

Testimony of Eric W. Gjede  
Assistant Counsel, CBIA  
Before the Task Force On Domestic Workers  
Hartford, CT  
November 21, 2014

**Testifying on the Creation of a Domestic Workers Bill of Rights**

Good afternoon Senator Holder-Winfield, Representative Tercyak, and members of the domestic workers task force. My name is Eric Gjede and I am assistant counsel at the Connecticut Business and Industry Association (CBIA), which represents more than 10,000 large and small companies throughout the state of Connecticut.

While I know the task force is in the process of finalizing its recommendations, it is my understanding that the basis for such recommendations will be raised bill 5527, LCO 2297, from the 2014 legislative session. I am submitting this testimony to identify several substantive problems with the proposal and to communicate the business community's opposition to adding additional layers of legal and administrative requirements for a particular industry when provisions in current civil and criminal law already provide sufficient protection. It is our belief that this proposal, if enacted as is, would serve to eliminate employment opportunities for domestic workers in Connecticut, rather than provide them with any benefit.

Section 2 of the 2014 bill deems an individual that pays a domestic worker \$1,000 in a calendar quarter to be an employer under the workers' compensation statutes. Thus, at \$10 per hour, an individual that employs a domestic worker just over eight hours a week for three months would be required to purchase a workers' compensation insurance policy.

These policies are prohibitively expensive for most people. Although I believe your goal is to protect domestic workers, this requirement in reality will reduce the number of people who can afford to hire them.

Section 3 of the 2014 bill treats employers of domestic workers differently than any other employer in the state. Under the bill, employers of a single domestic worker would fall under the jurisdiction of CHRO, whereas every other employer in the state needs at least three employees to fall under CHRO's jurisdiction. It is unclear why these workers need to fall under CHRO's jurisdiction, or whether CHRO even has the resources to handle this potentially increased workload.

Sections 4, 6, and 7 of the 2014 bill would also impose a multitude of new requirements on employers of domestic workers that are not required of employers in any other industry. For example, the 2014 bill mandates employers provide a minimum amount of paid leave for both

full and part time domestic workers. Under the bill, a domestic worker with a year of service that only works part-time one or two days a week can earn up to seven paid vacation days per year. Presumably, employers of domestic workers would employ the domestic worker for a greater number of hours each week if they could afford it. This bill, however, makes them pay for that domestic worker even when they are providing no service at all.

Section 10 prevents the employer from entering the portion of their property occupied by a domestic worker, or monitoring any communication of the domestic worker. Ultimately, this strips the employer from his or her ability to prevent criminal activity from occurring in their home, leaving the employer open to possible property seizure by law enforcement officials in the event criminal activity is occurring. Employers in every other industry are allowed to monitor employee work areas and communications--why should this industry be any different?

Section 11 of the 2014 bill requires the domestic worker to be given seven days notice of termination, which is unusual for any industry employing at-will employees. Furthermore, the bill requires the employer to provide severance pay to the domestic worker in the event he or she is terminated for anything other than abuse, assault or "other harmful or destructive conduct" that is deliberate in nature, as well as take reasonable steps to ensure the domestic worker isn't homeless after being terminated. This section ignores the possibility that a domestic worker could be terminated for a host of other unintentional acts--such as the injury or death of a child under their care as a result of negligence. In the event of such a situation, it seems unreasonably burdensome to ask the former employer to provide seven days notice of termination, provide severance pay, and look for a new home for the domestic worker.

While I have noted a few of the problematic aspects of the bill from the 2014 session, I recognize the extremely important service domestic workers provide, as well as the importance of the industry as a whole. However, existing law already provides adequate legal protections for when problems arise. The additional legal requirements provided in the 2014 bill are far more likely to make the employment of domestic workers too costly and administratively burdensome for most people—which as a result will mean far fewer job opportunities for the individuals engaged in this industry.