Global Care Policy Index
Technical Report for United States (Federal)

Published: 10 May 2022 | The Global Care Policy Index | globalcarepolicy.com

Overview

The Global Care Policy Index (GCPI) is a composite index that provides a single numerical assessment of a country's support for and protection of home-based caregivers and careworkers who do the important but often invisible work of caring for the young, old, disabled, and infirm within the country. The GCPI incentivizes states to take an embedded economy approach, and recognize and reward the critical role that caregiving and carework within households play in supporting the reproduction of society and the functioning of the economy. This goal is in line with the 2030 UN Agenda for Sustainable Development and the ILO's Decent Work Agenda which aim for a future where everyone is able to access decent work. It recognizes that paying attention to, valuing, and dignifying (paid) carework and (unpaid) caregiving is essential if a society wants to improve the quality of life of its people.

For more detailed information about the GCPI, please visit globalcarepolicy.com.

Index Calculation

Each question in the index is scored on a scale of 0 to 1. Each sub-category score is calculated by summing the equally weighted scores of all the questions in the sub-category and then converting that to a 0-to-10 scale. Each category score is calculated as an equally weighted average of their respective sub-category scores. Each sub-index is calculated as an equally weighted average of their respective category scores. Thus, all sub-categories, categories, and sub-indices are calculated out of 10. The overall GCPI score is calculated as an equally weighted average of Sub-Indices A and B.

In the case of countries with decentralized legislation that varies from state to state, or province to province, a two-step scoring logic is used. This two-step logic takes into account the population coverage of any protective legislation (relative to the overall national population) and deducts points based on the average number of exclusionary conditions that exist in the various states/provinces where the relevant legislation is in force.

Scoring Notes for United States (Federal)

Since the United States is composed of 50 states and each has unique labor laws, this report only focuses on scoring the federal laws of the United States. Policies that vary state by state without any federal regulations are considered not applicable to the US on the federal level. One example is unemployment benefit policy.

How to Cite this Technical Report

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2022 Country Score
United States (Federal)

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
			United States (Federal)	
SUB-INDEX A: PROTECTIONS FOR FAMILY CAREGIVERS				
A1.	**Pregnancy and Maternity Leave Coverage**			
A1.1	Are working women guaranteed maternity leave?	0.25	**Yes, working women are guaranteed maternity leave. The Family and Medical Leave Act 1993 (FMLA) provides 12 weeks of unpaid family leave that can be used as maternity leave, but with three exclusionary conditions**: working women are only eligible if they (1) work in companies with more than 50 workers, (2) have worked for over 12 months and more than 1250 hours within the 12 months for the employer, and (3) "work at a location where the employer has at least 50 employees within 75 miles of your worksite." According to Section 2612 of the Family and Medical Leave Act (1933): (1) Entitlement to leave Subject to section 2613 of this title and subsection (d)(3), an eligible employee shall be entitled to a **total of 12 workweeks of leave during any 12-month period** for one or more of the following: (A) **Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.** (B) Because of the placement of a son or daughter with the employee for adoption or foster care. (C) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition. (D) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee. According to Section 2611, subchapter 1 of the Family and Medical Leave Act (1933): "The term "**eligible employee**" means an employee who has been employed— (i) for **at least 12 months** by the employer with respect to whom leave is requested under section 2612 of this title; and (ii) for at least **1,250 hours** of service with such employer during the previous 12-month period. The term "eligible employee" **does not include**— (ii) any employee of an employer who is **employed at a worksite at which such employer employs less than 50 employees** if the total number of employees employed by that employer within **75 miles of that worksite is less than 50**." **1- 0.25 * 3 = 0.25**	Family and Medical Leave Act
A1.2	Are all categories of working women guaranteed maternity leave?	0.20	**No,** not even all formal and full-time workers are covered by the FMLA (1993). Maternity leave is only available to employees working at companies with more than 50 workers. Since **only workers in formal employment are covered**, this means that only 1 out of the the ILO-recognized 5 categories of employment are covered. The other 4 categories of employment, temporary employment, part-time/on-call work, temporary agency or multi-party employment relationships, and in disguised employment/dependent self-employment, are not covered. **1/5 = 0.20**	Family and Medical Leave Act
A1.3	How long a maternity leave are eligible working women guaranteed?	0.25	**12 weeks of maternity leave are guaranteed.** According to section 2612, subchapter 1 of the FMLA (1993): "An eligible employee shall be entitled to a total of **12 workweeks of leave during any 12-month period** for one or more of the following: (A) **Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.** (B) Because of the placement of a son or daughter with the employee for adoption or foster care. (C) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition. (D) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee." **Since less than 14 weeks of maternity leave are guaranteed, the US scores a 0.25 for this question.**	Family and Medical Leave Act
A1.4	Are eligible working women guaranteed extended prenatal maternity leave, if the actual date of childbirth is before or after initial predicted date of childbirth (indicated by a medical certificate) without any reduction in the postnatal maternity leave?	0.00	**No, there is no mention of extended prenatal maternity leave** in the FMLA (1993). Eligible working women are only given 12 weeks of maternity leave for every 12-month period, with no exceptions.	Family and Medical Leave Act

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A1.5	Are eligible working women guaranteed extended maternity leave in the case of simultaneous multiple births?	0.00	No, there is **no mention of extended maternity leave for simultaneous multiple births** in the FMLA (1993). Eligible working women are only given 12 weeks of maternity leave for every 12-month period, with no exceptions.	Family and Medical Leave Act
A1.6	Are eligible working women entitled to freely choose when they wish to take the non-compulsory portion of their maternity leave - before or after childbirth?	1.00	Yes, although there is no mention of compulsory and non-compulsory portion of maternity leave in the FMLA (1993), **eligible working women may freely choose when to take their maternity leave** for the birth and care of their newborn child.	Family and Medical Leave Act
A1.7	Are eligible working women guaranteed a period of compulsory maternity leave after childbirth?	0.00	No, there is **no mention** of compulsory maternity leave in the FMLA (1993). However, working women may choose freely when to use her 12 weeks of unpaid leave for the birth and care of a new born child.	Family and Medical Leave Act
A1.8	How long is the compulsory maternity leave that eligible working women are guaranteed after childbirth?	0.00	No, there is **no mention** of compulsory maternity leave in the FMLA (1993).	Family and Medical Leave Act
A1.9	Are eligible women guaranteed additional leave in case there is a documented medical illness, complications, or risk of complications arising out of pregnancy or childbirth?	0.00	No, there is **no mention** of guaranteed additional leave for medical illness or complications arising out of pregnancy or childbirth. The 12 weeks of leave provided by FMLA (1993) can be used for the case of a serious health condition, but there is no additional leave given.	Family and Medical Leave Act
A1.10	Do adoptive mothers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	1.00	Yes, adoptive mothers are guaranteed the same system of protections as biological mothers. According to section 2612, subchapter 1 of the US Family & Medical Leave Act (1993): "An **eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period** for one or more of the following: (A) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter. (B) Because of the **placement of a son or daughter with the employee for adoption or foster care**."	Family and Medical Leave Act
A2.	**Protections during Pregnancy and Maternity Leave**			
A2.1	**Financial Protections**			
A2.1.1	What proportion of their salary are eligible working women entitled to receive while on maternity leave?	0.00	**None. Eligible working women are not entitled to receive any income while on maternity leave.** Under the FMLA (1993), working women are only granted 12 weeks of unpaid maternity leave. It would thus be solely the employer's own decision of whether he/she would like to pay working women on maternity leave. c) **Unpaid leave permitted** Except as provided in subsection (d), **leave granted under subsection (a)** (other than certain periods of leave under subsection (a)(1)(F)) **may consist of unpaid leave**.	Family and Medical Leave Act
A2.1.2	Is the woman entitled to cash benefits during maternity leave out of social assistance funds if she does not qualify for wage replacement or the country does not offer wage replacements?	0.00	**No, there are no cash benefits for women on maternity leave found at the federal level.** Most social assistance programs are not paying cash benefits, but providing specific healthcare, nutritional, and educational support or tax relief. Some examples are SNAP food benefits, Medicaid, and Welfare and Temporary Assistance for Needy Families (TANF).	United States Census Bureau USA Gov
A2.1.3	Does the government ensure that employers are not individually liable for the cost of providing cash benefits to working women during maternity leave either through compulsory social insurance or public funds?	0.00	**No.** Since there are no social insurance or public funds found at the federal level, **employers are fully responsible** and left to decide on their own whether they would provide cash benefits to working women on maternity leave.	United States Census Bureau USA Gov
A2.1.4	Are taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, payable equally by men and women, without distinction of sex?	99.00	Since there are no social insurance programs to finance maternity benefits, this question is not applicable to the US and a score of 99 is given.	United States Census Bureau USA Gov
A2.1.5	Are unemployment benefits protected from loss or suspension in situations when a worker refuses a job offer on the grounds of conflicts with their family responsibilities?	99.00	Each state has its own unemployment benefits policies. Hence, this question is not applicable to the US at the federal level and a score of 99 is given. According to the U.S. Department of Labor, "**Each state sets its own unemployment insurance benefits eligibility guidelines,** but you usually qualify if you: Are unemployed through no fault of your own. In most states, this means you have to have separated from your last job due to a lack of available work."	U.S. Department of Labor
A2.2	**Employment Protections**			

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A2.2.1	Are working women guaranteed a right to return to the same job/position or to an equivalent position, paid at the same rate at the end of their maternity leave?	0.75	**Yes, working women are guaranteed a right to return to an equivalent position and paid at the same rate** after their maternity leave, but with **one exclusionary condition: workers whose salaries are the top 10% are exempted from this requirment** if it is necessary to prevent serious financial loss of the employers. According to section 2614 of subchapter 1 of the FMLA (1993): "(a) **Restoration to position** (1) In general Except as provided in subsection (b), any eligible employee who takes leave under section 2612 of this title for the intended purpose of the leave shall be entitled, on return from such leave— (A) to be **restored by the employer to the position** of employment held by the employee when the leave commenced; or (B) to be **restored to an equivalent position with equivalent employment benefits, pay**, and other terms and conditions of employment." (b) **Exemption concerning certain highly compensated employees** (1) Denial of restoration **An employer may deny restoration under subsection (a) to any eligible employee described in paragraph (2)** if— (A) such denial is necessary to prevent substantial and grievous economic injury to the operations of the employer; (B) the employer notifies the employee of the intent of the employer to deny restoration on such basis at the time the employer determines that such injury would occur; and (C) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice. (2) Affected employees An eligible employee described in paragraph (1) is a **salaried eligible employee who is among the highest paid 10 percent of the employees** employed by the employer within 75 miles of the facility at which the employee is employed**."** **1-0.25 = 0.75**	Family and Medical Leave Act
A2.2.2	Are working women protected from dismissal from work while they are on maternity leave, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	1.00	**Yes, working women on maternity leave are protected from dismissal from work.** According to section 2614 of subchapter 1 of the FMLA (1993): (1) In general Except as provided in subsection (b), **any eligible employee who takes leave** under section 2612 of this title for the intended purpose of the leave shall be entitled, on return from such leave— (A) to be **restored** by the employer **to the position of employment held by the employee when the leave commenced**; or (B) to be r**estored to an equivalent position** with equivalent employment benefits, pay, and other terms and conditions of employment. (2) Loss of benefits **The taking of leave under section 2612 of this title shall not result in the loss of any employment benefit** accrued prior to the date on which the leave commenced.	Family and Medical Leave Act
A2.2.3	Are working women protected from dismissal during a period following their return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	0.00	No, there is no mention in the FMLA (1993) of working women being protected from dismissal during a period following their return to work.	Family and Medical Leave Act
A2.2.4	Are employers prohibited from requiring pregnancy tests of women applying for employment (except for work that is prohibited for nursing or pregnant women, or for work that poses significant risk to the health of the woman and the child) ?	0.75	There are **no explicit laws that prohibit employers from requiring pregnancy tests**. However, the Pregnancy Discrimination Act (PDA) added to the Civil Rights Act of 1964 **prohibits pregnancy-based discrimination in all aspects of work, including hiring.** The US Equal Employment Opportunity Commission also **considers pre-employment questions of pregnancy**, marital status, and future child bearing plans **as discriminatory and violating the PDA**. **There is one exclusionary condition however: the PDA only applies to employers with 15 or more employees.** "Section 701 of the Civil Rights Act of 1964 is amended by adding at the end thereof the following new subsection: "(k) The terms 'because of sex' or 'on the basis of sex' include, but are not limited to, because of or on the **basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purpose**s, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in section 703(h) of this title shall be interpreted to permit otherwise." **1-0.25 = 0.75**	Pregnancy Discrimination Act The US Equal Employment Opportunity Commission

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A2.2.5	Are there laws to protect workers against direct or indirect job discrimination on the basis of their marital status or family responsibilities?	0.10	**No, there are no laws that protects all workers against discrimination based on marital status or family responsibilities**. However, Title VII of the Civil Rights Act of 1964 **prohibits discrimination against sex and pregnancy**, and the Civil Service Performance Act of 1978 **protects federal government employees from being discriminated due to marital status.** According to Section 703, Title VII of the Civil Rights Act of 1964: "(a) It shall be **an unlawful employment practice for an employer**— (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's **race, color, religion, sex, or national origin**." According to the Chapter 23, Section 2301 of the Civil Service Reform Act of 1978, "All employees and applicants for employment should receive **fair and equitable treatment in all aspects of personnel management** without regard to political affiliation, race, color, religion, national origin, sex, **marital status**, age, or handicapping condition, and with proper regard for their privacy and constitutional rights." **Since there are no laws that protect all workers from discrimination on the basis of their marital status or family responsibilities, and the 2,929,000 protected federal government employees constitute only 1.79% of the United States' total labor force, the US scores a 0.1 on this question.**	Civil Rights Act of 1964 Statista Civil Service Reform Act
A3.	**Paternity Leave Policies**			
A3.1	Are working men guaranteed paternity or parental leave?	0.25	**Yes, working men are guaranteed parental leave.** The FMLA (1993) guarantees all eligible employees 12 weeks of leave, without distinction of sex, but with the **same three exclusionary conditions**: (1) only if they work in companies with more than 50 workers, (2) have worked for over 12 months and more than 1250 hours within the 12 months for the employer, and (3) their employer has at least 50 employees within 75 miles of their work location. According to section 2611, subchapter 1 of the FMLA (1993): "The term **"eligible employee"** means an employee who has been employed— (i) for **at least 12 months by the employe**r with respect to whom leave is requested under section 2612 of this title; and (ii) for a**t least 1,250 hours of service** with such employer during the previous 12-month period. (B) Exclusions The term "eligible employee" **does not include**— (i) any Federal officer or employee covered under subchapter V of chapter 63 of title 5; or (ii) any **employee of an employer who is employed at a worksite at which such employer employs less than 50 employees** if the total number of employees employed by that employer **within 75 miles of that worksite is less than 50.**" According to section 2612, subchapter 1 of the FMLA (1993): "An **eligible employee shall be entitled to a total of 12 workweeks of leave** during any 12-month period for one or more of the following: (A) **Because of the birth of a son or daughter of the employee and in order to care for such son or daughter**. (B) Because of the placement of a son or daughter with the employee for adoption or foster care. (C) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition. (D) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee." **1- 0.25 * 3 = 0.25**	Family and Medical Leave Act
A3.2	Are all categories of working men guaranteed paternity leave or parental leave?	0.20	**No, only eligible working men in formal employment are covered by the FMLA (1993).** Since only workers in formal employment are covered, only 1 out of the ILO-recognized 5 categories of employment are covered. The other 4 categories of employment, including temporary employment, part-time/on-call work, temporary agency or multi-party employment relationships, and in disguised employment/dependent self-employment, are not covered. **1/5 = 0.20**	Family and Medical Leave Act
A3.3	How long a paternity or parental leave are eligible working men guaranteed?	1.00	**A total of 12 weeks of leave for the birth and care of newborn child and for serious medical conditions of employees or employees' family are granted by the FMLA (1993).** Since more than 2 weeks of parental leave are granted, the US scores a 1.	Family and Medical Leave Act
A3.4	What proportion of their salary are eligible working men entitled to receive while on paternity leave?	0.00	None. Under the FMLA (1993), working men are only granted 12 weeks of **unpaid** leave.	Family and Medical Leave Act

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A3.5	In the case of the death of the mother before the expiry of the postnatal leave, is the employed father of the child entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.00	No, there is **no mention** of transfering the unexpired portion of the postnatal maternity leave to the father in the case of the death of the mother.	Family and Medical Leave Act
A3.6	In the case of sickness or hospitalisation of the mother after childbirth where the mother cannot take care of the child, is the employed father of the child entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.00	No, there is **no mention** of transfering of the unexpired portion of the postnatal maternity leave to the father in the event of sickness or hospitalization of the mother after childbirth. The 12 weeks of leave given by the FMLA can be used for serious illness of a spouse and care for child, but there is no option to transfer unused leave or give extra leave.	Family and Medical Leave Act
A3.7	Do adoptive fathers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	1.00	**Yes, adoptive fathers have the same rights and protection under the FMLA (1993).** According to section 2612, subchapter 1 of the US Family & Medical Leave Act (1993): "An **eligible employee** shall be entitled to a total of 12 workweeks of leave during any 12-month period for one or more of the following: (A) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter. (B) **Because of the placement of a son or daughter with the employee for adoption or foster care."**	Family and Medical Leave Act
A4.	**Dependent Care Leave Policies**			
A4.1	Are eligible workers entitled to leave to take care of their children?	0.75	**Yes, eligible workers are entitled to leave to take care of their children, but with one exclusionary condition: it has to be a serious health condition.** According to Section 2612 Leave Requirement of the FMLA (1993): "(1) Entitlement to leave Subject to section 2613 of this title and subsection (d)(3), an **eligible employee shall be entitled to a total of 12 workweeks of leave** during any 12-month period for one or more of the following: (A) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter. (B) Because of the placement of a son or daughter with the employee for adoption or foster care. (C) In order to **care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.** (D) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee." **1-0.25 = 0.75**	Family and Medical Leave Act
A4.2	Are eligible workers entitled to leave to take care of immediate family members who may be suffering from an illness?	0.75	**Yes, eligible workers are entitled to leave to take care of immediate family members, but with one exclusionary condition: the family members need to have a serious health condition.** According to Section 2612 Leave Requirement of the FMLA (1993): "(1) Entitlement to leave Subject to section 2613 of this title and subsection (d)(3), an **eligible employee shall be entitled to a total of 12 workweeks of leave** during any 12-month period for one or more of the following: (A) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter. (B) Because of the placement of a son or daughter with the employee for adoption or foster care. **(C) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.** (D) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee." **1-0.25 = 0.75**	Family and Medical Leave Act
A4.3	Are all categories of workers guaranteed dependent care leaves?	0.20	No, **only eligible workers in formal and full-time employment** are guaranteed dependent care leaves. The other four categories, which includes workers temporarily employed, in part-time and on-call work, in temporary agency, and self-employed, are not covered. **1/5 = 0.2**	Family and Medical Leave Act
A5.	**Flexible Work Arrangements**			

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A5.1	Do employees with care responsibilities have the right to request reduced working hours?	0.00	No, there is **no mention** of the rights of employees with care responsibilities to request reduced working hours in the FMLA (1993) or anti-discrimination laws. Hence, any such flexibility granted is only based on an agreement between employers and employees. **Pregnant workers may have the right to request reduced working hours** under the Pregnancy Discrimination Act, if the employer granted reduced working hours to another temporarily disabled worker. According to the Pregnancy Discrimination Act added to section 701 of the Civil Rights Act of 1964: "That section 701 of the Civil Rights Act of 1964 is amended by adding at the end thereof the following new subsection: (k) The terms 'because of sex' or 'on the basis of sex' include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in section 703(h) of this title shall be interpreted to permit otherwise."	Family and Medical Leave Act Pregnancy Discrimination Act
A5.2	Do employees with care responsibilities have the right to request flexitime, telecommuting, etc.?	0.10	**Only government employees are allowed teleworking** under the Telework Enhancement Act of 2010. Some states have their own laws for granting flexible working schedule but there is no mention in the FMLA (1993). Under the Pregnancy Discrimination Act, **pregnant workers have the right to request flexitime, telecommuniting, etc. if the employer allow another temporarily disabled employee to do so.** In Section 6502 of the Telework Enhancement Act of 2010: **"(a) TELEWORK ELIGIBILITY.—** ‘‘(1) IN GENERAL.—Not later than 180 days after the date of enactment of this chapter, the head of each executive agency shall— **‘‘(A) establish a policy under which eligible employees of the agency may be authorized to telework;"** **Since there are no laws that specifically protect all workers with care responsibilities and the only protected workers currently are the 2,929,000 federal government employees (who constitute 1.79% of the US labor force), the US scores a 0.1 on this question.**	Family and Medical Leave Act Telework Enhancement Act of 2010 Pregnancy Discrimination Act
A5.3	Are the special needs of workers with family responsibilities taken into account in shift-work arrangements and assignments to night work?	0.00	No, there is **no mention** of considering the special needs of workers with family responsibilities for shift-work arrangements and assignments to night work in the FMLA (1993) or anti-discrimination laws. Hence, it is only possible based on the private agreement between employers and employees. **Pregnant workers may have the right to request special shift-work arrangements and reduced night work** under the Pregnancy Discrimination Act, **if the employer granted these benefits to another temporarily disabled worker.**	Family and Medical Leave Act Pregnancy Discrimination Act
A5.4	Is a woman allowed to leave the workplace, if necessary, after notifiying her employer, in order to undergo medical examinations related to her pregnancy?	0.10	**No, there are no laws explicitly guaranteeing women the right to leave the workplace to undergo pregnancy-related medical examinations after notifying their employer.** However, **they may be able to use part of the 12 weeks of leave granted by the Family and Medical Leave Act (1993) to undergo medical examinations.** This may qualify for two leave requirements: "because of the birth of a son or daughter of the employee" and "a serious health condition that makes the employee unable to perform the functions of the position of such employee." But this is an unpaid leave. **Since there is no specific law that allows women to leave the workplace for medical examinations, but women might be able to use the leave provided under the FMLA, the U.S. scores a 0.1 on this question.**	Family and Medical Leave Act
A6.	**Mother-Friendly Workplace Policies**			
A6.1	**Nursing Support in the Workplace**			

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A6.1.1	Is the mother guaranteed daily breaks or reduction of work hours to pump milk, breastfeed, or nurse for her child?	0.75	**Yes, working mothers may take breaks to express breast milk whenever they need, but with one exclusionary condition:** Employers with less than 50 employees are exempted from providing nursing breaks to working mothers if it creates hardships for the business. According to Title IV, Sec. 4207 of the Patient Protection and Affordable Care Act (ACA): "SEC. 4207. REASONABLE BREAK TIME FOR NURSING MOTHERS. Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C.207) is amended by adding at the end the following: "(r)(1) An employer shall provide— "(A) **a reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk; and** "(B) a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. "(2) An employer shall not be required to compensate an employee receiving reasonable break time under paragraph (1) for any work time spent for such purpose. "**(3) An employer that employs less than 50 employees shall not be subject to the requirements of this subsection,** if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business." **1-0.25 = 0.75**	Patient Protection and Affordable Care Act
A6.1.2	Are these breaks counted and compensated as working time?	0.00	**No. Breaks are not counted and compensated as working time.** According to Title IV, Sec. 4207 of the Patient Protection and Affordable Care Act: "(2) **An employer shall not be required to compensate an employee receiving reasonable break time** under paragraph (1) for any work time spent for such purpose."	Patient Protection and Affordable Care Act
A6.1.3	On the production of a medical certificate, can the frequency and length of these nursing breaks be adapted to particular needs?	0.75	**Yes, the frequency and length of nursing breaks can be adapted to the needs of the workers.** However, there is **no explicit mention of adaptation and extention of frequency and length through a medical certificate**. According to the ACA, working women should be granted a "reasonable" nursing break whenever they have the need to express the milk. According to Title IV, Sec. 4207 of the Patient Protection and Affordable Care Act (ACA): "(r)(1) An employer shall provide— "(A) a **reasonable break time** for an employee to express breast milk for her nursing child for 1 year after the child's birth **each time such employee has need** to express the milk. Because there is no explicit mention of changing the duration of these nursing breaks, one step-deduction is made. **1-0.25 = 0.75**	Patient Protection and Affordable Care Act
A6.1.4	Are employers required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk?	0.75	**Yes, employers are required to provide facilities for mothers to nurse or pump milk.** The ACA requires employers to provide a **private place**, other than a washroom, for employees to pump milk. However, there is one exclusionary condition. Employers with **less than 50 employees may be exempted** from this requirement if it poses financial difficulties to the employers. According to Title IV, Sec. 4207 of the Patient Protection and Affordable Care Act (ACA): ""(r)(1) An employer shall provide— "(A) a reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk; and "(B) **a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.** "(2) An employer shall not be required to compensate an employee receiving reasonable break time under paragraph (1) for any work time spent for such purpose. "(3) **An employer that employs less than 50 employees shall not be subject to the requirements of this subsection, if such requirements would impose an undue hardship** by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business." 1-0.25 = 0.75	Patient Protection and Affordable Care Act
A6.2	**Workplace Safety for Pregnant and Nursing Women**			
A6.2.1	Are employers required to assess and report workplace risks related to the health and safety of pregnant and nursing women and their children?	0.50	**Employers are required to assess and report workplace risks related to the health and safety of all employees.** However, there is **no explicit mention of assessing the unique risks of pregnant or nursing women and their children.** According to Section 5 of the Occupational Safety and Health Act of 1970, "Each employer -- (1) shall **furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees**; (2) shall comply with occupational safety and health standards promulgated under this Act." **Since no laws assess unique risks of both pregnant and nursing women and their children, two step-deductions are made.** **1-(0.25 * 2) = 0.5**	Occupational Safety and Health Act

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A6.2.2	Is a pregnant or nursing woman exempt from performing work that has been determined to be prejudicial to the health of the mother or the child?	0.50	**Yes, but with two exclusionary conditions.** According to the Pregnancy Discrimination Act (PDA), which builds on the protections provided in the Civil Rights Act of 1964, pregnant or nursing woman can be **exempt from performing work that is harmful to the mother or child if the employers allow other temporarily disabled workers to do so.** Additionally, the PDA **only covers employers with 15 or more employees.** According to the Pregnancy Discrimination Act added to section 701 of the Civil Rights Act of 1964: "That section 701 of the Civil Rights Act of 1964 is amended by adding at the end thereof the following new subsection: (k) The terms 'because of sex' or 'on the basis of sex' include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in section 703(h) of this title shall be interpreted to permit otherwise." **1 - (0.25 * 2) = 0.5**	Pregnancy Discrimination Act Title VII of the Civil Rights Act
A6.2.3	Is the woman entitled to eliminate risk elements from work (if possible), adapt the conditions of her work, or transfer from harmful labor to other kinds of work that do not pose risks to her health?	0.50	**Yes, but with two exclusionary conditions.** According to the Pregnancy Discrimination Act (PDA), , which builds on the protections provided in the Civil Rights Act of 1964, pregnant or nursing woman will only be able to **eliminate risk elements from work, adapt the conditions, or transfer to other kinds of work, if the employers grant this right to other temporarily disabled workers.** In addition, the PDA o**nly covers employers with 15 or more employees.** **1- (0.25 * 2) = 0.5**	Pregnancy Discrimination Act Title VII of the Civil Rights Act
A6.2.4	On the production of a medical certificate, is the woman exempt from doing night work if it may be incompatible with her pregnancy or nursing?	0.50	**Yes, but with two exclusionary conditions.** According to the Pregnancy Discrimination Act (PDA), , which builds on the protections provided in the Civil Rights Act of 1964, pregnant or nursing women may be **exempted from doing night work if the employer grant this benefit to other temporarily disabled employees.** In addition, the PDA **only covers employers with 15 or more employees.** **1- (0.25 * 2) = 0.5**	Pregnancy Discrimination Act Title VII of the Civil Rights Act

SUB-INDEX B: PROTECTIONS FOR DOMESTIC WORKERS

B1. Coverage under National Labor Laws

GLOBAL CARE POLICY INDEX (GCPI)
2022 Country Score
United States (Federal)

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B1.1	Are domestic workers covered under national labor laws?	0.10	**Yes, but domestic workers are only partially covered by the Fair Labor Standards Act and by Social Security.** Domestic service workers are **partially covered by the Fair Labor Standards Act (FLSA),** which sets standards for maximum working time, minimum wage, and overtime pay. However, there are **three exceptions**: live-in domestic workers are exempted from overtime compensation, and casually employed babysitters and companionship service providers are excluded from overtime compensation and minimum wage protection. According to Sec.213 of the FSLA (29 U.S.C.§ 213), "§213. **Exemptions** (a) **Minimum wage and maximum hour requirements** (15) any employee employed on a **casual basis** in domestic service employment to provide **babysitting services** or any employee employed in domestic service employment to provide **companionship services** for individuals who (because of age or infirmity) are unable to care for themselves (as such terms are defined and delimited by regulations of the Secretary) (b) **Maximum hour requirements** The provisions of section 207 of this title **shall not apply with respect** to— **(21)** any employee who is employed in **domestic service in a household and who resides in such household**;" **Domestic workers are only eligible for Social Security benefit credits if they are paid at least $2400 by an employer.** "For **every $2,400 in wages**, most household employees **earn credits toward Social Security benefits and Medicare coverage**. To learn more about credits, see "How your household workers earn credits for Social Security" below. Generally, people need 10 years of work to qualify for: • **Retirement** benefits (as early as age 62). • **Disability** benefits for the worker and the worker's dependents. • **Survivors** benefits for the worker's family. • **Medicare** benefits." **Domestic service workers are excluded by all other national labor laws,** such as the National Labor Relations Act (NLRA) which grants rights to joining labor unions and collective bargaining, and the Occupational Safety and Health (OSH) Act which sets workplace safety guidlines, among other national laws that only apply to employers with more than 15/40/50 employees. This includes the Family and Medical Leave Act, the Affordable Care Act, Title VII of the Civil Right Acts of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and so on. **Hence, domestic service workers are either excluded through explicit language or implicitly excluded through the size threshold.** According to Sec. 2 of the NLRA: " (3) **The term "employee**" shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act [this subchapter] explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but **shall not include any individual** employed as an agricultural laborer, or **in the domestic service of any family or person at his home**, or any individual employed by his parent or spouse, or any individual having the status of an independent contractor, or any individual employed as a supervisor, or any individual employed by an employer subject to the Railway Labor Act [45 U. S.C. § 151 et seq.], as amended from time to time, or by any other person who is not an employer as herein defined." According to Sec. 3 of the OSH Act: "The term "**employee**" **means** an employee of an employer who is employed in a **business** of his employer which **affects commerce**." **Since domestic workers are only partially covered by two labor laws and excluded from others, the US scores a 0.1 for this question.**	Fair Labor Standards Act Social Security National Labor Relations Act Occupational Safety and Health Act

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B1.2	Do the legislations for domestic workers cover all categories of domestic work and contractual arrangements?	0.25	**No. The Fair Labor Standards Act (FLSA) excludes live-in domestic workers from overtime requirement, and excludes casually employed babysitters and companionship service providers from maximum hour requirement and minimum wage. In addition, the Social Security Act only covers domestic workers who earn at least $2,400.** According to Sec.213 of the FLSA (29 U.S.C.§ 213), "§213. **Exemptions** (a) **Minimum wage and maximum hour requirements** (15) any employee **employed on a casual basis in domestic service employment to provide babysitting services** or any employee employed in domestic service employment to **provide companionship services** for individuals who (because of age or infirmity) are unable to care for themselves (as such terms are defined and delimited by regulations of the Secretary) (b) **Maximum hour requirements** The provisions of section 207 of this title **shall not apply** with respect to— (21) **any employee who is employed in domestic service in a household and who resides in such household**;" **Since there are three exclusionary conditions, three deductions are made and the US scores a 0.25.** **1 - (0.25 * 0.3) = 0.25**	Fair Labor Standards Act
B2.	**Fair Employment Process**			
B2.1	**Standard Terms of Employment**			
B2.1.1	Is there a requirement for domestic workers to be informed of their terms of employment, preferably through written contracts, though verifiable verbal contracts are allowed?	0.10	No, there is **no employment contract requirement in the US. Only migrant domestic workers** applying for a visa to work in the US are **required to hold an employment contract that specifies their terms of employment.** According to the U.S. Department of State, "Contract: **The terms of domestic worker employment must be included in a written employment contract between a mission member and a domestic worker**. The contract must be in English, and if the domestic worker does not understand English, the contract must also be in a language understood by the domestic worker. Two copies of the contract(s) must be signed by both parties. A copy of the signed contract in English, and in a language understood by the domestic worker if the domestic worker does not understand English, must be provided to the consular officer **when a domestic worker applies for a visa**." According to L&E Global, "Minimum Requirements **Under the laws of the United States, there are no minimum requirements for an employment contract**. Also, in most states, no written memorialisation of any terms is required. An employment relationship in the United States is presumed to be "at-will," i.e., terminable by either party, with or without cause or notice. Indeed, a majority of employees in the United States are employed on an **"at-will" basis, without a written employment contract, and only with a written offer of employment that outlines the basic terms and conditions** of their employment. Whether the employment relationship is "at-will" or pursuant to a written employment contract, parties are **free to negotiate and set the terms and conditions** of their relationship, so long as none of the provisions violate any federal, state or local law, rules or regulations governing the employment relationship." **Since the requirement for a contract only applies to migrant domestic workers, the U.S. scores a 0.1 on this question.**	U.S. Department of State L&E Global
B2.1.2	Are domestic workers' contracts required to include standard information about the employment relationship?	0	No, there is no mention of requirements for including standard information about the employment relationship in domestic workers' contracts, not even migrant domestic workers' contracts.	U.S. Department of State

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B2.1.3	Are domestic workers' contracts required to include information about working hours, rest and leave?	0.10	**Only migrant domestic workers who enter the US on domestic worker visas are required to hold an employment contract that includes information about working hours, rest and leave.** This includes 5 out of the 6 terms suggested by the ILO, including type of work to be performed, normal hours of work, weekly rest, paid annual leave, and sick leave. However, the contract does not need to specify any daily rest period. According to the U.S. Department of State, "**All contracts must include the following provisions:** **Description of duties**. The contract must **describe the work to be performed**, e.g., housekeeping (light or heavy), cooking, gardening, child care (how many children), and must also include a statement that the domestic worker shall work only for the employer who signed the contract and will not accept any other employment while working for the employer. **Hours of work.** The contract must state the **time of the normal working hours and the number of hours per wee**k. It is generally expected that domestic workers will be required to work 35 to 40 hours per week. It must also state that the domestic worker will be provided a **minimum of one full day off each week**. The contract must indicate the **number of paid national holidays, sick days, and vacation days** the domestic worker will be provided." Since only migrant domestic workers who enter the country on a domestic worker visa are required to include such information, while the vast majority of foreign and local domestic workers in the US are not offered this protection, the US receives only 0.1 for this question.	U.S. Department of State
B2.1.4	Are domestic workers' contracts required to include information about their wages?	0.10	**Only migrant domestic workers who enter the US on domestic worker visas are required to hold an employment contract that is required to include information about their wages.** This includes 6 out of the 7 terms suggested by the ILO, including wage, method of calculation, periodicity of payments, rate of pay for overtime and standy, and authorized deductions. However, their contract is not required to specify any terms regarding payments in kind. According to the U.S. Department of State, "**All contracts must include the following provisions:** **Wage rate**. The contract must state the **hourly wage to be paid** to the domestic worker. The rate must be the **greater of the minimum wage** under U.S. federal and state law or the prevailing wage for all working hours....The contract must state that **wages will be paid to the domestic employee either weekly or biweekly**. **No deductions may be taken from wages for lodging, medical care, medical insurance, travel, or food.** Changes to the prevailing wage rate will be notified to the missions in the fonn of a circular diplomatic note; upon receipt, all contracts must be amended to reflect the new prevailing wage rate. **Overtime work.** The contract must state that any hours worked in excess of the normal number of hours worked per week (35-40 hours) are considered overtime hours, and that **hours in which the employee is "on call" count as work hours**. It must also state that such **overtime work must be compensated as required by U.S. local** laws. Since only migrant domestic workers who enter the country on a domestic worker visa are required to include such information, while the vast majority of foreign and local domestic workers in the US are not offered this protection, the US receives only 0.1 for this question.	U.S. Department of State
B2.1.5	Are domestic workers' contracts required to include information about living conditions for live-in workers?	0.10	**Only migrant domestic workers applying for a visa to work in the US are required to hold an employment contract that specifies their living conditions.** "A certification that the domestic employee will receive **free room and board**;" Since only migrant domestic workers who enter the country on a domestic worker visa are required to include such information, while the vast majority of foreign and local domestic workers in the US are not offered this protection, the US receives only 0.1 for this question.	U.S. Travel Docs
B2.2	**Regulations for Recruitment and Employment Process**			
B2.2.1	Is there any regulation around how private employment agencies recruit and place local and migrant domestic workers?	0.1	**There is very limited regulation around how private employment agecies recruit and place domestic workers.** The **only regulation found** around private employment agencies' recruiting process and applicable to domestic workers is **prohibiting them from discriminating workers because of sex.** According to 29 CFR § 1604.6 - Employment agencies, "(a) Section 703(b) of the Civil Rights Act specifically states that **it shall be unlawful for an employment agency to discriminate against any individual because of sex.** The Commission has determined that private employment agencies which deal exclusively with one sex are engaged in an unlawful employment practice, except to the extent that such agencies limit their services to furnishing employees for particular jobs for which sex is a bona fide occupational qualification."	Code of Federal Regulations 29 CFR § 1604.6 - Employment agencies
B2.2.2	Are there measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers?	0.00	**No**, there are no measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers.	Code of Federal Regulations 29 CFR § 1604.6 - Employment agencies

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B2.2.3	Are there any measures to prohibit discrimination in employment of domestic workers on the basis of medical testing results?	0.00	**No, there is no measure to prohibt discrimination on the basis of medical testing results for domestic workers.** There is limited protection by the Americans with Disabilities Act (ADA) for disabled workers from discrimination on the basis of medical testing results, but it only applies to employers with more than 15 workers. According to Sec. 101, Title I of the ADA, "(5) EMPLOYER- (A) IN GENERAL- The term `**employer**' means a person engaged in an **industry affecting commerce who has 15 or more employees** for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such person, except that, for two years following the effective date of this title, an employer means a person engaged in an industry affecting commerce who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year, and any agent of such person." According to Sec. 102, Title I of the ADA, "(c) MEDICAL EXAMINATIONS AND INQUIRIES- (1) IN GENERAL- The **prohibition against discrimination as referred to in subsection (a) shall include medical examinations and inquiries.** (2) PREEMPLOYMENT- (A) PROHIBITED EXAMINATION OR INQUIRY- Except as provided in paragraph (3), a covered entity shall not conduct a medical examination or make inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or severity of such disability."	The Americans with Disabilities Act (ADA)
B3.	**Decent Working and Living Conditions**			
B3.1	**Working Hours and Environment**			
B3.1.1	Is there a requirement of normal hours of work for domestic workers?	0.75	**Yes, the maximum working hours for a work week is 40 hours** for domestic workers, and employers are required to compensate the workers for each additional hour at 1.5 times the regular rate. However, there is **one exclusionary condition**. Live-in domestic workers are exempted from this maximum hour requirement. According to section 207 of the FLSA (29 U.S.C.§ 207), "(a) Employees engaged in interstate commerce; additional applicability to employees pursuant to subsequent amendatory provisions (1) Except as otherwise provided in this section, no employer shall employ any of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, **for a workweek longer than forty hours** unless such employee receives compensation for his employment in excess of the hours above specified **at a rate not less than one and one-half times the regular rate** at which he is employed. (l) **Employment in domestic service in one or more households** **No employer shall employ any employee in domestic service in one or more households for a workweek longer than forty hours** unless such employee receives compensation for such employment in accordance with subsection (a)." According to section 213 of the FLSA (29 U.S.C.§ 213), "**Maximum hour requirements** The provisions of section 207 of this title **shall not apply** with respect to— (21) any **employee who is employed in domestic service in a household and who resides in such household**;" 1 - 0.25 = 0.75	Fair Labor Standards Act
B3.1.2	Are periods during which domestic workers remain to respond to possible calls required to be regarded as hours of work?	0.5	**Yes, on-call time is considered hours of work, with two exclusionary conditions.** The employee during on-call time has to be **unable to "use the time effectively for his own purposes"** to be considered working, and **live-in domestic workers might be excluded** from this rule, since it is harder to determine work time for them and their overtime requirements are exempted. According to 29 CFR §785 (Title 29 Labor, Subtitle B, Chapter V, Subchapter B, Part 785 of the Code of Federal Regulation): "§ 785.6 Definition of "employ" and partial definition of "**hours worked**". By statutory definition the term "employ" includes (section 3(g)) "**to suffer or permit to work.**" The act, however, contains no definition of "work". Section 3(o) of the Fair Labor Standards Act contains a partial definition of "hours worked" in the form of a limited exception for clothes-changing and wash-up time." "§ 785.17 **On-call time.** **An employee who is required to remain on call on the employer's premises or so close thereto that he cannot use the time effectively for his own purposes is working while "on call"**. An employee who is not required to remain on the employer's premises but is merely required to leave word at his home or with company officials where he may be reached is not working while on call. (Armour & Co. v. Wantock, 323 U.S. 126 (1944); Handler v. Thrasher, 191 F. 2d 120 (C.A. 10, 1951); Walling v. Bank of Waynesboro, Georgia, 61 F. Supp. 384 (S.D. Ga. 1945))" **1 - 0.25 * 2 = 0.5**	29 CFR §785 Code of Federal Regulation

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3.1.3	Is there a limit to the number of hours of standby work domestic workers can be given, and are they entitled to compensation for this standby work?	0	Not specified in the Fair Labor Standards Act or the Code of Federal Regulation.	Fair Labor Standards Act 29 CFR §785 Code of Federal Regulation
B3.1.4	Is there a requirement that hours of work be accurately recorded and the records freely accessible to the domestic worker?	0.10	**Employers are required to record hours of work, but with three exclusionary conditions.** Employers who have employees that are exempted from minimum wage and/or overtime pay are not required to record hours of work. This includes live-in domestic workers, casually employed babysitters, and companionship service providers. **There is also no mention of making these records freely accessible to workers.** According to 29 CFR§516.2 (Title 29, Subtitle B, Chapter V, Subchapter A, Part 516, Subpart A): "§ 516.2 **Employees subject to minimum wage or minimum wage and overtime provisions** pursuant to section 6 or sections 6 and 7(a) of the Act. (a) **Items required.** Every employer shall **maintain and preserve payroll or other records** containing the following information and data with respect to each employee to whom section 6 or both sections 6 and 7(a) of the Act apply: (7) **Hours worked each workday and total hours worked each workweek** (for purposes of this section, a "workday" is any fixed period of 24 consecutive hours and a "workweek" is any fixed and regularly recurring period of 7 consecutive workdays). **Since there are three exclusionary conditions and there is no mention of making records accessible to the workers, the US scores a 0.1.**	29 CFR§516.2 Code of Federal Regulation
B3.1.5	Is there a requirement to provide domestic workers with a safe and healthy working environment?	0.00	**No, there is no requirement to provide domestic workers with a safe and healthy working environment** since they are not covered under the Occupational Safety and Health (OSH) Act of 1970. According to Sec. 3 of the OSH Act: "(5)The term "**employer**" means **a person engaged in a business affecting commerce who has employees**, but does not include the United States (not including the United States Postal Service) or any State or political subdivision of a State. (6)The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce."	Occupational Safety and Health Act of 1970
B3.2	**Rest and Leave**			
B3.2.1	Is there a requirement to provide daily rest for domestic workers?	0.00	**No, daily rests such as breaks and meal periods are not required under the Fair Labor Standards Act (FLSA) for all workers.** It is the employer's decision whether or not to provide daily rests. According to the U.S. Department of Labor: "**Federal law does not require lunch or coffee breaks**. However, when employers do offer short breaks (usually lasting about 5 to 20 minutes), federal law considers the breaks as compensable work hours that would be included in the sum of hours worked during the workweek and considered in determining if overtime was worked. Unauthorized extensions of authorized work breaks need not be counted as hours worked when the employer has expressly and unambiguously communicated to the employee that the authorized break may only last for a specific length of time, that any extension of the break is contrary to the employer's rules, and any extension of the break will be punished. Meal periods (typically lasting at least 30 minutes), serve a different purpose than coffee or snack breaks and, thus, are not work time and are not compensable."	U.S. Department of Labor
B3.2.2	Is weekly rest at least 24 consecutive hours for domestic workers?	0.1	**There is no mention in federal labor laws of having 24 consecutive hours of weekly rest for workers.** However, **migrant domestic workers who apply for a domestic worker visa to enter the US are required to be given at least of 1 full day of weekly rest,** as stated in their employment contracts. According to the U.S. Department of State: "All contracts must include me following provisions: Hours of work. The contract must state the time of the normal working hours and the number of hours per week. It is generally expected that domestic workers will be required to work 35 to 40 hours per week. **It must also state that the domestic worker will be provided a minimum of one full day off each week.** The contract must indicate the number of paid national holidays, sick days, and vacation days the domestic worker will be provided." **Since only migrant domestic workers are required to be granted a weekly rest of at least 24 consecutive hours, the US scores a 0.1.**	U.S. Department of State

GLOBAL CARE POLICY INDEX (GCPI)
2022 Country Score
United States (Federal)

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3.2.3	Are there defined exceptions when domestic workers may be asked to work during periods of rest, and is compensatory rest mandatory?	0.00	There is **no federal law explicitly prohibiting employers from asking domestic workers to work during periods of rest.** Domestic workers may work during periods of rest if they agree to do so and they will be compensated 1.5 times their regular rate if they already worked over 40 hours that week. There is **no mention of mandatory compensatory rest.** According to the U.S. Department of Labor's regulation on **weekend work**, **"Extra pay for working during weekends is generally a matter of agreement** between the employer and the employee (or the employee's representative). The Fair Labor Standards Act (FLSA) **does not require extra pay for weekend work**. However, covered, non-exempt employees must be paid at least one and one-half times their regular rates of pay for the time worked over 40 hours in a workweek."	U.S. Department of Labor
B3.2.4	Is paid annual leave at least 3 weeks per year for domestic workers?	0.00	**No, US federal law does not require employers to give paid annual leave to their workers.** It is the employer's decision whether or not to provide paid annual leave and the length of the annual leave. According to the U.S. Department of Labor, "The Fair Labor Standards Act (FLSA) does not require payment for time not worked, such as personal leave, vacations, sick leave, or federal or other holidays. These benefits are generally a matter of agreement between an employer and an employee (or the employee's representative)."	U.S. Department of Labor
B3.2.5	Is there a requirement that time spent by domestic workers accompanying household members on holiday should not be counted as part of paid annual leave?	0.00	No, US federal law does not include regulations on paid annual leave.	U.S. Department of Labor
B3.3	**Wages**			

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3.3.1	Is the minimum wage for domestic workers at least the national minimum wage?	0.50	**Yes, according to the Fair Labor Standards Act (FLSA), the minimum wage for domestic workers should be at least the national minimum wage, but it has two exclusionary conditions.** Casually employed domestic workers providing babysitting services and those providing companionship services are exempted from the minimum wage protection. **According to Section 206 of the FLSA,** "(a) Employees engaged in commerce; home workers in Puerto Rico and Virgin Islands; employees in American Samoa; seamen on American vessels; agricultural employees **Every employer shall pay to each of his employees** who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, **wages at the following rates:** (1) except as otherwise provided in this section, not less than— (A) $5.85 an hour, beginning on the 60th day after May 25, 2007; (B) $6.55 an hour, beginning 12 months after that 60th day; and **(C) $7.25 an hour, beginning 24 months after that 60th day;** (b) Additional applicability to employees pursuant to subsequent amendatory provisions **Every employer shall pay to each of his employees** (other than an employee to whom subsection (a)(5) 1 applies) who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, and who in such workweek is brought within the purview of this section by the amendments made to this chapter by the Fair Labor Standards Amendments of 1966, title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], or the Fair Labor Standards Amendments of 1974, wages at the following rate: Effective after December 31, 1977, **not less than the minimum wage rate in effect under subsection (a)(1).** (f) **Employees in domestic service** **Any employee—** (1) **who in any workweek is employed in domestic service in a household shall be paid wages at a rate not less than the wage rate in effect under subsection** (b) unless such employee's compensation for such service would not because of section 209(a)(6) of the Social Security Act [42 U.S.C. 409(a)(6)] constitute wages for the purposes of title II of such Act [42 U.S.C. 401 et seq.], or (2) who in **any workweek**— (A) **is employed in domestic service in one or more households**, and (B) **is so employed for more than 8 hours in the aggregat**e, shall be paid wages for such employment in such workweek at a rate not less than the wage rate in effect under subsection (b)." According to section 213 of the FLSA, 213. **Exemptions** (a) **Minimum wage** and maximum hour requirements The provisions of sections 206 (except subsection (d) in the case of paragraph (1) of this subsection) and 207 of this title shall not apply with respect to— (15) any employee employed on a c**asual basis in domestic service employment to provide babysitting services** or any employee employed in domestic service employment to **provide companionship services** for individuals who (because of age or infirmity) are unable to care for themselves (as such terms are defined and delimited by regulations of the Secretary); **1 - (0.25 * 2) = 0.5**	Fair Labor Standards Act

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3.3.2	Is the overtime compensation rate for domestic workers at least 1.25 times their regular rate?	0.75	**Yes, domestic workers working overtime are compensated at least 1.5 times their regular rate.** However, there is **one exclusionary condition, live-in domestic workers are exempted** from this compensation as they are not covered under the maximum working hours requirement. According to section 207 of the FLSA, "(a) Employees engaged in interstate commerce; additional applicability to employees pursuant to subsequent amendatory provisions (1) Except as otherwise provided in this section, no employer shall employ any of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, for a workweek longer than forty hours unless such employee receives **compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.** **(l) Employment in domestic service in one or more households** No employer shall employ any employee in domestic service in one or more households **for a workweek longer than forty hours unless such employee receives compensation for such employment in accordance with subsection (a)."** According to section 213 of the FLSA, "Maximum hour requirements The provisions of **section 207** of this title **shall not apply** with respect to— **(21) any employee who is employed in domestic service in a household and who resides in such household;"** **1-0.25 = 0.75**	Fair Labor Standards Act
B3.3.3	Is there any limitation placed on wages paid in the form of payments in kind for domestic workers?	0.00	**No, the federal law does not have any limitations placed on wages paid in the forms of payments in kind.** According to The Federal Reserve, "Is it legal for a business in the United States to refuse cash as a form of payment? **There is no federal statute mandating that a private business, a person, or an organization must accept currency or coins as payment for goods or services.** Private businesses are free to develop their own policies on whether to accept cash unless there is a state law that says otherwise."	The Federal Reserves
B3.3.4	Is there a requirement to provide at least a monthly payment of wages in cash for domestic workers?	1.00	**Yes, domestic workers receive at least a monthly payment of wages.** Although there is **no requirement for a monthly payment of wages by the federal law** and the payday requirement differs by state, **49/50 states requires at least a monthly payment of wages.** Only Nebraska has no requirement and gives employers the freedom to set the frequency of the payday.	U.S. Department of Labor
B3.3.5	Is there a requirement that domestic workers be given an understandable written account of the total wages due to them at the time of each payment?	0.00	**No. Employers are required to keep a record of wages and hours worked, but it is not required to be made available to their employees, or given to them at each the time of each payment.** According to Section 211 of the FSLA, "Every employer subject to any provision of this chapter or of any order issued under this chapter s**hall make, keep, and preserve such records of the persons employed by him and of the wages, hours, and other conditions and practices** of employment maintained by him, and shall preserve such records for such periods of time, and shall make such reports therefrom to the Administrator as he shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this chapter or the regulations or orders thereunder. The employer of an employee who performs substitute work described in section 207(p)(3) of this title may not be required under this subsection to keep a record of the hours of the substitute work."	Fair Labor Standards Act
B3.3.6	Is there a requirement that upon termination of employment, any outstanding payments should be made promptly to domestic workers?	0.00	**No, federal law does not mention or require the last paycheck to be paid promptly after termination. It depends on the laws of each state** and even then may not be applicable to domestic workers. According to the U.S. Department of Labor, "Employers are not required by federal law to give former employees their final paycheck immediately. Some states, however, may require immediate payment. If the regular payday for the last pay period an employee worked has passed and the employee has not been paid, contact the Department of Labor's Wage and Hour Division or the state labor department."	U.S. Department of Labor
B3.4	**Social Security**			

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3.4.1	Are domestic workers eligible for healthcare coverage?	0.50	**Yes, domestic workers are eligible for healthcare coverage under Medicaid if their income level is at or less than 135% below the poverty line of the United States.** Medicaid provides healthcare coverage for low-income workers. According to Section 1860 of Social Security Amendments, "Subpart 2—Prescription Drug Plans; PDP Sponsors; Financing PREMIUM AND COST-SHARING SUBSIDIES FOR LOW-INCOME INDIVIDUALS Sec. 1860D-14. [42 U.S.C. 1395w-114] (a) **Income-Related Subsidies For Individuals** With Income Up To 150 Percent of Poverty Line.— (1) **Individuals with income below 135 percent of poverty line.**—In the case of a subsidy eligible individual (as defined in paragraph (3)) who is determined to have income that is below 135 percent of the poverty line applicable to a family of the size involved and who meets the resources requirement described in paragraph (3)(D) or who is covered under this paragraph under paragraph (3)(B)(i)" **The median salary for domestic workers is $26,220 in 2020, and the poverty line for a typical household of four is $26,200. Based on these figures, approximately half of US domestic workers with higher salaries would be excluded from full Medicaid coverage. Therefore, the US scores a 0.5 for this question.**	Social Security Act US News The Assistant Secretary for Planning and Evaluation (ASPE)
B3.4.2	Are domestic workers eligible for paid sick leave?	0.00	**No, domestic workers are not guaranteed paid sick leave by federal law.** Paid sick leave is not required by federal law. Some states have their own paid sick leave laws. The Healthy Families Act that was just introduced recently, if passed, would provide employees 56 hours of paid sick leave, but this only applies to employers with more than 15 employees. In both cases, domestic workers have no guaranteed paid sick leave. Employers of migrant domestic workers are required to indicate the number of days for paid sick leave in their contract, but there is no required number of days to be granted. According to the U.S. Deparment of Labor, "Currently, there are **no federal legal requirements for paid sick leave.** For companies subject to the Family and Medical Leave Act (FMLA), the Act does require unpaid sick leave. " According to Section 3 and 4 of the Healthy Families Act, SEC. 3. PURPOSES The purposes of this Act are— (1) to ensure that working people can address their own health needs and the health needs of their families by requiring employers to **permit employees to earn up to 56 hours of paid sick time including paid time for family care**; SEC. 4. DEFINITIONS (5) EMPLOYER.— (A) IN GENERAL.—The term "employer" means a person who is— (i) (I) a covered employer, as defined in subparagraph (B), who is not covered under subclause (V); (B) COVERED EMPLOYER.— (i) IN GENERAL.—In subparagraph (A)(i)(I), the term "**covered employer**"— (I) means any person engaged in commerce or in any industry or activity affecting commerce who **employs 15 or more employees** for each working day during each of 20 or more calendar workweeks in the current or preceding year;	U.S. Department of Labor Healthy Families Act
B3.4.3	Are domestic workers eligible for unemployment benefits?	99.00	**Unemployment benefits policies are different for each state. Therefore, this question is not applicable to the US on the federal level and a score of 99 is given.** According to the U.S. Department of Labor, "**Each state sets its own unemployment insurance benefits eligibility guidelines,** but you usually qualify if you: Are unemployed through no fault of your own. In most states, this means you have to have separated from your last job due to a lack of available work. Meet work and wage requirements. You must meet your state's requirements for wages earned or time worked during an established period of time referred to as a "base period." (In most states, this is usually the first four out of the last five completed calendar quarters before the time that your claim is filed.) Meet any additional state requirements. "	U.S. Department of Labor
B3.4.4	Are domestic workers eligible for old-age benefits (if they have completed the required number of years of active economic contributions)?	0.75	**Yes, domestic workers are eligible for old-age benefits**, including retirement benefits and Medicare benefits, which is an old-age medical care program. However, there is **one exclusionary condition**: they need to be paid at least $2,400 in wages by a single employer in order to qualify for Social Security credits. According to the Social Security Administration's January 2022's publication on household workers "**For every $2,400 in wage**s, most household employees earn credits toward Social Security benefits and Medicare coverage. Generally, people need 10 years of work to qualify for: • **Retirement benefits** (as early as age 62). • Disability benefits for the worker and the worker's dependents. • Survivors benefits for the worker's family. • **Medicare benefits.** **1 - 0.25 = 0.75**	Social Security Administration

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3.4.5	Are domestic workers eligible for employment injury benefits?	99.00	No, there is **no mention of granting domestic workers employment injury benefits**. The U.S. Department of Labor only provides employment injury benefits to federal workers, maritime employees, coal miners, and energy workers. Private company employees and state and local government employees are **directed to contact their state workers' compensation boards**. Hence, this question is **not applicable** to the US on the federal level.	U.S. Department of Labor
B3.4.6	Are domestic workers eligible for invalidity benefits?	0.75	**Yes, domestic workers are eligible for invalidity benefits** through the Social Security Disability Insurance (SSDI) **if they earn at least $2,400 in wages.** According to the Social Security Administration's January 2022's publication on household workers "**For every $2,400 in wages,** most household employees earn credits toward Social Security benefits and Medicare coverage. Generally, people need 10 years of work to qualify for: • Retirement benefits (as early as age 62). **• Disability benefits for the worker and the worker's dependents.** • Survivors benefits for the worker's family. • Medicare benefits. Given that there is one exclusionary condition, the US have one step-deduction for this question. **1 - 0.25 = 0.75**	Social Security Administration
B3.4.7	Are domestic workers eligible for survivors' benefit?	0.75	**Yes, domestic workers are eligible for survivor's benefit by the social security program if they earn at least $2400 in wages.** According to the Social Security Administration's January 2022's publication on household workers **"For every $2,400 in wages**, most household employees earn credits toward Social Security benefits and Medicare coverage. Generally, people need 10 years of work to qualify for: • Retirement benefits (as early as age 62). • Disability benefits for the worker and the worker's dependents. **• Survivors benefits for the worker's family.** • Medicare benefits. **Given that there is one exclusionary condition, the US have one step-deduction for this question.** **1 - 0.25 = 0.75**	Social Security Administration
B3.4.8	Is there protection of domestic workers' claims in the event of the employer's insolvency or death?	0.00	**No, there is no protection found in the event of the employer's insolvency or death. Social Security only provides old-age, disability, survivor, and healthcare benefits to eligible employees.** According to the Social Security Administration, "The OASDI program (Old-Age, Survivors, and Disability Insurance)—which for most Americans means Social Security—is the largest income-maintenance program in the United States. Based on social insurance principles, the program **provides monthly benefits designed to replace, in part, the loss of income due to retirement, disability, or death.**"	Social Security Administration
B3.5	**Living Conditions for Live-in Workers**			
B3.5.1	Are there measures to ensure that domestic workers are free to decide whether or not to live in the household?	0.00	Not found on the federal level or mentioned in the Fair Labor Standards Act	Fair Labor Standards Act

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3.5.2	For live-in workers, is there any requirement for the employer to provide accomodation that offers privacy?	0.50	**Yes, though there is no explicit mention or requirement to provide accomodation that offers privacy to live-in workers under federal laws, it is provided for in an indirect manner.** However, according to U.S. Department of Labor's fact sheets and FAQs about Domestic Workers and the FLSA, for permanant or long-term live-in domestic workers, **sleep time can be excluded from hours worked if the "employer must provide private quarters in a homelike environment."** According to the U.S. Department of Labor, "A. **To exclude sleep time from the hours worked of an employee who lives at the worksite,** (1) the employer and employee must have a **reasonable agreement** to exclude sleep time, and (2) **the employer must provide the employee "private quarters in a homelike environment"** The reasonable agreement should be in writing in order preclude any misunderstanding of terms and conditions of an individual's employment. **Private quarters means living and sleeping space that is separate from the person receiving services.** A homelike environment means space that includes facilities for cooking and eating, a bathroom, and a space for recreation." **For migrant domestic workers applying to enter the US on a domestic worker visa, employers are required to specify in their contract to offer accomodation, but there is no mention of privacy.** According to the U.S. Travel Docs, **"Contract Requirements** Domestic employee B-1 applicants must present an employment contract, signed by both the employer and the employee, including: **A certification that the domestic employee will receive free room and board"** Given that migrant domestic workers are not required to be provided accomodation that offers privacy, and that other live-in domestic workers are not explicitly required to be provided private accommodations, two step-deductions are made. **1 - (0.25 * 2) = 0.5**	U.S. Department of Labor U.S. Department of Labor FAQs U.S. Travel Docs
B3.5.3	For live-in workers, is there any requirement for the employer to provide access to suitable sanitary facilities?	0.50	**Yes, there is no explicit mention in federal laws about any requirement to provide access to suitable sanitary facilities,** but the U.S. Department of Labor states that "employer must provide private quarters in a homelike environment" if they want to exclude sleeping time as working hours, and this includes providing a bathroom to the live-in worker. According to the U.S. Department of Labor, "A. **To exclude sleep time from the hours worked of an employee who lives at the worksite,** (1) the employer and employee must have a reasonable agreement to exclude sleep time, and (2) **the employer must provide the employee "private quarters in a homelike environment"** The reasonable agreement should be in writing in order preclude any misunderstanding of terms and conditions of an individual's employment. Private quarters means living and sleeping space that is separate from the person receiving services**. A homelike environment** means space that includes facilities for cooking and eating, **a bathroom**, and a space for recreation." For migrant domestic workers applying to enter the US on a domestic worker visa, employers are required to specify in their contract to offer accomodation, but there is no mention of access to sanitary facilities. According to the U.S. Travel Docs, "Contract Requirements Domestic employee B-1 applicants must present an employment contract, signed by both the employer and the employee, including: A certification that the domestic employee will receive free room and board" Given that migrant domestic workers are not required to be provided suitable sanitary facilities and that other live-in domestic workers are not explicitly required to be provided a bathroom under all circumstances, two step-deductions are made. **1 - (0.25 * 2) = 0.5**	U.S. Department of Labor U.S. Department of Labor FAQs
B3.5.4	For live-in workers, is there any requirement for the employer to provide accommodation that has adequate lighting, heating, and air conditioning?	0.00	No, there is no explicit mention in federal laws or any mention in the Fair Labor Standards Act about employers being required to provide accommodation that has adequate lighting, heating and air conditioning.	Fair Labor Standards Act
B3.5.5	For live-in workers, is there any requirement for the employer to provide appropriate meals of good quality and sufficient quantity?	0.00	No, there is no explicit mention at the federal level or in the Fair Labor Standards Act. For migrant domestic workers, employers are required to specify in their contract that they will be provided free meals, but there is no mention quality or quantity. According to the U.S. Travel Docs, "Contract Requirements Domestic employee B-1 applicants must present an employment contract, signed by both the employer and the employee, including: **A certification that the domestic employee will receive free room and board"**	Fair Labor Standards Act U.S. Travel Docs

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3.5.6	Are there measures to ensure that live-in workers are not obliged to remain in the household or with household members during rest or leave?	0.75	**Yes, but there is no explicit mention** that live-in workers are not obliged to remain in the household during rest or leave. The code of federal regulations states that when a domestic worker is "complete freedom from all duties, **the employee may either leave the premises or stay on the premises for purely personal pursuits**" are not counted as hours work. This **suggests the possibility that the employee have the choice to leave the premise when free from duty.** According to 29 CFR § 552.102 Live-in domestic service employees, "In determining the number of hours worked by a live-in worker, the employee and the employer may exclude, by agreement between themselves, the amount of sleeping time, meal time and **other periods of complete freedom from all duties when the employee may either leave the premises or stay on the premises for purely personal pursuits.** For periods of free time (other than those relating to meals and sleeping) to be excluded from hours worked, the periods must be of sufficient duration to enable the employee to make effective use of the time. If the sleeping time, meal periods or other periods of free time are interrupted by a call to duty, the interruption must be counted as hours worked." **For migrant domestic workers, there is explicit mention in the contract requirements that they can leave the household after working hours.** According to U.S. Travel Docs, "Contract Requirements Domestic employee B-1 applicants must present an employment contract, signed by both the employer and the employee, including: **A certification that both parties understand that the domestic helper cannot be required to remain on the premises after working hours without compensation;"** **Since there are measures to ensure that they are not obliged, but no explicit mention, the U. S. scores a 0.75.** **1-0.25 = 0.75**	29 CFR 552.102 Code of Federal Regulations US Travel Docs
B3.5.7	Is there a requirement that live-in workers be given a reasonable period of notice and time off to seek new employment and accommodation in the event of termination of employment at the initiative of the employer?	0.00	No, there is no mention of this requirement at the federal level nor is it mentioned in the Fair Labor Standards Act	Fair Labor Standards Act
B3.5.8	Are live-in domestic workers legally entitled to keep in their possession their travel and identity documents?	1.00	**Yes.** Title 18 of U.S. Code § 1597 prohibits posessing another person's travel and identity documents without lawful authority. Employers are also required to provide certification that they would not withhold the passport of migrant domestic workers. According to 18 U.S. Code § 1597 "(a) **Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person**— (1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, 1591, or 1594(a); (2) with intent to violate section 1581, 1583, 1584, 1589, 1590, or 1591; or (3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, **shall be fined under this title or imprisoned for not more than 5 years, or both."** According to U.S Travel Docs, **"Contract Requirements** Domestic employee B-1 applicants must present an employment contract, signed by both the employer and the employee, including: **A certification that the employer will not withhold the passport of the domestic helper"**	18 U.S. Code § 1597 U.S. Travel Docs
B4.	**Labor Rights and Protections**			
B4.1	**Freedom of Association and Access to Collective Bargaining**			

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B4.1.1	Are there legislative provisions for domestic workers to establish their own organizations or join the workers' organizations, federations, or confederations of their own choosing?	0.00	**No. The National Labor Relations Act (NLRA), which grants employees the rights to form and join organizations and trade unions, explicitly excludes domestic workers.** However, there are national or regional networks, alliances, and cooperatives for domestic workers, such as the National Domestic Workers Alliance and UNITY Housecleaners Cooperative in New York. According to Sec. 2 of the NLRA, (3) **The term "employee"** shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act [this subchapter] explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but **shall not include** any individual employed as an agricultural laborer, or **in the domestic service of any family or person at his home**, or any individual employed by his parent or spouse, or any individual having the status of an independent contractor, or any individual employed as a supervisor, or any individual employed by an employer subject to the Railway Labor Act [45 U. S.C. § 151 et seq.], as amended from time to time, or by any other person who is not an employer as herein defined. According to Sec. 7 of the NLRA, RIGHTS OF EMPLOYEES Sec. 7. [§ 157.] **Employees shall have the right to self-organization, to form, join, or assist labor organizations,** to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8(a)(3) [section 158(a)(3) of this title].	National Labor Relations Act of 1935
B4.1.2	Are there legislative provisions to recognize domestic workers' rights to collective bargaining?	0.00	**No. The National Labor Relations Act (NLRA), which grants employees the right to collective bargaining, explicitly excludes domestic workers.** According to Sec 2 of the NLRA, (3) **The term "employee"** shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act [this subchapter] explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but **shall not include** any individual employed as an agricultural laborer, or **in the domestic service of any family or person at his home**, or any individual employed by his parent or spouse, or any individual having the status of an independent contractor, or any individual employed as a supervisor, or any individual employed by an employer subject to the Railway Labor Act [45 U. S.C. § 151 et seq.], as amended from time to time, or by any other person who is not an employer as herein defined. According to Sec. 7 of the NLRA, RIGHTS OF EMPLOYEES Sec. 7. [§ 157.] **Employees shall have the right to** self-organization, to form, join, or assist labor organizations, **to bargain collectively through representatives of their own choosing,** and to **engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection**, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8(a)(3) [section 158 (a)(3) of this title].	National Labor Relations Act of 1935
B4.2	**Access to Complaint Mechanisms**			
B4.2.1	Are there complaint mechanisms for domestic workers to report non-compliance with labor protections?	0.50	**Yes.** Although there are no complaint mechanisms specifically for domestic workers, they can file a complaint with relevant state agencies and the Wage and Hour Division of the U.S. Department of Labor, which is responsible for enforcing the FLSA. However, they cannot file a complaint against their employer with the U.S. Equal Employment Opportunity Commission and the Occupational Safety & Health Administration, because domestic workers are excluded from the laws that these departments oversee. **Since domestic workers have complaint mechanisms to report non-compliance with labor protections, but they are excluded from the two other options that other employees have, the US scores a 0.5 on this question.** **1 - (0.25 * 2) = 0.5**	Wage and Hour Division of the U. S. Department of Labor

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B4.2.2	Are there measures to ensure that domestic workers have access to courts, tribunals or other dispute resolution mechanisms?	1.00	**Yes, domestic workers may file a lawsuit for violations of laws that are applicable to them, such as unpaid overtime wages, and violations of the FSLA. The FSLA also guarantees civil penalties (fines) for violations.** According to the U.S. Department of Labor, The Fair Labor Standards Act (FLSA) is the federal law commonly known for minimum wage, overtime pay, child labor, recordkeeping, and special minimum wage standards applicable to most private and public employees. **FLSA provides the agency with civil and criminal remedies, and also includes provisions for individual employees to file private lawsuits.** The 1989 Amendments to FLSA added a provision for **civil money penalties (CMP) for repeated or willful minimum wage or overtime violations.** (Since 1974, FLSA has contained a similar CMP provision for child labor violations.) According to Section 216 of the FSLA, **(e) Civil penalties for certain violations** (1)(A) Any person who violates the provisions of sections 2 212 or 213(c) of this title, relating to child labor, or any regulation issued pursuant to such sections, shall be subject to a civil penalty not to exceed— (i) $11,000 for each employee who was the subject of such a violation; or (ii) $50,000 with regard to each such violation that causes the death or serious injury of any employee under the age of 18 years, which penalty may be doubled where the violation is a repeated or willful violation. (B) For purposes of subparagraph (A), the term "serious injury" means— (i) permanent loss or substantial impairment of one of the senses (sight, hearing, taste, smell, tactile sensation); (ii) permanent loss or substantial impairment of the function of a bodily member, organ, or mental faculty, including the loss of all or part of an arm, leg, foot, hand or other body part; or (iii) permanent paralysis or substantial impairment that causes loss of movement or mobility of an arm, leg, foot, hand or other body part. (2) Any person who repeatedly or willfully violates section 206 or 207 of this title, relating to wages, shall be subject to a civil penalty not to exceed $1,100 for each such violation. Any person who violates section 203(m)(2)(B) of this title shall be subject to a civil penalty not to exceed $1,100 for each such violation, as the Secretary determines appropriate, in addition to being liable to the employee or employees affected for all tips unlawfully kept, and an additional equal amount as liquidated damages, as described in subsection (b).	U.S. Department of Labor Fair Labor Standards Act
B4.3	**Enforcement and Protection Mechanisms**			
B4.3.1	Are conditions specified, under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers?	0.00	**No, on-site labor inspection provisions do not apply to domestic workers.** The Occupational Safety and Health (OSH) Act of 1970 gives Compliance Safety and Health Officers the right for inspections and investigations. However, domestic workers are not covered in this Act. According to Sec. 8 of the OSH Act of 1970 (29 USC 657): "SEC. 8. **Inspections, Investigations, and Recordkeeping** (a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized -- (1) **to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer**; and (2) **to inspect and investigate** during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee." According to 29 C.F.R. § 1975.6: "As a matter of policy, individuals who, in their own residences, privately employ persons for the purpose of performing for the benefit of such individuals what are commonly regarded as **ordinary domestic household tasks, such as house cleaning, cooking, and caring for children, shall not be subject to the requirements of the Act with respect to such employment."**	Occupational Safety and Health Act of 1970 29 C.F.R. § 1975.6 Code of Federal Regulation

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B4.3.2	Are there penalties for private employment agencies for non-compliance with domestic worker protection laws?	1.00	**Yes, the Fair Labor Standards Act has civil monetary penalties for private employment agencies' violations of minimum pay and overtime requirements applicable to domestic workers.** "According to Section 216 of the FLSA, **(e) Civil penalties for certain violations** (1)(A) Any person who violates the provisions of sections 2 212 or 213(c) of this title, relating to child labor, or any regulation issued pursuant to such sections, shall be subject to a civil penalty not to exceed— (i) $11,000 for each employee who was the subject of such a violation; or (ii) $50,000 with regard to each such violation that causes the death or serious injury of any employee under the age of 18 years, which penalty may be doubled where the violation is a repeated or willful violation. (2) Any person who repeatedly or willfully violates section 206 or 207 of this title, relating to wages, shall be subject to a civil penalty not to exceed $1,100 for each such violation. Any person who violates section 203(m)(2)(B) of this title shall be subject to a civil penalty not to exceed $1,100 for each such violation, as the Secretary determines appropriate, in addition to being liable to the employee or employees affected for all tips unlawfully kept, and an additional equal amount as liquidated damages, as described in subsection (b)." According to the U.S. Department of Labor, **"26- Q. What are the obligations of third party employers?** A. Third party employers **must pay at least the Federal minimum wage and overtime pay** to all workers employed to perform domestic service employment, including workers who perform companionship services or are live-in domestic service employees."	Fair Labor Standards Act U.S. Department of Labor
B4.3.3	Are there penalties for employers for non-compliance with all domestic worker protections?	1.00	**Yes. Employers that violate the maximum working time, minimum wage, and overtime pay of domestic workers will be subject to civil penalties (fines) under the Fair Labor Standards Act.** According to Section 216 of the FLSA, **"(e) Civil penalties for certain violations** (2) Any person who repeatedly or willfully violates section 206 or 207 of this title, relating to wages, shall be subject to a civil penalty not to exceed $1,100 for each such violation. Any person who violates section 203(m)(2)(B) of this title shall be subject to a civil penalty not to exceed $1,100 for each such violation, as the Secretary determines appropriate, in addition to being liable to the employee or employees affected for all tips unlawfully kept, and an additional equal amount as liquidated damages, as described in subsection (b)."	Fair Labor Standards Act
B4.3.4	Are domestic workers legally protected against all forms of workplace abuse, harassment, and violence?	0.00	**No. Title VII of the Civil Rights Act of 1964 prohibits discrimination and harassment in the workplace, but it is not applicable to domestic workers.** Under Title VII of the Civil Rights Act of 1964, (b) The term "**employer**" means a person engaged in an industry **affecting commerce who has fifteen or more employees** for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person	Title VII of the Civil Rights Act of 1964
B5.	**Protections for Forced/Under-age Domestic Workers**			
B5.1	**Protections against Forced/Compulsory Labor**			
B5.1.1	Is illegal extraction of forced or compulsory labor of domestic workers punishable as a penal offence?	1.00	**Yes, illegal extraction of forced or compulsory labor of any workers are punishable as a penal offence. Domestic workers are not excluded from this provision.** According to the Victims of Trafficking and Violence Protection Act (TVPA) of 2000, "18 U.S. Code § 1589 - Forced labor **(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means—** (1) by **means of force**, threats of force, physical restraint, or threats of physical restraint to that person or another person; (2) by **means of serious harm** or threats of serious harm to that person or another person; (3) by **means of the abuse or threatened abuse** of law or legal process; or (4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint, **shall be punished as provided under subsection (d).** (b) Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d). (d) **Whoever violates this section shall be fined under this title, imprisoned not more than 20 years, or both.** If death results from a violation of this section, or if the violation includes kidnaping, an attempt to kidnap, aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title, imprisoned for any term of years or life, or both."	TVPA - 18 U.S. Code § 1589

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B5.1.2	Are domestic worker victims of forced labor provided with any protection?	1.00	**Yes. The TVPA of 2000 provides protection for victims of forced labor.** According to Section 107 of the TVTA (22 USC 7105), "SEC. 107. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING. PROTECTIONS WHILE IN CUSTODY.—Victims of severe forms of trafficking, while in the custody of the Federal Government and to the extent practicable, shall— (A) **not be detained in facilities inappropriate to their status as crime victims;** (B) **receive necessary medical care and other assistance**; and (C) **be provided protection if a victim's safety is at risk** or if there is danger of additional harm by recapture of the victim by a trafficker, including— (i) **taking measures to protect trafficked persons and their family members** from intimidation and threats of reprisals and reprisals from traffickers and their associates; and (ii) ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public."	TVPA of 2000
B5.1.3	Are domestic worker victims of forced labor provided with any access to remedies?	1.00	**Yes.** The Justice for Victims of Trafficking Act of 2015 (JVTA) established the Domestic Trafficking Victims' Fund to provide **programs and services that protect and assist victims of trafficking.** The Trafficking Victims Protection Reauthorization Act of 2005 established a **pilot program for providing residential rehabilitative facilities and counseling for victims.** According to the JVTA, c) ESTABLISHMENT OF DOMESTIC TRAFFICKING VICTIMS' FUND.—There is **established in the Treasury of the United States a fund, to be known as the 'Domestic Trafficking Victims' Fund'** (referred to in this section as the 'Fund'), to be administered by the Attorney General, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services. (e) **USE OF FUNDS.—** (1) IN GENERAL.—From amounts in the Fund, in addition to any other amounts available, and without further appropriation, the Attorney General, in coordination with the Secretary of Health and Human Services shall, for each of fiscal years 2016 through 2019, **use amounts available in the Fund to award grants or enhance victims' programming u**nder— (A) section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c); (B) subsections (b)(2) and (f) of section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105); and (C) section 214(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002(b)). According to the Trafficking Victims Protection Reauthorization Act of 2005, SEC. 102. PROTECTION OF VICTIMS OF TRAFFICKING IN PERSONS. (b) **Establishment of Pilot Program for Residential Rehabilitative Facilities for Victims of Trafficking**.-- (3) Purposes.--The purposes of the pilot program established pursuant to paragraph (2) are to-- (A) provide benefits and services to victims of trafficking, including **shelter, psychological counseling, and assistance in developing independent living skills;**	Justice for Victims of Trafficking Act of 2015 Trafficking Victims Protection Reauthorization Act of 2005
B5.2	**Protections for Under-age Laborers**			
B5.2.1	Is the minimum age for domestic workers 16 or higher, or the age of completion of compulsory schooling (if this is age 16 or higher)?	1.00	**Yes. The minimum age for domestic workers in the US is 16.** According to the Fair Labor Standards Act (FLSA), other than agricultural occupations and parents employing their own children, workers need to be at least 16 years old for non-harzadous occupations and 18 years old for hazardous occupations. **The age of completion of compulsory schooling varies by state, but is at least 16 years old.** According to Section 202, 203, and 212 of the FLSA, "§212. Child labor provisions (c) Oppressive child labor **No employer shall employ any oppressive child labor in commerce** or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce. §202. Congressional finding and declaration of policy (a) ...That Congress further finds that the **employment of persons in domestic service in households affects commerce.** §203. Definitions (l) "**Oppressive child labor" means a condition of employment under which (1) any employee under the age of sixteen years is employed by an employer** (other than a parent or a person standing in place of a parent employing his own child or a child in his custody under the age of sixteen years in an occupation other than manufacturing or mining or an occupation found by the Secretary of Labor to be particularly hazardous for the employment of children between the ages of sixteen and eighteen years or detrimental to their health or well-being) in any occupation, or (2) **any employee between the ages of sixteen and eighteen years is employed by an employer in any occupation which the Secretary of Labor shall find and by order declare to be particularly hazardous** for the employment of children between such ages or detrimental to their health or well-being"	Fair Labor Standards Act Congressional Research Service National Center for Education Statistics

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B5.2.2	Are domestic workers, who are under the age of 18 and above the minimum age of employment, still able to access compulsory education, or opportunities for further education or vocational training?	0.00	**No, domestic workers under the age of 18 and above the minimum age (16) do not have limits on their working hours to ensure their access to education.** According to the FSLA, only children that are 14-16 years old (who can be employed in very limited occupations) have work hour limits outside of school hours. Each state may have different regulations for minors under 18 but above the minimum age. (l) "Oppressive child labor" means a condition of employment under which (1) any employee under the age of sixteen years is employed by an employer (other than a parent or a person standing in place of a parent employing his own child or a child in his custody under the age of sixteen years in an occupation other than manufacturing or mining or an occupation found by the Secretary of Labor to be particularly hazardous for the employment of children between the ages of sixteen and eighteen years or detrimental to their health or well-being) in any occupation, or (2) any employee between the ages of sixteen and eighteen years is employed by an employer in any occupation which the Secretary of Labor shall find and by order declare to be particularly hazardous for the employment of children between such ages or detrimental to their health or well-being; but oppressive child labor shall not be deemed to exist by virtue of the employment in any occupation of any person with respect to whom the employer shall have on file an unexpired certificate issued and held pursuant to regulations of the Secretary of Labor certifying that such person is above the oppressive child-labor age. The Secretary of Labor shall provide by regulation or by order that the employment of employees between the **ages of fourteen and sixteen years in occupations other than manufacturing and mining shall not be deemed to constitute oppressive child labor if and to the extent that the Secretary of Labor determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being.**	Fair Labor Standards Act Congressional Research Service
B5.2.3	Are there extra limitations of hours of work of domestic workers who are under the age of 18 and above the minimum age of employment?	0.00	**No. There are no extra limitations of working hours of domestic workers below 18 and above the minimum age of employment (16)** in the FSLA or on the federal level. However, some states have extra limitations under their state labor laws.	Fair Labor Standards Act Congressional Research Service U.S. Department of Labor
B5.2.4	Are there measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment to work at night?	0.00	**No. There are no measures to prohibit night work for domestic workers under 18 but above the minimum age of employment (16).** However, around half of the states have certain restrictions in their state labor laws.	Fair Labor Standards Act Congressional Research Service U.S. Department of Labor
B5.2.5	Are there extra measures to restrict/limit work that is excessively demanding (whether physically or psychologically) for domestic workers who are under the age of 18 and above the minimum age of employment?	0.00	**No. There are no extra measures to restrict excessively demanding work for domestic workers under 18 but above minimum age.** The FSLA forbids 17 harzardous occupations for workers at the age of 16-18 to perform, but none are relevant to domestic housework. For instance, "occupations of motor-vehicle driver and outside helper", "occupations in or about any coal mine", and "occupations involved in the operation of powerdriven woodworking machines."	Fair Labor Standards Act Congressional Research Service
B6.	**Protections for Migrant Domestic Workers**			
B6.1	**Employment Support**			

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B6.1.1	Are mdws required to receive a written job offer, or enforceable contract of employment, prior to crossing national borders?	1.00	**Yes. When applying for a domestic employee visa to enter the United States, all migrant domestic workers need to have a contract with their employer.** There are three categories of domestic employee visa, B-1 (for accompanying U.S. citizen employer in the United States), A-3 (domestic workers of diplomats) and G-5 (international organization employees). According to the U.S. Travel Docs, **"Contract Requirements** **Domestic employee B-1 applicants must present an employment contract, signed by both the employer and the employee, including:** A description of the duties in the U.S.; The number of hours to be worked each week; The number of authorized holidays, vacation and sick days per year; The regular day(s) off each week; The rate of pay, which must be at least the prevailing or minimum wage per hour under Federal law (whichever is greater) where the applicant will be employed for all hours of duty. Current minimum wages throughout the U.S. are found here and currently prevailing wages can be found here. A certification that the domestic employee will receive free room and board; A certification that the employer will ensure that the domestic helper does not become a public charge while working for the employer; A certification that the domestic helper will not accept any other employment while working for the employer; A certification that the employer will not withhold the passport of the domestic helper; A certification that both parties understand that the domestic helper cannot be required to remain on the premises after working hours without compensation; A certification that the employer will pay the domestic helper's initial travel expenses to the U. S., and subsequently to the employer's onward assignment, or to the domestic helper's country of normal residence at termination"	U.S. Travel Docs
B6.1.2	Is there a national hotline for migrant domestic workers with interpretation services?	0.00	**No, there is no national hotline for migrant domestic workers with interpretation services.** Because there is no governmental department responsible for migrant domestic workers and their worker contracts. According to Human Rights Watch, "...though a prospective employer must agree to the requirements when applying to employ a migrant domestic worker, no governmental department or agency is responsible for enforcing them during the employment relationship itself. The failure also means that, unlike many other nonimmigrant workers, a domestic worker with a special visa has no right to file a civil complaint against her employer based solely on violation of these governmental requirements. Instead, any civil complaint must be based on violation of other U.S. law provisions, such as failure to pay the minimum wage or breach of the employment contract. "	Human Rights Watch
B6.2	**Support after Termination of Employment**			
B6.2.1	Are there measures to ensure that the loss of employment should not in itself imply the withdrawal of the migrant domestic workers' authorization of residence?	0.00	**No, there are no measures to ensure that the loss of employment should not imply the withdrawal of the migrant domestic workers' authorization of residence,** since their visa application depend on the employer-employee relationship and employer contract. According to U.S. Travel Docs, "Personal or domestic servants who are accompanying or following an employer to the United States may be eligible for B-1 visas. This category of domestic employees includes, but is not limited to, cooks, butlers, chauffeurs, housemaids, valets, footmen, nannies, au pairs, mothers' helpers, gardeners, and paid companions. Those accompanying or following to join an employer who is a foreign diplomat or government official may be eligible for an A-3 or G-5 visa, depending upon their employer's visa status. **However, there is an unofficial grace period of 30 days for G-5 or A-3 migrant domestic workers to transfer to another employer, but workers are uninformed of it.** According to Human Rights Watch, **"If a G-5 or A-3 domestic worker leaves her job and wishes to transfer to a new qualified employer in the United States, she must do so prior to expiration of the time period** for which she was initially admitted to the United States and within "generally thirty days" after leaving her original employer. **This thirty-day "grace period" is not official State Department policy, however, but a "matter of practice-custom." As unofficial State Department practice, information regarding the "grace period" is not provided to G-5 or A-3 visa recipients or their employers."**	U.S. Travel Docs Human Rights Watch

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B6.2.2	If it is established that the termination of employment was not justified, are the mdw entitled to reinstatement, to compensation for loss of wages or of other payment which results from unjustified termination, to access to a new job with a right to indemnification, or sufficient time to find alternative employment, with conditions no less favourable than other workers?	0.00	**No, there are no compensation or ways of identifying unjustified termination of employment for migrant domestic workers.** In the United States, unlawful/unjustified termination of employment mainly includes those originating from discrimination of employee's race, religion, age, national origin, sex, disability, medical condition, pregnancy, etc, because they violate federal laws such as Title VII of the Civil Rights Act and the Americans with Disabilities Act. Employees may file a Charge of Discrimination to the Equal Employment Opportunity Commission and if successful, entitled to reinstatement and monetary damages. However, these laws only apply to employers with a certain number of employees, which excludes local and migrant domestic workers.	Equal Employment Opportunity Commission L&E Global
B6.2.3	Are mdws entitled to the right of appeal before an administrative or judicial instance if they face expulsion order or termination of their employment and should be allowed sufficient time to obtain a final decision?	1.00	**Yes, migrant domestic workers are entitled to the right of appeal** under the Board of Immigration Appeals. According to the United States Deparment of Justice, "BIA decisions are binding on all DHS officers and Immigration Judges unless modified or overruled by the Attorney General or a federal court. **Most BIA decisions are subject to judicial review in the federal courts. The majority of appeals reaching the BIA involve orders of removal and applications for relief from removal.** Other cases before the BIA include the exclusion of aliens applying for admission to the United States, petitions to classify the status of alien relatives for the issuance of preference immigrant visas, fines imposed upon carriers for the violation of immigration laws, and motions for reopening and reconsideration of decisions previously rendered."	United States Deparment of Justice
B6.2.4	Are migrant domestic workers entitled to repatriation at no cost on the expiry or termination of the employment contract?	1.00	**Yes. Employers are responsible to pay for the cost for migrant domestic workers' repatriation at the termination of employment**, as specified by the contracts. According to U.S. Travel Docs, "Contract Requirements A certification that the **employer will pay** the domestic helper's initial travel expenses to the U.S., and subsequently to the employer's onward assignment, or **to the domestic helper's country of normal residence at termination.**"	U.S. Travel Docs
B6.2.5	After termination of employment AND departure from the country of employment, can MDWs still access complaint mechanisms and pursue legal civil and criminal remedies?	0.75	**Workers may file a complaint to the WHD (Wage and Hour Division) within two years after the termination of employment. However, there is no mention of whether departure from the country impacts the access to complaint mechanisms.** According to the U.S. Department of Labor, Wage and Hour Division: "Q: I haven't worked for this employer for a while. How long do I have to file a complaint? A: The FLSA contains a **two-year statute of limitations** (three-years for willful violations). This means that any part of a back wage claim which was earned more than two years before a federal court lawsuit is filed may not be collectible. To ensure we can complete our investigation before the statute of limitation expires, employees should file complaints with WHD as soon as possible." **1 - 0.25 = 0.75**	U.S. Department of Labor Wage and Hour Division