

Testimony of Dana Sussman
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New York City Commission on Human Rights
Before the Committee on Civil and Human Rights
Int. 339-A
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Good morning Chair Eugene and members of the Committee on Civil and Human Rights. I am Dana Sussman, Deputy Commissioner for Policy and Intergovernmental Affairs at the New York City Commission on Human Rights. Thank you for convening today's hearing on Intro. 339-A, which would extend employment protections under the City Human Rights Law to domestic workers, regardless of their employer's size. The bill would eliminate the four-employee minimum for employer liability with respect to domestic workers—meaning that a domestic worker, often working as the sole employee of an employer, would have explicit protection under the City Human Rights Law from discrimination and harassment in hiring, firing, and the terms and conditions of employment, with respect to reasonable accommodations, and with respect to retaliation.

The Commission recognizes the unique vulnerabilities that domestic workers face, and several members of the agency's staff, including Commissioner Malalis and myself, have represented domestic workers in wage theft cases and trafficking cases prior to joining this agency. Domestic workers are disproportionately women, people of color, and immigrants. Domestic workers have historically been excluded from labor law and anti-discrimination protections, and because of this exclusion, have often been forced to work in unregulated, unsafe, and exploitative situations. Recognizing the barriers domestic workers have unjustly faced, the Administration and the Commission have worked to build relationships with domestic worker organizers and advocates, including many of the people here today, through the paid care working group at the Department of Consumer and Worker Protection, and working directly with organizations like National

Domestic Workers Alliance and their member organizations on outreach, education, and other partnerships and collaborations.

In December 2017, at the Commission's public hearing on sexual harassment in the workplace, organizer Daniela Contreras provided courageous and compelling testimony about her experience facing sexual harassment as a young nanny in her employer's home, highlighting the fact that, in most circumstances, domestic workers have had no legal protections under the City Human Rights Law. After that testimony, the Commission worked with City Council and the Administration to implement new protections against gender-based harassment, including eliminating the four-employee minimum for such claims, which means that now, all workers, regardless of the size of their employer, are protected from gender-based harassment. Since the passage of that bill in 2018, the Commission has continued to work closely with domestic worker advocates to ensure that they know about this new expansion and know how to access the Commission. Earlier this year, the Commission launched its first-of-its-kind online sexual harassment prevention training and, drawing on input from domestic worker advocates, included a scenario involving sexual harassment of a domestic worker, taking the opportunity to educate New York City employees, who may also be *employers* of domestic workers, regarding their obligations under the City Human Rights Law.

If this bill passes, the Commission is committed to working with domestic workers, advocates, our sister agencies, and domestic worker employer networks to ensure New Yorkers know what their rights and obligations are under this provision. Domestic workers, as we know, do the work that allows many of us to do our work, and for that, we owe them the protections the City Human Rights Law affords most other workers in New York City.