

The Jerome N. Frank Legal Services Organization

YALE LAW SCHOOL

Testimony of Claire Simonich on H.B. 5527: An Act Concerning a Domestic Workers Bill of Rights

My name is Claire Simonich. I am a student at Yale Law School and a member of the Worker and Immigrant Rights Advocacy Clinic, working under the supervision of attorney Nicole Hallett. Yesterday, our clinic filed a federal lawsuit on behalf of Rosemary Muthala, a former Connecticut domestic worker who is seeking justice after 11 years of being mistreated and underpaid. Ms. Muthala's story illustrates domestic workers' vulnerability in this state as well as the pressing need for legislation to protect these workers from abuse.

Ms. Muthala was living in Malawi when she heard of an opportunity to come to the United States and work as a nanny for a Malawian family. She had been struggling to find work in her village to support her three children, and she was eager for the opportunity that this new job offered. Her employers promised her a \$700 monthly salary. They also arranged and paid for her visa and travel to the United States. Ms. Muthala was nervous about leaving her family and country behind, but she trusted that her new job would allow her to provide for her family.

The job that Ms. Muthala was promised, however, was not the job that awaited her. Though she had accepted a job as a nanny, she soon found herself cooking, cleaning, doing yard work, and caring for two ill family members. Ms. Muthala worked from 6:00 in the morning until 8:00 or 9:00 at night with only one or two 10-minute breaks per day. She worked seven days a week and was given few days off every year. Furthermore, when Ms. Muthala arrived in Connecticut, her employers informed her that her monthly wages would be \$200, not the promised \$700. Because of the number of hours she worked, Ms. Muthala's hourly wage often came out to less than \$1.00 per hour.

Ms. Muthala agreed to being paid partly in cash and partly through deposits in a bank account, and she trusted her employers to deposit her wages every month. After a few years and under \$300 in withdrawals, however, the account closed with a \$0 balance. When Ms. Muthala confronted her employers, they admitted that they had not been depositing her promised salary. Although Ms. Muthala came to the United States in the hope of supporting her family, her low salary made this impossible. And without savings to fall back on and few contacts in the United States, she did not feel that she could leave her job.

Under the strain of her long hours and physically demanding work, Ms. Muthala's health began to deteriorate. Ms. Muthala suffers from high blood pressure, and her symptoms of severe headache and overall feelings of weakness began to intensify. When Ms. Muthala told her employers about her symptoms, they did not reduce their demands on her nor did they help her get treatment. Out of her meager wages, Ms. Muthala paid not only for her doctor's visits and medication, but also for a taxi and train ride to the hospital every month.

Ms. Muthala rarely left her employers' home, and when she did, her limitations in written and spoken English made it difficult for her to access even basic services. She knew that her work was bad for her health, but she had no way of knowing that her employers were also breaking the law.

In January 2012, Ms. Muthala's employers drastically reduced her monthly salary, promising her that they would pay her the balance later. By this time, Ms. Muthala had begun to suspect she was being underpaid, and she felt hurt that the family she had tended to for 11 years was mistreating her. Finally, in September 2012, after her employers once again disregarded her complaints about her high blood pressure symptoms, Ms. Muthala decided she had had enough. She packed her belongings and left her employers' home.

Finally free of the abuses she suffered as a domestic worker, Ms. Muthala is now ready to speak out and tell her story. She hopes not only to recover the money she is owed for her 11 years of labor, but also to help other domestic workers who may not know their rights under the law.

The Connecticut Domestic Workers Bill of Rights (H.B. 5527) would have protected Ms. Muthala from many of the abuses that she suffered. The bill requires a written contract for domestic workers, preventing the bait-and-switch that Ms. Muthala experienced when her employers expanded her job responsibilities and reduced her promised salary to \$200 with no explanation. It requires one day off per week and paid leave, neither of which Ms. Muthala enjoyed in her 11 years as a domestic worker. Furthermore, the bill makes it clear that domestic workers are owed overtime, ensuring compensation for (and potentially reducing the incidence of) the long hours that Ms. Muthala worked.

Domestic workers like Ms. Muthala perform their work and often live their lives out of the public eye. As such, they are at risk of being exploited by their employers. The Connecticut Domestic Workers Bill of Rights is an important step in making sure that what happened to Ms. Muthala never happens again in the state of Connecticut.