



Seattle Office of Labor Standards

Domestic Workers Ordinance

Meal Periods & Rest Breaks

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 ordinance requirements for **meal periods and rest breaks**. Our office may modify this information after issuing administrative rules in 2019.

Under current state law, domestic workers are not entitled to meal periods and rest breaks. Understandably, there are questions about how meal periods and rest breaks would work in the context of domestic service. OLS expects that our rules would generally follow guidance provided by the Washington State Department of Labor & Industries. See [L&I 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).

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).