THE LAW OF CARE WORK: A WRITING SEMINAR

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Course Description

This course studies the law’s governance of care work. The care economy supplies basic needs for individuals and provides the human infrastructure for society. Care work often happens outside the traditional workplace and/or the formal labor market. Beyond the market, the family and the state also play essential roles in providing and paying for care. As a result, care work—paid, unpaid, or underpaid—raises challenging questions for and beyond employment and labor law. How does the law compensate, regulate, and evaluate care work? How does the law allocate the responsibility and costs of care? How does the relationship between the provider and receiver of care and/or the caregiver’s identities (gender/race/immigration status) affect the law’s treatment of the care work? To explore these questions, we will examine legal institutions across the bodies of employment and labor law, family law, welfare law, and immigration law. The course will predominantly focus on the United States.

As a writing seminar, this course will develop the student’s analytical writing capability through a series of writing assignments designed to break down the writing process into discernable steps, culminating in a longer paper on a topic relevant to this course. This process will include writing reaction papers, composing a paper proposal, participating in the incubator and work-in-progress workshops, revising written works, and receiving feedback from the Professor and fellow students throughout the process.

Learning Objectives

- Demonstrate knowledge of some of the major legal doctrines related to paid and unpaid care work in the United States
- Strengthen methodological and analytical tools to study law in non-traditional workplaces
- Develop competency in reading, evaluating, and critically engaging with legal scholarship
- Improve analytical writing and public speaking skills

Course Readings

This course’s reading materials include journal articles, book excerpts, and news reports, as well as cases, legislation, regulation, and other legal documents. No textbook is required. Enrolled students will find all class materials on Canvas.

Course Requirements and Evaluation

1. Class participation (20 points)

   Students are expected to read the assigned readings before class and participate in in-depth discussions. During the peer workshop sessions, students are expected to read, comment, and give constructive feedback on each other’s writing.

2. Comments (30 points)

   Students will sign up for three class days for which they will write a Comment in reaction to the assigned readings for that class. The student should post the Comment on the Discussions tab and upload it to Assignments on Canvas before the class. We will discuss the Comments
during class meetings. Students are expected to lead the class discussion over the materials for which they write a Comment.

A Comment should be between 150 and 300 words. It should be a coherent, unified, well-ordered statement that makes one argument or observation in reaction to the reading materials. Each student shall post at least one Comment by Week 7. The Instructor will provide substantive feedback on each student’s first Comment and the grade will be based on all of the Comments.

3. Semester paper writing and presentation (50 points)

The final assignment for the course is a 10-to-15-page research paper that closely examines a topic relevant to legal and social issues related to care work. The paper writing process will involve the following components. The grade will be based on a student’s performance at all steps.

1) Incubator workshop (5 points)

In Week 5, all students will present two plausible paper ideas in class and receive feedback from peers and the Professor. Each incubator presentation should consist of a 5-minute presentation followed by a 5-minute discussion.

2) Proposal (5 points)

By the end of Week 6, all students must submit a one-page proposal that describes the selected paper topic, suggests a tentative thesis, and mentions the analytical approach the paper will use.

3) Outline (5 points)

By the end of Week 9, all students must submit a 2-3 page outline. The outline shall refine the paper’s thesis, provide a roadmap for each section of the paper, and list major materials the paper plans to use. Students should sign up for at least one office-hour meeting before submitting the outline.

4) First draft

By the end of Week 12, all students must submit a rough first draft of the paper and share it with the class. The draft does not need to be finished by this time. The student can choose to submit all parts or some major parts of the paper that are adequate to convey the paper’s core idea. Students are strongly encouraged to sign up for another office-hour meeting before submitting the rough first draft.

5) Work-in-progress workshop (10 points)

During Week 13 and Week 15, all students will present their work-in-progress papers with the class. Each work-in-progress presentation should consist of a 12-min presentation and a 8-min Q&A.

6) Final paper (25 points)

The final paper is due during our final examination period. The paper should be between 10 and 15 pages long and analytically discuss an issue related to care work and the law in depth.

Course Readings
Week 1: Course Introduction

Reading:


Reading:


Week 2: Foundational Frameworks to Study Care Work

Reading:

- Work + Family Researchers Network, “Definition(s) of Carework”.

Week 3: Fantastic Laws and Where to Find them

Visit of Christian Miller, Cornell Library.

A session on research skills and resource finding.

Week 4: Care Work in Family Law

Reading:

- Hendrik Hartog, Someday All This Will Be Yours: A History of Inheritance and Old Age (Harvard University Press, 2012), 1-18, and 95-108.

Reading:

Week 5: Incubator Sessions

Each student will present their two paper ideas for four minutes, followed by 4-minute reaction from the class.

Week 6: Unpaid Care Work in Welfare and Work Law

Reading:

Reading:
- Family and Medical Leave Act of 1993, selected clauses.

End of week 6: paper proposal due.

Week 7 Care Work in Employment Law

Reading:

Reading:

Week 8 Paid Care work in Labor Law

Reading:
- National Labor Relations Act, Sec.2 (2) and (3).

Week 9 Paid Care Work and Labor Organizing

Reading:
Guest speakers: Arianna Schindle, Worker Institute, and Doris Tapia, domestic worker organizer.

Reading:
- Harmony Goldberg, “PREPARE TO WIN:” Domestic Workers United’s Strategic Transitions Following the Passage of the New York Domestic Workers Bill of Rights (Ph.D. dissertation, Cultural Anthropology, CUNY), 10-34.
- News 12 Staff, “‘Care Forward’ aims to raise standards, enforce rights for domestic workers in Park Slope,” News 12 The Bronx (Sep. 27, 2021)

**End of week 9: paper outline due.**

**Week 10: Care and Abuse**
Outline peer editing workshop and midterm review.

Reading:
- Watch the movie “I Care A Lot” (2020)

**Week 11: Care Work and Immigration Law**

Reading:

Reading:
- Observe Bridge USA.

**Week 12: International and Comparative Perspectives**

Reading:
- ILO, c 189- Domestic Worker Convention (2011), selected articles.

Guest speaker: Dr. Valentina Montoya-Robledo, Universidad de los Andes.

Reading:

**End of week: first draft due.**

**Week 13: Work in Progress Workshop Part I**

During the 75-min workshops, students will present their papers and receive feedback from the class.

**Week 14: The Future of Care Work**

**Reading:**

*(select 2 out of 4)*

- Corinne Purtill, “*Stop Me if You’ve Heard This One: A Robot and a Team of Irish Scientists Walk Into a Senior Living Home*,” TIME.
- Susan Kelley, “*Overlooked, Undervalued: Cornell Research Seeks to Elevate Home Care Workers*,” Cornell Chronicle.
- Kaela Olsen, “*Why We Need to Care about Care.com*” Medium.com.
- Eileen Boris, “*Making Care Work Green*,” LPE Blog.

Thanksgiving break—no class held

**Week 15: Work in Progress Workshop Part II**

During the 75-min workshops, students will present their papers and receive feedback from the class.

**Week 16: Reflection**

Class reflection.