



## Seattle Hotel Employees Health & Safety Initiative ♦ SMC 14.25

In November 2016, Seattle voters approved Initiative 124 which established the Hotel Employees Health and Safety Initiative as a new labor standards ordinance. **Effective November 30, 2016**, the ordinance provides protections for the health and safety of hotel employees working in Seattle. On May 31, 2018, the Office of Labor Standards published Seattle Human Rights Rules Chapter 150 - Practices for administering Hotel Employee Health and Safety Initiative requirements.

### Short Summary

#### **I. Protecting hotel employees from violent assault and sexual harassment**

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##### **A. Panic buttons for employees**

A hotel employer shall provide a panic button to each hotel employee assigned to work in a guest room without other employees present

##### **B. Protection from violent or harassing hotel guests**

A hotel employer must compile and maintain a list of all guests accused of committing an act of violence toward an employee for a period of five years from the date of the first accusation. If the accusation is about assault, sexual assault, or sexual harassment, the hotel employer must decline service to such guests for three years when supported by a sworn statement or other evidence.

##### **C. Notice of employee protections**

Hotel employer must post notice on the back of each guest room door with the heading, "The Law Protects Hotel Housekeepers and Other Employees from Violent Assault and Sexual Harassment (SMC 14.25)," and include notice that employees are provided with panic buttons.

##### **D. Protections for employees who report assault or sexual harassment**

A hotel employee who informs employer of an act of violence by a guest shall be able to transfer to different floor or work area, use paid time to contact the police or counselor, and with employee's consent report incident to the police.

#### **II. Protecting hotel employees from injury**

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##### **A. Reasonable practices to protect the safety of hotel employees**

A hotel employer must adhere to state laws regarding providing a safe workplace for their employees, including protections from exposure to chemical hazards/agents and education related to chemical hazards in the workplace.

##### **B. Restrictions on work for employees at large hotels (100 + guest rooms or suites of rooms)**

Housekeeping employees shall not be required to clean more than a maximum of 5,000 square feet of guest room space in an eight-hour workday, with reductions in the square footage for ten or more strenuous room cleaning. An employee has the right to refuse to clean additional square footage, but may voluntarily consent to do so. If an employee performs excess cleaning, the employer must pay 1.5x the employee's regular rate of pay for all time worked cleaning guest rooms during that day

### **III. Improving access to medical care for low income hotel employees**

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#### **A. Additional compensation for medical care**

**Large hotel employers** must provide additional compensation for cost of medical coverage to low-income hotel employees unless the employee receives single (or family, if applicable) medical coverage at gold level or higher from the employer at less than 5% of their monthly gross taxable earnings.

### **IV. Preventing disruptions in the hotel industry**

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#### **A. Worker Retention**

For the six months that a hotel is reopened to the public after a change in control/ownership, the incoming hotel must make written job offers to retention employees (those who worked for the outgoing employer for at least one-month before the change) before hiring new (outside) employees. If retained, the employee may only be terminated for just cause or laid off (by seniority within classification) if the incoming hotel finds that it requires fewer employees than the outgoing hotel. The incoming hotel employer must also provide the employee a written performance evaluation at 90 days. The outgoing hotel must post written notice of change in control in conspicuous place at hotel location for six months.

### **V. Enforcement**

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#### **A. Protections against retaliation**

A hotel employer cannot retaliate against an employee for asserting or exercising any of their rights under the ordinance.

#### **B. Notice, posting, and records**

A hotel employer must provide written notice of employee rights to current employees and new employees at time of hire. The notice must be in each language spoken by 10 more employees. Employers must keep records for three years and, upon request, provide the information to employees and the Office of Labor Standards.

#### **C. Private enforcement action**

Complainants can file a lawsuit and recover legal and equitable relief, and attorney fees and costs. The court also can require employer to submit a compliance report.

#### **D. Office for Civil Rights/Office of Labor Standards**

The Office for Civil Rights may conduct investigations and enforce issues that overlap with the Fair Employment ordinance, such as sexual harassment. The Office of Labor Standards issues rules, including rules that protect the identity and privacy rights of complainants, and has full enforcement authority for issues that overlap with the Wage Theft ordinance, such as failure to provide compensation for medical care.

#### **E. Penalties**

The court can require an employer to submit a compliance report and pay civil penalties to be distributed among OLS, the aggrieved employees and the person who brought the case.

## VI. Definitions

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- A. **Employee** = Hourly employee, non-managerial, non-supervisory employed by a hotel employer, or employed by a person who has contracted with the hotel employer.
- B. **Hotel** = 60+ guest rooms or suites of rooms
- C. **Large hotel employer** = 100+ guest rooms or suites of rooms
- D. **Low wage employee** = Employee whose total compensation from the employer is 400% or less of the federal poverty line for the size of the employee's household
- E. **Strenuous room cleaning** = Cleaning of check-out room or stayover room that includes a cot, rollout bed, pet bed, or crib.

## VII. Waiver

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- A. **No individual Waiver**
- B. **Employees covered by collective bargaining agreement**
  - 1. No waiver of sections re: Protecting hotel employees from violent assault and sexual harassment and applicable enforcement mechanisms under SMC 14.25.150
  - 2. Waiver for other provisions in a bona fide collective bargaining agreement, if such waiver is in clear and unambiguous terms