

Mandates of the Working Group on discrimination against women and girls; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences and the Special Rapporteur on trafficking in persons, especially women and children

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(Please use this reference in your reply)

22 April 2026

Excellency,

We have the honour to address you in our capacities as Working Group on discrimination against women and girls; Special Rapporteur on the human rights of migrants; Special Rapporteur on extreme poverty and human rights; Special Rapporteur on contemporary forms of slavery, including its causes and consequences and Special Rapporteur on trafficking in persons, especially women and children, pursuant to Human Rights Council resolutions 59/14, 52/20, 53/10, 51/15 and 53/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations **of a government-subsidized 24-hour workday system for home care workers in New York City that disproportionately affects women, especially migrant women, in detrimental ways.**

According to the information received:

System of 24-hour workday

In New York City, the government participates in subsidizing and administering a system of 24-hour workdays, where home care workers are required to work 24-hour shifts, three to seven days a week, providing care and support for older persons and persons with disabilities in private homes. Although home care workers are hired by agencies, both agencies and insurance companies receive New York State and federal government funding through Medicaid. These home care workers are almost exclusively migrant women, particularly those in undocumented or irregular situations. Unlike other care or household workers in the private sector, these home care workers labor under a 24-hour system operated and maintained by the government since at least 2020.

During their shifts, home care workers remain awake to provide continuous monitoring for their care and support recipients. They prepare meals and assist with feeding, while also undertaking demanding tasks such as repositioning bedbound individuals every two hours and helping them to the bathroom multiple times throughout their shift.

The 24-hour workday severely impacts home care workers' health, causing a gradual and debilitating decline in physical and mental well-being. Sleep deprivation and physical exhaustion have led to acquired impairments among women care workers and contributed to hypertension, cardiac diseases, musculoskeletal disorders, and chronic mental health issues such as depression

and insomnia, which often persist into retirement. Others also suffer from reproductive health complications.

While the government has framed the purpose of the model as necessary to provide 24-hour care, the 24-hour workdays also deprive older persons and persons with disabilities of quality care and support, potentially compromising their rights, well-being and safety.

The State government's practices, however, allegedly fail to enforce the relevant New York State labor laws that are designed to ensure just and fair conditions of work, which include the NY Labor Law § 652. The latter mandates that workers must be paid the minimum wage, and that workers must be paid for 13 hours of each 24-hour day if they are afforded eight hours for sleep, five hours of which are uninterrupted according to a Wage Order issued by the New York State Department of Labor. Moreover, under this Wage Order, workers who cannot sleep at least five hours without interruption must be paid for all 24 hours. This Order was affirmed by the NY State Court of Appeals in its decision on 26 March 2019 in *Adreyeyeva v. New York Health Care Inc.* Under current state law, insurance companies are required to split such shifts into two shifts of 12 hours, and the government is prohibited from spending public funds on home care agencies that violate the requirements of the New York State labor law.

During the past decade, domestic care workers have demanded enforcement of the law, without success. On 11 March 2015, domestic care workers from a home care agency, the Chinese-American Planning Council (CPC), filed a lawsuit against their employer through *Chan v. Chinese-American Planning Council Home Attendant Program, Inc.* ("Chan"), No. 15-cv-9605 (KBF) (S.D.N.Y.). This spurred women from many agencies to file lawsuits against other home care agencies, as well as to file complaints with the New York State Department of Labor. The case was forced into arbitration, which ultimately established a Special Wage Fund of at least 30 million USD for eligible in home and care workers.

On 14 April 2022, a New York City Council Member introduced legislation that would ban 24-hour workdays altogether and would mandate that 24-hour care be split into a minimum of two shifts of 12 hours each. The legislation gained support from a majority of Council Members. However, the Speaker of the City Council refused to allow the bill to be voted on, and it has still not been passed.

From 20 March to 25 March 2024, over 20 domestic care workers went on hunger strike in front of City Hall. Many of them said the threat of 24-hour workdays to their health was far more severe than going on hunger strike, stressing that future generations of women should not be forced to sacrifice their health and their families.

On 11 December 2024, and 12 March 2025, hundreds of domestic care workers protested at the New York State Department of Labor to demand that the Governor and the government enforce the existing law.

In addition to not enforcing the law, the Department of Labor has reportedly dismissed hundreds of domestic care workers' complaints against their employers and, at various stages, promulgated emergency rules to avoid compensating workers for their 24-hour workdays.

Domestic care workers' recent challenge to these dismissals through a lawsuit against the New York State Commissioner of Labor has been successful. On 2 January 2026, the Supreme Court of the State of New York issued a court order to reopen hundreds of wage claims, while also certifying a class of litigants against the New York State Department of Labor (NYSDOL) on behalf of home care aides forced to work 24-hour shifts for only 13 hours of pay.¹

Ms. Lai Yee Chan

In 1988, Ms. Lai Yee Chan immigrated from China to New York City. From 2001 to 2022, she worked as a home care worker for the Chinese-American Planning Council. For eight years, three to five days a week, she went to work, leaving her children at home. The person she took care of had multiple severe illnesses, was bedbound and had breathing difficulties. Every two hours, day and night, she had to turn the person's body to prevent bedsores and ensure the person was not having respiratory troubles throughout the night. She could not sleep for days in a row. Upon returning home, her sleep would be disrupted as she would wake abruptly thinking she had mistakenly fallen asleep at work.

Ms. Lai Yee Chan repeatedly reported to the agency that she could not sleep at night, but they ignored her complaints or told her that she could easily be replaced. She developed severe insomnia and arm and shoulder problems from the constant lifting of her patient. Her coworker also reported to the agency that she could not sleep. The agency reportedly did not stop assigning her 24-hour shifts and threatened to send her to jail.

Ms. Luz Estrella

In 2004, Ms. Luz Estrella migrated to New York from the Dominican Republic. For 12 years, she worked 24-hour shifts, four to seven days a week, as a domestic care worker. She was required to always remain at the side of the persons she took care of because they were too ill to feed themselves or go to the bathroom. She was not permitted time to rest or sleep. On one occasion, Ms. Luz Estrella was so overwhelmed with exhaustion that she fell asleep while changing a diaper.

Moreover, Ms. Luz Estrella was not permitted time off to be available for her family. When her daughter had a baby at the age of 15 via C-section, Ms. Luz Estrella was not able to be with her at the hospital. Additionally, she could not be at the hospital when one of her sons had surgery. When her other son was ill and vomiting blood, she had to wait a full week for a replacement before she could take time off work to care for him. She was also unable to attend her grandmother's funeral. When Ms. Luz Estrella was injured on the job, the

¹ <https://legalaidnyc.org/wp-content/uploads/2026/01/228-Decision-and-Order.pdf>.

agency did not send anyone to replace her so she could see a doctor. The agency continues to withhold outstanding wages that have accumulated for years.

Without prejudicing the accuracy of these allegations, we would like to express our serious concern at the treatment of home care workers required to endure 24-hour shifts, which would appear to allow a practice of exploitation disproportionately affecting migrant women. Such practice would violate these women's human rights to just and humane working conditions, equality and non-discrimination, health, privacy and family life, , liberty and security of person, equal protection of the law, humane and non-degrading treatment, access to justice and remedies, freedom from violence and exploitation, and life with dignity. Several indicators of forced labour, as established by the ILO², may apply to the home care workers, raising serious and pressing concerns. We are further concerned that the undervaluation of care and support work and the denial of decent work for paid care and support workers, and concentration of women in the care sector increase poverty and social exclusion of women care and support workers, particularly those who are migrant workers.

We are concerned at the government's alleged neglect of its duty to enforce existing laws stipulating adequate pay and working conditions for home care workers required to work 24-hours shifts. Furthermore, complaints against agencies, businesses, and employers who violate existing laws are reportedly systematically ignored and inadequately addressed. We are concerned that such home care workers, past and present, are denied compensation and continue to suffer the effects of inhumane, exploitative work which may amount to forced labour. We are further concerned that failure to enforce labour protections and to provide effective remedies and compensation pushes workers into poverty and undermines their right to social security.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on measures taken to improve the working conditions of care workers and eliminate the 24-hour workday system in line with international human rights standards or reform it accordingly.
3. Please provide information on measures taken to ensure access to sustainable and affordable care and support services for people who require care and support at home, while ensuring decent working conditions for home care workers.

² https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_norm/%40declaration/documents/publication/wcms_203832.pdf.

4. Please provide information on investigations, enforcement actions, and sanctions undertaken in relation to allegations that care workers are required to work 24-hour shifts without adequate wages, rest or compensation.
5. Please provide information on measures taken to ensure access to effective remedies for workers affected by 24-hour shifts without sleep or full remuneration, including payment of outstanding wages, protection against retaliation, and access to complaint mechanisms.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Claudia Flores
Chair-Rapporteur of the Working Group on discrimination against women and girls

Gehad Madi
Special Rapporteur on the human rights of migrants

Olivier De Schutter
Special Rapporteur on extreme poverty and human rights

Tomoya Obokata
Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government's attention to the Universal Declaration of Human Rights (UDHR), article 1 of which affirms the equal dignity and rights of all human beings. These principles of equality and non-discrimination are among the core elements of international law and international human rights law, as reaffirmed in article 2(1) of the International Covenant on Civil and Political Rights (ICCPR), acceded to by the United States on 8 June 1992 and in article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ratified by the United States on 21 October 1994, as well article 2 of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), signed by the United States on 17 July 1980. We also refer your Excellency's Government's attention to the ILO Abolition of Forced Labour Convention, 1957, (No. 105), ratified by the United States on 25 September 1991, which prohibits forced labour used as a means of economic coercion or discipline.

We remind Your Excellency's Government that adherence to and full implementation of ICERD are of paramount importance for promoting equality and non-discrimination and for fulfilling Your Excellency's obligations under the Convention. ICERD provides for the right to work, to free choice of employment, to just and favorable conditions of work, and to just and favorable remuneration. In addition, we would like to draw the attention of your Excellency's Government to general recommendation No. 30 of the Committee on the Elimination of Racial Discrimination on "Discrimination Against Non-Citizens" in which the Committee recommended that States "remove obstacles that prevent the enjoyment of economic, social and cultural rights by non-citizens, notably in the areas of education, housing, employment and health" (para. 29). We would also like to refer to objective 6 of the Global Compact for Safe, Orderly and Regular Migration, where States committed "to protect all migrant workers against all forms of exploitation and abuse in order to guarantee decent work" (para. 22, [A/RES/73/195](#)).

We would also like to recall the Principles and guidelines on the human rights protection of migrants in vulnerable situations ([A/HRC/37/34](#)). Particularly, we would like to draw your attention to principle 7 on the protection from violence and exploitation. This principle calls upon states to take measures to prevent and respond all forms of exploitation and violence against migrants, and guides States to "ensure that the measures taken will prevent the recurrence of abuse and are accessible to all migrants"; to "ensure that legislation and policy, as well as practice, reduce the risk that migrants will be exploited by those who offer them services or work in the formal or informal sectors, including the risk of being subject to forced labour or trafficking in persons"; and to "establish accessible and confidential services for migrants who are survivors of violence and exploitation", further establishing that migrant's experiences of violence "should be addressed without causing further victimization."

Moreover, in its latest report on the gendered dimensions of care and support systems ([A/HRC/59/45](#)), the Working Group on discrimination against women and girls highlighted that due largely to gender stereotypes, women are overrepresented in the

care sector, which is often seen as a natural extension of women's unpaid care work and thus undervalued by association. This has implications for wages, job quality, career advancement, pensions and retirement savings. Women are overrepresented among paid care and support workers, including in healthcare (as nurses, nurses' aides and home health aides), childcare (as preschool teachers, teacher's assistants and daycare workers), care and support for older persons, disability support (as assisted living facility staff, home care providers and professional personal assistants), social work (as social workers, counsellors and case managers) and domestic work (as nannies, cooks and cleaners). Women in paid care and support, especially healthcare workers and domestic workers, including migrant women, are at higher risk of gender-based discrimination and violence in their workplaces.

We would also like to highlight the UN Guiding Principles on Business and Human Rights ([A/HRC/17/31](#)), which were unanimously endorsed by the Human Rights Council in June 2011, and which are relevant to the impact of business activities on human rights. These Guiding Principles are grounded in recognition of:

- a. "States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- b. The role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights;
- c. The need for rights and obligations to be matched to appropriate and effective remedies when breached."

According to the guiding principles, States have a duty to protect against human rights abuses within their territory and/or jurisdiction by third parties, including business enterprises. As part of their duty to protect against business-related human rights abuse, States are required to take appropriate steps to "prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication" (guiding principle 1). This requires States to "state clearly that all companies domiciled within their territory and/or jurisdiction are expected to respect human rights in all their activities" (guiding principle 2). In addition, States should "enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights..." (guiding principle 3). The guiding principles also require States to ensure that victims have access to effective remedy in instances where adverse human rights impacts linked to business activities occur.³

Additionally, article 2(3) of the ICCPR affirms that "any person whose rights or freedoms as herein recognized are violated shall have an effective remedy," and article 7 of the ICCPR established that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." In general comment No. 20, the Human Rights Committee emphasized that States should not only prohibit cruel and inhuman treatment, but that they must also adopt "legislative, administrative, judicial and other measures" to prevent and punish such ill-treatment, including by private actors. Similarly, article 16 of the Convention against Torture, ratified by Your

Excellency's Government on 21 October 1994, obligates States to prevent acts of cruel, inhuman, or degrading treatment. Article 9 of the ICCPR enshrines the right to liberty and security of person. The Human Rights Committee has indicated that "security of person concerns freedom from injury to the body and the mind, or bodily and mental integrity", and that States Parties to that Covenant must take appropriate measures to address patterns of violence against vulnerable groups (Human Rights Committee, general comment No. 35 (2014), paras. 3–9). Similarly, health and care workers should be able to perform their jobs in defence of the right to health in optimal conditions, free from violence.

We remind Your Excellency's Government of the right to health, which is enshrined in article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which provides that everyone has the right to enjoy the highest attainable standard of physical and mental health. Although ICESCR has been signed but not ratified by the United States, the right to health is also upheld in other international human rights instruments, including the Universal Declaration of Human Rights (art. 25) and ICERD (art. 5 (e) (iv)), to which the United States is a party. We also remind Your Excellency's Government of article 7 of the ICESCR, which recognizes the right of everyone to the enjoyment of just and favourable conditions of work, in particular: (a) Remuneration which provides all workers, as a minimum, with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant; (b) Safe and healthy working conditions; (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays. The Committee on Economic, Social and Cultural Rights's general comment No. 23 (2016) on the right to just and favourable conditions of work clarifies that excessive working hours and denial of rest constitute violations of article 7 of the ICESCR.

We also wish to refer to ILO Convention No. 105 — Abolition of Forced Labour Convention (1957), ratified by the United States on 25 September 1991. Furthermore, the ILO identifies 11 indicators of forced labour: abuse of vulnerability; deception; restriction of movement; isolation; physical and sexual violence; intimidation and threats; retention of identity documents; withholding of wages; debt bondage; abusive working and living conditions; and excessive overtime.

Finally, we would like to highlight the most recent report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, which emphasizes the importance of addressing threats to the safety of care workers through an intersectional lens. According to the report, "certain groups of health and care workers, including Black and brown individuals, women, LGBTQIA+ persons and migrants, among other population groups, are made particularly vulnerable in the challenging, underresourced and at times dangerous contexts in which they work, and thus face a double jeopardy of abuse" (para. 40, [A/HRC/59/48](#)). The Special Rapporteur further advised States to "implement and fully comply with the International Labor Organization obligations and recommendations on safe and fair work conditions, including limits on working hours, leisure, workload,

support systems and risk assessment tools on violence and harassment” (para. 100(h), [A/HRC/59/48](#)).