

**Abstract: PAID CARING WORK IN THE HOME:
STILL UNFREE AFTER ALL THESE YEARS**

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This paper launches off from the recent U.S. Supreme Court decision in *Evelyn Coke vs. Long Island Care at Home* to address the question of why and how home care workers employed by agencies continue be excluded from minimum wage and maximum hour/overtime provisions of the Fair Labor Standards Act. I focus on the discursive construction of paid caring labor in legislative debates, court decisions, and federal regulations regarding coverage of domestic workers and home care workers under labor laws. I argue that the exclusion has rested on its dual construction as on one hand, part of the private household and family relations and therefore as governed by principles of altruism and by status obligations and on the other hand, as an extension of earlier relations of indenture and slavery and therefore as governed by principles of property.

Thus justifications for exclusion have usually been framed in terms of a) the need to protect the private sphere from outside interference in order that it can function as a haven in a heartless world and b) the household employers' entitlement to the services of domestics servants and caregivers so as to ensure that members experience the comforts of home. The notion of entitlement signals that the employer holds a quasi property interest in the employee. These two threads are also evident in immigration laws that allow certain powerful and "important" persons to obtain visas for household servants, including those providing child care and disabled or elder care.