



In June 2018, the City of Seattle introduced a “**Domestic Workers Ordinance**” to establish certain labor standards for domestic workers in Seattle. The proposed ordinance would cover domestic workers, including both employees and independent contractors, who provide paid services to an individual or household in a private home as a nanny, house cleaner, home care worker, gardener, cook, and/or household manager.

Under the proposed ordinance, domestic workers would have the right, among other things, to receive meal periods and rest breaks. Domestic workers are not entitled to meal periods and rest breaks under current state law.

Understandably, there are questions about how meal periods and rest breaks would work in the context of domestic service. The Office of Labor Standards plans to work closely with stakeholders (*e.g.*, domestic workers, hiring entities, and advocates) to issue rules on these requirements. OLS expects that these rules would generally follow guidance provided by the Washington State Department of Labor & Industries. See Administrative Policy, ES.C.6.1. The following “Questions & Answers” provide some basic principles:

General

1. Are households required to return home to relieve domestic workers of their duties for meal periods and rest breaks?

No. Households and other hiring entities are not required to return home and physically relieve domestic workers from work duties. That said, hiring entities must provide an opportunity for *compliant* meal periods and rest breaks. If necessary, hiring entities must provide *paid meal periods* for workers who remain on-call and ready to work, or provide *additional pay* for workers who miss meal periods and rest breaks due to work responsibilities that make it infeasible to enjoy a period of relaxation.

Meal periods

1. What is a meal period?

A meal period is 30-minutes of *uninterrupted time* when the domestic worker is *completely relieved from duty*. As explained below, it may be an unpaid or paid period depending upon the circumstances.

2. When is a meal period required?

A meal period is required when a domestic worker works more than five consecutive hours. The 30-minute meal period must be provided between the second and fifth working hour. Domestic workers who work five consecutive hours or less need not be provided a meal period.

3. Can a domestic worker waive a meal period?

Yes, domestic workers may choose to waive the meal period (but not a rest break).

4. When can meal periods be unpaid?

Meal periods can be unpaid when a domestic worker is *completely relieved from duty* and receives 30 minutes of *uninterrupted time* to spend at the worker’s discretion. During unpaid meal periods, hiring entities cannot require workers to have any work obligations (*e.g.*, be required to respond to a cell phone).

(07/10/18) Note - The information in this document is not intended as legal advice and should not be used as a substitute for laws and regulations.

5. When must meal periods be paid?

Meal periods must be paid when a domestic worker is required to remain at the prescribed work site, on-call, *and* ready to return to work. For example, if a nanny is on-call at a private home and is expected to return to work at any time during the 30-minute meal period, the nanny must be paid for the time.

6. When must hiring entities provide additional payment for a missed meal period?

Hiring entities must provide an *additional* 30 minutes of pay to compensate for a missed meal period (even if already paid) when a domestic worker is required to engage in constant mental or physical exertion (*e.g.*, caring for multiple children, caring for a vulnerable adult, or when called back to work from an attempted meal period).

Rest Breaks

1. What is a rest break?

A rest break is 10 minutes of uninterrupted time when a domestic worker is completely relieved from work duties. Under state rules, a compliant rest period may be comprised of shorter intermittent breaks; under the proposed ordinance, the rest period must be *uninterrupted* and may not be intermittent.

2. When are rest breaks required?

Hiring entities must allow a rest break of not less than ten minutes for every four hours of working time. The rest break must be allowed no later than the end of the third working hour of the four-hour work working block of time.

3. Can a domestic worker waive a rest break?

No. Domestic workers cannot waive their right to a rest break.

4. Are rest breaks always paid?

Yes, hiring entities must always pay for rest breaks.

5. Does remaining on-call prevent a domestic worker from taking a compliant rest break?

Hiring entities may require domestic workers to remain on-call at a prescribed work site during their paid rest breaks provided the purpose of the rest break is not compromised. This means that domestic workers must be allowed to rest, eat a snack or drink a beverage, make personal telephone calls, attend to personal business, or make other personal choices as to how they spend their time during their break. However, if the domestic worker is called back to work activities during a rest break, then it transforms the on-call time to work time and the domestic worker must be provided with an *additional* 10 minutes of pay to compensate for the missed rest break.

6. When must hiring entities provide additional payment for a missed rest break?

Hiring entities must provide an *additional* 10 minutes of pay to compensate for a missed rest break when a domestic worker is required to engage in constant mental or physical exertion (*e.g.*, caring for multiple children, caring for a vulnerable adult, or when called back to work from an attempted rest break).