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# UNIONIZING HOME-BASED PROVIDERS TO HELP ADDRESS THE CHILD CARE CRISIS

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## INTRODUCTION

As children grow and develop, child care workers play a vital role in fostering learning and providing support in a safe and nurturing environment. High-quality child care jobs, where workers are valued and respected, benefit both workers and the children and families they serve. Child care workers are also essential to the broader economy, as children need to be cared for in a safe place when parents go to work, school, training, or meet other needs. But child care workers cannot provide adequate care if they can't take time off when they're sick, must care for too many children at once, or receive such low wages that they can't feed their own families, among other issues.

Unfortunately, the United States has historically undervalued the child care workforce and failed to foster healthy labor conditions in this industry.<sup>1</sup> In addition to more federal and state investments, strong unions for child care workers are part of the solution. This brief walks through some of the history and current landscape of the child care workforce, including which states have collective bargaining policies in place for home-based child care providers, who fall outside the traditional employer-employee bargaining model and lack a mechanism for collectively organizing and advocating for themselves. It also outlines how such policies benefit workers, families, and the economy, sharing successes from across the nation. State policymakers, child care advocates, and labor leaders can use these lessons to develop similar collective bargaining rights for these vital workers.

## BACKGROUND: HOW UNIONS COUNTER THE HARM OF RACISM AND SEXISM

From the inception of our country, Black women and other women of color have been forced into domestic labor.<sup>2</sup> First, during enslavement, Black women were made to nurse and raise children who weren't their own.<sup>3</sup> They continued to be siloed into domestic work after emancipation, as it was one of the only industries available to Black women for decades.<sup>4</sup>

During World War II, white women began to fill the gaps in the labor force left by men who had joined the armed services. At the same time, Black women continued to take care of white children as nannies and caregivers.<sup>5,6</sup> In the decades following the war, millions of white women gained employment outside the home. The glaring need for child care became apparent, leading to the domestic care labor of Black and other women of color being marketed to white families.<sup>7</sup> These roots of racial and gender oppression, discrimination, and segregation have continued to impact child care policies today.

As the cracks in the child care system have continued to worsen over the years—dramatically deteriorating as a result of the COVID-19 pandemic—states have tried to address the harmful legacy that has landed us in a system deemed “unworkable” by the U.S. Treasury Department.<sup>8</sup> States with a unionized care workforce are routinely among the most successful in addressing challenges in the child care system resulting from historical racism, sexism, and xenophobia.<sup>9</sup>

Strong unions have helped child care workers fight back against unsafe and unjust conditions for themselves and the children they serve while pushing for broader change in the industry—including higher wages and better benefits.

However, home-based child care workers and others in domestic-based occupations have been denied many labor rights and protections due to the legacy of racism and racist public policies. Many of these protections, such as those included in the National Labor Relations Act and the Fair Labor Standards Act, began under President Roosevelt's New Deal.<sup>10</sup> However, Southern Democrats, who were afraid of upsetting the economic and racial hierarchy of the Jim Crow South, worked against expanded labor rights that would provide Black and brown workers additional economic and political power. Because Southern Democrats held needed votes for passage, congressional leaders struck a compromise that exempted domestic and agricultural workers—who were overwhelmingly Black workers—from the protections of New Deal legislation.<sup>11</sup>

To address some of the inequities caused by the historical lack of labor rights, home-based child care providers in several states are working to expand protections. With unions, providers are advocating to be classified as public employees for collective bargaining purposes when serving children whose families use publicly funded care subsidies. When a state recognizes home-based providers' status as public employees, the providers can then join and negotiate with the state agency responsible for child care administration.





## PORTRAIT OF THE CHILD CARE WORKFORCE

The struggles of child care workers are a symptom of this nation's historical undervaluing of work performed by women, especially the immigrant women and women of color who disproportionately make up the child care workforce. Women represent 94 percent of early childhood providers, with 14.1 percent and 22.3 percent being Black and Hispanic, respectively.<sup>12</sup> Women—and Black and Hispanic women, in particular—are significantly overrepresented in the industry when compared to the overall American workforce.

The median pay for child care workers is just \$27,490 per year,<sup>13</sup> slightly above the poverty threshold for a family of four.<sup>14</sup> These low wages translate to high levels of poverty within the sector's workforce. In 2019, for example, all 50 states (along with D.C. and Puerto Rico) had early childhood educator workforces with poverty rates over 10 percent. The rate of poverty in 17 states and Washington, D.C., was over 20 percent.<sup>15</sup> These conditions have led to nearly one-third of child care workers experiencing food insecurity.<sup>16</sup> How can we expect our children to be taken care of when workers are worried about keeping a roof over their own families' heads or keeping food on the table?

Compensation discrimination is also prevalent when comparing wages within the industry. Black providers earn almost a dollar less per hour on average than white providers.<sup>17</sup> In 2021, 23 percent of Black female and 16 percent of Hispanic female child care workers were below the poverty line, compared to less than 10 percent of white female child care workers.<sup>18</sup>

For many providers, caring for children is a labor of love. They are passionate about the healthy development of children and understand the important and unique role they play in the formation of our next generation. For some, however, the industry's poor working conditions often mean choosing between a job they love and their family's wellbeing.<sup>19</sup> The subpar working conditions of the field have generated a worrisome shortage of workers. According to a survey by the Stanford Center on Early Childhood, "over three-quarters of center-based providers and over two-thirds of home-based providers have reported difficulty in recruiting and retaining staff."<sup>20</sup> Moreover, "inadequate resources, staff shortages, low wages, and a general lack of systemic support for the child care system have also led to the majority of providers (71 percent) feeling burned out 'often' or 'always' and less able to provide high-quality care."<sup>21</sup> If we learned anything from the last few years, it is that child care is crucial not only to families with children but also to our national economy. We should be supporting the people doing this important work.

## WHAT IS A UNION?

A labor union is an organization of workers, protected by law, who unite to have a collective voice in the terms and conditions of their work. These organizations are created, funded, and controlled by workers themselves. Unions negotiate directly with employers or other entities such as states to form labor contracts, which are terms between an employer and employees that can govern

compensation and working conditions. Workers form unions out of a need to protect themselves from inhumane working conditions and inadequate compensation, and their history in America is nearly as old as the country itself.<sup>22</sup>

Funding for unions is primarily driven by dues collected from represented workers, which are determined by either a percentage of each worker's salary or using a flat rate. By forming or joining in a union, workers can use collective bargaining—the process of negotiating over work-related issues such as workplace health and safety, wages and benefits, job training, and other aspects of employment—to improve their jobs.

## UNIQUE POLICY NEEDS FOR UNIONIZING HOME-BASED CHILD CARE PROVIDERS

Given that home-based care is not tailored to traditional employer-focused bargaining, the country's roughly 1.14 million<sup>23</sup> paid home-based child care providers, of which 1.05 million are unlicensed and 91,200 are licensed, must navigate a unique environment.<sup>24</sup> Home-based child care providers, who receive public funding, are not considered employees of the families and children they work with, but rather employees of the state that provides child care subsidies to the children in their care. Therefore, home-based providers who are designated public employees are allowed to form a union under the state as the unifying employer.

Unions for child care providers otherwise function just like any other union, in essence as micro-democracies. Home-based providers, upon being classified as public employees, come together to form a bargaining unit represented by the union. This unit would then either hold an election or have a majority of workers in the bargaining unit sign authorization forms stating their interest in forming a union. Once the union is established and recognized by the employer or, in this case, the state, members elect representatives from their own body and begin contract negotiations.

Eleven states have collective bargaining policies in place for home-based care workers, including those providing child care, with Illinois becoming the first in 2005.<sup>25</sup> Six of these states (California, New York, Connecticut, Massachusetts, Illinois, and Oregon) have also passed bills of rights for domestic care workers that are meant to alleviate their historical exclusion from basic labor protections.<sup>26</sup> One additional state, New Mexico, has authorized child care workers to organize and negotiate as part of a union, but has no current agreement.<sup>27</sup> Seven states (Ohio,<sup>28</sup> Michigan,<sup>29</sup> Wisconsin,<sup>30</sup> Minnesota,<sup>31</sup> Maine,<sup>32</sup> Kansas,<sup>33</sup> and Iowa<sup>34</sup>) previously had established that independent home-based child care providers could collectively bargain with their respective states but have since rescinded those rights.



### *AMPLIFYING WORKER VOICE*

The collective voice that a union provides child care workers is crucial to advocating for changes that benefit workers, the children they serve, and the industry. Child care providers are best able to assess their needs and workplace issues. They should have the agency to tell their story directly. Adding the voices of multiple providers together only adds value and perspective. It gives workers dignity and respect in having a say in the profession they hold and often love. Organized workers in multiple states have successfully used their union contracts to provide a seat at the table for the child care workforce in state policy decision-making.

- In **Connecticut**, child care workers established a seat for child care providers on the cabinet that oversees child care and early education decisions at the Connecticut Department of Education and a \$200,000 professional development fund.<sup>35</sup> Providers also used a day of action to pressure their state to include \$100 million of new dedicated funding for child care in the state budget.<sup>36</sup>
- In **Massachusetts**, workers used their collective bargaining agreement to guarantee a \$100,000 fund for grant writing and administrative trainings.<sup>37</sup>
- **Rhode Island** child care workers' contract included a guarantee for the right to Spanish language liaisons at the Rhode Island Department of Human Services.<sup>38</sup>

### *INCREASING WORKPLACE SAFETY AND HEALTH PROTECTIONS*

Organized labor has a longstanding history of securing important safety and health protections for workers, a role that has become increasingly important given the circumstances of COVID-19. Unions were key activists in getting the U.S. Occupational Safety and Health Act passed in 1970<sup>39</sup> and have continued their work to secure personal protective equipment for many frontline workers over the course of the pandemic.<sup>40</sup>

- In **Massachusetts**, workers advocated for and won funding for CPR classes for child care providers.<sup>41</sup>
- In **California**, Child Care Providers United, a union jointly affiliated with Service Employees International Union (SEIU) and American Federation of State, County, and Municipal Employees (AFSCME), won funding for personal protective equipment, cleaning supplies, and 16 additional paid COVID-19 closure days to help keep children and providers safe during the pandemic.<sup>42</sup>
- In **New Mexico**, organized child care workers were able to win hazard pay for child care teachers continuing to work during the pandemic.<sup>43</sup>

### *INCREASING WAGES AND BENEFITS*

Unionization is critical in attracting and retaining workers by creating livable wages and benefits. This narrows racial and gender wage gaps by providing workers the power to strengthen protections against pay discrimination and establish equitable pay grades based on skill level. In both 2020 and 2021, working women represented by unions had higher average weekly earnings than non-union workers across all races, ethnicities, and ages.<sup>44</sup> Many of the child care workers who are represented by a union were able to collectively bargain and receive these protections. This is crucial given how the industry continues to fall behind the rest of the economy in recovering from pandemic-related job losses.<sup>45</sup>

- In **Washington**, the collective bargaining agreement between SEIU 925 and the state provided health and dental care benefits to licensed home-based child care providers meeting certain criteria.<sup>46</sup>
- In **Massachusetts**, workers successfully bargained for a guaranteed 40 hours of personal paid time off and 2 days per year for professional development.<sup>47</sup>
- In **Illinois**, home-based child care providers signed a multi-year contract covering more than 15,000 child care workers. It included a 30 percent cumulative rate increase between January 2020 and December 2022, funding for in-person paid training and professional development, improvements to notification of program policy changes, and a path for providers to voice concerns around the Child Care Assistance Program application and payment processes.<sup>48</sup>
- In **New Jersey**, in-home child care providers, members of CWA Local 1037, ratified a new collective bargaining agreement with the State of New Jersey, increasing their wages by as much as 64 percent.<sup>49</sup>

### *STABILIZING THE WORKFORCE*

Addressing the child care workforce crisis is also essential to states. Improved working conditions created by collective bargaining provide much-needed stability in home-based child care. Besides increases in compensation and benefits, other union gains such as apprenticeship opportunities, professional development opportunities, and additional training can retain workers who might otherwise have to choose between their passion for educating children and working in a safe environment that provides fair compensation. Employment in the industry is still roughly 10 percent below pre-pandemic levels.<sup>50</sup> Having fewer child care workers reduces all families' ability to access affordable child care that is compatible with their work schedules.

- Imagine U is a peer-led child care recruitment program serving **Washington** state and led by the Imagine Institute, a union training fund affiliated with SEIU Local 925. Since its inception in 2016, 430 licensed care facilities have been opened by Imagine U graduates, with an additional 180 set to open this year.<sup>51</sup> In FY2021 alone, the program successfully graduated and licensed 98 interns.<sup>52</sup> These new providers are estimated to have created



900 new child care slots in the communities they serve.

- Workers in **California**, through their initial bargaining agreement with the state, won a \$40 million training fund for home-based child care providers.<sup>53</sup> Such funds are key in helping providers improve their skills and offer a career pathway that supports recruitment and retention. Funded programs include training to qualify for state credentials, support for providers pursuing college coursework, and apprenticeships.
- In **New Mexico**, organized workers were also key coalition members, along with grassroots and parent-led advocacy groups, to win a constitutional amendment dedicating a portion of New Mexico's permanent land grant fund to early education in the 2022 elections.<sup>54</sup>

## CONCLUSION

American society can't function without an accessible and affordable child care system. Key to creating and maintaining that system is valuing and supporting child care workers, especially through state legislation to ensure that home-based providers can unionize and collectively bargain. For far too long, child care providers have had their passion for educating young children weaponized against them to artificially keep their working conditions harsh and their compensation inadequate. Home-based child care is fundamental to providing access for the most vulnerable families, particularly those who work non-standard hours, speak languages other than English, have infants and toddlers, and live in child care deserts.

Unionization of home-based providers is a necessary counter to our nation's historical underinvestment—when compared to the overall workforce—in jobs performed disproportionately by women, immigrants, and people of color. **To win much-needed structural change and large-scale investment in the child care industry will take a shift in power and the mass organizing of child care workers. Union power is a key part of that equation.**

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