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When Guadalupe came to the United States from Mexico a year ago, she thought she had everything she needed to make her American dream come true. Guadalupe, or Lupita, as she prefers to be called, had been offered the job she saw as the opportunity of a life time. She had a visa to enter the United States with no problems and a temporary work permit.

She left everything she had in Mexico for this chance. But two months after she started her new job in New York City, Lupita realized she had become a slave in the land of the free.

“I didn’t think it would happen to me,” said Lupita, who spoke only on the condition of anonymity. She fears her former employers, who have businesses both in New York and her hometown, may still harm her chances of working somewhere else.

“At first, everything was fine,” said Lupita. “The couple that convinced me to come to take care of their child had promised so much. But weeks later, the promises were forgotten and it all became a nightmare.”

Working 14 to 18 hours a day, six days a week, earning from \$2.00 to \$2.50 per hour, which was not even half of the mandatory minimum wage of \$5.45 per hour at the time, and being verbally and mentally abused by her employers any time they were drunk, Lupita had joined the thousands of women who migrate to the United States each year to become live-in domestic workers.

According to the United States Department of Labor, live-in domestic workers have little or no federal protection under the constitution. On the state level, their rights are also limited.

Domestic workers who live in the house of an employer, for example, have no right to overtime pay under federal law. Their employers are not required by law to provide health insurance, sick leave, vacation time, or to respect their holidays.

But in New York this may change. In January, State Rep. Keith L.T. Wright (Dem. Harlem) introduced a new bill that would not only protect domestic workers' human rights in New York, but it would elevate their status and salaries to levels never seen before in the nation.

The bill, known as the "Domestic Workers' Bill of Rights," mandates that beginning in 2007, minimum wage for domestic workers be increased to \$14 an hour, and that overtime, a day of rest, holidays, vacation, sick days, personal days, health benefits, and family and medical leaves be provided to the employee by the employer.

The bill also emphasizes penalties ranging from fines to jail for employers and employment agencies that break the new law.

The Domestic Workers Bill of Rights is now under Senate Committee review in the hands of Sen. Nicholas A. Spano (R-Westchester), whose committee must either reject it or schedule it for a Senate vote. He has not been available for comment on the bill and its status.

But Ben Rosen, a spokesperson for Congressman Wright, the sponsor of the bill, said they don't expect any opposition in the senate.

“We feel very optimistic about it. No one should deny these workers their rights. This bill is nothing but a call for fairness,” said Rosen. “But in politics anything can happen.”

Margaret Cassidy, a Yonkers resident who employs one person to help her clean her house, and whose daughters-in-law also employ domestic workers to help in the house chores, believes the bill has good intentions but it may backfire.

“It’s not that I don’t think these women deserve every penny. I know they do. They work very hard and we have always paid more than just \$14 an hour for their services,” she said. “We can afford it. But what will happen with the people who can’t afford to pay that much and still need their services?”

“Will they take second jobs to pay their nannies, or will they simply fire the nannies and quit their own jobs to take care of the children? We are going to end up with middle class mothers staying home unemployed and all their nannies also unemployed.”

While the debate continues, live-in domestic workers who are being exploited can do little. Rachel Soltis, labor counselor in Association Tepeyac New York, a non profit organization dedicated to promoting human rights of Latin American immigrants, said it’s very sad to tell domestic workers they have few or no alternatives.

“We have dozens and dozens of cases pending. We can try to reach an agreement with the employers first, but if they don’t want to comply, the Department of Labor is the next step,” said Soltis. “Unfortunately, the Department of Labor can only work so fast.”

The New York State Department of Labor has not been available for comment, and they have no existing statistics on domestic workers or their complaints.

However, according to Women's E News, which has previously reported on the condition of domestic workers, the Office of Immigration Statistics said it granted diplomats almost 1,500 G5 visas to bring domestic workers into the United States in 2002, the last year for which data is available.

But Soltis and other of her colleagues believe data collected regarding domestic employees cannot be reliable.

"It would be hard to estimate the number of actual domestic workers in a particular place. Even more impossible it would be to document the violations against them," she said.

Soltis had previous experience with immigration/labor issues after working for almost two years in the U.S.-Mexico border region with Annunciation House, an organization based in El Paso, Texas dedicated to sheltering and educating the homeless, immigrants and the poor. She explained that many domestic workers would never come forward to report their stories to government officials for fear of deportation. She mentioned that many times, domestic workers will simply accept their situations because if they're fired, they would have no place to go.

"Their job is literally the only place they know," said Soltis.

One person trapped in her domestic job was Felisa Falcon, a 47 year-old-woman who worked for almost three years with no days off. According to Felisa, she was paid an average of \$2.50 an hour with no overtime. She cleaned, cooked, ironed, and took care of a mute child.

“I practically lived alone with the little girl in an apartment in Brooklyn for quite some time, and since the girl couldn’t talk, I had to be alert 24 hours a day. We slept in the same room,” Felisa said.

Felisa claims that the mother of the child, Julia Rivin, an attorney who repeatedly left the apartment for days or even months on end, gave or sent Felisa \$50 every week for food and a salary of \$300. Felisa recalls that on several occasions, she had to buy food for her and the child with her own money. “I tried my best to make it work, but sometimes it was impossible with just \$50,” which amount to little over \$1 per meal for them.

Although Felisa often argued with Rivin about her pay, and the extra work that she started doing after Rivin got married and moved in with her new husband, Felisa would have continued working for Rivin.

Felisa didn’t intend to seek work anywhere else. She had already worked in other homes earning half what Rivin was giving her, and she was very attached to the little girl.

But on 9/11, everything changed for Felisa. After the World Trade Center was attacked, and the street where she lived with Rivin and the family was evacuated, Felisa got what she calls “the last two slaps on her face and pride.”

First, while lower Manhattan was completely evacuated and declared an emergency zone, Rivin ordered Felisa to stay in the apartment and not get out. Felisa obeyed, but only for a few hours. After the electricity in the building was shut down and she continued to see people flee the area, she decided to leave.

Felisa later met Rivin in Long Island, where they planned to stay while ground zero was secure enough to go back. But after 20 days in Long Island, Rivin fired Felisa

with one week's pay. She said the little girl had to be sent away because she needed special care and that Felisa's services were no longer needed.

"I couldn't understand why. I had done nothing wrong. I always treated the girl as if she was my own, and I did all my work," Felisa remembered with tears on her eyes. "But Ms. Rivin said I couldn't even pick up my stuff. She wanted me to give her an address where she could send my things. But I had no place to go. The only address I knew was Ms. Rivin's."

Felisa found shelter in Association Tepeyac New York. They assisted her with some funds and they referred her to the Red Cross, which picked up her belongings at Rivin's apartment later on. Felisa also received grants from two other organizations that helped victims of 9/11.

Association Tepeyac New York also advised Felisa of her labor rights and helped her file a labor complaint against Rivin in the Department of Labor.

Rivin has declined to comment on Felisa's complaint, and after more than three years since the complaint was filed, the Department of Labor has not yet come to a decision.

The Department of Labor says a claim can take from six months up to four years to be resolved. That is why, according to Felisa, many of the domestic workers she knows don't bother to file complaints.

Felisa also thinks that many domestic workers, including her, will be blacklisted by other employers if they file claims.

"First of all, it's very embarrassing to acknowledge you have been humiliated and mistreated in front of others," Felisa said. "Secondly, when you have no work permit,

you start believing that you are invisible and non-existent and for fear of deportation, you prefer to keep it that way.

“Finally, if someone explains your rights, you soon realize you have none. So what are you supposed to do then? If you need the money, like me, then you’ll stay quiet and take it.”

Lupita, on the other hand, remains positive for now. She returned to her hometown in Baja California, Mexico, where she is struggling to make a living. She does not plan to come back to the United States, but she is happy to hear about the labor reform.

“I am glad to hear U.S. lawmakers are trying to rectify the situation of many domestic workers who have been invisible for so many years,” said Lupita. “I was only exploited for a few months, and in my case there was no sexual harassment or physical abuse. But I know there are many other Lupitas out there whose situations are worse than mine.”

In the household where Lupita worked, she was replacing a Filipino woman. Another Mexican girl is taking Lupita’s place now.

“In our Third World countries, we expect the situation to be that way. It’s a given,” Lupita said. “But the United States is supposed to be the most democratic and free nation in the world, yet they have let all these workers fall through the cracks for all these years. I guess this is their big chance to make it right.”