

KNOW YOUR RIGHTS: DOMESTIC WORKERS

PROPERTY DAMAGE

**If I break something in a home where I am working, what should I do?
Can the employer take money for the damage out of my pay?**



If you break something in your employer's home, it is a good idea to write down exactly what happened and report what happened as soon as you can. Then you should try to resolve the problem with your employer.

Legal Information & Referral:

206-621-7691

Toll-Free:

1-866-259-7720

TTY:

206-521-4317

Web:

www.LegalVoice.org

Your employer cannot withhold your wages or your paycheck. If this happens to you, you should contact Casa Latina for help getting your wages.

The employer could fire you, but he or she could also decide to do nothing. Many homeowners have insurance that covers the cost of damages in their home, so your employer can have the damaged property replaced through his or her insurance policy.

The homeowner of the damaged property or the employer could also try to take you to court to have you pay for the item. If the property is worth less than \$5000.00, the homeowner would probably take you to small claims court.

WAGES AND WORKING CONDITIONS

Do household workers have a right to be paid minimum wage in Washington?

Most household workers do have this right. Some do not: if you work for an employer only once or once in a while, or if you live where you work, you usually do not have the right to be paid the state minimum wage.

Washington's minimum wage is \$8.55 per hour for 2009 and 2010.

Do I have the right to take a break during work hours?

Most employers of household workers do not have to give their employees rest breaks. Household workers fall under an exception in Washington law that gives most other workers the right to rest breaks during work.

If I care for children as part of my household duties, can I refuse to care for the children when they are sick?

Usually, an employer can legally fire a household worker for not working, even if she has a good reason. But some employers write contracts with their employees. If you have a written agreement with an employer, then you might have more rights because of it.

Even if you do not have a written employment contract, it is a good idea to talk to the employer about what will happen when the employer's children are sick, when you are sick, or when your own children are sick.

LABOR UNIONS

As a household worker, do I have the right to organize a labor union with other household workers?

Household workers who are employed by a person or family in a home, such as a private homeowner, do not have the right to organize a labor union. However, if a household worker is employed by a commercial entity, such as a condominium association, to provide household services, then he or she has the right to join a labor union to bargain collectively for better wages and working conditions.

HOUSING RIGHTS FOR LIVE-IN HOUSEHOLD WORKERS

If I live with my employer, do I have to pay rent?

It depends on the arrangement you have with your employer. If you live in your employer's home, or in housing that your employer provides on the premises, and it is considered part of your payment for your services, then you do not have to pay rent. This is a tenancy at-will, which means that you are living there for an indefinite period of time and either you or your employer can end the relationship at any time. You have few rights in this type of housing situation.

However, if you live in housing owned by your employer and you signed a lease, you must pay the amount of monthly rent that is specified in your rental agreement. This type of arrangement will give you more rights, even though it will also require that you pay monthly rent.

Can I leave at any time? Will I have to pay anything if I choose to leave?

If your housing is part of your pay, you can leave at any time without owing any money. However, this also means that your employer can ask you to leave the housing at any time, though you must be given reasonable time to move your belongings.

If you pay monthly rent, then you have to follow certain rules before you can move out, or the landlord can sue you for money. If you signed a rental agreement with your employer for a definite period of time, such as a year, you have to remain in the housing for the whole lease term or you may lose money. For more information about your housing rights, see www.washingtonlawhelp.org (available in Spanish).

Must my employer provide safe housing for me?

Yes. No matter whether you pay rent or not, the employer must provide safe housing to you and anyone else living with you. This means that the employer must take care of the building, keep everything clean, sanitary, and safe, provide pest control and waste management, and supply facilities for heat and hot water as well as fire safety equipment.

Can I be forced to move if my employer fires me?

If you live in or at your employer's home and your housing is provided as part of your pay, you can be asked to leave the housing when your job ends. If you do not leave when asked, the employer can go to court to ask to have you removed from the home.

If you have a lease for housing with your employer, then you can stay in your housing as long as you have a lease, even if your job has ended.

WORKER'S COMPENSATION

Can I get money from state workers' compensation if I am injured at work?

Some household helpers will be able to get workers compensation if they are hurt, but many will not. If you work in a single private home doing household duties, like cleaning or childcare, you will probably not be able to get workers compensation if you are hurt while working.

If the household employs two or more employees, each working at least 40 hours per week, then the household helper receives mandatory workers' compensation coverage. However, household helpers who work for a noncommercial entity within a single private home probably cannot receive workers' compensation if they are injured while gardening.

If I cannot get workers' compensation for an injury from work, what should I do?

You should try to work it out with your employer by letting them know right away that you are injured. Many household employers have homeowner's insurance that might help pay for your medical and other expenses, and some employers may do the right thing and help you.

If the employer will not help you, you have the right to sue your employer for money to help you pay your medical bills and other damages. If that amount is less than \$5,000, you can take your

employer to small claims court. There is information on how to go to small claims court (in Spanish) at www.washingtonlawhelp.org.

Can I get worker's compensation if I am paid under the table?

“Unofficial” employment, where a worker is paid under the table, meets the definition of an employment relationship, and these workers may apply for workers’ compensation benefits unless they are the kind of workers that are not covered by the law. See the section above for information about what kind of workers can get workers’ compensation.

Can I get workers’ compensation if I am an undocumented immigrant?

Yes. The state Labor & Industries program will not ask about immigration status, and status does not matter when asking for these benefits. However, the federal ICE agency may try to investigate, detain, and deport any worker whose employer notifies immigration authorities of her status.

*Prepared by Jennifer Hill, reviewed by Sara Ainsworth, and translated by Gina Guajardo, 2008.
Updated by Janet Chung, 10/9/2009.*