



Seattle Office of Labor Standards

Domestic Workers Ordinance

Questions and Answers

The City of Seattle has passed a **Domestic Workers Ordinance** establishing labor protections for domestic workers and creating a Domestic Workers Standards Board to make recommendations for future policy changes. Seattle is the first city in the United States to have a Domestic Workers Bill of Rights. According to the Seattle Domestic Workers Alliance, there are approximately 33,000 domestic workers in Seattle who will benefit from this landmark legislation.

The Seattle Office of Labor Standards (OLS) will implement the Domestic Workers Ordinance. In upcoming months, OLS will convene stakeholders to provide input on administrative rules and enforcement procedures. OLS also will develop and offer trainings and outreach materials.

OLS created this document to provide a preliminary explanation of the ordinance’s requirements. Our office may modify this information after issuing administrative rules in 2019. The topics that are likely to be addressed by rules include but are not limited to clarification of the definition of domestic worker; the exemption for casual basis workers; hiring entity liability; and the identified labor standards (*e.g.*, minimum wage, meal periods and rest breaks; day of rest for live-in workers; and retention of documents).

For more information, subscribe to our newsletter ([here](#)); visit our [Domestic Workers webpage](#); call 206-256-5297; or reach us electronically:

- **Domestic workers** – submit an [on-line inquiry form](#).
- **Hiring entities** – submit an [on-line inquiry form](#) or send an email to business.laborstandards@seattle.gov.

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A. General

1. Domestic workers

a. What types of domestic workers are covered by the ordinance?

The ordinance covers domestic workers who provide paid services, as employees and independent contractors, to individuals or households in a private home as a nanny, house cleaner, home care worker, gardener, cook, and/or household manager.

b. What types of domestic workers are excluded from coverage?

The ordinance does not cover the following:

- Individuals who work on a casual basis;
- Individuals in a family relationship with the hiring entity; or
- Home care workers paid through public funds.

c. What does it mean to work on a “casual basis”?

“Casual basis” refers to work that is (1) irregular, uncertain, or incidental in nature or duration, and (2) different in nature from the type of paid work in which the worker is customarily engaged.

d. What family members are included in the definition of a “family relationship”?

“Family relationship” refers to the child, spouse, parent, grandchild, grandparent, or sibling of either the hiring entity or the hiring entity’s spouse, or any domestic worker whose close association with the hiring entity is substantially similar in nature to a family relationship.

e. What types of home care workers are paid through public funds?

These are workers who, for example, are paid by funds provided by the Washington State Department of Health and Human Services.

f. Are babysitters covered by the ordinance?

Subject to OLS’s administrative rules, babysitters will likely be covered by the ordinance unless they are working on a “casual basis” (see definition above) or are in a “family relationship” with the household.

2. Hiring entities

a. What types of hiring entities are covered by the ordinance?

The ordinance covers individuals, households, and employers (e.g., businesses that provide direct services) that directly or indirectly pay a domestic worker to provide services as a nanny, house cleaner, home care worker, gardener, cook, and/or household manager.

b. Which hiring entities are liable for compliance with the ordinance?

Individuals, households, and employers who directly hire or employ domestic workers are liable for compliance with the ordinance. However, when individuals or households contract with a separate hiring entity that employs the domestic worker(s) to provide domestic services, the separate hiring entity is solely liable for compliance unless the individual or household interferes with the rights established by the ordinance.

Example: The Cortez family contracts with Carrie’s Cleaning Service to provide housecleaning services for their home twice a month. Carrie’s Cleaning Services employs three workers who provide housecleaning services to many households. The Cortez family is a “hiring entity” but one that contracts with a separate hiring entity (*i.e.*, Carrie’s Cleaning Services) employing domestic workers. Unless the Cortez family interferes with the housecleaners’ rights (*e.g.*, stops a worker from getting a rest break), Carrie’s Cleaning Service is solely liable for compliance with the ordinance.

B. Domestic workers rights

1. Overview of Rights

a. What rights does the ordinance establish for domestic workers?

The ordinance establishes the following rights for domestic workers:

- Payment of Seattle’s minimum wage;
- Provision of meal periods and rest breaks;
- Provision of a day of rest after working more than six consecutive days (live-in workers only); and
- Retention of original documents or other personal effects.

b. When do these rights go into effect?

The rights established by the ordinance go into effect on July 1, 2019.

2. Minimum wage

a. What is the minimum wage for domestic workers in Seattle?

Hiring entities must pay domestic workers *at least* the hourly minimum compensation or hourly minimum wage established for small employers (*i.e.*, Schedule 2 employers) in Seattle’s Minimum Wage Ordinance (SMC 14.19). If a domestic worker is a covered employee under Seattle’s Minimum Wage Ordinance, the hiring entity must pay the domestic worker in accordance with its employer obligations under SMC 14.19 (*i.e.*, pay the higher minimum wage required if the employer is a Schedule 1 employer). For more information, see [OLS’s Minimum Wage webpage](#) and [multi-year minimum wage chart](#).

2019 Seattle Minimum Wage

Large employers (501 or more employees) will pay a single minimum wage rate regardless of whether the employer pays towards medical benefits.

- OLS will announce the 2019 minimum wage for large employers by September 30, 2018.
- The 2019 minimum wage will be based on a \$15.45 per hour rate (*i.e.*, 2018 minimum wage for large employers who do not pay toward medical benefits), as adjusted for inflation to reflect the Seattle-Tacoma-Bremerton Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W).

Small employers (500 or fewer employees) the 2019 minimum wage rates will be:

- \$15.00 per hour or
- \$12.00 per hour if the hiring entity pays at least \$3.00 per hour towards the individual domestic worker’s medical benefits and/or the domestic worker earns \$3.00 per hour in tips.

3. Meal periods and rest breaks

a. What are the requirements for providing meal periods and rest breaks?

Under the ordinance, domestic workers have the right 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 [L&I Administrative Policy, ES.C.6.1](#).

b. 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

a. 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.

b. 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.

c. Can a domestic worker waive a meal period?

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

d. 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).

e. 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.

f. 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

a. 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.

b. 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.

c. Can a domestic worker waive a rest break?

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

d. Are rest breaks always paid?

Yes, hiring entities must always pay for rest breaks.

e. 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.

f. 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).

4. Day of rest for live-in workers

a. What are the requirements for providing a day of rest for live-in workers?

A domestic worker who reside or sleeps at a place of employment cannot be required to work more than six consecutive days for the same hiring entity without an unpaid, 24-hour period of consecutive rest.

5. Retention of documents

a. What are the privacy protections for a domestic worker's original documents and personal effects?

Hiring entities are prohibited from keeping any domestic worker's original documents or other personal effects (*e.g.*, passport, work permit, visa).

6. Model notice of rights

a. What is the model notice of rights?

OLS will make available (*e.g.*, post on-line) a model notice of rights in English, Spanish and other languages. The model notice of rights will include an explanation of the domestic worker's rights provided this ordinance and space for the hiring entity to state the established pay for the provision of domestic services.

b. Are hiring entities required to provide domestic workers with the model notice of rights?

No, hiring entities are *not* required to provide domestic workers with the model notice of rights. That said, OLS strongly encourages hiring entities to provide domestic workers with this information.

C. Domestic Workers Standards Board

1. What is the Domestic Workers Standards Board?

The Domestic Workers Standards Board provides a forum for hiring entities, domestic workers, worker organizations, and the public to consider, analyze, and make recommendations to the City on other possible legal protections and standards for domestic workers. The Office of Labor Standards will provide staffing and logistical support for the Board.

2. How many members will serve on the Board?

In 2019, the Board will consist of nine members. In 2020, the Board will increase to 13 members.

3. How will members of the Board be appointed?

Initially, the Mayor and City Council will each appoint four members, and the Board will appoint the ninth member. In 2020, the Mayor and City Council will each appoint one additional member and the Board will increase to a total of 13 members. In making Board appointments, the Mayor and Council will consider representation from vulnerable communities, such as the elderly rights community, disability rights community, and youth communities.

4. When will the Board start convening?

The Board will hold its first meeting during the first quarter of 2019. Within six months, the Board will submit a work plan of topics to the Mayor and the Housing, Health, Energy and Worker's Rights Committee chaired by Councilmember Mosqueda.

5. What are some of the topics that the Board will consider?

The Board, pursuant to its workplan, shall provide recommendations on the following subjects:

- a. **Training**, for hiring entities and domestic workers on labor protections; discrimination and sexual harassment; workplace safety standards; and tax payments;
- b. **Job skills**, and potential accreditation or certification for domestic workers;
- c. **Wage standards**, including overtime, and pay differentials;
- d. **Access to paid leave and benefits**, such as sick leave, family leave, time off for bereavement, vacation, retirement and health care benefits, through a leave bank or portable benefit structure;
- e. **Workers' compensation and temporary disability insurance**, such as insurance coverage for domestic workers who are injured on the job but who are not currently covered by state law;
- f. **Hiring agreements**, between domestic workers and hiring entities;
- g. **Work schedule changes**, including notice or compensation requirements for a work schedule changes;

- h. **Outreach and enforcement strategies**, to provide effective information to both hiring entities and domestic workers to ensure compliance with applicable labor standards; and
- i. **Other emerging issues**, as determined by the Board.

D. Protection from retaliation

1. Does the ordinance prohibit retaliation?

Yes. Retaliation is illegal. Hiring entities are prohibited from taking an adverse action or discriminating against domestic workers who, in good faith, assert the rights established by this ordinance. These rights include but are not limited to:

- a. Engaging in the protections afforded by this ordinance (e.g., taking a meal period, rest break, or day of rest);
- b. Asking questions about domestic worker rights;
- c. Filing a complaint about alleged violations; and
- d. Participating in an investigation of alleged violations.

E. Office of Labor Standards

1. Rulemaking

a. What is the rulemaking process?

OLS will convene domestic workers, worker advocates, and hiring entities to obtain input on the areas of the ordinance that will benefit from clarification and guidance. Possible rule topics include but are not limited to clarification of the definition of domestic worker; the exemption for casual basis workers; hiring entity liability; and the identified labor standards (e.g., minimum wage, meal periods and rest breaks; day of rest for live-in workers; retention of documents). OLS plans to issue final rules in 2019.

2. Outreach

a. What types of outreach will be conducted for workers and hiring entities?

OLS will provide trainings and develop informational materials for domestic workers and hiring entities. For updates, subscribe to our newsletter, [here](#).

3. Enforcement

a. How will this ordinance be enforced?

OLS has the authority to conduct investigations and impose remedies for violations of this ordinance. However, OLS recognizes that outreach to and education for domestic workers and hiring entities is the first priority. Domestic workers need to be informed of their rights and households will have to understand their obligations as employers. OLS looks forward to working closely with stakeholders to develop enforcement procedures that will meet the unique needs domestic workers and hiring entities.

b. Can domestic workers file a lawsuit for violations of this ordinance?

Yes. Domestic workers can initiate a civil action to address violations of this ordinance.

c. What is the statute of limitations for bringing a complaint to OLS or filing a law suit?

The statute of limitations is three years.