

CHECKLIST for EMPLOYERS:
Complying with the Domestic Workers' Bill of Rights, effective 4/1/015

✓ 1. DISCRIMINATION and HARASSMENT:

When hiring, working with, or firing any domestic worker, you cannot discriminate on the basis of sex, national origin, race, or whether or not they are pregnant nor engage in unwelcome sexual behavior—such as sexual advances, suggestive language, or sexual pressure.

✓ 2. PROVISION OF NOTICES:

Provide *all* domestic workers written notice of their rights under this law, as well as their rights under all state and federal laws that apply to their employment. **Sample notices of all these laws, in various languages, will be available on the website of the Mass. Attorney General's office.**

✓ 3. JOB EVALUATION:

After three months, employees may request a *written job evaluation*, and then yearly after that.

✓ 4. WRITTEN RECORDS:

It's longstanding law that you must keep accurate written records of wages paid and hours worked.

✓ 5. PRIVACY:

- You can't restrict or interfere with your employees' means of private communications
- You can't monitor your employees' private communications
- You cannot take your employees' documents or personal effects
- You cannot engage in conduct that constitutes forced services

Example: You can tell your nanny not to use her cell phone while working (unless for an emergency) but you can't take away her cell phone. If she doesn't have a phone and she needs to make calls, she should be able to use your phone (with her own phone card, if need be).

✓ 6. LODGING:

- You must get your employee's *prior written consent* to deduct lodging from her wages
- You cannot deduct (or charge) for lodging unless your employee freely accepts, wants, and uses it, and it's for his/her benefit (i.e., she is in your home as a convenience to *her*, not to you).
- Charges must be reasonable and cannot exceed \$35/week for a room used by one person, \$30/week for a room occupied by two people, \$25/week for a room occupied by three or more persons.

✓ 7. MEALS:

- You must get *prior written consent* before charging (or deducting) for any food or drink you provide.
- You cannot charge (or deduct from wages) for meals unless your employee agrees and freely chooses the food and drink, and it's for her benefit.
- The price must accurately reflect the cost of food and cannot exceed \$1.50 for breakfast, \$2.25 for lunch, and \$2.25 for dinner.
- You may *not* charge if your employee cannot easily bring meals to or prepare meals on your premises.

✓ 8. WAGES:

- Under **current** law, you must **already** pay *at least* the minimum wage (\$9/hour)¹ as well as overtime (“time and a half”) for *each hour over 40 hours* worked in one week.
- House cleaners must be paid by their employer for time traveling *between* jobs.

✓ 9. TIME OFF, REST PERIODS, LEAVE:

Note: “*Time off*” means complete freedom from all duties; your employees can leave your premises (or even stay on them) to engage in purely personal pursuits.

- You must give at least 24 consecutive hours off per calendar week, and at least 48 consecutive hours off during a calendar month, for any domestic worker who works for you for 40 hours/week or longer.
- If your employee **voluntarily** agrees to work on a “day off,” this agreement must be **in writing** and s/he must be paid at **time-and-a-half** for hours worked during this period.
- A female employee has job-protected leave of 8 weeks for the birth or adoption of her child.

✓ 10. SLEEPING PERIODS:

If employees must be on duty for 24 consecutive hours or more:

You and your employee may make a **prior written agreement**—under wage/hour laws (see No. 3)—to exclude from pay a *regularly scheduled sleeping period* of 8 hours or less for each 24-hour period.

Note: Unless a **prior written agreement** has been made, all rest, sleeping, and meal periods must be paid as described in this CHECKLIST for EMPLOYERS.

✓ 11. FIRING:

If you’re firing a live-in employee and you’re firing her/him without cause, you must give **written notice**; **additionally**, you must give 30 days of lodging **or** 2 weeks of salary for severance pay.

✓ 12. WRITTEN AGREEMENTS for employees who work 16 hours/week or more:

If your employee works 16 hours/week or more, you must provide him/her notice of your and their mutual agreements and/or their legal rights in regard to:

- pay rate, including overtime and other compensation for added duties or multilingual skills
- hours of work, including meal breaks and other time off
- benefits (including days off, health insurance, and so on)
- any fees or other costs, such as for meals, lodging, etc.
- job responsibilities
- process for raising and addressing grievances and raising compensation if duties are added
- right to collect workers compensation if injured on the job
- circumstances under which you can enter employee’s designated living space in your home
- the required notice of termination, by either party
- any other rights or benefits afforded to your employee

¹ Minimum wage in Massachusetts is \$9.00; on January 1, 2016, it will be \$10.00; on January 1, 2017, \$11.00.