

The class issues in New York City's "No More 24" home health aide bill

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A bill titled *No More 24* is currently being discussed by members of New York's City Council, which would ostensibly end a brutal policy that allows home care agencies to force their employees to work consecutive 24-hour shifts and only pay them for 13 hours.

Home care aides are caregivers who carry out vital and intimate assistance to elderly and disabled patients in their home residences. This includes helping patients maintain their hygiene and grooming, grocery shopping, cleaning the patient's home and cooking and feeding them. Home health aides also coordinate with other health care professionals and assist patients in taking their medication, checking vital signs, and scheduling doctor's visits. The critical service allows many vulnerable patients to remain in their homes and maintain their independence.

Under the current set up sanctioned by a New York State Department of Labor, home health aides are compensated for 13 hours of work for a 24-hour-day. This is justified under the pretense that aides can sleep and eat in their patient's homes and therefore should not be paid for that time. State law mandates an unpaid eight-hour period for sleep and three hours for meals. It goes without saying, that aides are also not paid for the long hours they spend on public transit getting to and back from their patient's homes.

The fact this policy has been in place for so long is an indictment of the Democratic Party, which has long controlled most of the political establishment on local and state level. It is also an indictment of the trade union apparatus, particularly in the Service Employees International Union (SEIU) Local 1199, which counts among its members roughly 130,000 home health aides, who are made up largely immigrant and minority women workers.

The conditions these workers face was described during testimony at the September 6 hearing on the bill. Home health aide Xin Li said, "I started as a home attendant in 2016. I worked 24-hour workdays for three years, three days per week. Meaning continuously working for 72 hours. My

patients are a couple. In the day I had to look after my patients the whole time to prevent them from falling down. I had to give them all my attention and at night I had to turn the bodies of the patients every two hours and change their diapers and had to carry them to the bathroom. It's impossible for me to have five hours of sleep. Now I have insomnia. I had to take pills in order to sleep."

The *No More 24* bill, proposed by freshman Councilmember Christopher Marte, would limit the workday for home care aides to 12 hours per day and 50 hours per week. But even this minor reform, which would do little to end of the brutal exploitation of these workers—has been adamantly opposed by the 1199 SEIU apparatus.

The union has opposed the abolishing of 24-hour shifts. At the hearing in City Hall, the union organized a counter-rally, albeit much smaller, where participants chanted "kill the bill!"

Inside City Hall, 1199 SEIU representatives alleged that patients would suffer from lack of care if 24-hour shifts were ended regardless of the toll it takes on workers and how such conditions could endanger patients. The union bureaucrats accept without question the limits set by the profit-driven agencies and both big business parties and reject any struggle against their allies in the Democratic Party for more funding to hire more caregivers and pay them enough so patients can receive round-the-clock care without subjecting workers to such miserable conditions. In a damning indictment of the SEIU bureaucracy itself, union representatives have argued that home health aides needed longer hours because they are paid so little!

The practice of forcing workers into consecutive 24-hour shifts while only compensating them for 13 hours per day has allowed private operators to effectively steal an estimated \$1 billion dollars per year from workers who barely make more than minimum wage.

Two Brooklyn-based home health care agencies, *All American Homecare Agency* and *Crown of Life Care NY LLC*, reached settlement agreements in March with New York state and federal prosecutors for \$6.9 million dollars

over their failure to pay home health aides barely more than minimum wage.

The companies were investigated for issuing false reports to Medicaid stating they were following the Wage Parity Act, a New York state law that stipulates that agencies that receive Medicaid funds pay their workers an additional \$4 dollars an hour above the minimum wage or provide them with sick time compensation of equivalent value.

Last year, two other New York-based home health care agencies, *Intergen Health LLC* and *Amazing Home Care Services* reached settlements with the state over allegations of repeatedly violating labor laws.

According to the *New York Focus* publication, the 1199 SEIU has repeatedly intervened to block individual lawsuits to subject all wage theft claims to mandatory arbitration with the employers, which would result in substantially lower payouts to its own members if they were successful in court.

“‘Employers would not be financially able to sustain many of these claims,’ the union concluded. In 2019, in order to stave off ‘the fragmentation and destabilization of the unionized home care sector,’ it filed a class action lawsuit on behalf of its entire home care membership that would result in a one-time payout,” the *Focus* article said.

The SEIU has had a long incestuous relationship with home health agencies, the nursing home industry and the giant hospital chains. In California, it is part of a “labor management partnership” with Kaiser Permanente, which defend the interests for the health care monopoly against its own members. The SEIU’s long-time president and now president emeritus Andrew Stern was notorious for signing sweetheart contracts with nursing home firms in order to get more dues-paying members and then lobbying his Democratic Party friends to protect the nursing home industry. Stern now sits of the board of governors of the arch school privatizer Eli Broad Foundation.

As for the Democratic Party, it has repeated defended the home health care agencies and nursing home industry, including in 2020 when state Democrats gave the companies immunity from against civil and criminal lawsuits for patients and workers infected and killed by COVID.

Despite repeated surveys that reveal home care aides find their jobs meaningful, low wages and systemic abuse have led to high industry-wide turnover, where 74 percent of New Yorkers in need of a home care aide are unable to retain one. The shortages force many elderly and disabled patients into nursing homes and assisted living facilities whose exorbitant costs are crushing to working class and lower middle class families. At the same time, nursing homes and hospitals continue to be a center for the spread of COVID.

Last month’s City Hall protests to back the *No More 24* bill were organized by the *Ain’t I a Woman?! advocacy*

group. The organization, which has spent years lobbying Democratic Party politicians in New York on behalf of home care aides, has chiefly posed the fight as a gender, not a class question.

Even if their bill passes, however, it will do little to end the oppression of these workers. The root of their exploitation lies in the backward, profit-driven health care system in the US, which is backed by both big business parties and the corporatist unions.

There is no guaranteed, government-funded home health care system as there should be for the elderly and disabled. Federal and state governments provide limited assistance to patients, and this is subject to strict income and asset limits, shifting much of the costs to families who can hardly afford it. With both political parties committed to containing or lowering Medicaid payments, the entire system depends on the super-exploitation of home health aides.

To end this requires a struggle by the whole working class against the for-profit health care system, and the transition to a socialist medical system, as part of the fight for organization of economic life based on human need, not profit.

Home health aides need to develop independent forms of struggle, rank-and-file committees, to transfer power from the corrupt union apparatuses to workers themselves. These committees must spearhead the fight to unite home health aides with broader sections of health care workers who are also fighting short staffing, the erosions of living standards by inflation, a new surge in COVID and the continued subordination of human life to corporate profit.

The World Socialist Website Healthcare Worker’s Newsletter is available to assist workers in setting up a committee at your workplace.



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