



Since 1995: Working to Advance Social & Political Justice in Our Community & Beyond

Bridgeport, CT – Boston & Hyannis, MA – 617-783-8001 – www.braziliancenter.org

June 19, 2020

To: US Department of State

Re: Testimony regarding proposed State Department rule on labor protections for Au Pairs

The Brazilian Worker Center, Inc., a member organization of the National Domestic Worker Alliance, the Massachusetts Coalition of Domestic Workers, and the Connecticut Home Care Justice Task Force, opposes the State Department's new rule regarding exemption of Au Pair exchange visitors from standard US labor laws governing domestic workers.

These young women who come to the United States through this program, no matter how much cultural learning and education they experience during their stay, are in fact domestic workers who provide live-in childcare, freeing up the time and attention of parents and meeting the increasing care needs of families in states all over the country. Au pairs are not here as principally as students, but as workers, who put in 45 hours of work per week – normally considered full-time work for other employees in our country – but they are paid less than \$200 a week.

Au pairs deserve to have the same minimum protections as regards pay as other US workers, and state and local employment laws should apply to them. Typically working and living in their employers' homes, they are also vulnerable to exploitation, and they need and deserve basic labor protections. The proposed rule would strip au pairs of the basic labor protections under local, state, and federal law that normally govern domestic workers. We have seen at our offices numerous cases, in fact, of wage theft, even at current low rates of pay, from au pairs who as foreign visitors dependent on their "host families" for room, board, and pay, are overworked without serious respect to should be expected of them.

We at the Brazilian Worker Center question why the State Department is proposing this rule excluding au pairs from standard labor protections. We think this only increases the likelihood of their suffering exploitation. The proposed rule also goes against the State Department's past statements that state and local laws, in addition to federal laws, covering au pairs. The proposed rule also goes against the First Circuit court ruling that the au pair program regulations do not preempt state laws.

Our parent organization, the National Domestic Workers Alliance, has long worked for the respect, recognition and inclusion in labor protections for domestic workers. For more information contact Rocío A. Ávila, State Policy Director, at rocio@domesticworkers.org.

Respectfully submitted,

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