



NEW YORK STATE SENATOR

Roxanne J. Persaud

NYS Lawmakers, Home Attendants, and the Ain't I a Woman?! Campaign Introduce Legislation to End 24-hour Workday

ROXANNE J. PERSAUD September 4, 2019

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The bill bans 24-hour workdays for home care workers and caps work weeks at 50 hours. Standing in front of 23-29 Washington Place, the building where the Triangle Shirtwaist Factory fire took place over 100 years ago, the AIW Campaign and supporters launched a statewide campaign to end today's sweatshops of the 24-hour workday.

The legislation comes on the heels of hundreds of home attendants coming forward to challenge the 24-hour shift for which they were only paid for 13 hours of a 24-hour day. While workers continue to pursue back wages for all their unpaid hours, home attendants are looking to the future. They are leading the way and working with legislators in NYS to ban the 24-hour shifts altogether.

The legislation is meant to protect the health and wellbeing of both the caregivers and those receiving care. The bill prohibits this inhumane practice where mostly women, immigrants, and workers of color work 24 hours a day, without a single hour for themselves. It also implements maximum 12-hour split shifts for patients who need 24 hours of care so patients are better cared for and workers have time to rest and recuperate for the next day, spend time with their families and fully participate in society.

There are about 239,500 home care workers in New York State. An approximate 8% of them work 24 hours a day, for multiple days in a row. With the growing population of those who need home care, this number is likely to grow.

Home care worker Mei Kum Chu, who worked 24-hours for many years and is now permanently disabled and unable to work, spoke about the 24-hour shift being detrimental to workers' health. She said "My co-workers and I are victims of a 24-hour workday! Today, the state legislator's proposal speaks the voice of us home attendants that we must abolish the 24-hour workday. I am not able to continue working now and I need someone to take care of me. I come forward to support this proposal because I don't want more women to get hurt and become like me."

Home care worker Sileni Martinez worked 24-hour shifts for 27 years agreed, saying "We must end the 24-hour shift. Even if they paid me for every hour, I wouldn't work 24-hour shifts anymore. It cost me my health and family."

Mary Lister, home care worker from Buffalo, NY spoke on behalf of the Ain't I a Woman?! Campaign, "We say, no more! For the sake of our health, families, and the people we care for, home care workers in New York have been calling on the government to abolish the 24-hour shift, and split them into two shifts of 12 hours each, allowing home care workers time to rest and people who are ill or disabled to receive proper care. Legislators have responded and today we are joined by Assembly Member Harvey Epstein and Senator Roxanne Persaud, sponsors of A08064/S6640 that will prohibit 24-hour shifts, and cap work hours at 50 per week."

"The National Organization for Women New York is proud to stand with home health aides in supporting legislation that will end strenuous 24-hour work days and ensure that the health of these workers is protected and the seniors they care for are getting the best, most

attentive care available. The rights of workers charged with caring for our most vulnerable seniors must be protected." - Sonia Ossorio, NOW New York President

"Seniors, people with disabilities or chronic health conditions, and countless others rely on home health aides for care continually. Too many of these caretakers are working 24-hour shifts with little or no time for a break. These long shifts leave aides overly fatigued and may result in patients receiving a lower quality of care. We must prevent home health aides from being forced to work around-the-clock shifts, to safeguard the health, safety, and general well-being of both patients and caregivers," said State Senator Roxanne Persaud

"As lawmakers, we have a responsibility to ensure that workers are paid fairly for their work and consumers are protected. The current system allows inhumane treatment of workers, thousands of whom are forced to work multiple 24-hour shifts in a row, all while being paid for only 13 hours of each 24-hour shifts," said Assemblymember Harvey Epstein. "The status quo is unfair for workers and dangerous for patients, who rely on these workers to keep them healthy. I am proud to stand with workers and my colleagues in government as we demand strong worker protections, an end to the 24-hour workday, and state funding to guarantee high quality care for New Yorkers who need it most."

"I am proud to co-sponsor this legislation that will add to Sojourner Truth's legacy of "Aint I A Woman" by ending the unjust working conditions many home-healthcare providers find themselves in," said Assemblymember Harry Bronson. "Providing reliable, quality healthcare provides peace-of-mind to those in need. We should provide that same peace-of-mind to those who provide the care."

"The 24-hour workday is a practice that should have stopped long ago," said Assemblywoman Nathalia Fernandez. "These ridiculous work hours are taxing on our home care workers. By establishing a cap on hours, we are ensuring that no worker is taken advantage of and our

elders receive the full amount of attention they deserve.”

“New York’s aging community, and those living with chronic illness or disabilities rely on home care workers to provide the excellent health care they need to remain in the comfort of their own homes. We must ensure home care workers are treated fairly by their employers not only because it is the right thing to do, but also to make certain that home care patients are receiving the best care possible. I am proud to stand with Assemblymember Epstein and Senator Persaud in demanding workplace protections that home care workers need to provide outstanding care.” - Deborah J. Glick, Assemblymember

Senator Zellnor Y. Myrie (D-20) said: "Home health aides, most of whom are women of color, provide heartfelt care for our elderly and disabled, yet too many of them are overworked and underpaid. This legislation will begin to ensure that those who care for our loved ones are cared for as well."

"Home care workers provide critical care to vulnerable seniors and people with serious health needs, and they deserve to be paid fairly and to work reasonable hours so they can properly provide these important services. It is unconscionable that hard-working people who are caring for others aren't getting paid for all of the hours they work. This legislation prohibits a 24-hour workday, splits shifts, and caps hours at 50 hours a week so that home care workers and the people they care for are better protected," said Assemblymember Jo Anne Simon.

"Home care workers are some of the front-line heroes of the healthcare system," Assemblymember Aravella Simotas said. "This battle is about valuing home care labor and prioritizing a community--the majority of which are women of color, who place their lives and families on hold to care for our seniors and others who require day-to-day assistance. For a long time, this labor has been commodified, undervalued and under-

compensated, placing it under corporate frameworks that use standards of evaluation and compensation that cannot adequately measure the skills, knowledge and effort that it requires. We need to protect our home care workers from 24-hour shifts and ensure that their hard work is appropriately acknowledged and compensated, in order to safeguard their health & safety."

"Home care workers are dedicated health care professionals who provide compassionate and often physically and emotionally taxing around-the-clock care to other people's family members. In doing so, they miss time with their own families and loved ones. Despite the all-encompassing nature of their work, home care workers are not compensated fully or fairly. I stand with advocates and my colleagues in government as they work to end the exploitation of these workers by ending the 24-hour work day," said Assemblymember Linda B. Rosenthal.

"New York's home health aides deserve to be paid fairly and deserve reasonable working hours. It is unjust that this vitally important profession lacks the protections that many other workers enjoy," said Assemblyman David I. Weprin. "I commend Senator Roxanne J. Persaud and Assemblyman Harvey Epstein for introducing legislation to rectify these injustices."

RELATED LEGISLATION

2019-S6640

-
- Introduced

- ○ In Committee Assembly
 - In Committee Senate

- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

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Relates to requiring home care aide overtime to be voluntary

July 31, 2019

In Senate Committee **Labor**

Sponsored by **Roxanne J. Persaud**

Do you support this bill?