



NEW YORK STATE SENATOR

Jessica Ramos

Senator Ramos and the Senate Majority Pass Legislation to Improve Domestic Worker Protection and Promote Working Women

JESSICA RAMOS May 12, 2021

ALBANY, NY — Senator Ramos and the Senate Democratic Majority today advanced legislation to protect the rights and benefits of domestic workers by further prohibiting discrimination, improving Temporary Disability Insurance Access and raising employee awareness regarding their workplace protections. This package recognizes the broad set of circumstances that may compel a domestic worker to take time off and seeks to lessen the burden imposed by such situations. It simultaneously looks to revamp workplace dynamics by allowing for greater work-from-home flexibility, particularly in light of a health emergency or local crisis. This would allow parents and caretakers to effectively pivot and tend to both their personal and professional obligations without consequence. It also looks ahead to the future of New York caregiving by investigating the causes of the industry decline and proposing necessary solutions.

These protections empower domestic workers to prioritize their wellbeing without fear of repercussion during a time when health and job security are of the utmost importance. It further acknowledges that a majority of domestic workers are women of color and aims to address the unique challenges that they face. This legislation will further the Democratic Conference's efforts to improve workplace safety and grant stronger protections to those

who are essential in the job force.

State Senator Jessica Ramos issued the following statement:

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"Domestic workers take care of the things most personal to us and have put their lives at risk throughout this pandemic to do so. They deserve the same protections and rights to a discrimination-free work environment as every other worker across our state. The New York State Senate is taking the first step to guarantee domestic workers their rights under our Human Rights law, continuing to reverse decades of injustice."

The legislation passed by the Senate Majority, includes:

- Expanding Human Rights Law to Domestic Workers: This bill, S.5064, sponsored by Senator Jessica Ramos, addresses the lack of comprehensive Human Rights Law protections for domestic workers. The current law only prohibits sexual harassment. This bill would adopt the full breadth of protections to also address age, sex, race, religion, sexual orientation and disability-based discrimination.
- Improved Access to Temporary Disability Insurance: This bill, S.3291A, sponsored by Senator Julia Salazar, would amend the Domestic Workers Bill of Rights to grant Temporary Disability Insurance to domestic workers who work 20 hours a week, rather than the previous threshold of 40.
- Personal Care and Lawful Absence Assurance: This bill, S.1958, sponsored by Senator Liz Krueger, would protect employees from being punished for lawful work absences. Such absences could include: tending to prenatal care; assisting a sick family member; responding to an emergency, or observing a religious commitment. This provision would

allow people to prioritize the health and wellbeing of themselves and loved ones without risking their income. It would also seek to improve public awareness of workers' rights.

- **The Caregiver Protection Act:** This bill, S.5063, sponsored by Senator Robert Jackson, would increase caregiver protections by prohibiting employers from discriminating against people based on their caregiver status. Recognizing that 75% of caregivers are women, this provision would grant better job security to those who are frequently displaced from the workforce.
- **Provision to Protect Working Families:** This bill, S.5065, sponsored by Senator Roxanne Persaud, allows for greater work from home flexibility during a health crisis or local disaster that results in the closure of schools and childcare centers. This would prohibit employers from penalizing those who request greater leeway to work from home and creates benchmarks to ensure productivity and trust.
- **Study to Assess and Promote the Continuum of Caregiving:** This bill, S.5734, sponsored by Senator Sean M. Ryan, authorizes a multi-agency study on the issues impacting caregivers in the state of New York. Although caregiving remains a necessary social system, the industry has been deeply threatened by COVID-19. This study would analyze the causes of caregiver decline and recommend solutions.

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RELATED LEGISLATION

2021-S5064

-
- 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 the definition of the term employee for purposes of the human rights law; and repeals section 296-b of the executive law, relating to unlawful discriminatory practices relating to domestic workers

February 23, 2021

Signed by Governor

Sponsored by **Jessica Ramos**

Do you support this bill?

2021-S3291A

-
- 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 covered employment as a domestic worker for temporary disability benefits

January 28, 2021

Senate Floor Calendar

Sponsored by [Julia Salazar](#)

Do you support this bill?

2021-S1958

- 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
-

Clarifies that workers shall not be punished or subjected to discipline by employers for lawful absences

January 16, 2021

Senate Floor Calendar

Sponsored by [Liz Krueger](#)

Do you support this bill?

2021-S5063

- 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
-

Prohibits employers from discriminating against individuals based on such individual's status as a caregiver

February 23, 2021

In Assembly Committee

Sponsored by **Robert Jackson**

Do you support this bill?

2021-S5065

- 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
-

Relates to flexible working arrangements for parents and legal guardians when day care centers and schools are closed during a state or local disaster emergency

February 23, 2021

In Assembly Committee

Sponsored by **Roxanne J. Persaud**

Do you support this bill?

2021-S5734

- Introduced

- - In Committee Assembly
 - In Committee Senate

- - On Floor Calendar Assembly
 - On Floor Calendar Senate

- - Passed Assembly
 - Passed Senate

- Vetoed By Governor

- Signed By Governor

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Requires a study of the issues impacting the continuum of caregiving in the state

March 17, 2021

Vetoed

Sponsored by [Sean M. Ryan](#)

Do you support this bill?