



General Assembly

February Session, 2020

Raised Bill No. 5276

LCO No. 1619



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING DOMESTIC WORKERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-71f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2021*):

3 (a) Each employer shall: (1) Advise his employees in writing, at the
4 time of hiring, of the rate of remuneration, hours of employment and
5 wage payment schedules, and (2) make available to his employees,
6 either in writing or through a posted notice maintained in a place
7 accessible to his employees, any employment practices and policies or
8 change therein with regard to wages, vacation pay, sick leave, health
9 and welfare benefits and comparable matters.

10 (b) Each employer employing a domestic worker, as defined in
11 section 3 of this act, shall advise the domestic worker in writing, at the
12 time of hiring, of: (1) The rate of remuneration, hours of employment
13 and wage payment schedules; (2) the job duties and responsibilities; (3)
14 the availability of sick leave, days of rest, vacation, personal days and
15 holidays, and whether such days are paid or unpaid, and the rate at

16 which such days accrue; (4) necessary or required modes of
17 transportation, and whether such transportation is provided, paid or
18 reimbursed; (5) the availability of health insurance, and whether it is
19 paid or reimbursed; (6) any applicable severance, yearly raises or other
20 forms of compensation; (7) whether the employer may charge any fees
21 or costs for board and lodging; and (8) any other rights afforded to such
22 domestic worker under the provisions of this section, section 53-303e, as
23 amended by this act, and sections 3 to 5, inclusive, of this act.

24 Sec. 2. Section 53-303e of the general statutes is repealed and the 25
25 following is substituted in lieu thereof (*Effective January 1, 2021*):

26 (a) (1) No employer shall compel any employee engaged in any
27 commercial occupation, [or] (2) engaged in the work of any industrial
28 process, or (3) employed as a domestic worker, as defined in section 3
29 of this act, to work more than six days in any calendar week. An
30 employee's refusal to work more than six days in any calendar week
31 shall not constitute grounds for his or her dismissal.

32 (2) Notwithstanding the provisions of subdivision (1) of this
33 subsection, a domestic worker may work seven days in any calendar
34 week, provided (A) the domestic worker and his or her employer agree,
35 in writing, to such schedule, and (B) the domestic worker is
36 compensated at the appropriate rate, including the overtime rate, if
37 applicable.

38 (b) Any employee, who believes that his or her discharge was in
39 violation of subsection (a) of this section may appeal such discharge to
40 the State Board of Mediation and Arbitration. If said board finds that the
41 employee was discharged in violation of said subsection (a), it may
42 order whatever remedy will make the employee whole, including but
43 not limited to reinstatement to his or her former or a comparable
44 position.

45 (c) Any person who violates any provision of this section shall be
46 fined not more than two hundred dollars.

47 Sec. 3. (NEW) (*Effective January 1, 2021*) (a) For the purposes of this
48 section and sections 4 and 5 of this act: (1) "Domestic worker" means any
49 individual or employee who is paid or who is told he or she will be paid
50 to perform work of a domestic nature in or about a private dwelling,
51 including, but not limited to, housekeeping, home management, child
52 care, caretaking of individuals, including sick, convalescing and elderly
53 individuals, laundering, meal preparation, home companion services
54 and other household services for occupants of the private dwelling or
55 the guests of such occupants. "Domestic worker" does not include (A) a
56 babysitter whose employment is irregular and intermittent or of a casual
57 nature, or (B) a personal care attendant providing services pursuant to
58 a state-funded program, including, but not limited to, (i) the program
59 for individuals with acquired brain injuries, established pursuant to
60 section 17b-260a of the general statutes, (ii) the personal care assistance
61 program, established pursuant to section 17b-605a of the general
62 statutes, (iii) the Connecticut home care program for the elderly,
63 established pursuant to section 17b-342 of the general statutes, (iv) the
64 pilot program to provide home care services to disabled persons,
65 established pursuant to section 17b-617 of the general statutes, (v) the
66 individual and family support waiver program administered by the
67 Department of Developmental Services, and (vi) the comprehensive
68 waiver program administered by the Department of Developmental
69 Services; (2) "employer" means any owner or any person, partnership,
70 corporation, limited liability company or association of persons acting
71 directly as, or on behalf of, or in the interest of an employer in relation
72 to a domestic worker and shall include for the purposes of chapter 567
73 of the general statutes a (A) homemaker-companion agency, as defined
74 in section 20-670 of the general statutes, (B) registry, as defined in section
75 20-670 of the general statutes, or (C) homemaker-home health aide
76 agency, as defined in section 19a-490 of the general statutes, that refers
77 a domestic worker to a consumer to provide (i) homemaker services, (ii)
78 companion services, or (iii) homemaker-home health aide services; (3)
79 "consumer" means an individual receiving homemaker services,
80 companion services or homemaker-home health aide services from a
81 homemaker-companion agency, registry or homemaker-home health

82 aide agency; (4) "homemaker services" means homemaker services, as
83 defined in section 20-670 of the general statutes; (5) "companion
84 services" means companion services, as defined in section 20-670 of the
85 general statutes; (6) "homemaker-home health aide services" means
86 homemaker home health aide services, as defined in section 19a-490 of
87 the general statutes; (7) "live-in domestic worker" means a domestic
88 worker who resides in or about an employer's private dwelling for at
89 least four consecutive twenty-four-hour periods during at least two
90 consecutive weeks within one calendar year; (8) "full-time employment"
91 means an average working period of forty hours or more per week
92 within the previous month; and (9) "part-time employment" means an
93 average working period of less than forty hours per week within the
94 previous month.

95 (b) No employer shall (1) restrict or interfere with a domestic worker's
96 private communications that are made when the domestic worker is not
97 expected to be working, (2) seize, search or inspect the domestic
98 worker's personal belongings, or (3) engage in any conduct against a
99 domestic worker that violates subsection (a) of section 53a-192a of the
100 general statutes or any other section of the general statutes.

101 (c) No employer of a live-in domestic worker shall enter a live-in
102 domestic worker's designated living area in or about the employer's
103 private dwelling without such live-in domestic worker's informed and
104 voluntary consent, except that the employer may enter such designated
105 living area if emergency repairs are required, if (1) securing such live-in
106 domestic worker's consent within a reasonable time is not feasible, and
107 (2) the employer provides notice to the live-in domestic worker that the
108 employer entered the live-in domestic worker's designated living area
109 to conduct such emergency repairs within a reasonable time after doing
110 so.

111 (d) No employer of a domestic worker shall monitor a domestic
112 worker's activities or communications by any means other than direct
113 observation, including the use of a computer, telephone, wire, radio,
114 camera or electromagnetic, photoelectronic or photo-optical systems,

115 without such domestic worker's informed and voluntary consent,
116 except that an employer may use such devices to monitor a domestic
117 worker while he or she is performing care-giving tasks, including, but
118 not limited to, babysitting, child care and caretaking of sick,
119 convalescing or elderly individuals.

120 (e) A domestic worker who is required to utilize cleaning products as
121 part of his or her employment shall have the right to (1) alert his or her
122 employer to health hazards and allergies that the domestic worker
123 believes to be related to these cleaning products, (2) negotiate with his
124 or her employer regarding the substitution of alternative cleaning
125 products, and (3) substitute cleaning products he or she believes to be
126 less harmful to his or her health, or to the health of others, except where
127 the employer can demonstrate medical necessity for the use of a
128 particular cleaning product.

129 (f) (1) Except as otherwise provided in subdivision (2) of this
130 subsection, if a domestic worker has been employed by an employer for
131 a period of ninety days or longer, such employer shall provide the
132 domestic worker with written notice prior to the termination of
133 employment. Such notice shall be provided not less than seven days
134 prior to the effective date of such termination, except that, if such
135 domestic worker is a live-in domestic worker, such notice shall be
136 provided not less than fourteen days prior to the effective date of such
137 termination.

138 (2) If a domestic worker has been employed by an employer for a
139 period of ninety days or longer, such employer may terminate such
140 domestic worker's employment immediately and without written
141 notice, provided such employer compensates such domestic worker at
142 a rate not less than the amount the domestic worker would have earned
143 had the employer continued to employ such domestic worker after
144 providing notice of such termination pursuant to subdivision (1) of this
145 subsection.

146 (g) The provisions of subsection (f) of this section shall not apply to

147 any employer who terminates a domestic worker due to the domestic
148 worker's wilful misconduct in the course of his or her employment. For
149 the purposes of this subsection, "wilful misconduct" means deliberate
150 misconduct in wilful disregard of the employer's interest and includes
151 any abuse, assault or other harmful or destructive conduct committed
152 by the domestic worker against the employer, the employer's
153 possessions, members of the employer's family, guests or other
154 individuals residing in or about the employer's private dwelling.

155 (h) Compensation provided in lieu of notice of termination pursuant
156 to subdivision (2) of subsection (f) of this section shall be provided upon
157 termination of the domestic worker's employment. Such compensation
158 shall not release an employer from any obligation to make payments as
159 may be necessary to comply with chapter 567 of the general statutes or
160 any other applicable municipal, state or federal law.

161 Sec. 4. (NEW) (*Effective January 1, 2021*) No employer shall discharge,
162 discipline, penalize, retaliate against or in any manner discriminate
163 against a domestic worker because such domestic worker has (1)
164 complained to the employer, an authorized representative of the
165 domestic worker or any other person, (2) filed a complaint or instituted
166 or caused to be instituted any proceeding, (3) testified or intends to
167 testify in any such proceeding, or (4) exercised any right afforded to him
168 or her by any provision of sections 31-58, 31-71f, 46a-51 and 53-303e of
169 the general statutes, as amended by this act, or sections 3 to 5, inclusive,
170 of this act.

171 Sec. 5. (NEW) (*Effective January 1, 2021*) A domestic worker or
172 terminated domestic worker may bring an action in Superior Court
173 against an employer to recover any appropriate relief, including
174 rehiring or reinstatement to his or her previous job, payment of back
175 wages and any interest due on such wages, compensation for the denial
176 of days of leave, reestablishment of employee benefits or any other
177 remedies that the court deems appropriate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2021</i>	31-71f
Sec. 2	<i>January 1, 2021</i>	53-303e
Sec. 3	<i>January 1, 2021</i>	New section
Sec. 4	<i>January 1, 2021</i>	New section
Sec. 5	<i>January 1, 2021</i>	New section

Statement of Purpose:

To expand the application of various labor laws to domestic workers.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]