labor rights and worker centers were included because of the crucial support they provide to domestic workers. Four separate survey instruments were developed for each of these groups, containing questions regarding their specific roles in relation to the DWBR.²¹ The domestic workers survey, the employers survey and the worker centers survey were all administered online, while the government agency survey was conducted in a live interview format.

Outreach took place in a variety of forms designed to target each stakeholder group. BWC directed outreach to domestic workers by sharing the survey link using existing channels of communication, including email, social media, messaging apps like WhatsApp, and more creative communication channels, including flyers in food packages distributed to community members. To reach employers of domestic workers, survey respondents were recruited through emails to BC Law faculty, emails to staffing agencies, flyers posted in daycare centers and religious institutions, and in postings in social media groups. Government agencies involved in protecting workers were identified and research identified appropriate points of contact for interviews. Worker centers were identified through BWC and other research and surveys were sent directly to worker center staff.

The primary research questions centered around domestic workers and employers' knowledge of the DWBR, the extent of educational outreach to these groups by government agencies and worker centers, the process of enforcement for rights guaranteed under the DWBR, and the comparison of actual working conditions for domestic workers compared to the rights guaranteed by the DWBR. To qualify as a survey participant for the domestic worker survey, individuals had to confirm that they have, at some point since 2015, been employed as a domestic worker in Massachusetts.

The domestic worker online survey – offered in English, Spanish, Portuguese, Chinese, Haitian Creole, and Nepali – comprised 27 multiple choice questions and two short answer questions. The survey included questions about demographic information, respondents' knowledge of the bill, working conditions, receipt of a written employment contract, hours and pay, payroll records, deductions from pay, their hiring process and their participation in any enforcement efforts under the DWBR. At the end of the survey, domestic workers had the option to participate in a follow-up structured interview to share more about their experiences. The major themes from these interviews were independently extracted by members of the research team and then compiled. Researchers then performed member validation and followed up with interviewees to verify the researchers had coded their responses appropriately into the correct themes. **A total of 205 domestic workers participated in the survey and 8 workers completed follow-up structured interviews.**²² Respondents did not have to provide any personally identifying information and were able to skip any survey question they did not want to answer when completing the survey and they could also end their participation at any time; as such, the number of responses to any given question ranged from 0 to 234 (some questions permitted multiple responses).

The employer online survey included 23 multiple choice questions and two short answer questions and it was offered in English, Spanish, Portuguese and Chinese. The employer survey included questions about demographic information, respondents' knowledge of the bill, and working conditions, including the existence of a contract, hours and pay, and enforcement efforts. Respondents to the employer survey were not required to answer every question in order to participate and could terminate their participation at any point during the survey. **A total of 124 employers participated in the survey.** Respondents did not have to provide any personally identifying information and were able to skip any survey question they did not want to answer when completing the survey and they could also end their participation at any time. As such, the number of responses to any given question ranged from 1 to 117.

The government agency surveys used a structured interview format covering

the topics of the reporting, investigation, and enforcement of complaints regarding violations of the DWBR; partnerships and collaboration with other organizations on education and outreach about the law; and successes, challenges, and suggestions for improvement. The study included structured interviews of representatives from the following five government agencies: the Massachusetts Attorney General's Office (MA AGO), the U.S. Department of Labor (DOL), the Massachusetts Commission Against Discrimination (MCAD), the Massachusetts Commission on the Status of Women (MCSW), and the Boston Area South Region Occupational Safety and Health Administration (OSHA) Office.

The worker center online surveys were distributed to leadership in worker centers and workers' rights organizations throughout Massachusetts identified by the research team as those which serve the needs of domestic workers. These included 16 multiple choice and seven short response questions. The worker center survey included questions on staff knowledge of the DWBR; awareness of the DWBR among their membership and the workers they serve; the number of staff working with domestic workers on enforcement of the DWBR; the number of complaints regarding violations of the DWBR, resolutions of complaints, and the number of referrals to the Attorney General's Office or Department of Labor; the enforcement process; trainings and educational outreach; and successes, challenges, and suggestions for improving the promise of the law. **A total of eight worker centers completed the surveys.** Respondents did not have to provide any personally identifying information and were able to skip any survey question they did not want to answer when completing the survey and they could also end their participation at any time; as such, the number of responses to any given question ranged from 6 to 8.

For information on the limitations of the study, please see [Appendix](#).

Domestic Workers

DEMOGRAPHICS OF DOMESTIC WORKER SURVEY RESPONDENTS

Race and Country of Origin.

Respondents selected all racial identities they identified with and 45% identified white or Caucasian as one of their racial identities, 28% identified Latino/a or Hispanic as one of their racial identities, and 23% identified Black or African American as one of their racial identities. Over 90% of respondents reported being born in Brazil.²³ Other respondents' countries of origin included Guatemala, Honduras, Colombia, El Salvador, Jamaica, China, and the United States.

Gender, Age, and Education. The vast majority of respondents were female and nearly two thirds of them were between the ages of 28-47. 74% of respondents identified as female and 65% were between the ages of 28 and 47. Nearly half (49%) had technical or trade school degrees.

Language. More than half (53%) of survey respondents report not speaking English. 53% reported speaking two languages, neither of which was English. 44% of respondents reported speaking both English and another language. 90% of respondents reported being most comfortable speaking Portuguese.

Income. Most respondents earned less than \$40,000 annually with 47.3% earning less than \$30,000. The vast majority – 86% – of respondents had an annual income of less than \$40,000, with 39.4% having incomes between \$30,000 and \$39,999, 34.7% having incomes between \$20,000 and \$29,999, and 12.6% having an income below \$20,000.²⁴

Knowledge of Rights & Enforcement

Knowledge of the Bill. More than 75% of respondents had little to no knowledge of the Domestic Workers Bill of Rights. See [Figure 1](#). Of the domestic workers surveyed who worked for 16 hours or more per week for a single employer (“protected domestic worker”²⁵), 77%

of respondents did not know about, or had little knowledge of, the DWBR. Meanwhile, all of the domestic workers that worked less than 16 hours per week for a single employer (“partially protected domestic workers”) did not know about the law or had little knowledge of it.

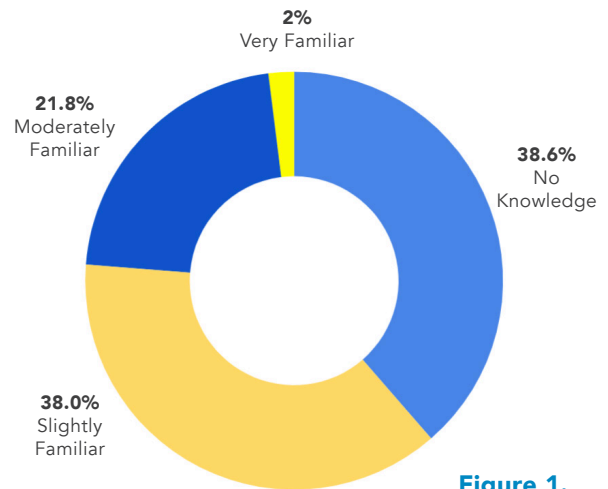


Figure 1. Protected domestic workers’ familiarity with the DWBR, ranging from “Very Familiar” to “No Knowledge.”

Source of Knowledge of DWBR. Most respondents who knew about the Bill, learned about it from someone who was not their employer. Most domestic workers learned about the DWBR from either a worker center or other workers’ rights organization (40%) or via a social media or messaging app such as WhatsApp, Facebook, Instagram, Twitter, etc. (29%). Only slightly more than 10% learned about the law from their employer. See [Figure 2](#).

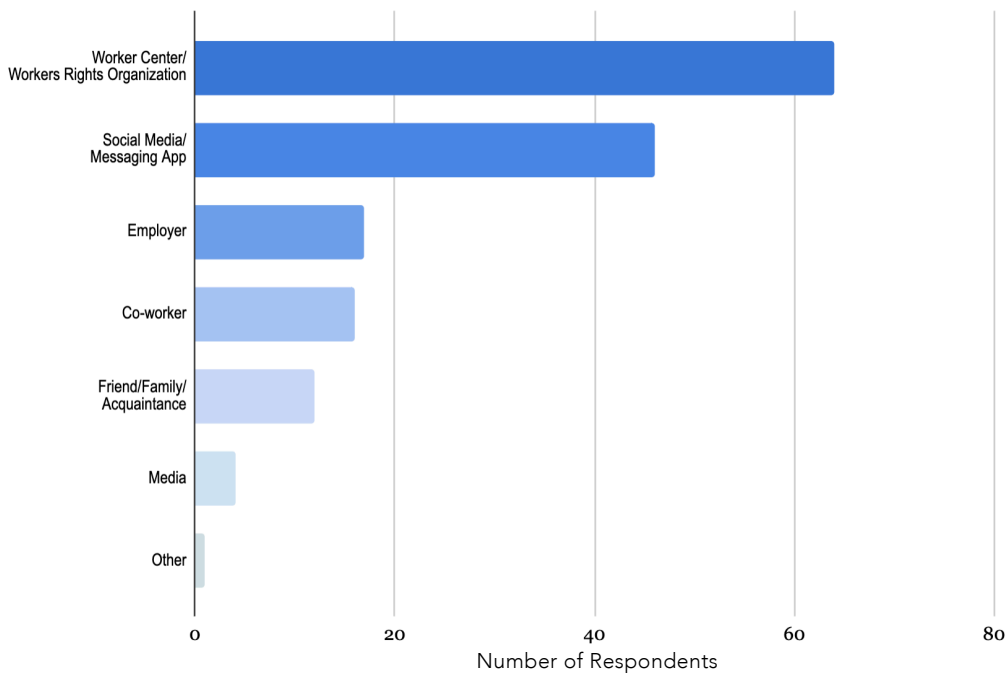


Figure 2. Domestic worker survey respondents’ sources of information about the DWBR.

“More people should know about [the DWBR] because there is a big community of workers and most of them aren’t aware of this.”
I.P. (domestic worker), when asked if the DWBR will help her.

Agreements with Employers. Just over 1 in 10 respondents had a written agreement with their employer in a language they could understand. Instead, the most common informational material received by domestic workers in a language they understood was a notice of rights.

Knowledge of Violations. More than half of respondents reported that they were unsure if their rights had been violated and 1 in 5 responded that their rights affirmatively had been violated. 57% of respondents responded that they were not sure if their rights were violated, while 22% of respondents reported that their employers had violated their rights, and another 22% of respondents reported their rights had not been violated.

Barriers to Seeking Redress for Violations of DWBR. Nearly half of the respondents reported not knowing the process to enforce their rights if their employer violated the law. Approximately 25% of respondents reported not trying to enforce their rights out of fear of employer retaliation. Others reported that they did not assert their rights due to a lack of time or monetary resources. See [Figure 3](#).

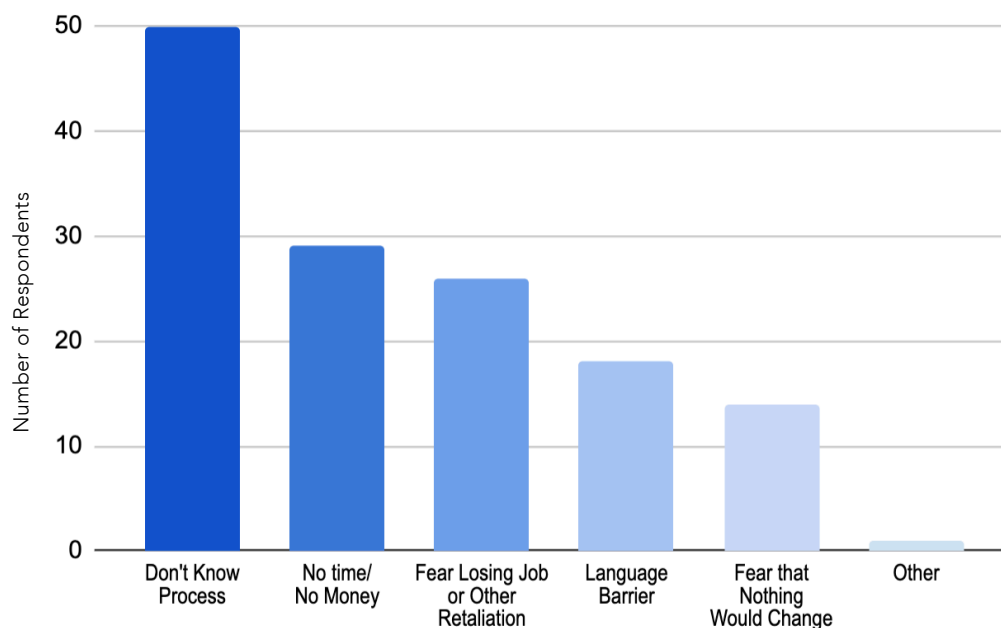


Figure 3. The reasons domestic worker survey respondents cited for not seeking enforcement in response to violations of their rights under the DWBR.

No Noticeable Difference in Working Conditions Since Bill Passage. More than half of respondents reported that working conditions have remained the same since the enactment of the law in 2015. 61% of respondents answered that their working conditions remained unchanged since the passage and enactment of the law.

Working Conditions

Types of Domestic Work. The three main areas of domestic work performed by respondents were housekeeping, cleaning, and childcare. See [Figure 4](#).

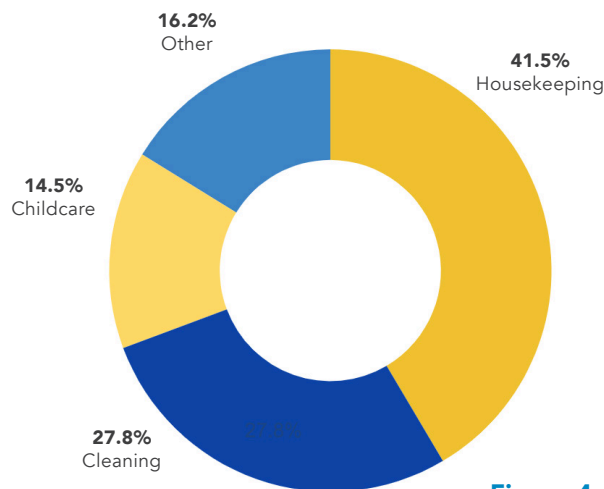


Figure 4.

The types of domestic work performed by survey respondents.

Hours Worked Per Household.

Over 90% of respondents worked for 16 hours or more at their primary place of employment. Nearly all respondents worked at least 16 hours or more per week for their primary employer, triggering heightened protections under the DWBR, with 43.3% working between 16 and 40 hours a week for a single employer, and another 50% working over 40 hours per week for a single employer.

Commute Times. A plurality of respondents reported commuting for more than one hour each way to get to work, with more than 1 in 10 commuting more than 4 hours. Over 35% of domestic workers reported commute times of an hour or more each way, with 19% commuting 1-2 hours, 2% commuting 2-4 hours, and 12% with a commute time of over 4 hours. Follow-up structured interviews highlighted that commuting times were growing as more employers moved from the cities to the suburbs and other areas with limited public transportation. 86% of respondents reported not living in their employers' homes.

Family Leave. Of the respondents who worked 16 hours or more for a single employer, more than 1 in 10 were not given the right to take eight weeks of unpaid parental leave. Domestic workers working 16 hours or more per week for a single employer were less likely to be able to take up to 8 weeks of unpaid leave than if they worked fewer than 16 hours per week. 43% of those working less than 16 hours per week were able to take up to 8 weeks of unpaid parental leave, while only 12% of those working 16 hours or more could do the same.²⁶

Source of Jobs. Most respondents reported they were hired by other domestic workers or directly by a household. 48% of respondents responded that they were hired by another domestic worker and 32% responded that they were hired directly by a household.

Employers of Domestic Workers

Demographics

Race, Gender, and Income of Employers of Domestic Workers. 70% of respondents identified as white/Caucasian, 69% of respondents identified as female, and 37% reported an annual household income of more than \$250,000. Most (70%) respondents said they identify as white or Caucasian and more than half identify as female (69%), while 29% identify as male. More than 1 in 3 employers (37%) – reported annual household incomes of \$250,000 or more, and 26% of employers reported annual household incomes of \$150,000 - \$200,000.

Hiring & Work

Domestic Worker Hiring and Employment. An overwhelming majority of respondents hire domestic workers directly. More than 4 in 5 employers hired their employees directly (81.8%), while only 13.1% hired employees through a staffing agency and 5% hired employees through another domestic worker. See [Figure 5](#).



Figure 5. Domestic worker hiring mechanisms.

Types of Work. Roughly 2 of every 3 respondents hire domestic workers for cleaning or housekeeping. 35.9% of respondents hire for cleaning, 30.7% hire for housekeeping, 18.8% hire for childcare, 8.6% hire for cooking, and 4.3% hire for caring for an elderly or sick individual.

Hours of Work. Nearly half of the respondents hire domestic workers for less than 16 hours per week, and thus fall outside the contract provision and time sheet requirements of the Domestic Workers Bill of Rights. 44.5% of employers said their employees work for 0-15 hours per week, 40.6% of employers said their employees work 16-40 hours per week, and 14.8% said their employees work over 40 hours per week.

Written Contracts. Of the respondents who hire a domestic worker for 16 or more hours per week, more than 4 out of 10 do not provide the domestic worker with a written contract. 43% of employers do not provide written contracts to domestic workers who work 16 hours or more for them, while 56% of employers do provide it.

Lunch Breaks. While more than half of respondents provide lunch breaks to employees, a large portion of employers do not or could not respond without further explanation. 56.4% of employers said they provide a lunch break, while 20.8% said they do not and 22.8% said they needed to further explain. 8 out of 9 respondents said that employee breaks are paid.

Knowledge

Employer Knowledge of DWBR.

Nearly half of respondents had never heard of the DWBR. 47% of employers had never heard of the law and 31% were only slightly familiar with the law. In comparison, just 15% were moderately familiar and 7% were very familiar. See [Figure 6](#).

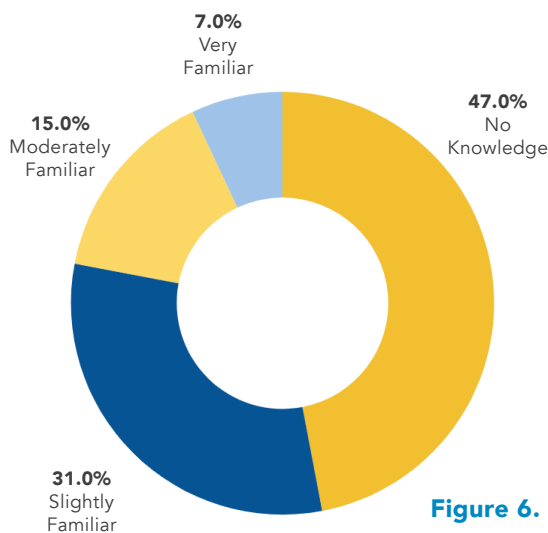


Figure 6.
Employer familiarity with the DWBR

Source of Knowledge. The most common method for respondents to learn about the DWBR was through worker centers. 31.5% of employers learned about the law through worker centers, 19.2% learned about the law from the media (newspaper, radio, or television), 12.3% learned about it through social media or messaging apps, and 10.9% learned about through a friend, family member, or acquaintance.

Knowledge about Classification as an Employer is Unclear. More than a quarter of respondents did not know if they were considered “employers” of domestic workers under the Bill. While 60.4% of employers surveyed considered themselves “employers” under the Bill, a quarter of employers (25.7%) stated they did not know if they were “employers.”

Correlation Between Knowledge and Compliance. Nearly all respondents who reported not keeping their domestic workers’ payroll records had no knowledge of the DWBR. 70% of employers who provided a written contract were very or moderately familiar with the DWBR. Moreover, 92% of employers who did not provide pay stubs had little to no knowledge of the law, while 51% of employers who did provide pay stubs were very or moderately familiar with the Bill. Although the number of employers who reported keeping (58%) and not keeping (42%) payroll records of their employees were similar, the 94% of the employers who did not keep payroll records had little to no knowledge of the law. See [Figure 7](#).

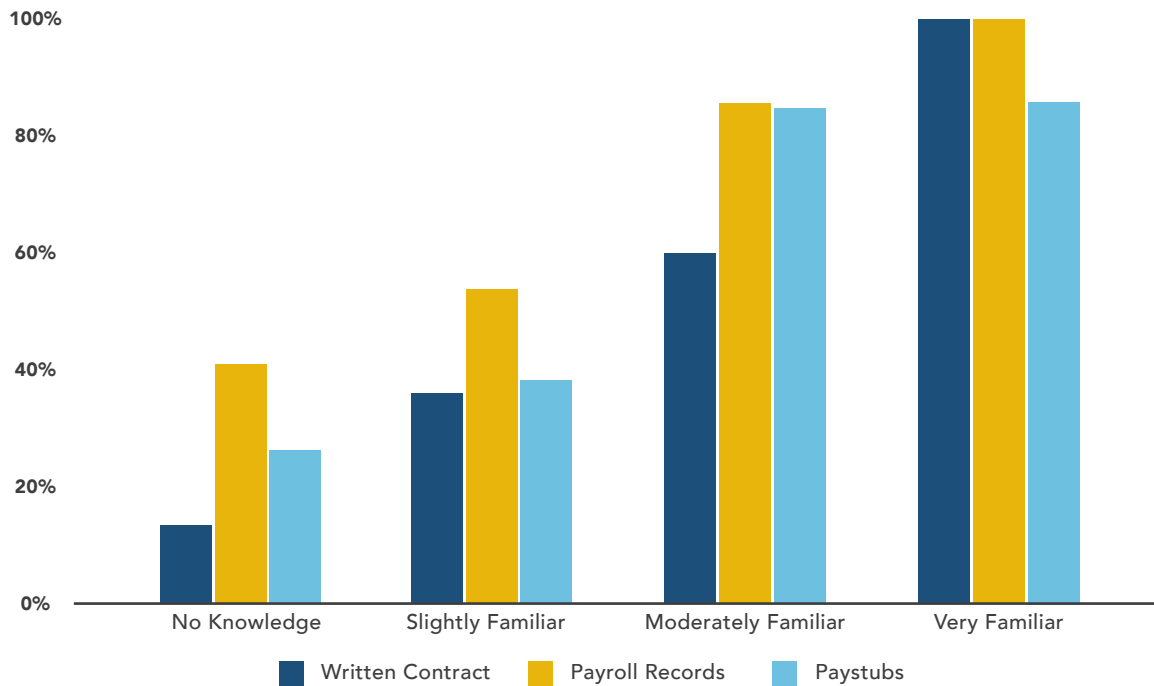


Figure 7. Provision of DWBR-related rights in relation to employer's knowledge of the law.

Pay

Overtime Pay. Of respondents whose employees work more than 40 hours a week, one third did not pay overtime. 33.3% of employers did not offer overtime pay for the hours worked after 40 hours per week. Of those employers who did not pay overtime, 89% had little to no knowledge of the law.

Pay Stubs. More than half – 54% – of respondents do not give their domestic workers pay stubs every week or two weeks.

Payroll records. Of respondents who hire a domestic worker for 16 hours or more a week, the majority keep their employees' payroll records. 90% of employers who hire their employees for 16 hours or more reported keeping their payroll records.

Government Agencies

We interviewed five government agencies at the state and federal level that enforce or provide education on labor and employment laws. While the Massachusetts Attorney General's Office is the only agency that specifically enforces the Domestic Workers Bill of Rights, additional federal and state agencies have oversight over other conditions of employment affecting domestic workers, so we were interested to see whether they had a role in educating domestic workers about their rights under the DWBR even if they themselves did not enforce it. Regardless of their exact interaction with the Bill, all of the agencies expressed common themes of support and hope for the law's success. Below are the results from the government agency interviews:

Knowledge of the DWBR

Employer Knowledge of DWBR.

Government agencies emphasized that many employers of domestic workers do not know about their new obligations under the DWBR. Agencies reported that education and outreach efforts to employers to teach them about their obligations are challenging because of the difficulties in identifying employers.

Worker Knowledge of DWBR. All agencies interviewed voiced concerns that many

AGENCIES INTERVIEWED

The Massachusetts Attorney

General's Office (MA AGO) is the primary enforcement and educational outreach agency for the DWBR. Specifically, the Fair Labor Division promulgates regulations about the DWBR, receives and investigates complaints about violations of the DWBR, provides educational materials, and enforces the law by taking legal action against employers.

The U.S. Department of Labor

(DOL) is tasked with enforcing federal wage and hour laws including the Fair Labor Standards Act (FLSA). DOL does not enforce the DWBR as the DWBR is a state law and DOL is a federal agency. However, DOL does bring enforcement actions on behalf of domestic workers for FLSA violations, some of which overlap with provisions of the DWBR. As such, they regularly communicate with the MA AGO and refer workers to them who call with complaints related to the DWBR that don't overlap with FLSA.

domestic workers are unaware of the new protections under the DWBR. All agencies stated that additional education should be provided to domestic workers so they can fully understand and be able to assert the rights provided them under the DWBR.

Enforcement

Number of Complaints from Domestic Workers. Both MA AGO and DOL reported that they believe the number of complaints that their offices receive from domestic workers only represents a fraction of the actual number of labor violations against domestic workers. Since roughly the date that the DWBR became effective nearly eight years ago, the MA AGO has received approximately 214 complaints where the person filling out the complaint form selected “domestic worker law violations”²⁸ and has brought enforcement actions in approximately 29 cases for which the industry is labeled as “domestic worker.”²⁹ The MA AGO noted that these figures may potentially be under-representative if, for example, some complaints from domestic workers were only labeled as “nonpayment of wages” although they may also qualify as a “domestic worker violation,” or if some enforcement actions related to cleaning/janitorial were in fact on behalf of domestic workers. Nevertheless, the MA AGO noted their belief that they are receiving far fewer complaints than there are actual violations of the DWBR that are happening.

The Massachusetts Commission

Against Discrimination (MCAD) does not enforce the DWBR but is actively involved in the enforcement of anti-discrimination laws through the use of investigation, prosecution, and adjudication of discrimination cases. The commission addresses all types of discrimination in public accommodation based on race, color, religious creed, national origin, sex, sexual orientation, blindness, deafness, or disability. MCAD also conducts non-discrimination trainings as a part of prevention and remedial measures from complaint resolution.

The Massachusetts Commission on the Status of Women (MCSW)

is a policy agency charged with reviewing the status of women in the state and offering recommendations for improving opportunities and equality within Massachusetts. This agency does not enforce the DWBR but builds relationships with community organizations around the domestic worker space and conducts outreach on the law.

Finally, the **Occupational Safety and Health Administration (OSHA)** is housed in the U.S. Department of Labor and tasked with enforcing workplace safety but has no statutory authority to enforce the MA DWBR.²⁷

Prioritization of Complaints. Agencies have limited resources and different priorities with respect to enforcement. For example, the MA AGO prioritizes the enforcement of rights of vulnerable workers, while MCAD addresses violations in the order they receive them. Several agencies also reported that complaints filed by community organizations and worker centers on behalf of their members are also prioritized.

Length of Investigation and Recovery Process. Investigations into DWBR or wage and hour violations can take over a year in some cases, which may dissuade some domestic workers from pursuing their complaints with the DOL and MA AGO. Some workers may not be interested in waiting so long to receive a recovery and could choose not to pursue their claim. The length of time it takes to receive restitution also can make it challenging to locate a worker once a recovery is made, as they may have moved since filing their complaint. Worker centers often assist the AGO in locating workers they referred to the agency once a recovery is made. The MA AGO issues penalties against employers in nearly all cases where violations are found, in addition to collecting the restitution due to the domestic workers.

Investigations. Domestic Worker interviews are a primary source of evidence. Cases are able to proceed against employers even without written records based on domestic worker statements. Both DOL and MA AGO investigate complaints from domestic workers and will take enforcement action without requiring significant further involvement, beyond filing the complaint, from workers.

Complaint Filing Process. DWBR violations can be reported by domestic workers directly, by a third party, or brought through a worker center. The MA AGO offers online complaint filing and paper complaint forms in English, Spanish, and Portuguese, as well as paper complaint forms in those languages, in addition to Chinese. The MA AGO also assists individuals in person at their office and offers a hotline on weekdays from 10 a.m. to 4 p.m., with interpretation available in all languages. Similarly, DOL offers paper forms, online forms, and a hotline for reporting other labor law violations, including FLSA violations. Both DOL and MA AGO heavily rely on worker centers to aid in their enforcement efforts. Worker centers often help with

translation, education, initial intake, and communication between the worker and the agency.

Challenges

Complaint Driven System. The MA AGO and DOL investigate labor violations against domestic workers after a complaint is filed. Although the MA AGO and DOL are able to enter other types of businesses and proactively investigate labor violations, domestic work presents a unique challenge since it takes place in private homes. Since they cannot proactively enter private homes to investigate whether there are DWBR or FLSA violations against domestic workers or if there is compliance, these agencies are essentially limited to a responsive enforcement role where they only investigate after a complaint is filed by or on behalf of a domestic worker.

More Resources Are Necessary to Enforce DWBR. Agencies suggested that increased funding for educational outreach is necessary. Despite viewing more educational outreach as necessary, agencies reported feeling constrained in the amount of time they are able to devote to training people on the DWBR due to lack of funding and need to devote resources to other priorities. The agencies we interviewed besides MA AGO have mandates beyond or separate from the scope of the DWBR and thus may reference or incorporate the provisions of the DWBR into their training, but don't focus on educating people about the DWBR. DOL reported that they currently don't provide any educational outreach related to the DWBR. Agencies reported that if they received more funding, they could focus those funds on increased educational efforts and devote more time educating domestic workers and employers specifically about the DWBR.

Workers' Rights Organizations/Worker Centers

Worker Center Staff and Membership

Membership. Domestic workers make up a significant percentage of the respondents' organizational members. Approximately one quarter of

worker centers responded that domestic workers make up 26-50% of their membership and another one quarter responded that domestic workers make up more than 50% of their membership.

Staff. There are not many paid employees at workers' rights organizations that support domestic workers with DWBR violations. Two respondents have zero employees (25%), two respondents have 1-2 employees (25%), three respondents have 3-4 employees (37.5%), and one respondent had 5-6 employees (12.5%).

Staff Time. Of those who have employees dedicated to supporting domestic workers, most employees spend less than 50% of their total work time on this effort. Three respondents reported employees spending none to 25% of their time on domestic workers (50%), two responded that employees spend 26-50% of time on domestic workers (33.33%), and one responded that employees spend 76-100% of time on domestic workers (16.67%).

DWBR Resources at Worker Centers

Familiarity with the Bill. A majority of respondents are moderately or very familiar with the DWBR. One respondent was moderately familiar with the Bill (12.5%) and seven respondents were very familiar with the law (87.5%).

Involvement. Most respondents have been involved in helping domestic worker members negotiate, file demand letters, file complaints, pursue lawsuits, or otherwise assert their rights under the DWBR. Five respondents responded that they have engaged in these activities (62.5%) and three responded they have not (37.5%). Specifically, two organizations represent domestic workers in claims through demand letter settlements and filing complaints with the Attorney General's Office, one organization focuses on helping workers through organizing and creating industry-wide change, and one organization conducts outreach, meets one-on-one with workers, engages in political education and shares stories.

Increase in Complaints. A majority of respondents received more complaints since the passage of the DWBR. Five respondents received more complaints (62.5%), two received the same number of complaints (25%), and one received fewer complaints (12.5%).

Number of Complaints. Half of the respondents received 1-20 complaints related to the DWBR in 2020. Four respondents received 1-20 complaints (50%), three received 21-40 complaints (37.5%) and one received no complaints (12.5%).

Challenges and Successes

Knowledge of Enforcement Methods. Worker centers stated that domestic workers are largely unfamiliar with the options to enforce their rights under the DWBR. Five respondents think that members who are domestic workers do not know what options are available to them to enforce their rights under the law (62.5%), and three respondents think their domestic worker members do know (37.5%).

Systemic Issues. Worker centers identified several commonly reported issues by domestic workers. The most commonly reported issues by workers' rights organizations are overtime payment violations, being required to work off the clock, and a lack of respect in the workplace demonstrated by changing their responsibilities or sudden firing after many years of employment. Workers also express fear of workplace injury or fear of consequences if they file a workplace compensation claim.

**"They ask you to leave, fire you, or say they make the laws."
P.I. (domestic worker), referring to the response her employers
have had when she has made a complaint.**

Immigration. Respondents identified fear of retaliation based on immigration status as a challenge to enforcement of the DWBR. Worker centers reported that domestic workers greatly fear immigration consequences or retaliation from their employer if they come forward with a complaint.

Resources. All worker centers highlighted capacity issues and the need for additional resources. Lack of funding and/or staffing was reported by every respondent. Some respondents noted what funding would be used for, such as a full-time organizer or more know-your-rights trainings for domestic workers. One organization noted that they primarily focus on farm and restaurant worker protection, but would like to expand to domestic workers if it had more funding. Organizations noted that workers still need more education about the protections under the DWBR. Two organizations responded that they would use additional resources to hire full time organizers. Three organizations responded that they would host more educational training programs for domestic workers.

Collaboration. Respondents stated that there is a need for greater collaboration with worker centers and other stakeholders. One organization suggested increasing the work done by elected officials with workers' rights organizations to increase public transparency around the law. Another organization proposed using additional resources to help create a state-wide registration system that would be required for employers. Three responses indicated that the current legal landscape and pathway to enforcement of the law is not enough. One organization called for increased funding through grants.

Successes. Respondents noted an increased desire to organize and similar successes since the passage of the DWBR. Some major successes reported from worker centers include an increased interest among domestic workers in organizing and learning their rights, and successes in winning restitution for domestic workers. Worker centers also report an increase in written contracts or agreements between employers and the domestic workers.

IDENTIFY EMPLOYERS FOR TARGETED OUTREACH AND EDUCATION

Identification of employers of domestic workers and targeted outreach and education to this group is critical to increasing compliance with the DWBR. Study findings showed that employers were largely unfamiliar with the law, 47% reported they had never heard of it, and 31% reported they were only slightly familiar with it. Identifying this group poses unique challenges because employers often hire domestic workers directly and these private transactions are not regulated or tracked by the government. Innovative methods for identifying employers of domestic workers are critical to improve the efficacy of the DWBR and reduce burdens on domestic workers by encouraging proactive compliance rather than reactive enforcement.

- **Identifying Domestic Work Employers Through Tax Filing and Educating Them about the Bill.** Identification of domestic worker employers is a particular challenge because most employers (81.2%) hire domestic workers directly, rather than through staffing agencies. The Department of Revenue should ask state taxpayers to self-report if they were a “customer of a domestic worker” over the past year or use another phrase that will capture a broad group. The question should avoid using the term “employers” of domestic workers due to the legal meaning of that term and confusion amongst respondents as to whether they meet that definition. This question should be clearly marked as for identification purposes only, to encourage respondents to be truthful without worrying about enforcement consequences. The information provided to the Department of Revenue on this question should be shared with the MA AGO (and any necessary laws or regulations regarding disclosure should be amended to allow for this), so that they can direct outreach and education efforts to employers much more efficiently and effectively.

INCREASE DOMESTIC WORKERS' EDUCATION ON DWBR & ENFORCEMENT

The survey responses from various stakeholders make it clear that most domestic workers are largely unfamiliar with the DWBR, 38.6% of domestic workers reported they were unaware of the DWBR and 38% were only slightly familiar with it. Workers who were unfamiliar or barely familiar with the law cannot be expected to know the protections the Bill offers them. As such, one of our strongest recommendations is to reinvigorate an education campaign about the existence of the law and its benefits. We propose doing that in a number of ways:

- **Targeted PSA-Style Campaigns Highlighting Bill and MA AGO Hotline.** Wide-reaching PSA-style campaigns in multiple languages, including Portuguese, Spanish, Haitian Creole, Chinese, and others, would allow domestic workers to learn about the protections available to them under the DWBR and how to complain about violations of the law through the MA AGO Hotline. Our findings suggest that PSA-style campaigns along transportation routes frequented by domestic workers and media platforms would likely be effective because we know that a plurality of domestic workers (37.87%) commute between 30 and 59 minutes every day to their jobs. Physical campaign-style materials should be placed on billboards at bus stops, in T stations, or along the highway. Additionally, campaigns should purchase advertising space in newspapers and time on radio stations with a broad community reach to help spread information about the DWBR and the AGO hotline. We also suggest using digital advertising options on social media platforms, given the success some worker centers have had using social media to pass information to domestic workers.
- **Increasing Accessibility/Knowledge of the MA AGO Hotline.** Currently, the MA AGO DWBR fact sheet and other resources from the AGO do not list the hotline hours or explain that the hotline can be used to learn about filing complaints, asking questions about rights, or that translation is available in all languages. The hotline is also only open

on weekdays from 10 a.m. to 4 p.m., which are prime working hours, and may be inaccessible for some domestic workers. Therefore, we recommend expanding the hotline to later hours and weekend times and clearly identifying the hotline as a resource for workers whose rights were violated.

- **Hosting Immigration Clinics to Address Fears of Retaliation and Immigration Consequences.** Nearly one in five workers feared retaliation in the event that they reported their employer for a violation of the DWBR. Interviews with domestic workers indicated that many workers specifically feared retaliation based on their immigration status. Workers may be unaware of the tools that DOL has to coordinate with other federal agencies to protect certain immigrants involved in labor disputes from deportation or to aid them in securing immigration status if they have been a victim of a qualifying crime related to their employment as a domestic worker. Given the complexity of immigration law, we recommend domestic workers receive presentations from DOL about the protections available to them, but also individualized immigration counseling. Government agencies are barred from offering immigration advice, however, some municipalities like the City of Boston offer immigration clinics where pro bono attorneys offer immigration advice. We suggest that DOL expand this model in collaboration with the MA AGO, worker centers and legal services organizations to offer presentations and clinics at worker centers, where workers may feel more comfortable sharing personal information. It is vital that this program be a statewide effort, rather than just centralized in Boston.
- **Additional Guidance on Who Qualifies as a Domestic Worker.** The DWBR defines a “domestic worker” as “an individual or employee who is paid by an employer to perform work of a domestic nature within a household including, but not limited to” a list of roles provided in the Bill.³⁰ Individuals who work as housekeepers or childcare providers are more likely to know of their characterization as a domestic worker because these roles are clearly identified in the Bill. However, those who work as gardeners, drivers, or in other similar professions appear to meet the

definition but may be unsure if the protections in the DWBR apply to them. The MA AGO should provide guidance containing a more comprehensive list of examples of the kinds of work that may qualify an individual as a domestic worker under the Bill.

- **Increasing Use of Written Employment Contracts.** One problem workers have reported is a lack of clarity about their roles and employers changing their work expectations or asking them to work outside of the scope of their employment. One way to fix this problem is to encourage employers and domestic workers to use employment contracts to clearly define their roles, responsibilities and terms of employment including pay, hours, etc. Employers are required to provide employees working 16 hours or more a week with a written employment contract under the DWBR. Having a contract helps workers define their role and provides evidence if there are violations of their contract. The MA AGO has a template written domestic worker employment contract linked in their DWBR online fact sheet but it is not readily identifiable on the form and, to access the document, you have to click through several web pages. We suggest the Attorney General's office highlight this template more prominently on the first page of the fact sheet and provide copies to worker centers to distribute. We also suggest offering grants to worker centers to conduct trainings with domestic workers on how to negotiate and create an employment contract using the template provided by the AGO.

INCREASE RESOURCES FOR WORKER CENTERS

Our survey findings demonstrate that new resources and funding would help worker centers support outreach, education and enforcement actions related to the DWBR.

- **Amend the Law to Allow Worker Centers To Share Fines Recovered by MA AGO from Violations of the DWBR.** The government relies heavily on worker centers to aid in enforcement of the DWBR. As such, they should be eligible to receive grants from enforcement agencies or a percentage

of the total fines recovered by MA AGO from cases they assisted with, to allow them to fund their work doing outreach, education of enforcement of the DWBR. Many worker centers expressed that their ability to offer help often fluctuates with funding and finding a more stable funding source for this work would be very helpful.

- **More Funding for Worker Center Know-Your-Rights Trainings.** Nonprofit workers' rights organizations are underfunded and understaffed and are often unable to consistently offer training to their members about their rights under the DWBR. We recommend that worker centers be given additional resources from the local, state, and federal government to host more trainings to teach domestic workers about the law, how it can be helpful to them, to whom it applies, and how it is enforced. Worker centers noted that many workers are still not familiar with the DWBR and – even if they know their rights – they are unsure of what to do if their rights are being violated.

STRENGTHENING COLLABORATION BETWEEN WORKER CENTERS, GOVERNMENT AGENCIES AND LAWMAKERS

- **Coordinated State-Wide Campaign Between Worker Centers, Government Agencies and Lawmakers to Increase Knowledge and Enforcement of DWBR.** Most workers (93.9%) did not seek help when they thought their rights had been violated under the law. Of those workers who responded about why they didn't seek help, 36.2% of them said they did not know how to seek help. Our findings reveal that there is collaboration between worker centers and government agencies, particularly in the Boston region, but there has not been a strategic state-wide campaign to fulfill the promise of the DWBR. To successfully implement such a campaign, coordination between government agencies, lawmakers, and worker centers across the whole state, is necessary to increase both knowledge and enforcement of the DWBR. One example of this coordinated effort may include lawmakers educating their constituents about the Bill in their communications with them. Another recommendation is that the AGO and DOL create a

joint campaign and fact sheet on key labor laws pertaining to domestic workers to include FLSA and DWBR with information about hotlines for both agencies. Lastly, the MA AGO should conduct more trainings with worker center staff across the state to equip them to assist with enforcement. The AGO must also build a strong working relationship between the AGO's investigators and the worker center's organizers, who are often called upon to work closely together to enforce the Bill.

- **Publicizing Language Accessibility at Enforcement Agencies.** The domestic worker population is primarily made up of immigrants, and many do not speak English fluently. Individuals from Latin America and the Caribbean make up approximately 35.8% of the immigrant population of Massachusetts, while Asian and European immigrants account for over 50% of the total immigrant population of the state.³¹ The top countries of origin for many of these immigrants are China, India, and Vietnam.³² MA AGO has online outreach materials primarily in English, Spanish, and Portuguese and a graphic on their website indicating that they have more language resources and also offers interpretation in any language over the phone. Seeing the information online only in three languages may discourage some domestic workers from calling the hotline. Stakeholder groups should focus on publicizing the language accessibility available at government agencies.

CONCLUSION

The passage of the Massachusetts Domestic Workers Bill of Rights was a critical step forward in the protection of a vulnerable population of low-wage workers. The Bill provides the most comprehensive set of rights for domestic workers in the United States and has the potential to greatly improve working conditions for domestic workers across the state. Increased education for employers and domestic workers, along with additional resources for worker centers and coordinated campaigns between worker centers across the state, government agencies and lawmakers will allow for increased enforcement of the Bill.

By effectuating the recommendations above, the DWBR can fulfill its promise and Massachusetts can continue to serve as a leader in protecting domestic workers.

I. STUDY LIMITATIONS

One limitation of this study is the generalizability of domestic worker and employer responses to the entire population of domestic workers or employers in Massachusetts. The ability to generalize the findings may be limited for both of these groups as a result of self-selection for participation by survey respondents, targeted recruitment methods, and snowball sampling.

Recruitment for domestic worker survey participants relied on BWC's existing networks and snowball sampling following these initial outreach methods. These factors likely biased our domestic worker responses toward the population within the geographic and demographic reach of BWC and is likely overinclusive of domestic workers that have contact with a workers' rights organization. The survey also likely over-represents workers who were born in Brazil because the Brazilian Worker Center focuses outreach to this population. Although the survey did not require contact information for participation in the domestic worker survey, it is likely that some participants may have declined to participate due to concerns over their undocumented status or status of their family members.

Responses by domestic workers also suggested that language barriers may have affected the results. For example, some participants wrote in the word "man" or "woman" in Portuguese for the question that asked respondents about their sex rather than selecting either male or female. Other answers, like race, were also constrained by the possible responses included in the survey and may not adequately characterize the way that participants would have responded if permitted to write in a response. In particular, the question on race may not have captured the cultural nuance of race and identity in the Brazilian community.

Recruitment for employers relied on outreach within the Boston College Law School community, BC graduate school community, businesses and community venues near Boston College, and

the researchers' personal social media outreach. Without having access to additional research to characterize the demographics of the entire domestic worker employer population across the state, it is difficult to assess how accurate the subset included in this study is compared to the larger population. It is likely that the targeted outreach introduced geographic and other demographic biases into the sample of employers included in this study. For instance, of the employer respondents, over 50% stated that they hire domestic workers for less than 16 hours, but 50% of worker respondents reported working for a single employer for more than 40 hours. Those results are at odds with each other and could be attributed to surveying different populations of workers and employers.

An additional limiting factor was that the use of interpreters to conduct domestic worker and employer interviews may have resulted in some loss of detail and richness in describing experiences and introducing a greater risk of mischaracterization. Similarly, the structured interviews of government agencies were not recorded, which introduces the potential of the researchers failing to capture all comments precisely.

Citations

- 1 See Mass. Gen. Laws ch. 149, § 190 (2022) (effective April 1, 2015).
- 2 *Domestic workers to get equal rights in Brazil*, BBC (March 27, 2013), <https://www.bbc.com/news/world-latin-america-21949502>.
- 3 Bryce Covert, *Hawaii Becomes Second State To Pass A Domestic Workers Bill Of Rights*, THINKPROGRESS (May 2, 2013, 7 p.m.), <https://thinkprogress.org/hawaii-becomes-second-state-to-pass-a-domestic-workers-bill-of-rights-c572f284a9e1/>.
- 4 Eileen Borris et al. *Enforcement Strategies for Empowerment: Models for the California Domestic Worker Bill of Rights*. UCLA: Institute for Research on Labor and Employment (2015).
- 5 Sara Luterman, *Domestic workers, long excluded from labor protections, call for codified rights*, THE 19TH (Sept. 9, 2022), <https://19thnews.org/2022/09/domestic-workers-labor-protections-rights/>.
- 6 See Mass. Gen. Laws ch. 149 § 190(o) (2022).
- 7 See Mass. Gen. Laws ch. 149 § 190(a) (2022).
- 8 *Id.*
- 9 See Mass. Gen. Laws ch. 151 § 1 (2022).
- 10 See Mass. Gen. Laws ch. 149 § 190(a) (2022).
- 11 See Mass. Gen. Laws ch. 151 § 1A (2022).
- 12 See Mass. Gen. Laws ch. 149 § 190(b) (2022).
- 13 See Mass. Gen. Laws ch. 149 § 190(g) (2022).
- 14 See Mass. Gen. Laws ch. 149 § 190(b) (2022).
- 15 See Mass. Gen. Laws ch. 149 § 190(b)-(e) (2022).
- 16 See Mass. Gen. Laws ch. 149 § 190(l) (2022).
- 17 See Mass. Gen. Laws ch. 149 § 190(m), (o) (2022).
- 18 See Mass. Gen. Laws ch. 151 § 51 (2022).
- 19 See Mass. Gen. Laws ch. 149 § 190(l) (2022).
- 20 See Mass. Gen. Laws ch. 149 § 190(j) (2022).
- 21 On April 30, 2021, Boston College's Institutional Research Board (IRB) granted approval of the surveys for domestic workers, employers, and worker centers. Government agency interviews were exempted from IRB review.
- 22 One individual began the follow-up interview but did not qualify as a participant.

23 Race is conceptualized quite differently in Brazil and in other countries as compared to in the United States. See Claudia Travassos & David Williams. *The concept and measurement of race and their relationship to public health: a review focused on Brazil and the United States*, 20 (3) CADERNOS DE SAÚDE PÚBLICA 666 (2004).

24 The federal poverty level for a family of four in 2022 is \$27,750. Department of Health and Human Services, Annual Update of the HHS Poverty Guidelines. January 21, 2022. <https://www.federalregister.gov/documents/2022/01/21/2022-01166/annual-update-of-the-hhs-poverty-guidelines>.

25 The law considers workers who work 16 hours or more for a single employer “protected domestic workers” and offers them certain protections under the DWBR that workers who work fewer than 16 hours for one employer do not have. Those protections include a written agreement regarding some of the details of employment, including their rate of pay and days off; and a timesheet from their employer.

26 Massachusetts enacted a law guaranteeing paid family and medical leave (PFML) on January 1, 2021. Most workers in Massachusetts are entitled to up to 26 weeks of combined family and medical leave per year. See Department of Family and Medical Leave, Commonwealth of Massachusetts, Paid Family and Medical Leave (PFML) Overview and Benefits (2022). The domestic worker survey was fielded in fall 2021 through March 2022, after the PFML law was in place, suggesting potential non-compliance with both the DWBR and the PFML statute.

27 Although OSHA is housed within the DOL, they are referred to separately in this report as they have been interviewed and considered independently.

28 <https://www.mass.gov/doc/ags-fair-labor-division-complaints>

29 <https://www.mass.gov/doc/ags-fair-labor-division-enforcement>

30 See Mass. Gen. Laws ch. 149, § 190.

31 *Immigrants are our Commonwealth*, Massachusetts Immigrant and Refugee Advocacy Coalition (Jan. 17, 2018), <https://miracoalition.org/wp-content/uploads/2020/01/Mass-Immigrant-Facts-Jan2019.pdf>.

32 *Id.*