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Introduction

Imagine yourself as a young woman who has to abandon everything she has known and loved for the past several years due to a job…a job that will cause a separation of family and friends…a job that will place her thousands of miles away from home, with no familiarity around her. She will no longer be taking care of her mother, daughter, husband, or siblings. Instead, she will be taking care of strangers. Strangers will humiliate her and treat her like a slave. They will imprison her and make her believe she has no chance of seeing her loved ones ever again. This woman will be living in their employer’s home working sixteen hours a day and be fed only leftovers. She will be responsible for making all meals, grocery shopping, and cleaning the house. Additionally, she will have to wake up during the middle of the night to feed the baby and put him/her back to sleep. This job will damage her psychologically, mentally, and perhaps even physically. Approximately there are 42,080,000 women worldwide who are domestic workers (“At Least 52 Million…”). These female warriors sacrifice everything they once had to pursue a better life for their family. Their employers make them believe that being a domestic worker will bring them wealth and happiness. However, the cruel reality that these women are not told is that they will become modern slaves with a frightful life to come.

Why Does This Issue Matter?

It is needless to say that Latina domestic workers provide essential services to American families, such as cleaning, cooking, and childcare. Although their hard work is not always recognized, their contribution to the improvement of our country is significant. One must realize that these women make a huge difference for families in the United States. A majority of the American families hire a domestic worker because they have other obligations that do not permit them to do household chores and child care. On the other hand, other families due so in order to take advantage of the vulnerability of the women and exploit her for labor. Regardless of the reason, it is clear that Americans rely on a domestic worker to do the “dirty” no American wants to do. Therefore, they believe that their American citizenship makes them superior to their status.

Purpose

The purpose of my research project is to raise awareness of conditions Latina domestic workers face while being employed in the United States. I will be seeking the reasons why Latina domestic workers are mistreated in the United States even after protection laws have been implemented for their rights. I will dissect the specific concerns that continue to burden Latina Domestic workers in the United States and what help is being offered to them.

Methods

I will begin my project by defining the term domestic work. I will move on by reviewing the 2010 Hispanic population census and identify the relationship between Latina’s in the United States wanting to pursue domestic work for their primary source of income. In the second part of my research project I will go further into detail discussing the working conditions domestic workers encounter and how some domestic work cases
can lead to human or child trafficking. In the third part of my project I will list the laws that have been executed, ratified, or revoked. Furthermore, I will discuss the progress support groups, unions, and hotlines that have been established thus far. Finally, I will conclude this paper by revealing the struggles that domestic workers continue to face even after the passing of protection laws for domestic workers.

Anticipations

I anticipate that my results of this project will support the idea that although Latina domestic workers have rights they are still afraid to speak up for themselves due to fear of threats by their employers, doubt in the government, absence support, deportation, and/or lack of knowledge.

What Are Domestic Workers?

The International Labour Organization (ILO) estimates there are at least 52.6 and up to 100 million domestic workers around the world (State Dept). As previously stated the number given by the U.S. State Department is only an estimate and can’t be entirely accurate due to the level of secrecy this job entails. A factor such as employers prohibiting domestic workers of communicating with other people plays a big role of why the statistics are not accurate. Furthermore, many people don’t know that domestic workers are often neglected and crucially mistreated psychologically, emotionally, and physically by their employers simply because of the job title they have. “In many cases domestic workers are regarded as ‘helpers’ rather than employees entitled to basic labor rights”, claims the Human Rights Watch (Human Rights). However, domestic workers are more than just “helpers” in a home. According to the United Nations Commission of Human Rights Special Rapporteur, Ms. Gabriela Rodriguez Pizarro, she describes a domestic worker/household worker/domestic help as, “A person employed part-time or full-time in a household or private residence, in any of the following duties: cook, servant, waiter or waitress, butler, nurse, childminder, carer for elderly or disabled persons, personal servant, barman or barmaid, chauffeur, porter, gardener, washerman or washerwoman, and a guard” (United Nations).

Domestic workers in the United States come from all around the world. Many domestic workers in the United States are from a Hispanic descendant. One can make the assumption that with the Hispanic population skyrocketing in the United States, the number of Latina Domestic Workers in the United States will too. However, let us first look at the statistics of the Hispanic population in the United States. According to the 2010 census, “308.7 million people resided in the United States on April 1, 2010, of which 50.5 million or 16 percent were of Hispanic origin” (US Census). Evidently, the Hispanic population has been rapidly increasing. Since 2000, the Hispanic population made up 13 percent of the population. Now, the Hispanic population is 16.3 percent (US Census).

Another fact that will help us understand why so many Latinas choose to become domestic workers is their country of origin. The Hispanic origin that increased the most from 2000 to 2010 has been the Mexican origin, increasing by 54 percent (US Census). Moreover, by knowing the states that have the majority of Hispanics residing in them, it will help determine what states have the most Latina domestic workers and what aid is the state proving for these women. The U.S. 2010 census claims that, “over half of the Hispanic population in the United States resides in just three states: California, Texas, and Florida” (Census 2010). Shockingly, New York came in at number four, Illinois at number five, Arizona came in sixth, New Jersey seventh, and Colorado eighth (Census 2010). Overall, the 2010 Census determined that Hispanics
accounted for over half of the nation’s population growth from 2000 to 2010. With the highest percentage of Hispanics in the United States, it is clear to say that Hispanics do play a vital role in the country’s population’s growth.

**Why Women Become Domestic Workers**

With the monthly pay of about $200 dollars a month, many question the reason and driving force behind the millions of women who attain the courage to migrate to a foreign country and work under horrible conditions for such little pay. According to the North Carolina Law Review, “Worker’s remittances are a rich source of revenues for their countries of origin, some countries actively encourage their female workers to migrate abroad for domestic work” (Law Review). In other cases the driving force is different. For a poor country, sending domestic workers to other countries to work is a great strategy to balance unemployment problems in their own country while still growing their economy receiving foreign exchange reserves (Swept under the rug). Another reason why women decide to abandon their country and travel thousands of miles to seek employment is simple, they are desperate for money. Their will and desire to help their families financially gives them courage to start a new life away from their family and only hope for the best.

**Problems Domestic Workers Encounter**

There are many problems Latina domestic workers encounter in the United States due to their vulnerability of moving to a foreign country. A major issue that raises many concerns globally is human trafficking. According to the American Civil Liberties Union also known as, (ACLU), the federal law defines a form of human trafficking as, “The recruitment, harboring, transpiration, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjecting that person to involuntary servitude, forced labor, peonage, debt bondage, or slavery” (ACLU-TVPA”). Additionally, the U.S. Department of State estimates that 14,500 to 17,500 people are trafficked into the United States each year” (ACLU). Once again, these numbers are difficult to estimate due to the fact that human trafficking is a hidden crime and victims are afraid to speak up. Additionally, ACLU claims that, “The inequalities women face in status and opportunity worldwide make women particularly vulnerable to trafficking” (ACLU).

These inequalities that women face specifically target Latina domestic workers due to their immigration status. In the United States immigrant women and children are particularly vulnerable to the deceptive and intimidation tactics of traffickers because of their lower levels of education, inability to speak English, immigration status, and lack of familiarity with the United States employment protections. Further, they are vulnerable because they often work in jobs that are hidden from the public view and unregulated by the government (ACLU). The Human Rights Watch states that, “According to ILO, almost 30 percent of the world’s domestic workers are employed in countries where they are completely excluded from national labor laws” (Human Rights). Based off these numbers it is crucial to be aware of the high risk of vulnerability, neglect and mistreatment Latina domestic workers have to face.

Therefore, what is actually happening to these women who are forced to work in a foreign country? The Human Rights Watch has conducted many interviews with domestic workers and discovered that, “Domestic workers have reported a barrage and psychological abuse as well as physical violence from their employers ranging from slaps to severe burnings and beatings using hot
irons, shoes, belts, sticks, electrical cords, and other household items. Sexual harassment and violence from recruiters, employers, and employers’ family members is also a risk” (Human Rights Watch).

It is crucial to know how the United States Department of Justice defines the violence women encounter. The United States Department of Justice believes that physical abuse is hitting, slapping, shoving, grabbing, pinching, biting, hair pulling etc… It includes rejecting medical care or forcing alcohol and/or drugs upon her. Sexual abuse is attempting to force any sexual contact or behavior without consent. Emotional abuse occurs when an individual’s sense of self-worth and/or self-esteem is undermined, or when subjected to constant criticism to diminish their functional ability. Finally, psychological abuse is caused by fear, intimidation, or threats of physical harm to the victim or their family, children or friends. Destruction of property and forcing isolation from family and friends is also included (U.S. DOJ).

**Testimonials**

Otilia Luz Huayta, a Bolivian mother, arrived with her daughter to the United States to work as a domestic worker. Huayta decided to share her story with ACLU after being rescued by the Casa of Maryland. Otilia Luz Huayta states, “My daughter and I came with a woman diplomat and signed the contract in Bolivia, not the United States. My salary was $200 a month and my daughter’s was $15 a month. They mistreated me psychologically. They yelled at me and my daughter. My workday schedule was from 7am and didn’t end until 11:30 or 12:00 at night. The food was counted. They didn’t account for us. My room was a hallway. What made me very afraid was the son of my employer who always walked around through the hallway half-naked. I was rescued by CASA of Maryland on June 2nd. The diplomats refused to give my things back. My boss kept my passport at her work. It was something very painful, hurtful… I have felt very bad because of all the things that happened” (ACLU, 2007).

Araceli Saucedo was born in California but moved to Mexico when she was a child and returned to the U.S. after getting married. Araceli shared her story with the reporter, Anna Blackshaw and claims that, “We are all intelligent, but sometimes circumstances define what you do. What I see is that nobody wants this job, that it is seen as the lowest job you can get. People see you just as a housekeeper. I almost immediately began having trouble with my supervisor. I know that she hurt me psychologically because when I would see her I would shake and get cold and sweat. In my country I had dreams of working in a bank or maybe being a lawyer, but when I came here, that all changed” (Blackshaw).

Sebastiana Flores was born in El Salvador and has worked as a housekeeper in the United States for nine years. Ms. Flores said her health was at risk due to the harsh chemicals she was required to use when cleaning (Blackshaw). “When I told my former supervisor about this, she wouldn’t change the chemicals, and I kept getting worse” stated Ms. Flores. Additionally, she shared her thoughts toward her employer and said, “She has told me that I am old and useless to her. I feel terrible because she treats us worse than animals. Initially I would bow my head down and wouldn’t say anything. But little by little I have been meeting with people I can talk to about this, and many of us have decided to fight back. We are afraid, but I am tired of being treated like this. I want to fight” (Blackshaw).

**What Is Being Done?**

The horrific stories brave Latina women have shared about their experience as domestic workers leave one in shock. It is unbelievable that such cruelty can happen in a country that prides itself on freedom. The question that
comes to my mind after reading such testimonies is what exactly is being done to stop such brutality and protect these hard-working women. Although not all Latina domestic workers are U.S. Citizens or permanent residents, they still deserve protection rights because they are human. Luckily, there are some judicial remedies that are available to victims of trafficking. The Trafficking Victims Protection Act of 2000 also known as, TVPA subjects traffickers to fines and/or detention as a result of criminal prosecution. (ACLU-TVPA22). Additionally, “It criminalizes trafficking with respect to forced labor, involuntary servitude, peonage, and slavery. The TVPA also makes it a criminal offense to confiscate a victim’s documents in furtherance of a trafficking crime” (ACLU-TVPA22).

Along with the punishments the TVPA places upon human traffickers, trafficking victims are also offered civil remedies from the government. Victims have the ability to seek compensations of economic losses and suffering by filing a civil claim against their trafficker for trafficking violations under a civil cause of action added to the TVPA in 2003 (ACLU). Fortunately, the United States also offers relief to trafficking victims by making them qualified to obtain services offered to refugees in the United States. These services include, cash assistance, food stamps, Medicaid, and Supplemental Security Income (ACLU-DOL24). Moreover, some government-funded programs and services are also available to trafficking victims such as, crisis counseling, short-term housing assistance, and mental health assistance for their safety (ACLU-DOL24).

As previously mentioned, many Latina domestic workers or victims of trafficking are afraid to speak up due to the fear of deportation. Traffickers threaten the victims through deportation, document confiscation, debt, or restriction of communication (Polaris Project). However, there is some immigration relief offered to these victims as well. For instance, the continued presence provides temporary immigration relief to victims of trafficking allowing them to lawfully remain in the United States to effectuate trial of their traffickers (ACLU). But this protection is provided only in one-year increments.

Trafficking victims can also apply for a T Visa or a U visa. However, applicants must be willing to cooperate with any requests for assistance in the investigation or persecution of any acts of trafficking (ACLU-IId25). In addition, trafficking victims have the right for Asylum relief. “If trafficking victims fear they may be prosecuted if returned to their home country (ACLU) then an Asylum relief is the best choice for them. Though, it is important to note that according to (ACLU) only 5,000 T visas and 10,000 U visas are available annually and these limits do not apply to family members” (ACLU).

People throughout the world recognize that domestic workers need protection and support. Consistent with this recognition, in June of 2011, the International Labour Organization adopted the International Convention on Decent Work for Domestic Workers. The purpose of this convention is to dictate that domestic workers are all owed the same basic labor rights provided to those employed in the formal economy (Polaris Project).

Furthermore, in November 2010, the Domestic Worker Bill of Rights was enacted in New York. This law mandates an 8-hour legal workday and overtime after 40 hours for live-out domestic workers and 44 hours for live-in domestic workers (Polaris Project). California also recently passed a Bill of Rights for Domestic Workers. The California Domestic Worker Bill of Rights went into effect in January 2014. Finally, Governor Brown recently signed SB 666, which helps enforce labor laws prohibiting employers from using
immigration-related threats (California Legislative Information).

**Additional Support**

In addition to laws that afford protection to potential victims of human trafficking, domestic workers can also receive support and assistance from hot lines. The hotlines available to victims of human trafficking include:

- The Trafficking and Worker Task Force Complaint Line
- Trafficking Information and Referral Hotline of the Department of Health and Human Services
- Wage and Hour Division of the Department of Labor Hotline
- EEOC Hotline, and the
- ACLU Women’s Rights Project Hotline

The Domestic Workers United, Domestic Workers Bill of Rights Campaign and the ACLU’s Polaris Women’s Project are just a few of the organizations and unions that advocate for the rights of domestic workers. These groups have slowly made progressive with the help and courage of Latina domestic workers speaking up for their rights. However, there are still other struggles that interfere with Latina domestic workers becoming free of “modern slavery.”

**Struggles Domestic Workers Continue to Face**

Although support is offered to domestic workers, it is still not enough. Margaret Huang, the U.S. Program Director claims that, “Unfortunately, those who come forward to seek justice for their abuse find that their bravery is without reward” (ACLU). The reason for this problem is skepticism of the government. These women struggle to trust the government because they are afraid of deportation if they come out of the shadows. Another reason why women do not seek for help is simply because they don’t know how. Since their lack of communication with society is absent they are not aware of their rights. Additionally, women are

**Concluding Remarks**

These women left their homes, families and everything they knew to pursue life, liberty and happiness. Unfortunately, they were not able to find it in the places they worked. These three women and millions of domestic workers like them continue to face disgusting violations from their employers and disturbing economic and psychological abuse from them. If we sincerely believe in opportunity and giving people a chance at a better life, we should ensure that working conditions protect their right to pursue that better life, not allow the work environment to abuse and destroy them.
Works Cited


United States Department Of Justice, "What is Domestic Violence." Last modified March