Sponsored by the National Mobilization Against Sweatshops & Chinese Staff & Workers Association, the AIW campaign grew from a small group of garment workers who successfully held DKNY accountable for sweatshop conditions. They called for a new women’s movement to lead the fight for control of workers’ time, health, respect and pay for caregiving work. Inspired by these garment workers, factory, nail salon, home attendant and service workers have all begun to organize against longer hours, lower wages and worsening conditions, recognizing that whether we work in a corporate law firm or a garment factory, control over our time and our lives is slipping away.

A century after Sojourner Truth’s struggles against racism and sexism, women workers are stepping up the fight against the most destructive form that modern-day racism and sexism has taken: economic segregation and the perception that crumbs are better than nothing. Refusing to be treated like slaves or second-class citizens, we are coming together to build upon Sojourner Truth’s struggle and proclaiming Ain’t I a Woman?!

For 8 years, Lai Yee Chan worked 24 hours a day, four to five days a week as a home attendant. She took her patient to the park, the doctor, church; cleaned, and prepared meals. She did not sleep at night. She helped him eat and drink, turned him over in bed, and took him to the bathroom. She listened to make sure he was breathing easily. She dared not sleep. 24 hours, no rest.

Lai Yee is not alone. Among the hundreds of thousands of home attendants in New York State, many are forced to work 24 hours by home care agencies that don’t pay them for the twelve hours during the night. The pay comes to a little more than $5/hour, way below the minimum wage.

The 24-hour shifts take a toll on workers’ health and family relationships. Says Justa Barrios, “I have no time to be with my family because I work 4 days, 24 hours...so I don’t get to see my family...I suffer of anxiety now...it’s hard.” (cont’d on page 2)
Join the Fight!

Home attendants are urging others to join them to call on Governor Cuomo to:

• Honor and support the court decisions that home attendants working 24-hour shifts should be paid for 24 hours

• Prohibit 24-hour workdays—instead, provide split shifts to allow home attendants time to rest and patients to receive proper care

• Withdraw the DOL regulations

• Endorse the Ain’t I a Woman Campaign

Campaign at https://aintiawomancampaign.wordpress.com/endorse/

When home attendants challenged the 24-hour shifts with no nighttime pay, the home care agencies, the New York State (NYS) Department of Labor (DOL), and even their own union, 1199 SEIU, refused to do anything. Undeterred, they organized other home attendants who worked for the same agency and brought together home attendants from many other home care agencies to fight against the 24-hour workday and the wage theft.

“Of course the home care agencies will force us to work 24 hours if the government allows them to only pay us for half the time. The only reason they don’t assign two 12-hour shifts is so they can pay us for the night! But we don’t want to work those shifts. Who would? That’s slavery. We want 12 and 12-hour shifts.” Celestina Mejia, home attendant.

Their organizing soon saw victories when three separate NYS courts concluded that home attendants must be paid for every hour they work. Just a few weeks after home attendants held a press conference announcing these legal victories, the NYS DOL issued emergency regulations to reverse the court decisions. When home attendants sued the DOL to stop the regulations, the DOL ramped up its fear-mongering, arguing if home attendants were paid for the nighttime hours, Medicaid would stop authorizing 24-hour care, home attendants wouldn’t be able to send workers out for nighttime shifts, and patients would be forced into nursing homes.

Medicaid, the primary funder of home care, is under attack from both political parties. After Governor Cuomo cut billions in 2011 as part of his redesign, Trump is now making further cuts. But instead of standing up to Trump and supporting immigrant workers, the Governor’s DOL is doing Trump’s bidding by enforcing a 24-hour work day and legalizing wage theft, turning New York State’s home care industry into a government sponsored sweatshop.

Justice for Home Attendants Organizing Timeline:

November 2014 – After a group of home attendants filed a complaint with the NYS Department of Labor (DOL), DOL issues checks totaling more than $2 million to home attendants employed by Chinese Planning Council (CPC) for overtime but does not compensate those workers’ wage claims for working 24-hour shifts.

December 2014 – After receiving a $200 check from DOL for working about 6,000 overtime hours over several years, Lai Yee Chan and other home attendants are told by their union 1199SEIU that CPC is not required to pay overtime as a non-profit organization.

March 2015 – Lai Yee Chan and 2 other home attendants who worked 24-hour shifts file a class action lawsuit against CPC.

October 2015 – A federal court finds home attendants are entitled to overtime pay based on the Obama administration’s interpretation of the law.

December 2015 – CPC and 1199SEIU amend the collective bargaining agreement to force workers to arbitrate all wage and overtime claims and cuts wages of those working a 24-hour shift.

February 2016 – A federal court judge stops the case from moving forward because of the new mandatory arbitration clause and rules an arbitrator should decide the case.

April and May 2016 – Home attendants from First Chinese Presbyterian Community Affairs Home Attendant Corp., United Jewish Council, Alternate Staffing, and other agencies begin to organize against the 24-hour workday and for their stolen wages and overtime pay for the night hours.

September 2017 – Three decisions issued by New York State courts state that home attendants working 24-hour shifts must be paid for every hour they work. On September 20, home attendants and the AIW Campaign hold a press conference announcing the legal victory.

October 6, 2017 – DOL issues emergency regulations to override the court decisions and forces home attendants to work 24-hour shifts for no pay during the night.

December 8, 2017 – Worker centers in the AIW Campaign joined home attendants to sue the DOL Commission of Labor to withdraw the emergency regulations.

January 2018 – The State of New York industrial Board of Appeals refuses to order the Commissioner to withdraw the regulations.

Home Attendants Lead the Call For Control of Time

Working people are working longer hours, taking a toll on our lives and health. No matter the industry we work in, long work hours hurt workers’ health. From the legal, finance, business management, and engineering professions to service, academic, media industries, workers are working longer. It leads to increased risk of heart attack and stroke, workplace injury, musculoskeletal and sleeping disorders, fatigue, and stress; and can result in memory loss, and ultimately brain damage and dementia. Researchers have found workers working more than 60 hours a week had higher rates of heart disease, cancer, diabetes, asthma, and arthritis. It hurts our relationships and ability to care for our families, too. For example, two thirds of overworked parents have kids who have academic and behavior difficulties at school.

Home health is one of the leading industries in injuries and illness among women workers. The injury rate among home attendants is almost 50 percent higher than the national average. Injuries most common to home attendants result from overexertion, falls and stressful bending. Home care is a $75 billion industry with more than 2 million home care workers, approximately 300,000 in New York State, most of whom are women of color and immigrants. As we get older as a society, there will be even more demand for home attendants by patients who prefer living at home rather than in nursing homes. By 2050, the adult population aged 65 and over will nearly double to 88 million. By 2035, the demand for home care workers is expected to grow, adding 630,000 more workers.

The government’s legalization of a 24-hour workday for home attendants will not only encourage more exploitation of immigrant and women workers, leading to increased injuries, but incentivize other industries to find ways to force workers to work longer hours. Students getting involved in the AIW Campaign who work paid and unpaid internships, retail and service jobs while also going to school see the toll that mandatory overtime and long work hours are having. One university student who works as an RA in a campus dorm works more than 100 hours a week and sees a future revolving around student debt and long hours if more workers don’t organize for control over their time.

Research shows that working less hours makes workers more productive, enjoy better mental and overall health, leading Germany’s top engineering firms to reduce their standard 35-hour workweek to 28 hours. Toward that goal, home attendants and the AIW Campaign hope to introduce legislation in NYS to give home attendants the right to say no to mandatory overtime.

To learn more about the legislation, to endorse or contact the AIW Campaign, call 212. 358-0295, visit https://aintiawomancampaign.wordpress.com/endorse/, email aiwcampaign@gmail.com, or call to Ain’t I A Woman Campaign, c/o NMASS at 345 Grand Street, NY, NY 10002.

“I find it shameful that these companies who are making a significant amount that the government is paying these agencies for this home care that the aides are getting so little of...I can’t imagine how someone can work effectively if they haven’t had any rest...I think it’s really important for the patients and the aides to stand united. It’s in everyone’s best interest that this issue is properly addressed.”

Cheryl, patient relative

(cont’d from page 1)

It also hurts patients who, if authorized by Medicaid for 24 hours of care, means they require 24 hours of care. The son of one patient shares, “My mother gets up at 4 o’clock in the morning sometimes...and (the home attendant) needs to be up as well and on point, they have to be alert. They are not getting too much rest.” The daughter of parents with a home attendant remarked, “Does the fact that the majority of home attendants are women and immigrants have anything to do with these deplorable wages? Is this the role of government to devalue these women’s work by paying them slave wages?”