

# Home Care Workers Can Finally Claim Victory

By [THE EDITORIAL BOARD](#) JULY 2, 2016

Protestors for a \$15 an hour minimum wage for homecare and healthcare workers in New York last year. Credit Cem Ozdel/Anadolu Agency, via Getty Images

The Supreme Court ensured that millions of working people would get fairer treatment when it decided last week not to consider [Home Care Association of America v. Weil](#). That case was the last attempt by home care employers (mostly for-profit agencies) to avoid paying home care workers (mainly women of color) the minimum wage and overtime pay.

By declining to hear the case, the court has confirmed that there is no legal rationale for denying basic labor protections to home care workers, who care for the elderly and disabled in the clients' homes. The court's action also marks the end of a long and shameful era in labor law.

In 1975, the Labor Department issued rules that labeled home care workers "companions," akin to babysitters, a label that exempts employers from having to pay the minimum wage or overtime. The companionship label was wrong from the start, and it became increasingly intolerable as demand for home care increased and a vast for-profit industry developed to meet that demand.

Yet the label stayed in place until 2015, when new rules by the Labor Department took effect to both fix the mislabeling and compel home care employers to follow the same labor laws as other employers.

Home care agencies fought back with lawsuits, arguing that the department did not have the authority to issue new rules. The argument was absurd, not least because the Supreme Court had stated unanimously, in a case in 2007, that the Labor Department had the authority to revoke the companionship label.

Even so, it took another eight years and a push from President Obama to rewrite the rules. The delays were partly political, with states demanding more time to adjust their Medicaid programs, which pay many home care bills. Mostly though, the delays were a result of having to battle industry challenges to fair pay in every step of the rule-making process.

The new federal rules are in addition to state labor laws that protect home care workers in 21 states. These regulations are desperately needed. The elderly and disabled clientele of the home care industry is a large, growing and vulnerable group. The home care industry, while vast, is not growing fast enough to meet the demand of an aging population. Granting home care workers basic labor protections is a vital first step in ensuring quality care.