

Law professor says laws fall short protecting domestic service workers

March 11 2011

Workers who have limited rights and are exposed to significant hazards and injuries might sound like something out of a Victorian novel, but it's a reality for paid domestic service employees who perform tasks such as cleaning, cooking, childcare and care of the elderly.

"Domestic employees face a variety of workplace hazards when working in clients' homes, including exposure to harmful cleaning chemicals, verbal and physical abuse and injuries caused by lifting and moving clients with limited mobility," says Peggie Smith, JD, employment law expert and professor of law at Washington University in St. Louis.

"In the United States, worker health and safety is regulated by the federal Occupational Safety and Health Act (OSH Act), but this act does not protect domestics who are classified as self-employed or who are employed by an individual client.

"The act also offers very limited protection for those domestics who are employed by third-party agencies such as a home-care agency or a cleaning agency," Smith says.

Smith discusses this issue in "The Pitfalls of Home: Protecting the Health and Safety of Paid Domestics in the United States," in an upcoming issue of the *Canadian Journal of Women & the Law*.

"Because domestics work in individual homes, we tend to assume that they work in a safe environment and thus don't require the protection

afforded to most other workers. Yet the perception of the home as a ‘safe haven’ obscures the reality that the home setting can present serious dangers that threaten health and safety.”

Nearly two-thirds of domestic service workers polled in a recent California study indicated that they considered their jobs hazardous and three-quarters stated that they did not receive basic protective gear to help prevent workplace injuries and illnesses. A majority of workers reported that they had not received training in job safety or injury prevention.

Various health concerns relate to the use of toxic cleaning agents.

“Compared with industrial cleaners, household domestics reported more frequent exposure to respiratory irritants from chemical cleaners, a significantly higher incidence of physical reactions to using cleaning products, and using more cleaning products that contained irritants,” Smith says.

Smith adds that the need for regulation is especially pressing among domestics who provide home-care services for elderly and disabled individuals.

“These workers experience higher rates of debilitating musculoskeletal disorders than any other occupational group in the United States, including workers in coal mines and steel mills,” she says.

Smith explains that the high rate of musculoskeletal disorders reflects the type of work that home-care workers perform. “They spend a lot of time lifting and moving clients with limited mobility in and out of bed, to and from the toilet, in and out of the bath tub, into a wheelchair, etc.,” she says. “The work is extremely demanding physically.”

Because home-care workers typically work alone, they are more prone to injury than their counterparts who work in hospitals or nursing homes and who may be able to rely on co-workers to help move patients.

In addition, whereas a hospital may provide patient-lifting devices that significantly lessen muscle strain for workers, home-care workers generally do not have access to transfer equipment to help move clients.

Smith adds, “Home-care workers also lack control over their working environments. Given that the elderly tend to live in some of the worst housing available, workers must frequently adapt to homes that are replete with hazards and which can impede their ability to care properly for clients.”

Smith says that applying all of the many health and safety standards under the OSH Act to domestic service is ill-advised and impractical. However, she does believe that the Occupational Health and Safety Administration should help to ensure that home-care workers are better trained and that home-care agencies should be more diligent about inspecting homes before assigning workers.

She also observes that many households that employ domestics want to treat their domestics fairly, but often lack awareness about how to affect positive change.

Some solutions are simple, such as providing domestics with protective gloves and masks when cleaning with harmful cleaning agents. Thus, a critical step to help improve health and safety is educating household employers about the conditions in domestic service and strategies to improve those conditions.

Provided by Washington University in St. Louis

Citation: Law professor says laws fall short protecting domestic service workers (2011, March 11) retrieved 1 May 2024 from <https://phys.org/news/2011-03-law-professor-laws-fall-short.html>

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