

Law On Unionization Of Home Care Workers Continues To Shift

March 20, 2014 | [Labor And Employment, Unions And Union Membership](#)

A [new report](#) from the National Women's Law Center ("NWLC") issued March 18 confirms that the law continues to shift on the unionization of home care workers, including child care and health care providers. The employment status of these workers, who are often considered self-employed but in some cases receive payment for their services through government programs like Medicare/Medicaid, raises questions about whether they can be considered public employees for the purposes of unionization. The NWLC's report notes that since 2010, three states have disallowed unionization for these workers (including Michigan, as [we previously covered](#), but three new states have permitted it. This type of unionization is controversial and seen by many as forced unionization of independent contractor home workers, many of whom are simply caregivers for a friend or relative and not employed in any professional capacity. However, Unions have pushed to allow such non-traditional organizing as a way to combat the decline of union membership nationwide. We [have previously covered](#) these new organizing models advocated by unions. The status of bargaining rights of home care employees is also being considered the U.S. Supreme Court in *Harris v Quinn*, which [held oral argument in January](#) of this year. One issue in front of the Court was whether the plaintiff home care workers can be considered employees of the state for the purposes of unionization. A decision in that case is expected by June and may have significant impact on this type of unionization going forward.

RELATED PRACTICE AREAS

Collective Bargaining
Labor and Employment
Labor Relations
Union Avoidance

RELATED TOPICS

home care
Labor Unions