



# **Washington Workers Rights Manual**

## **Revised 2021**

Find the most up to date manual at:

**[www.RightsAtWorkWA.org](http://www.RightsAtWorkWA.org)**

**A project of the Washington Labor Education and Research Center**

**In Partnership With**

**Washington State Labor Council, AFL-CIO**

**MLK Labor**

**Fair Work Center**

**Casa Latina**

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### **About the Washington Labor Education and Research Center**

The mission of the Washington State Labor Education and Research Center is to deliver high-quality education and training programs for the working women and men of Washington State. In addition to publishing this manual/website, the Labor Center builds the skills, confidence and knowledge workers need to improve their work lives and their communities and promote a just economy through collective action. As a unique program within higher education in the state, we use the best practices of adult education to serve our dynamic and diverse labor force.

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This project grew out of Professors Sarah Ryan and Arlene Sandifer's class *Justice at Work*, taught at Evergreen State College in 2005. Their students researched the information for the manual's first edition in 2007. Thanks to all the work done by former Labor Center staff, including Nina Triffleman, who produced the first two editions, and Kia Sanger, who carried the concept forward and produced revised editions in 2014 and 2015. This 5th edition is current as of August 2021.

## Preface

The online version of the Workers' Rights Manual is written to be an easy-to-use reference guide to workplace rights covered by federal, state and local laws. However, this is not a substitute for legal advice. If you need practical legal assistance, please contact an attorney or one of the community services listed in the **Resources Chapter** at the end of the manual.

If you want a copy of this manual and are unable to download and print it from the website, or if you want your organization added to the resource section, please contact us at the Labor Center. The Labor Center takes no responsibility for any content in the linked materials. We hope this latest online guide is useful—please give us feedback using the comment form at [RightsAtWorkWA.org](https://RightsAtWorkWA.org).

David West  
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## Introduction

The labor movement and its community allies are constantly working to strengthen and build on our rights at work – fighting and winning protections at the local, state and federal levels. We at the Labor Center teach workers about the rights that have been won. One of our goals is to ensure that each worker has access to good tools to learn about their rights at work, how to protect those rights, and what resources are available to help.

This 2019 Workers Rights Manual, our 5th Edition, has a new focus—the five basic rights that all workers should enjoy at their workplaces. There are literally hundreds of laws affecting employment and work, enforced (or not enforced) by local, state and federal government agencies. Most of them fall under one of the five categories this manual highlights:

*the right to be paid*

*the right to care for yourself and your family*

*the right to be free of discrimination*

*the right to be safe at work*

*the right to organize*

In addition, we have tried to make information on workers' rights easier to access and easier to use. By using this new framework, and by moving the manual to a mobile- friendly website, we can help ensure that this information travels far and wide.

On behalf of the Labor Center and our community and labor partners, we thank working people worldwide and throughout history who fight and sacrifice for the rights of us all.

Adair Dammann, Director  
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# Chapter 1: Your Right to Be Paid

*This Chapter covers the minimum wage, tips, prevailing wage, overtime, rest breaks, benefits, firing and unemployment, and laws covering special groups and situations.*

## 1.1 Minimum Wage

### Summary

**Washington's 2021 minimum wage is \$13.69 per hour.** 14- and 15-year-olds may be paid 85% of the minimum wage - \$11.64 in 2021, and certificated student workers and student learners may be paid 75% of minimum wage (\$10.27/hr.)

The minimum wage is the minimum amount an employer can pay you for each hour that you work, are being trained, are required to stay at the worksite, or commute between worksites on a single job. Washington's minimum wage law covers *almost all* workers in both agricultural and non-agricultural jobs and covers both documented and undocumented workers.

**Raising the Bar!** These two cities offer higher minimum wages under certain circumstances:

- **SeaTac** - The living wage rate in effect for hospitality and transportation industry employees within the City of SeaTac, including SEA Airport, is [\\$16.57 per hour in 2021](#) and will be adjusted each year for inflation.
- **Seattle** - Seattle's minimum wage law is being phased in under a two-part schedule for large and small employers. The 2021 minimum wage rates, which cover all workers working in the City of Seattle are shown below. Get details here from Seattle's Office of Labor Standards (<https://www.seattle.gov/laborstandards/ordinances/minimum-wage>).

Seattle Minimum Wage - 2021	
Large Employers (500 or more employees) - \$16.69/hour	
Small Employers (fewer than 500 employees)	
Does employer pay toward medical benefits and/or does employee earn tips?	
No	Yes
\$16.69/hour	\$15.00/hour

### Seattle Minimum Wage for Uber and Lyft Drivers

Seattle's new TNC (Transportation Network Company) Driver Minimum Compensation law became law on January 1, 2021. The law requires TNCs like Uber and Lyft to pay a minimum

per mile and per minute rate and provide certain other protections, like tip protection and a right to be provided personal protective equipment during the pandemic.

As of April 1, 2021, the minimum per mile rate is \$1.33 and the minimum per minute amount is \$0.57. For all trips, including if the customer or TNC cancels the trip, the driver must be paid a minimum of \$5 per trip. Read more about the minimum compensation law at the City of Seattle's [website](#).

## FAQs: Minimum Wage

**My employer says they only have to pay me the federal minimum wage. Is that true?**

**No.** If there are differences between federal, state, or city minimum wages, your employer must pay you the highest wage that applies.

**If my employer changes my shift at the last minute, do they have to pay me extra?**

**Depends on what city you work in.** In Seattle, very large retail and food businesses must provide extra pay for schedule changes or to work shifts less than 10 hours apart (see the [Secure Scheduling](#) section below for details). Outside of Seattle, an employer is not required by law to give you advance notice about your shift changing or pay extra if they make your shift longer or shorter.

**Can my employer ask me to work off the clock?**

It is illegal for your employer to not pay you the minimum wage or ask you to work “off-the-clock” (without pay). Employers must pay employees for all “hours worked.” “Hours worked” means all work requested, permitted, or allowed while on duty at the workplace, and includes travel time, training and meeting time, wait time, on-call time, preparatory and concluding time, and may include meal periods.

## Learn More: Minimum Wage

For general information on the state minimum wage, see WA Labor and Industries Minimum Wage page (<https://lni.wa.gov/workers-rights/wages/minimum-wage/index>).

The minimum wage does not cover true independent contractors, but employers can't avoid paying minimum wage by labeling a worker as an "independent contractor" unless they meet all the legal tests. There are also minimum wage exemptions for some types of workers, including some workers with disabilities, those in on-the-job training programs, student workers and students in job training and apprentices. For more details on who's covered by the minimum wage, see L&I's policy on Minimum Wage Applicability [https://lni.wa.gov/workers-rights/\\_docs/esal.pdf?utm\\_medium=email&utm\\_source=govdelivery](https://lni.wa.gov/workers-rights/_docs/esal.pdf?utm_medium=email&utm_source=govdelivery)

## Minimum Wage Resources:

If your employer does not pay you the correct minimum wage, you can contact the Washington State Department of Labor and Industries' (L&I) employment standards office at (360) 902-5316 or toll-free at 1 (866) 219-7321 to report your employer or file a complaint. Interpreter services are available.



If you work in the City of Seattle and believe that your wages are not correct, visit the Office of Labor Standards(<https://www.seattle.gov/laborstandards>) or office to get more information and to file an anonymous claim. The City of SeaTac also enforces its own minimum wage law.

## 1.2 Tips & Service Charges

In Washington State, employers must pay employees all tips, gratuities and service charges added to the customer's bill, unless the bill says otherwise. Your employer is not allowed to count tips and service charges as part of your minimum wage payment. A valid tip pool cannot include an owner or manager. For more details, see Washington's Department of Labor and Industries (L&I) "Tips, Gratuities and Service Charges, (<https://lni.wa.gov/workers-rights/wages/tips-and-service-charges>).

### FAQs: Tips and Service Charges

#### Are mandatory tip pools (required by the employer) allowed?

State law does not prohibit a tip pool amongst employees established by an employer. A tip pool established by an employer may not include individuals who are exempt from the definition of "employee" under Washington Statute RCW 49.46.010(3), such as managerial or supervisory workers, executive, administrative, or professional employees.

#### What are the requirements for service charges?

Service charges are a type of automatic charge added to a customer's bill for services related to food, beverages, entertainment, or portage. **Employers must disclose the percentage of the service charge that is paid to the employee or employees serving the customer.** This information must appear in an itemized receipt and in any menu provided to the customer. If any portion of a service charge is not clearly designated as being retained by the employer, it is due to the employee or employees serving the customer.

#### How soon after they are received must the employer pay tips, gratuities, and the employee portion of a service charge to their employees?

Cash tips and gratuities (or the share of tips and gratuities due to the employee from a pool), or the employee portion of a service charge received in cash, may be retained by the employee. If received by the employer (for instance, tips paid by credit card), the employer must pay tips, gratuities, and the employee portion of a service charge to the employee no later than wages earned in the same period are paid.

## 1.3 Overtime

### Summary

In most industries, you must be paid 1.5 times your regular rate of pay for all hours that you work over 40 in a seven-day workweek. For example, if you regularly earn \$20 per hour and work 45 hours in one week, your pay rate would be \$30 per hour for 5 hours of overtime.

## ***Raising the Bar! Overtime***

### **Health Care Workers Overtime**

As of January 1, 2020, Washington has changed the nurses' mandatory overtime law. Certain employees of health care facilities may not be required to work overtime and cannot be compelled or forced to work beyond their regularly scheduled shift. Employees who work more than 12 consecutive hours must be given the option to have at least eight consecutive hours of uninterrupted time off. For more details on which employees and which hospitals will be covered as the law phases in, visit L&I webpage on Mandatory Nurse's Overtime:

<https://lni.wa.gov/workers-rights/wages/overtime/mandatory-nurses-overtime>.

### **Farm/Agricultural Workers Overtime**

Farm workers won a historic victory in 2021 with passage of a law phasing in overtime pay in Washington over the next three years. When the law is fully phased-in in 2024, Washington will become the first state in the nation to provide all farm workers the right to overtime after a 40-hour workweek. Dairy workers are eligible for overtime as of July 25, 2021. Here is the phase-in schedule for all other farm workers:

- Beginning January 1, 2022, agricultural employees will be paid overtime (time and half) for more than 55 hours in any one workweek
- Beginning January 1, 2023, agricultural employees will be paid overtime (time and half) for more than 48 hours in any one workweek
- Beginning January 1, 2024, agricultural employees will be paid overtime (time and half) for more than 40 hours in any one workweek

### **Workers in Executive, Administrative and Professional Roles**

Washington State is raising the minimum wage and overtime threshold (salary level) for workers who primarily perform "executive, administrative, and professional" (EAP) duties each year for the next 8 years. You must earn more than the following threshold to be denied overtime pay: if you work for an employer with 50 or less employees, the 2021 overtime salary threshold is \$821.40/week (\$42,712.80/year). For large businesses (51 or more employees) the 2021 overtime salary threshold is \$958.30/week (\$49,831.60/year) If you earn less than these thresholds, you are covered by state minimum wage and overtime rules. There are also changes in the thresholds for exempt computer professionals paid by the hour.

Find more information on the Washington State EAP changes here:

<https://www.lni.wa.gov/workers-rights/wages/overtime/changes-to-overtime-rules>

## **FAQs: Overtime**

### **Do all workers qualify for overtime?**

There are some types of workers who do not have the right to overtime pay. These include workers who live at their workplace, most agricultural employees, certain salaried employees, and true independent contractors. Sometimes, employers use the words "exempt" and "non-

exempt” when referring to whether an employee is entitled to overtime. For more information call the Department of Labor and Industries at: **(866)219-7321**, or see: <https://lni.wa.gov/workers-rights/wages/overtime/>

### **Do I Still Get Overtime If I Choose To Take An Extra Shift?**

Yes. Even if you volunteer to take an extra shift or trade a shift, your employer still has to pay you overtime for all hours that you work over 40 in a week. Your employer can’t have a policy that says you don’t get paid overtime unless it is approved or scheduled in advance.

### **Can My Employer Make Me Work Overtime?**

Yes. Most employers can make you work overtime even if you don’t want to, and even on a day that you usually have off.

### **What About Agreements to Take Time Off Later Instead of Overtime Pay?**

If you work for a public agency, you can request time off at a later time instead of being paid overtime wages in the pay period when you worked the overtime hours. This is sometimes called "comp time" or "exchange time."

- When you take the time off, it must be at the rate of at least 1.5 hours for each overtime hour worked.
- Comp or exchange time must be at your request
- If you do not use your comp time within the year, it must be paid out (cashed out) at the overtime rate.

### **Learn More: Overtime**

Your employer is not required by law to pay you overtime to work on a holiday or weekend, but some employment and union contracts do include that.

Overtime laws do not cover true independent contractors, but employers can’t avoid paying overtime by labeling a worker as an “independent contractor” unless they meet all the legal tests.

If you are called an “exempt” employee, it means that your employer has determined that you are not entitled to overtime.

## **1.4 Prevailing Wage**

Prevailing wage is the hourly wage, expected benefits and overtime rates paid to the majority of workers employed on government construction projects in the largest city in each county in Washington State. Prevailing wage laws say that if the federal government or Washington State is funding your construction job, you must be paid the prevailing wage. You can look up the prevailing wage for your county and trade at: <https://lni.wa.gov/licensing-permits/public-works-projects/workers>

## 1.5 Rest Breaks

### Summary

In Washington, most workers are entitled to rest breaks:

	<i>Rest Break</i>	<i>Meal Break: Paid or Unpaid</i>	<i>Breast-feeding Break</i>
<i>How long?</i>	10 min.	30 min.	As long as needed
<i>How often?</i>	Every 4 hours worked	1 for less than 11 hours total worked. 2 for more than 11 hours worked.	As frequently as needed
<i>Is it paid?</i>	Yes	Employer's choice	No
<i>Can it be split up?</i>	Sometimes	Paid: yes Unpaid: No	N/A
<i>Can you choose not to take it?</i>	No	Yes	Yes

### Domestic Workers rest rights in Seattle:

Domestic workers in Seattle, both employees and independent contractors – working in private homes as a nanny, house cleaner, home care worker, gardener, cook, and/or household manager, have the following rights to rest breaks:

- A 30-minute uninterrupted meal break if you work for more than five hours in a shift in the same home
- A 10-minute uninterrupted rest break for every four hours of work in the same home
- If you can't take a break, your employer must provide additional pay for the missed break
- If you are a live-in caregiver, you must receive a day of rest after working more than six days in a row

### ***Raising the Bar! New Meal and rest period rules for healthcare facility workers***

A recent Washington law gives many health care facility employees more certain rules on meal and rest periods. The law covers most hourly and union employees involved in direct patient care.

- Meal and rest periods must be scheduled and uninterrupted unless there is an unforeseeable emergent circumstance, or a situation that could lead to an adverse effect on a patient.
- Interrupted rest breaks must include an additional 10 minutes of uninterrupted time and be given as early as possible.

- Employer must record all missed meal or rest periods and keep these records on file.

For more details visit L&I webpage on Mandatory Nurse's Overtime and Rest

Breaks: <https://lni.wa.gov/workers-rights/wages/overtime/mandatory-nurses-overtime>

## 1.6 Pay Periods, Pay Statements, Paycheck Deductions and Benefits

### Summary

You must be paid *at least once a month* on a regularly scheduled payday. When you leave your job, your employer must pay you for all unpaid wages no later than the end of the next regular pay period. Each time you are paid, you must receive a written statement from your employer (usually a paycheck stub) that includes information about the pay period, hours of work, rate of pay and any deductions.

Washington requires employers to keep payroll records for at least three years, and employees have the right to request copies of these records. For more info on payroll records and pay stubs, see the L&I Payroll and Personnel Records webpage: <https://lni.wa.gov/workers-rights/workplace-policies/payroll-and-personnel-records>

**Deductions** from your pay are only legal if they are required or permitted by federal or state law or if you agree to them in advance. All deductions from your paycheck must be listed and explained on your paycheck stub. These deductions can include things like taxes, Social Security and Medicare, insurance, garnishments and union dues.

### Your employer cannot deduct:

- Payments for loans, housing, transportation, tools or food *without your permission*.
- Payments, even with your permission, if they reduce your wages to below the minimum wage, or if the company makes a profit from selling you these things.
- Money for unemployment compensation.
- Money to pay for equipment that you accidentally lost or broke.
- Money to cover a cash register shortage – except during your *final* pay period and only if your employer can prove that you participated in counting the register before and after your shift and you were the only person using it.

**TIP:** You should keep your own records of the hours you have worked and what you believe you should be paid. This can help you if you ever need to file a wage theft claim.

### Benefits

Common benefits include health insurance, pension, 401K and other retirement plans, vacation leave, paid sick leave, paid maternity leave, childcare, club memberships and bonuses. An employer offers these in addition to wages or salary. Paid sick leave is now required under Washington state and Seattle laws. Otherwise benefits are usually optional unless your employment contract requires them or a city ordinance requires them.

**New! Seattle Transit Benefit** - Seattle businesses with more than 20 employees must offer all employees a pre-tax payroll deduction for transit or van-pool expenses. The Seattle ordinance encourages commuters to use transit to reduce traffic and carbon emissions. Because the deduction is pre-tax, the law has the added benefit of lowering the tax bills for both workers and businesses. Employers offering full or partially-paid transit passes are exempt from this requirement. For more info, see Seattle OLS's Commuter Benefits webpage: <https://www.seattle.gov/laborstandards/ordinances/commuter-benefits>

## **FAQs: Pay Deductions**

### **What About Uniforms and Personal Protection Equipment and Clothing? What Does My Employer Have to Pay For?**

Clothing that has an uncommon color, function, style or has a logo – i.e. is unusual in some way (like a cowboy hat, for instance), is usually considered a uniform and your employer has to pay for them. Your employer may not take money from your wages or require a deposit from you for your uniform. Some required clothing is not considered a uniform and you might have to pay for it. For instance, it is not considered a uniform if you are required to wear common colors for tops and bottoms, like a white top and black pants. For more information see this L&I website: [www.lni.wa.gov/workers-rights/workplace-policies/Uniforms](http://www.lni.wa.gov/workers-rights/workplace-policies/Uniforms) For jobs where you could be injured, your employer is generally required to provide, free of cost to you, safety equipment such as protective gloves, helmets, goggles, and other clothing to protect you from injury or sickness on the job.

## **1.7 Agricultural Workers - Special Wage and Hour Laws**

Agricultural work includes growing, producing and harvesting farm, nursery, or forest products as well as working with livestock, bees, sheep, goats, poultry or wildlife. It could be migrant or seasonal work, or it may be year-round.

### **Minimum Wage and Agricultural Workers**

If you are an agricultural worker your employer may pay you on a piece rate basis or salary basis, but that rate must equal the minimum hourly wage of **\$13.69** in Washington State in **2021**, and \$11.64 for minors under age 16 (85% of the minimum wage).

There are a few limited exceptions when agricultural workers do not have to be paid the minimum wage. For information on these exceptions and other agricultural workers rights see: <https://lni.wa.gov/workers-rights/agriculture-policies/wages>

A new 2021 law expands overtime pay protections to all agriculture workers and will be phased in starting in 2022. See Overtime section 1.3 above.

## **Breaks**

Agricultural workers have the right to the same breaks as non-agricultural workers:

- One 10-minute paid rest break for every four hours worked.
- One paid or unpaid 30-minute meal break if working more than five hours in a day.
- One additional 30-minute meal break if working 11 or more hours in a day.

### Agricultural Work Recruiting Rights (Migrant & Seasonal Workers)

If you are recruited (hired) to do seasonal agricultural work away from home, you have rights guaranteed by the federal Migrant and Seasonal Agricultural Worker Protection Act. As soon as you agree to work for your employer, s/he must give you written information in your native language about your workplace, wage, crop, duration of job, housing, transportation, benefits, and whether there is a strike or work stoppage at the farm where you will work.

### Agricultural Workers under Age 18

To protect agricultural workers under age 18, there are special rules about work hours and what tasks you can perform. Please see [Chapter 6.4](#) for more information.

## 1.8 Firing and Other Terminations

### Summary

If you've been fired, was it for a legal reason? Most non-union private sector workers are employed "at-will," meaning that the employer can fire you for almost any, or no reason at all. However, most public sector (government agency) employees and most union workers cannot be fired unless their employer has followed certain procedures and/or can show they have a good reason to fire you.

Whether you are employed "at-will" or not, you cannot be fired for **discriminatory reasons, retaliation for whistleblowing or filing a formal claim defending your workplace rights, or for concerted activity.**

There are some important exceptions to these rules. Organizing and forming a union are **not** protected rights for all farm workers, domestic workers, independent contractors, supervisors (if they have the power to hire and fire employees), and confidential workers.

### Did My Boss Have the Right to Fire Me?





In general, it is illegal to fire you:

- For organizing with other workers to try to improve working conditions, in person or online.
- For joining or forming a union with your co-workers, or for union membership or support.
- For filing a health, safety or other official complaint or advocating for other workplace rights.
- In Washington State because of your age, ancestry, citizenship status (if you are legally allowed to work in the United States), color, creed, disability, gender identity, genetic information, military status, national origin, political ideology, race, religion, sex, pregnancy, or sexual orientation.
- For refusing to give your employer your username and/or password to social media sites.

If you think your employer discriminated when firing you, you should file a complaint as soon as possible. *Please see **Chapter 3: Discrimination** for information on filing a complaint.* If you are in a union, check with your steward or representative about the discipline and dismissal process. If you work in the public sector, check with an attorney or your employer's human resources department about dismissal rules.

## FAQs: Firing:

### When should I receive my final paycheck?

Your employer must pay you for all unpaid work hours in your last paycheck on your next regularly scheduled payday. Your employer **cannot** withhold your paycheck, for example, until you turn in your keys or uniform. If your employer does not pay you for any hours that you have worked, they are breaking the law.

## Learn More: Firing and Terminations

### More on Good Cause

If you quit because your working conditions were beyond what any reasonable person would tolerate, it may be considered a good cause. Before you quit, it's a good idea to talk to an attorney, your union representative, or the ESD about whether your reason for quitting might qualify as good cause.

If you were fired through no fault of your own, such as not having the skills to do the job, you may be eligible for unemployment benefits. If we decide you were fired or suspended for *misconduct* or *gross misconduct*, you will not qualify for unemployment benefits. See ESD rules here: <https://esd.wa.gov/unemployment/laid-off-or-fired>

## Non-Compete Clauses in Employment Agreements

“Non-compete” agreements prohibit workers from joining or starting competing businesses, usually within set time periods or regions. These agreements currently cover approximately one out of every five workers, including 14% of workers earning less than \$40,000 a year. While



they are more common in high-skill jobs, they can be found across all occupations, industries, and income levels, including retail, hair styling and fast food.

As of January 1, 2020, a non-compete clause or non-compete agreement is only enforceable in Washington where the employee is earning more than \$100,000 per year (\$250,000 for independent contractors).

The minimum salary thresholds are also tied to inflation with new levels calculated each year. After January 1, 2020, any worker with a current non-compete agreement earning less than the limit is not bound and the agreement is not enforceable. Employers must disclose the terms of the non-compete in writing prior to or at the same time the employee accepts an

## 1.9 Unemployment

**Unemployment Insurance (UI)** is a program managed by WA State that gives payments to qualified people who lose their jobs through no fault of their own. These payments should help you pay your bills until you find a new job. To receive UI payments, you must file a weekly claim. For detailed information on Unemployment Insurance, read on and visit the Washington State Employment Security Department's homepage: <https://esd.wa.gov/unemployment>

### Coronavirus and Unemployment

If you have Coronavirus or have been quarantined for Coronavirus exposure and do not have paid sick leave (see [Chapter 2](#)), you may qualify for unemployment under a Washington Employment Security Emergency Rule (March 2020). Under this rule, the employer may offer you work that you can do at home or while in isolation. In March 2021, the federal government announced that workers whose UI benefits were denied because they refused to return to unsafe workplaces, or turned down positions because of those concerns, would be eligible for unemployment through the Pandemic Unemployment Assistance (PUA) program. Unemployed independent contractors and Gig Workers can also qualify for special pandemic unemployment benefits. See ESD's COVID-19 Information page <https://esd.wa.gov/newsroom/covid-19>.

### FAQs Unemployment

#### Do I qualify for Unemployment Insurance (UI)?

Generally, you qualify for unemployment benefits if:

- You lose your job through no fault of your own.
- You worked at least 680 hours (about 1/3 of a year, full time) the previous year.
- You have documentation that allows you to work legally in the USA.
- You were laid off or your hours were reduced due to lack of work.
- You are physically and mentally able to work.
- You are available for and actively seeking a new job.

Special circumstances may also qualify a person for unemployment insurance benefits. These include: domestic violence or stalking victims who voluntarily quit to protect themselves or their families; some situations where people voluntarily quit because their spouses are transferred; and union workers who are not working because of a lockout during contract negotiations.

### What if I quit my job?

You still may be able to receive unemployment insurance if you had a legally recognized "good cause" reason to quit under extremely difficult circumstances. There is also a list of "good-cause" reasons in the Handbook for Unemployed workers from the Washington State Employment Security Department (ESD). <https://esd.wa.gov/unemployment>

### Who Does *Not* Qualify for Unemployment Benefits?

People working in these situations are probably not eligible for benefits:

- Independent contractors (See Learn More section for details)
- Independent salespeople who work on commission away from their employer's office location.
- School employees in between terms.
- Union members on strike, or union members honoring another union's strike.
- Elected government officials.
- Church employees.
- Appraisers.
- Amateur sports officials, like umpires and referees.
- Work-study students.
- Licensed real-estate agents, brokers and investment company agents.
- Travel agents paid on commission.

### Learn More: Unemployment

#### Good Cause (Note to translation – this section is repeated from above)

If you quit because your working conditions were beyond what any reasonable person would tolerate, it may be considered a good cause. Before you quit, it's a good idea to talk to an attorney, your union representative, or the ESD about whether your reason for quitting might qualify as good cause.

If you were fired through no fault of your own, such as not having the skills to do the job, you may be eligible for unemployment benefits. If we decide you were fired or suspended for *misconduct* or *gross misconduct*, you will not qualify for unemployment benefits. See ESD rules here: <https://esd.wa.gov/unemployment/laid-off-or-fired>

## Independent Contractors

While independent contractors do not qualify for unemployment (you may be able to opt-in), employers can't avoid paying unemployment by labeling a worker as an "independent contractor" unless they meet ESD's tests of a true independent contractor. See this ESD information page: <https://esd.wa.gov/employer-taxes/independent-contractors>

## Applying for Unemployment Insurance Benefits

You should apply for UI as soon as you are laid off or your hours are reduced. You can apply by calling the Unemployment Claims Center at (800) 318-6022 (TTY 800-365-8969). Instructions will be available in many different languages. You can also apply for benefits online at the [ESD website](#). If you do not have access to a computer or telephone, you can use the telephones and computers available at WorkSource Offices.

For every week that you claim benefits, you must apply for at least three jobs or attend one WorkSource workshop and keep a record of it.

## How Much Money Will I Receive?

The amount you are eligible to receive does not depend on financial need. It depends on your previous earnings. You can ask for a written estimate of your benefits by calling Unemployment (800) 318-6022.

There is also an [online calculator tool](#) that you can use to calculate your possible benefits. Unemployment benefits are considered taxable income. You may choose to have 10 percent of your weekly benefits deducted for income taxes purposes.

## Disagreements and Problems

If you and your employer disagree over whether you qualify for unemployment insurance, the ESD will ask for information from both of you about what happened when your job ended and decides whether you qualify. The eligibility rules are complicated, and you should contact Unemployment at (800) 318-6022 about your situation.

If you disagree with any ESD decision on your unemployment benefits, you have the right to appeal based on fairness. You can appeal by writing a letter to the ESD telling them you would like to appeal. **Make sure you continue to file weekly claims during your appeal!** If you win your appeal, you will only be paid for the weeks that you filed a claim.

## SharedWork Program

Washington's SharedWork program allows a business to avoid layoffs by reducing an employee's hours and the employee can qualify for partial wage replacement through the state unemployment system for those reduced hours. This helps employers retain trained workers reduce payroll and enables employees to keep their jobs and benefits with minimal loss of income until the economy recovers. SharedWork can also help workers who need reduced work hours to care for children temporarily at home. For more info, visit the [SharedWork](#) website.

## Other Resources

You can contact an attorney for help or the [Unemployment Law Project](#) – (206) 441-9178 or (888) 441-9178 – if you are a low-income Washington State resident and your claim is denied.

### Dislocated Workers and Retraining

If you lose your job, there are programs that can help you learn new skills to enter a different field. These programs may include paid or unpaid training for a new job, financial help with relocation to an area where there are more jobs, and assistance in your job search.

### WorkSource

Depending on the type of job you had or where you live, resources for people who are searching for a new job will be different. After you apply for unemployment benefits, you can find out more about available programs at WorkSource. WorkSource has offices all around the state and can assist with your job search and help you understand and apply for retraining programs.

For information on WorkSource services and office locations visit the [WorkSource website](#) or call (888) 316-5627.

### Farm Worker Job Training

The Opportunities Industrialization Center (OIC) offers services to help eligible farm workers in Ellensburg, Moses Lake, Mount Vernon, Pasco, Sunnyside, Wenatchee and Yakima develop skills, or train for permanent year-round employment outside agriculture. This program also provides educational services for preschool-aged children. For more information contact the Yakima office or visit the [OIC website](#) to find more office locations and contact information. Yakima OIC: (509) 248-6751 *Address* – 815 Fruitvale Blvd., Yakima, WA 98902

### Washington State Labor Council Direct Worker Assistance

The Washington State Labor Council offers services to dislocated and unemployed workers under the federal Workforce Investment Act (WIA). They offer help during plant closures to make sure that workers have access to job re-training and re-employment programs. They also help with applying for unemployment and other benefits for working families. Visit the [WSLC's Direct Worker Service website](#) or call (360)-357-8736.

## 1.10 *Raising the Bar!* Seattle's Secure Scheduling

### Summary

Seattle's Secure Scheduling Law was written to encourage predictable schedules at work. Some aspects of the law require extra pay for workers who are asked to work more or fewer hours than they were scheduled for, or to work a "clopening" without sufficient rest between shifts.

The law applies to:

- Retail and food service establishments with 500+ employees worldwide
- Full-service restaurants with 500+ employees and 40+ full-service restaurant locations worldwide

If you work for a qualifying business, your employer **MUST**:

- Post your schedule 14 days in advance
- Provide extra pay for changes made to the posted schedule (except for shift swaps you request)
- Let you decline closing and opening shifts that are less than 10 hours apart, and if you choose to work it, they must pay you time-and-a-half for any hours worked that are separated by less than 10 hours.
- Offer extra hours to current employees before hiring new employees

- Provide you with an estimated number of hours you can expect to work over the coming year
- Grant scheduling requests made before the work schedule is posted if it is for reasons related to a major life event (employee's transportation, housing, other job(s), education, caregiving, and self-care for serious health condition), unless it would cause the employer significant cost or disruption (as defined in the ordinance).

To learn more about your right to Secure Scheduling in Seattle, go to the Office of Labor Standards website: <https://www.seattle.gov/laborstandards/ordinances/secure-scheduling>

## 1.11 What If My Employer Did Not Pay Me What I Think I Am Owed?

### Summary

When your employer does not pay you the correct amount that is called wage theft. **Wage theft is illegal.**

Wage theft includes:

- Not paying you for all the hours you work
- Not paying you your last paycheck after you leave a job
- Not paying you overtime
- Not allowing you to take your paid rest break paying you extra for missed breaks
- Forcing you to work “off the clock”
- Not paying minimum wage
- Not paying you the amount you agreed upon
- Stealing your tips or your portion of a service charge
- Illegally deducting business expenses from your paycheck

### Next Steps:

If you think it is possible that you have not been getting paid what you earned, here are some options—see below for more detailed info on each option:

1. Contact your Union Representative, the WA State Department of Labor and Industries (L&I), or your local Wage & Hour Enforcement Agency;
2. Talk with a Community Group;
3. Take Your Employer to Court for Unpaid Wages;
4. File a Lien (a legal claim) against any property owned by your employer.

For more details on next steps, see Learn More section below.

### FAQs: Wage Theft

#### How do I prove my employer is stealing from me?

It is important that you keep records about your employer and your work (schedule, tips earned, overtime, etc.). Your records are evidence in a claim for unpaid wages. If your employer doesn't

keep a record of your work, a judge or government investigator will rely on the records you keep as evidence.

## Special Cases – Am I an employee?

Laws affecting your **Right to be Paid** depend on your employment status (whether you are labeled as an “employee.” See **Chapter 8 - Am I an Employee?**

### Learn More:

#### 1. Contact Your Union

If you are a member of a labor union at work, your first step should be to contact your Union Representative to file a grievance for the legal/contract violation.

#### 2. Go through the Labor and Industries Wage Complaint Process

The Washington State Wage Payment Act gives Labor and Industries (L&I) the power to help you get paid what you are owed. You can file a “Workplace Rights Complaint” with L&I, and they will investigate. If they decide that your employer owes you money, they can make him/her pay you. The L&I process is free and most complaints are investigated in 60 days or fewer. For more information and to file a complaint,

see: [www.lni.wa.gov/WorkplaceRights/ComplainDiscrim/WRComplaint](http://www.lni.wa.gov/WorkplaceRights/ComplainDiscrim/WRComplaint). You can also call the L&I at (360) 902-5316 or toll-free at (866) 219-7321 to report your employer or file a complaint. Interpreter services are available. Employees are protected from retaliation for exercising their rights under the Minimum Wage Requirements and Labor Standards Act. This includes filing a complaint for wages owed or exercising protected rights.

#### 3. Take Your Employer to Court for Unpaid Wages

You can go to small claims court yourself, or hire a lawyer to help you collect the money you are owed. A court can award you your unpaid wages, and the court may also order your employer to pay your lawyer’s fees. In court, you also may be able to win double the amount of wages owed if your employer failed to pay you on purpose. Information on going to small claims court can be found from the Attorney General’s Office: <https://www.atg.wa.gov/small-claims-court-0>

#### 4. If you work in Seattle, Tacoma or SeaTac, file a City Complaint

If you work in Seattle and believe that your wages are not correct or missing, you can visit the Office of Labor Standards website or office to get more information on your rights and to file an anonymous claim. The Cities of [Tacoma](#) and [SeaTac](#) also enforce their local minimum wage laws.

#### 5. Talk with a Community Group

Some community groups help workers get unpaid wages through direct action. Examples are Casa Latina 206-956-0779 ext.122, <http://casa-latina.org/>, Fair Work Center 844-485-1195, <http://fairworkcenter.org>, or Seattle Solidarity Network 206-350-8650, <http://seasol.net/>. If you work in Seattle, you can also seek help through community-based organizations that partner with Seattle’s Community Education and Outreach program.

<https://www.seattle.gov/laborstandards>

## 6. File a Lien against Property Owned by Your Employer

As a last resort, Washington workers also have the option of filing a lien against their employer. A lien is a legal process that puts a “hold” on property (including crops) until your employer pays you. If you want to file a lien, you should contact a lawyer right away. For information on how to find a lawyer see the Resources section at the end of this manual. In 2021, Washington passed a new law allowing employees to file claims against property owned by employers for unpaid wages. View the text of the [Washington Wage Recovery Act](#).

## Chapter 2: Your Right to Care for Yourself and Family

*This Chapter covers Sick and Safe Leave, Family, Pregnancy and other Leaves, Work Injuries and Compensation, and Disability Programs.*

### 2.1 Paid Sick and Safe Leave

#### Summary

Most Washington employees are now eligible to receive paid leave for sickness and safety needs. This includes part-time and seasonal workers. **Employees earn paid sick leave at a minimum rate of 1 hour for every 40 hours worked** and paid sick leave must be paid at the hourly rate that the employee would have earned for the time during which the employee used paid sick leave. Workers can use earned sick leave after 90 days of employment and can carry over up to 40 hours of unused sick leave into the following year. Many employers offer more generous sick leave policies.

#### Coronavirus and Paid Sick Leave

Washington's Paid Sick Leave law allows employees to use their paid sick leave for most situations related to the Coronavirus, including:

- If your place of work is shut down by government order
- If your child's school or childcare is closed and you need to provide childcare
- If you think you may have been exposed to Coronavirus, or are experiencing symptoms or feeling ill
- If you are caring for a family member with Coronavirus
- If you or a family member have an appointment to receive the Coronavirus vaccine

Washington's Paid Sick Leave law does not cover cases where the employer voluntarily closes the workplace (but the employer can voluntarily provide paid sick leave in this case). For more information, see [L&I's Coronavirus Paid Sick Leave Q&A page](#).

**Other Coronavirus Leave Options:** For an excellent summary of all the different leave benefits available for Coronavirus see: [Employment Security's COVID Fact Sheet](#). In many cases, workers can use any available unemployment benefits. Front-line and essential employees will likely qualify for Workers' Compensation if there was exposure at work. See [Chapter 2.6](#) for basic info on Worker's Comp insurance, and see: [L&I's Coronavirus WC Q&A here](#)

**"High-Risk" Employee Rights and Options:** Employees at "high-risk" of contracting COVID-19 can seek alternative work arrangements from their employer. If no alternatives are available, they can use any leave options open to them. An employer cannot discharge, permanently replace, or in any manner discriminate against a high-risk employee who is uses one of these options above.



## **Raising the bar! Seattle's Paid Sick and Safe Time**

Seattle has a stronger paid sick leave law that allows workers at larger employers (50+ employees) to carry over more leave into the next year, and the largest employers (250+ employees) must provide a leave hour for every 30 hours worked. See details at the City's website (<https://www.seattle.gov/laborstandards/ordinances/paid-sick-and-safe-time>). The City of SeaTac also has a sick leave provision (<http://www.seatacwa.gov/our-city/employment-standards-ordinance>) in its minimum wage law providing most transportation and hospitality workers access to paid sick time as soon as it is earned, and requires that unused sick leave be paid out to employees at the end of each year. Tacoma has a paid sick leave law based on the state law (<https://www.cityoftacoma.org/cms/one.aspx?pageId=75860>).

Paid sick leave can be used for:

- Employee health needs or family health needs.
- If their workplace or child's school or day care has been closed for health-related reason by a public official.
- For reasons related to domestic violence, sexual assault, or stalking for a personal, family or household member.
- Any other leave allowed by employers.

### **Learn More: Paid Sick Leave**

- Unionized construction workers get the same sick leave rights but enforced through their union contracts.
- Retaliation Protection: Both State and local sick and safe leave laws also protect workers who might face retaliation for filing a complaint about using sick or safe leave. *NOTE: Some employees may not have a right to paid sick leave because their jobs are exempt from the minimum wage law. Exemptions include doctors, lawyers, and dentists, and many salaried executive, administrative, professional, computer or outside sales workers.*
- For more info on exempt employees, please see the State's Administrative Policy ES.A.1. [https://lni.wa.gov/workers-rights/\\_docs/esa1.pdf](https://lni.wa.gov/workers-rights/_docs/esa1.pdf)

## **2.2 Paid Family and Medical Leave**

### **Summary**

Paid Family and Medical Leave is a new benefit for employees in Washington beginning January 2020. It provides paid time off when a serious health condition prevents you from working or when workers need time to care for a family member or a new child. Paid Family and Medical Leave is available to almost everyone working in Washington.

### **FAQs: Paid Family and Medical Leave**

#### **Can I use Paid Leave if I am sick with COVID-19?**

As with any illness, to be eligible for paid medical leave, a healthcare provider must certify that you are unable to work due to a serious health condition. If your healthcare provider certifies

your illness meets the definition of “serious health condition” and you are otherwise eligible, you can use Paid Family and Medical Leave for COVID-19 cases.

**NOTE: COVID-19 EMERGENCY PAID LEAVE BENEFIT** - Washington is providing pandemic leave employee assistance grants to workers who need to use Paid Family and Medical Leave, but have been unable to accumulate the hours needed to qualify for the program due to the pandemic. For more information, contact WA Employment Security Dept. by email at [paidleave@esd.wa.gov](mailto:paidleave@esd.wa.gov) or by phone at (833) 717-2273.

## Who Qualifies?

You are eligible if:

1. You’ve worked 820 hours (about 16 hours a week) in Washington during the qualifying period, which is about the last year.
2. You’ve experienced a qualifying event. Qualifying events include a serious health condition that prevents you from working, a new baby or child joining your family, and a family member’s serious illness or medical event. Here are some examples:
  - You give birth to a baby, adopt a child or have a foster child placed with your family.
  - You are recovering from a major surgery, serious illness or injury.
  - You are receiving treatment for a chronic health condition like diabetes or epilepsy.
  - You are receiving inpatient treatment for substance abuse or for mental health.
  - You are taking care of a family member with a serious health condition.
  - A family member is on active-duty military service and you take time to join them during R&R.
3. You are not a federal employee, employed by an employer who has an approved exemption because paid family and medical leave benefits are provided through a voluntary plan, or covered by a collective bargaining agreement that hasn’t been opened or renegotiated since before October 19, 2017. If you’re self-employed or employed by a federally recognized tribe, you are not automatically eligible. Self-employed people and tribes need to opt in to receive paid leave.

## How much time can I take?

Most eligible employees can take up to 12 weeks of paid leave a year. If you give birth to a baby, you qualify for up to 16 weeks of paid leave. In some circumstances, you may qualify for up to 18 weeks. The leave does not have to be taken all at once.

## What benefit do I receive?

While you’re out, you will receive payments from the state based on a percentage of your typical weekly earnings, up to \$1,000 a week. The Employment Security Dept. (ESD) will have an online benefit calculator to estimate how much you will receive.

<https://paidleave.wa.gov/estimate-your-weekly-pay/>

## Is my job protected when I use Paid Leave?

If you work for a company that employs more than 50 people in Washington, you have worked there for at least a year and for a total of 1,250 hours in the year immediately preceding leave, you are eligible for job protection. If you do not have job protection with Paid Family and Medical Leave there may be other local, state or federal laws that offer job protection or restoration for you. For pregnancy leaves, the Washington Law Against Discrimination (WLAD) provides disability leave and job protections if you work for an employer with 8 or more employees. See [Section 2.4 Pregnancy and Parental Leave](#) for more information.

## Learn More: Paid Family Leave

### How Paid Family Leave Differs from Paid Sick days

Paid Family and Medical Leave is for times when something major keeps you away from work for a longer time period. Paid sick days are for short-term health conditions that keep you from working, typically for less than a week.

With Paid Family and Medical Leave, unless you welcomed a new child into your family, there is a seven-day waiting period before you can begin receiving your benefit. During this time, you can use paid sick days if you choose to.

For more information and to apply, visit the ESD Paid Leave website:

<https://paidleave.wa.gov/individuals-and-families/>

## Paid Family Leave and FMLA

Paid Family and Medical Leave is a Washington State program. FMLA is a federal program. In short, this does not replace FMLA. An employee's use of FMLA, or other available leave, does not diminish their available Paid Family and Medical Leave benefit. It is possible for an employee to use multiple leave options consecutively.

## 2.3 Unpaid Family and Medical Leave

### Summary

The Federal Medical Leave Act (FMLA) gives any workers the right to take up to 12 weeks of unpaid, job-protected leave per year when:

- to care for yourself when seriously ill or pregnant.
- to give birth and/or care for a newborn or newly placed child.
- to care for an ill spouse, child, or parent.

## FAQs: FMLA

### Who's Covered by the Family Medical Leave Act (FMLA)?

You are eligible for unpaid family/medical leave if you and your employer meet the following conditions:

1. If you work for a public employer, or a private employer who has 50 or more employees for at least 20 workweeks a year.
2. Have worked for your employer for at least 12 months.
3. Have worked at least 1,250 hours (about 25 hours per week) during the 12 months before the start of your leave. Both civilian job hours and hours of military service count towards total hours worked.
4. Work at a location where your employer has at least 50 workers within a 75-mile radius.

### Learn More: Family Leave, Your Benefits, Job Protections

**Vacation time, sick leave, retirement, and seniority benefits** you built up *before* you took your leave generally remain available, but usually do not continue to build up while on leave. When you return to work, your employer must provide any other right, benefit, or position that you would have if you had not taken the leave.

**Health Insurance:** If you had health insurance paid by your employer before you took leave, your employer must provide it under similar terms and conditions. If your leave lasts longer than 12 weeks, you can continue paying the insurer directly for your benefits under COBRA. More information is available at the State Insurance Commissioner's Office, [www.insurance.wa.gov](http://www.insurance.wa.gov), or at **(800) 562-6900**.

### Can My Employer Refuse to Give Me My Job Back When I Return from FMLA Leave?

Yes, but only if ALL three of the following circumstances exist:

1. You returning to your job would cause extreme economic hardship for the employer;  
AND
2. You are considered a "key" employee; AND
3. Your health care coverage was maintained throughout your leave.

A **key employee** is a salaried employee who is among the highest paid 10% of employees within 75 miles of the work site. If your employer states that they may deny you your job back, they must give you written notice when you request your leave or at the start of your leave. The written notice must include the reasons for denying you your job back and give you a reasonable chance to return to work. If you go ahead with the leave after receiving the notice, you can still request your job back at the end of the leave period, and your employer must decide again whether your reinstatement would cause extreme economic hardship. For more information visit: <https://www.dol.gov/general/topic/benefits-leave/fmla>

### The Washington State Family Care Act

The Washington State Family Care Act allows all employees to use any *available* sick leave, vacation time, or other paid time off to care for a family member. An employer cannot punish you for taking leave under this law. As long as you are qualified to use paid leave for your own illness, you can also use it for a family member. In certain cases, the law also gives additional time off for pregnancy and parenting over and above what the FMLA allows.

You can use your paid leave to care for your:

- **Child** (under age 18) when the child is sick or needs medical care.
- **Spouse, registered domestic partner, parent, parent-in-law, or grandparent** who has a *serious* or emergency health condition.
- **Disabled adult son or daughter** who is not able to take care of him/herself.

For more information, see: <https://lni.wa.gov/workers-rights/leave/family-care-act>

## 2.4 Pregnancy and Parental Leave

Federal and state laws protect new parents' rights to take time off to care for a newly born or newly adopted or fostered child. Pregnancy, childbirth, and related medical conditions must be treated in the same way as other temporary illnesses or conditions.

*It is illegal for your employer to discriminate against you because you are pregnant!* In 2017, Washington State passed even stronger protections for pregnant employees. For more information on pregnancy discrimination, see [Chapter 3: Your Right to be Free of Discrimination](#).

### FAQs: Parental Leave and Discrimination

#### Where to File a Claim

If you feel like your leave rights are being violated – you can go to a government agency (see below) for help and file a claim. Or you can contact an employment lawyer and, in some cases, take your employer directly to court.

Contact information for these organizations can be found in the [Resources Chapter](#) of this manual.

#### [US Department of Labor](#)

- The Family Medical Leave Act

#### [Employment Security Department](#)

- Paid Family and Medical Leave

#### [WA State Department of Labor and Industries](#)

- Washington Family Care
- Washington State Family Leave Act
- Domestic Violence Leave

#### [Washington State Human Rights Commission](#)

- Pregnancy Discrimination in Employment

#### [Equal Employment Opportunity Commission \(EEOC\)](#)

- Pregnancy Discrimination

## Learn More: Additional Washington Parental Leave Protections

The Washington State Law Against Discrimination (WLAD) offers additional protections for pregnant women who work for employers with at least eight employees. Your employer has to give you time off while you are sick or temporarily disabled due to pregnancy-related conditions or childbirth. S/he must treat you the same as other workers on leave for sickness or temporary disabilities. Depending on your employer's policy, this may or may not be paid. Your employer is required to give you either your old job back or a similar position after your leave is over.

Your healthcare provider, depending on your condition, determines the amount of pregnancy disability leave you can take. The WLAD is enforced by the Washington State Human Rights Commission (WSHRC). WSHRC leave is not for placement of an adopted or fostered child, or to care for a child; it can only be taken for the pregnant person's health-related reasons. View the text of Washington's pregnancy discrimination law here:

<https://apps.leg.wa.gov/WAC/default.aspx?cite=162-30-020>

## What to Do If You Think Your Rights Have Been Denied

- It is illegal for an employer to interfere with or refuse workers the right to take leave or return to work after taking leave.
- It is illegal for an employer to discriminate or retaliate against (punish) any worker for taking leave, requesting to return to work after taking leave, or filing a complaint about violations of leave laws.
- It is illegal for an employer to use an employee's use of protected medical leave as a "negative factor" in decisions to discipline, demote, lay off, or terminate your employment or in any other workplace evaluation.

Washington's Anti-Discrimination laws and Title VII of the Civil Rights Act (federal law) make it illegal for your employer to discriminate because of pregnancy or pregnancy disability. The state law applies to employers with eight or more employees. The federal law applies to employers with 15 or more employees.

## FAQs: Parental Leave

*Note: the answers below assume your employer has at least eight employees. Smaller employers and religious nonprofits are not covered by state or federal parental/pregnancy leave protection laws.*

### Does My Parental Leave Have to Be Paid?

**No.** However, if your employer offers paid time off for other illnesses or short-term disabilities, they must allow you to use that time for pregnancy or pregnancy-related conditions.

### Is My Job Protected? Can I Be Laid Off or Fired While Pregnant or on Maternity Leave?

Not because of your pregnancy or related medical leave. However, your employer could fire you for other reasons.

### At What Time in The Pregnancy Do I Have to Stop Working?

You and your medical provider decide when you must stop working. There is no standard time when a pregnant employee needs to stop working.

### Does My Employer Need to Provide Health Insurance Coverage for Pregnancy, Childbirth and Related Medical Conditions?

If your employer offers health insurance for other temporary medical conditions, then s/he needs to provide insurance that covers pregnancy. If your employer doesn't provide health insurance generally, s/he is not required to do so for pregnancy.

### Can I Expect to Have My Job Duties Altered to Accommodate My Medical Condition Because I Am Pregnant?

Your employer should allow for minor job changes to reasonably accommodate any medical condition, including pregnancy. For more information on reasonable accommodation for disability see **Chapter 3: Discrimination**.

### Can My Employer Decrease My Work Hours Because I Am Pregnant?

An employer must treat a woman who is pregnant the same as any other employee. Your employer must have a business reason for changing your work schedule.

The Q & A above are adapted from information provided on the Washington State Human Rights Commission's website: ([www.hum.wa.gov/](http://www.hum.wa.gov/)). Washington L&I also has more information on state and federal laws covering pregnancy and family leave: <https://lni.wa.gov/workers-rights/leave/pregnancy-parental-leave>

## 2.5 Domestic Violence Leave

Washington State law allows all employees to take (paid or unpaid) leave to deal with issues of domestic violence, sexual assault, or stalking for themselves or family members. You can take time off for:

- Law-enforcement assistance
- Medical treatment or counseling at a domestic violence shelter or crisis program
- Relocation and safety issues

You must give notice to your employer as soon as possible if you need this leave. When you are requesting leave for domestic violence, your employer may ask you to prove that either you or a family member is a victim of domestic violence, sexual assault, or stalking. Your employer must keep this information confidential.

For more information visit: <https://lni.wa.gov/workers-rights/leave/domestic-violence-leave>

Learn more about paid leave in the **Chapter 2.1 Paid Sick and Safe Leave**.

## 2.6 Workers Comp: Work Injuries and Occupational Disease

### Summary

#### Workers' Compensation



If you are injured at work or develop an occupational (work-related) disease, you can apply for workers' compensation. If you need medical treatment for your injury or illness you may be entitled to help in paying for treatment. You may also be entitled to receive partial lost wages if illness or injury stopped you from being able to work. All employees have the right to receive workers' compensation, including undocumented workers.

## **Coronavirus and Workers' Compensation**

Employees may also have a Workers' Compensation claim for Coronavirus cases if the virus resulted from a work exposure. For frontline workers with Coronavirus, exposure at work allows you to qualify for Workers' Comp. Frontline includes health care (including any work in a health care facility), farm and agriculture work, food processing, distribution and sale, first responders, transit, child care, retail, hospitality, corrections, education and library work. Other claims that meet certain criteria for exposure will be considered on a case-by-case basis.

See [L&I's Coronavirus WC Q&A here](#)

## **Workers' Compensation State Fund vs. Self-Insurance Coverage**

### **State Fund**

Most Washington employers purchase worker's compensation insurance from a pool called the State Fund. The State Fund is run by the Department of Labor and Industries (L&I). Here is L&I's comp claims website: (<https://www.lni.wa.gov/ClaimsIns/>).

### **Self-Insurance Coverage**

Some larger employers "self-insure" for injuries at work. If your employer is self-insured, see self-insured FAQs below.

### **For workers covered by the State-Fund insurance programs:**

If You Get Injured on the Job or Diagnosed with an Occupational Disease:

#### **1. Get First Aid and/or See a Doctor**

When you are injured on the job or realize you have an occupational disease you have some rights. You can:

- Go to the doctor, healthcare provider, or emergency room of your choice,
- Request an interpreter if you prefer to speak a language other than English, and
- Refuse to have an employer representative go with you.

#### **2. Report the Injury....**

##### **...To Your Doctor**

**Be sure to tell medical staff, including the doctor, that you were injured or made sick on the job.** They will help you file your initial workers' compensation paperwork, or file a claim. Explain to the doctor what caused your injury.



If you can't work, or can't do all of the things you used to be able to do at work because of your injury, your doctor will also complete an Activity Prescription Form. This will tell your employer and L&I how your work must be changed or how long you need to rest.

### *...To Your Employer*

Let your employer know right away that you are injured so they know about your injuries when the L&I paperwork arrives and can help you plan your return to work. If you don't let your employer know about your injury and you need to file a claim later, it may be denied.

### *...To the Department of Labor and Industries (L&I)*

The Report of Industrial Injury or Occupational Disease is an accident report form available at hospitals, clinics or doctors' offices. You complete the worker portion of this form. Your doctor fills out the medical portion of this form and sends it to L&I.

Once L&I receives your claim, they will assign a claim manager. If you are more comfortable speaking a language other than English, you have the right to an interpreter at all doctors' appointments and in all meetings with your L&I case manager.

### *...To Your Union, If You Have One*

If you are in a union workplace, let your union representative know that you are injured. Union reps may be able to help with this process and need to be kept informed of all job-related injuries to help correct the workplace problem. Your union contract may provide you with additional protection in case of an on-the-job injury.

## **FAQs:**

### **What do I do if my employer is self-insured?**

About a third of Washington workers work for self-insured employers. If you work for a self-insured employer, your rights and benefits do not change, but you must file a claim through your employer. Your employer should have a notice on the safety bulletin board about how to file an accident report for a workplace injury or disease. You may also talk to your supervisor, union representative, or HR manager about how to do it.

L&I's self-insurance section will help you if you disagree with your employer. For more information you can contact L&I's Self-Insurance Section in Olympia at **(360) 902-6901**. There is also an Ombudsman (a representative) appointed to help self-insured injured workers with their claims, call **888-317-0493**.

A guide to workers' compensation for employees of self-insured companies can be downloaded from the L&I website here: <https://lni.wa.gov/insurance/self-insurance/employers/>

### **What do I do if my employer tells me not to report the injury to the Department of Labor and Industries (L&I), or tells me to lie and say it didn't happen on the job?**

This is illegal "claim suppression." You should contact L&I right away at 1-888-811-5974, or submit a Claim Suppression Complaint Form: <https://lni.wa.gov/fraud/claim-suppression>

Learn more here about: Status of Claim; Receiving Medical Care; Monetary Compensation and Getting Back to Work.

## **Learn More: Injuries**

### **Status of Claim**

Once you file your claim, L&I will review your case, decide to accept or reject your claim, and also decide whether to leave your case open or close it. When your claim is open, you can apply for time-loss (money to replace lost wages), receive medical treatment, apply for payment for permanent disability, and receive help from a vocational counselor to get back to work quicker. If L&I decides that your injury is not work-related, or if your doctor and L&I decide that your injury won't improve with more medical care, L&I will close your claim. This means you cannot seek more benefits, either financial or medical. You can appeal a decision to close your claim. In some cases, you may also reopen your claim if your injury or illness returns at a later date. If you would like to reopen your claim, speak with your doctor.

**TIP:** Washington is a “no-fault state,” meaning that a workplace injury can be covered no matter whose “fault” it was.

### **If You Do Not Agree With L&I's Decision to Close Your Claim**

If there are disagreements about any decision L&I makes about your claim, you, your doctor, or your employer have the right to protest the decision to L&I or appeal the decision directly to the Board of Industrial Insurance Appeals (BIIA). Many claims are denied by L&I the first time, but get approved when appealed – so it is worth filing a protest or appeal to the decision. For more information on how to protest a decision, visit the [L&I website appeals website](#).

## **Receiving Medical Care**

### **Free**

While your claim is open, you should not have to pay for any medical treatment or service out of your pocket. Once your claim is accepted, L&I assigns you a claim number and mails you a claim card. This works like an insurance card; you show it to any medical provider, and you should not be charged. If a medical provider charges you for services, contact your case manager right away.

### **Choice of Provider**

You have the right to visit a medical provider near you, even if you do not live in Washington State. For your initial visit, you may choose any doctor or emergency room. After your first medical visit, you must receive all treatment from a doctor in L&I's Medical Provider Network. You can search for providers near you here: <https://lni.wa.gov/claims/for-workers/find-a-doctor/>

**TIP:** If you were injured on the job in Washington State, Washington laws will apply to your claim no matter where you live.

You have the right to change doctors at any time during your ongoing treatment, but you must request a “transfer of care”. You can do this online or on paper. Throughout the treatment, you have the right to refuse to allow an L&I claim manager or any employer representative to come into your medical exams with you.

### Compensation if You Cannot Work and Getting Back to Work



#### If You Cannot Work at All:

If your doctor says that you are unable to work due to your injury, L&I may pay for part of your lost wages (time-loss). After the first three days, L&I pays time-loss for days of work you miss, if your doctor says you should not work. More information can be found at the <https://lni.wa.gov/claims/for-workers/injured-what-you-need-to-know/>

#### If You Can Do Some Work:

Return to your job/employer where you were injured as soon as it's safe for you to do so. Many workers can return to work gradually, while still receiving medical benefits. L&I also has programs to help you get back to

work and encourage employers to hire you. You should talk with your L&I case manager about options and visit the [L&I Return to Work website](#) to learn more.

### Permanent Disabilities

If your injury or work-related disease caused permanent damage to your body, you may receive a disability award in addition to your regular workers' compensation award. There are two kinds of disability awards for permanent damage: “partial” and “total.” The amount you can receive is set by law. You must request a disability status while your claim is open.

#### Partial Permanent Disabilities

This means that you have permanently lost some ability you had before the injury, but you are still able to do some work.

#### Total Permanent Disabilities

If your injury is so serious that you can never work again, you may be eligible for a life-long pension (income) to make up for the fact that you can no longer earn a living.

### Structured Settlement

Some workers who are age 55 or older may qualify for a structured settlement plan. A structured settlement means that you, L&I and your employer agree to a fixed amount of money you will receive and a payment plan. Once you agree, they will not owe you any more money even if that amount is less than the traditional time-loss benefit plan. You still have the right to future medical benefits, even if you agree to accept a settlement for your lost wages. You should discuss structured settlements with an attorney or financial consultant. For more information

about structured settlement call the L&I settlement specialists at **360-902-6101** or visit <https://www.lni.wa.gov/claims/for-workers/claim-benefits/settle-your-claim>

### Monitoring the Case

If you need information about your claim call L&I at:

Phone – **800-547-8367**, TDD/TTY – **(360) 902-5797**

You can also call **800-831-5227** for a fast, computerized update on claim status. You can also review your claim at the Claim and Account Center <https://secure.lni.wa.gov/home/>

### Retaliation and Discrimination

Your employer may not discriminate or retaliate against you for filing a claim or seeking benefits you are entitled to. This includes:

- Firing or laying you off.
- Giving you a worse job.
- Changing your assignment to an undesirable shift.
- Refusing to adjust your job duties to the light-duty restrictions ordered by your doctor.
- Denying you a promotion.
- Reducing your wages/benefits, or make you suffer other negative treatment because you filed a claim.

**TIP:** You only have 90 days to report discrimination so don't delay!

If you think that you are being discriminated against or mistreated for filing a claim, or if you have questions, call L&I's investigation program at **360-902-9155** or download and file a Discrimination Complaint form from the L&I Discrimination website (<http://www.lni.wa.gov/fraud>).

### Help Through the Injured Worker Process

You have the right to be represented by an attorney as you go through the process of applying for Workers' Compensation, but you are not required to have one. You can also visit **Project HELP** (<http://www.projecthelpwa.com>) or call **800-255-9752**. Project Help is a cooperative effort of L&I and the Washington State Labor Council, and can help you with your claim. The L&I Injured Worker website also provides full information on the injured worker process. (<https://lni.wa.gov/claims/for-workers/injured-what-you-need-to-know/>)

## 2.7 Social Security for Long-Term Disability, Illness and People in Need

### Summary

If you become disabled for any reason and cannot work for at least 12 months, you may qualify for monthly cash payments and medical disability benefits from the federal Social Security Administration. These programs are called Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI). You must be a US-citizen or documented non-citizen to qualify for SSDI or SSI.

If you are injured on the job or diagnosed with an occupational disease, you can apply for Workers' Compensation as well - this is a state program run by Labor and Industries (L&I) (see section on *Workers Comp above*).

⇒ **Social Security Disability Insurance, Supplemental Security Income and Workers' Compensation are all separate.** In some cases, you can collect benefits from more than one of these programs at the same time.

### What is Social Security Disability Insurance (SSDI)?

SSDI, in most cases, is for people with disabilities who have a work history. You must have worked long enough and paid Social Security taxes. The amount of SSDI you get depends on your past earnings. You do not have to be low income to receive SSDI.

### What Is Supplemental Security Income (SSI)?

SSI is generally for people with disabilities of any age who have low incomes and assets less than \$2,000. Low-income people 65 years and older with or without disabilities may also be able to receive SSI benefits. You can get SSI if you have never worked.

### A Summary of Your Rights

- There is no charge to apply for Social Security Disability Insurance or Supplemental Security Income.
- You should apply as soon as possible after becoming disabled. Note: there is a five-month waiting period before you can begin to receive benefits.
- You have the right to receive help from the Social Security Administration. If you do not speak English and need an interpreter, the Social Security Administration must provide one free of charge.
- You have the right to see and copy your Social Security file upon request.
- If Social Security denies your application, they must tell you in writing. The notice must explain how to appeal.
- You have the right to appeal. If you are denied benefits, you have 60 days from the denial notice date to appeal.
- You have the right to a representative or lawyer to help you in your appeal.

### FAQs:

#### Do I Qualify for Social Security Disability Insurance (SSDI)?

You must be "disabled" and not able to work for at least 12 months. "Disability" under Social Security is based on how much you can work. Social Security will generally not consider you disabled and you will not qualify for benefits if you are working this calendar year AND your earnings average more than \$1,220 a month (this figure is for 2019; this amount usually increases slightly every year).

You are considered disabled if:

1. The SSA recognizes your medical condition. See this list of qualifying medical conditions: [www.ssa.gov/compassionateallowances/index.htm](http://www.ssa.gov/compassionateallowances/index.htm).
2. If your condition is not listed you may qualify if:

1. You cannot do the work you did before AND
2. You cannot adjust to other work because of your medical condition(s) AND
3. Your disability has lasted or is expected to last for at least one year or to result in death.

You must meet some minimum work requirements:

- You must have worked recently.
- You must have worked, and paid taxes, for long enough in your life. See the Disability Benefits online handbook for more information on these rules: <http://www.ssa.gov/pubs/EN-05-10029.pdf>

### How Do I Qualify for Supplemental Security Income (SSI)?

Supplemental Security Income may be able to help you if you are blind, disabled or 65 years and older, and have little or no income. Disabled or blind children can also receive SSI. SSI provides money to meet basic needs for food, clothing, and shelter. It is not based on your previous work history.

- You must be over age 65, or blind, or disabled.
- You must be a US citizen, permanent resident, or US national who is, generally living in the US.
- You must also show that you have little-to-no income or other resources to qualify.
- The Social Security Administration (SSA) may also consider your living situation if you live in housing like a shelter, halfway house, or other community housing.

### What If My Claim Is Denied?

If your claim is denied, appeal! You have 60 days from the date of the denial notice to appeal. Social Security often denies your first disability claim. Nationally, about 75% of all applicants are denied when they first apply. But many of these people ultimately get their benefits.

You may want to hire a lawyer who specializes in Social Security disability cases.

## Learn More: Disability Programs

### Social Security Disability (SSDI)

#### How Much Money Will I, Or My Family, Receive?

The amount of money (benefit amount) you will receive depends on your work history and the amount of money you have paid to the Social Security Administration. Certain members of your family, such as your spouse, minor child, or disabled adult child, may qualify for benefits of their own based on your work, if you qualify for SSDI benefits.

#### Will I Receive Medical Care?

With SSDI, you will get Medicare coverage automatically after you have received disability benefits for two years. For more information on Medicare, contact the SSA or visit the SSA's Medicare website: (<http://www.socialsecurity.gov/pgm/medicare.htm>).

### Can I Go Back to Work?

There are special rules that help you keep your monthly benefits and Medicare while you test your ability to work. See SSA's Red Book on Returning to Work (<https://www.ssa.gov/redbook/eng/returning-to-work.htm>).

### Application Process and for More Information

You can apply for SSDI by calling your local Social Security Office toll-free at **(800) 772-1213**, TTY: **1 (800) 325-0778**. The Social Security Administration will send you forms to fill out and return. You can apply online at Social Security's Disability Benefits website (<http://www.ssa.gov/pgm/disability.htm>). You can also apply in person at your local Social Security Office. Documented non-citizens should see the *SSI For Non-Citizens info sheet* (<http://www.ssa.gov/pubs/11051.html#part1>).

### Supplemental Security Income

#### How Much Money Will I Receive?

The amount that you receive depends on your living situation, other income, if you are applying as an individual or a couple and how many children you have. In 2021, the maximum federal SSI benefit for an individual living alone is \$794 per month, and for a couple it is \$1,191 per month. It generally takes three to five months to process a SSI application.

The State of Washington also pays an additional small amount to residents. Visit this website to find out more: [www.socialsecurity.gov/ssi/text-benefits-ussi.htm](http://www.socialsecurity.gov/ssi/text-benefits-ussi.htm).

#### Will I Get Medical Benefits?

If you are approved for SSI, you will usually be enrolled in Medicaid. For more information on Medicaid, contact the Social Security Administration or visit the Medicaid website (<http://www.medicaid.gov/>).

### Application Process

Call Social Security at **(800) 772-1213**, or TTY: **(800) 325-0778**. You can also apply online at the Social Security Administration (<http://www.socialsecurity.gov>) or in person at your local Social Security Office. Parents or guardians can usually apply for blind or disabled children under age 18.

#### What If My Claim Is Denied?

**If your claim is denied, appeal!** You have **60 days** from the date of the denial notice to appeal. Social Security often denies your first disability claim. Nationally, about 75% of all applicants are denied when they first apply. But many of these people ultimately get their benefits.

You may want to hire a lawyer who specializes in Social Security disability cases. For information on free or low-cost lawyers, see the list of legal resources in the **Resources Chapter** at the end of this manual.

### Summary of Your Rights

- There is no charge to apply for Social Security Disability Insurance or Supplemental Security Income.



- You should apply as soon as possible after becoming disabled. Note: there is a five-month waiting period before you can begin to receive benefits.
- You have the right to receive help from the Social Security Administration. If you do not speak English and need an interpreter, the Social Security Administration must provide one free of charge.
- You have the right to see and copy your Social Security file upon request.
- If Social Security denies your application, they must tell you in writing. The notice must explain how to appeal.
- You have the right to appeal. If you are denied benefits, you have **60 days** from the denial notice date to appeal.
- You have the right to a representative or lawyer to help you in your appeal.

### Washington State Programs

In addition to the federal programs that are mentioned in this chapter, Washington State also has programs that offer financial help such as food stamps, cash assistance, family assistance and medical assistance. You may be eligible for these even if you are not receiving SSI or SSDI or while your application is being processed. Contact the Department of Social and Health Services (DSHS) for information: 1-877-501-2233, or visit the DSHS Washington Connection website (<https://www.washingtonconnection.org/home/home.go>).



## Chapter 3: Your Right to Be Free of Discrimination

*This Chapter covers laws that protect workers from discrimination in the workplace, including who is protected and how to file discrimination complaints.*

### Summary

Federal, Washington State and local laws protect you from discrimination at work. “Discrimination” means treating certain people better or worse than others because of a particular trait.

It is generally against the law for your employer to discriminate against you because of your:

- Age
- Race/Color
- Sex, Gender and Pregnancy (see below for more on required pregnancy accommodations, and sexual harassment and assault)
- Religion/Creed
- Disability
- Sexual Orientation
- National Origin/Ancestry
- Union Membership or Activity
- Marital Status
- Citizenship or Immigration status (see details/limits below)
- Veteran/Military Status/Honorable Discharge
- Gender Identity
- Genetic Information
- Political Ideology
- Criminal Background (WA State)

### FAQs: Discrimination

#### When is it Illegal to Discriminate?

It is illegal to discriminate in any area of employment, including:

- Job advertisements and applications
- Recruitment
- Job referrals
- Hiring and firing
- Wages
- Fringe benefits (for example, daycare or transportation provided by work)
- Transfer, layoff, promotion, or recall
- Retirement plans and disability leave
- Drug and other medical testing
- Use of company facilities
- Training and apprenticeship programs
- Work tasks you are given
- Other terms or conditions of employment

## 3.1 Types of Discrimination

### Race

An employer cannot discriminate or harass you because of race or ethnicity. Ethnic slurs, racial "jokes," insulting comments and/or other verbal or physical actions based on race and/or color may be illegal if they are severe and ongoing and/or are part of a pattern of discriminatory actions. Your employer cannot hire, fire, or promote based on "stereotypes" (an overly simple idea held by one person or group about another). S/he cannot make assumptions about your personality or what you can do based on your race.

In addition, employers cannot decide not to hire you because you are married to or associate with someone of a certain race. Your employer also cannot discriminate against you because you go to schools or places of worship associated with a particular race.



### National Origin/Ancestry

An employer cannot discriminate or harass you because you or your family are from another country; you have a name or accent associated with another country; you participate in customs associated with another country; or you are married to or spend time with people from another country.

A rule that you speak only English at work might be against the law, unless the employer shows that the rule is necessary for business reasons. Your employer must let you speak other languages during non-work time, such as lunch and breaks.

### Citizenship or Immigration Status

Discrimination based on citizenship or immigration status is an unfair practice and violates the Washington Law Against Discrimination (WLAD). A person or entity may make a distinction or treat someone differently based on citizenship or immigration status only if a state or federal law, regulation, or a government contract requires it.

**If you are an immigrant with documentation to work legally in the U.S.,** an employer generally may not discriminate against you for not being a citizen.

**Right to prevent Document Abuse:** Document abuse is when an employer requires you to present specific documents to prove that you can work, instead of allowing you to choose which documents to show them. As long as the documents you show meet the legal requirements, it's your choice which ones to use. It is also illegal for your employer to make you show more documents than the I-9 process requires. For example, if you show your Permanent Resident Card, your employer can't make you also show a birth certificate. For a list of the documents that satisfy I-9 requirements, see the last page on this link: <http://www.uscis.gov/files/form/i-9.pdf>.

**Right against Nationality or Citizenship Discrimination:** An employer is discriminating if they demand certain workers prove that they are legally allowed to work while others are not.

asked for the same proof. For example, if your employer requires workers of Chinese descent to provide documents but does not require this from workers of German descent, this is discrimination, probably because of race and national origin. However, this does not protect undocumented workers.

## Religion

An employer cannot discriminate or harass you for religious reasons. You cannot be required to participate in religious activities to keep your job, nor can you be banned from participating in religious activities.

Your employer cannot hire, fire, promote, or demote you based on religious stereotypes about you or people you associate with.

Your employer must make "reasonable accommodations" for your religion. They may be required to make changes that will let you do your job and still practice your faith, unless it would make it difficult for your employer to do business.

## Sex, Gender and Pregnancy

It is illegal for an employer to discriminate or harass you because of your sex or gender. There are a few different categories of gender discrimination in the workplace.

### Discrimination in Hiring, Promotions, and Wages

It is illegal to discriminate on the basis of sex on wages or benefits where men and women do jobs of similar skill, effort, and responsibility for the same employer with similar working conditions.

Gender discrimination also includes discrimination based on stereotypes about your responsibilities as a mother or father.

## Sexual Harassment

There are two types of illegal sexual harassment: **hostile work environment** and **quid pro quo** harassment.

1. A **hostile work environment** is when it is difficult or unsafe for you to do your job because of your gender. This includes directing unwelcome sexual words or actions at you. It is illegal harassment if these actions are severe and ongoing and/or are part of a pattern of other discriminatory actions.
2. **Quid pro quo** sexual harassment is when a supervisor or other employee above you asks you for sexual favors in return for better treatment at work. This may be harassment, even if you agree to it.

## Pregnancy and Pregnancy-Related Conditions

Pregnancy, childbirth, and related medical conditions must be treated in the same way as other temporary illnesses or conditions. Employers can't make choices about hiring, firing, promotion, or demotion based on stereotypes of pregnant women, or an effort to protect pregnant women from the hazards of the job. The only exception is if an employer can demonstrate business necessity. For information on pregnancy leave, please see [Chapter 2.4: Pregnancy and Parental Leave](#).

## Sexual Orientation and Gender Identity

In Washington, it is illegal for your employer to discriminate or harass you because of perceived or actual sexual orientation, gender identity, or transgender status. Employers can't make choices about hiring, firing, promotion, or demotion based on sexual orientation and gender identity.

## Age Discrimination (40+)

If you are over 39 years old, an employer cannot discriminate against you or harass you because of your age.

It is illegal to:

- Use age to make choices about hiring, firing, promoting, and demoting
- Give age preferences/limits in job notices and ads. Age limits are only allowed in limited situations
- Discriminate based on age in apprenticeship programs
- Give older employees fewer or worse benefits than younger employees.

## Disability Discrimination

An employer cannot discriminate or harass you because of a disability or medical condition or a belief that you have a disability or medical condition. Use of a trained guide dog or service animal is also protected under Washington State law.

If you have a disability, the employer has to make *reasonable accommodations* for you to work so long as you can do the essential parts of your job with these accommodations. This means working out a system that lets you do the job just as other employees do or coming up with different tasks that you are able to perform. For information on taking leave for disability see [Chapter 2: Your Right to Care for Yourself and Family](#).

Your prospective employer cannot ask you to take a physical or medical test before offering you a job. Once you have been offered a job, your employer can ask you to take a physical or medical test, if all other workers doing similar tasks have to take the same test (you can't be singled out because of a disability, or if your employer *thinks* you have a disability) and the test is really necessary for the job. Your employer cannot discriminate against you based on genetic information that suggests you are more likely to get a disease.

## New! Court Decision Rules Obesity an Impairment

In 2019, the Washington Supreme Court [ruled](#) in *Taylor v. Burlington Northern Railroad Holdings, Inc.* that obesity qualifies as an impairment under Washington Law Against Discrimination (WLAD) and does not have to be caused by a separate disorder or condition in order to be a protected class under WLAD. Therefore, if an employer refuses to hire someone because the employer perceives the applicant to have obesity, and the applicant is able to properly perform the job in question, the employer violates this section of the WLAD.

## Lifestyle Discrimination

There is current debate whether employers can make decisions about hiring, promotions, insurance rates, etc. based on employee lifestyle. For instance, employers have discriminated against people who smoke cigarettes, eat certain foods, or drink alcohol in their free time. It is not clear if this is legal or not.

The Americans with Disabilities Act or the Washington State Human Rights Commission might protect you from this type of discrimination. Laws against disability discrimination may protect some people who have medical issues such as obesity or high cholesterol from employers who discriminate against them.

## Union and Concerted Activity

Under the National Labor Relations Act, it is illegal for your employer to discriminate against you because you are in a union, because you support a union, or because you are joining with your coworkers to improve your working conditions, even if you are not in a union. Please see [Chapter 5](#) for more information.

## Criminal Background

Washington's Fair Chance Act protects job applicants with a criminal record so they may fairly compete for job opportunities for which they are otherwise qualified. It covers job advertising, applications and hiring processes. It covers most employers, with exceptions for unsupervised access to vulnerable persons; law enforcement or criminal justice agencies; financial institutions, or employers who are permitted or required by law to ask about an applicant's criminal record for employment purposes; or employers seeking non-employee volunteers. See the Attorney General's information page on the Washington Fair Chance Act (<https://www.atg.wa.gov/fair-chance-act>).

Seattle has a Fair Chance Employment Ordinance similar to the state law, making it illegal for most employers in Seattle to advertise jobs that keep out applicants with a criminal history, ask criminal history questions or perform criminal background checks during the initial part of the hiring process. If you have already been hired and your employer performs a background check s/he cannot take actions against you (fire, demote, etc.) because of a criminal background unless s/he allows you to explain or correct the criminal history information, and s/he can prove that there is a good business reason for their action. The law does not apply to jobs with unsupervised

access to children under 16, individuals with developmental disabilities or vulnerable adults. For more information, visit the Seattle Office of Labor Standards (<http://www.seattle.gov/laborstandards/ordinances/fair-chance-employment>).

## 3.2 What if I have Experienced Discrimination?

### Summary

If you think your rights have been violated, keep track of what happened and when—you will need that information later!

**Step 1: Report it to your employer.** Unless your employer is the one who is harassing you, you must report harassment to your employer and give them a chance to fix the problem before filing a complaint. Many workplaces have an employee assigned to handle these issues, sometimes called an “EEO Officer” or Human Resources staff. If you are a union member, you can report the harassment to your union representative or steward.

**Step 2: Report it to a government agency.** Any worker who believes that his or her employment rights have been violated may file a discrimination charge.

If you think you have been illegally discriminated against, contact a government agency as soon as possible. Pay attention to timelines. Under most discrimination laws, you have only 6 months to one year after the act of discrimination to file a claim.

### FAQs

#### If I Report Discrimination, Can My Employer Fire Me?

**It is against the law for an employer to retaliate against you for filing a discrimination charge, participating in an investigation, or opposing discriminatory practices!**

Retaliation means punishing employees because they reported (or helped report) a violation to the employer or the government or cooperated with an investigation. If your employer fires, demotes, fails to promote, or takes other negative action that affects your job, it may be illegal retaliation. It is also illegal for your employer to encourage or allow coworkers to retaliate against you.

#### Where Do I File A Claim?

You can file a discrimination claim with the local, state or federal agencies described below. Before filing a complaint, you may want to check with each agency to see how quickly they process claims and what help they provide. Not all agencies provide the same solutions or cover the same laws. Knowing what an agency can offer may help you determine which one is best for your needs. Getting advice from a lawyer about your legal options may also be helpful.

Many workers are aware of the Americans with Disabilities Act (ADA), but may not be familiar with the Washington Law Against Discrimination (WLAD). WLAD provides broader protection than the ADA. The WLAD is enforced by the Washington Human Rights Commission (WHRC).

To protect your right to go to court, you should always file a complaint with the federal EEOC or the Washington Human Rights Commission, even if you also file with the city or county.

For discrimination based on union activity or support, file a complaint with the National Labor Relations Board.

### What If I Am a Public Employee?

If you are a public employee, you must first file a complaint with the level of government employing you. For example, if you are a City of Seattle employee, you must file with the Seattle Office for Civil Rights, not the County. Similarly, if you are a federal employee, you must file with the federal EEOC, not with Washington State.

## 3.3 Spotlight - Sexual Harassment or Assault

### Summary

Washington's Attorney General defines two types of illegal sexual harassment: hostile work environment and quid pro quo harassment.

A *hostile work environment* is when it is difficult or unsafe for you to do your job because of your gender. This can include unwelcome, sexually suggestive or gender-based comments or jokes; unwelcome and repeated requests for dates; offensive gestures; inappropriate touching; or display of pornographic materials. It is illegal harassment if these actions are severe and ongoing and/or are part of a pattern of other discriminatory actions.

*Quid pro quo* sexual harassment is when a manager, supervisor or other employee above you asks you for sexual favors in return for employment benefits such as promotion, salary increase, career development opportunities, special projects, or other benefits related to your job. This may be harassment, even if you agree to it.

If you observe another employee being harassed, or experience harassment yourself, you should document the incident(s) including the date, time and names of witnesses, and do one or more of the following:

1. Communicate to the harasser or their supervisor that the offensive behavior is unwelcome.
2. Immediately report the incident(s) to management or the human resources department, or your union representative.
3. Report the harassment to these government agencies:
  - Washington Attorney General's Office, [www.atg.wa.gov/have-civil-rights-complaint](http://www.atg.wa.gov/have-civil-rights-complaint) or call 1-800-551-4636
  - Washington State Human Rights Commission, [www.hum.wa.gov/discrimination-complaint](http://www.hum.wa.gov/discrimination-complaint)
  - U.S. Equal Employment Opportunity Commission, [www.eeoc.gov/employees/charge.cfm](http://www.eeoc.gov/employees/charge.cfm)

Your employer could be legally liable for the harassment if they fail to: provide employees experiencing harassment with procedures on how to file a complaint; promptly and thoroughly



investigate the complaint; and take prompt and effective action to eliminate further sexual harassment in the workplace.

Learn more at: <https://www.atg.wa.gov/sexual-harassment-law>

*Sexual Assault* is defined by the Rape Abuse & Incest National Network (RAINN) as "sexual contact or behavior that occurs without explicit consent of the victim." It can include rape or attempted rape, fondling or unwanted sexual touching, or forcing a victim to perform sexual acts. Sexual assault does not necessarily involve physical force; perpetrators may use emotional and psychological coercion, or manipulation, to force a victim into non-consensual sex. In addition to reporting sexual assault to the government agencies listed above, criminal charges can also be filed with the local police.

Learn more about how to identify and respond to sexual harassment or assault at: <http://www.workingwa.org/sexual-harassment-resources>

### FAQs: Sexual Harassment

#### If I am sexually assaulted at work, what are my rights to paid medical care?

Employers are required by OSHA to provide a safe work environment for their employees. Workers' compensation laws require employers to pay for injuries suffered by an employee on the job. Learn more about workers' comp in **Chapter 4: Your Right to a Safe Workplace**.

In addition, Washington's Crime Victims Compensation Program (CVCP) assists crime victims who suffer bodily injury or severe emotional stress from a crime classified as a gross misdemeanor or felony, and who are providing reasonable cooperation with law enforcement in the investigation and prosecution of the offender. CVCP covers medical/dental benefits; lost wages; medication coverage; mental health treatment; grief counseling; and funeral expenses. CVCP is a last payor of benefits, you must use your primary insurance first. To learn more about the compensation program, go to <https://lni.wa.gov/claims/crime-victim-claims/apply-for-crime-victim-benefits/>

## 3.4 Employment Rights for Formerly Incarcerated / Returning Citizens

### Summary

#### Statewide

Washington's **Fair Chance Act** protects job applicants with a criminal record so they may fairly compete for job opportunities for which they are otherwise qualified. It covers job advertising, applications and hiring processes. It covers most employers, with exceptions for unsupervised access to vulnerable persons; law enforcement or criminal justice agencies; financial institutions, or employers allowed or required, by law, to ask about an applicant's criminal record for employment purposes; or employers seeking non-employee volunteers. See the Washington Attorney General's information page on the Washington Fair Chance Act (<https://www.atg.wa.gov/fair-chance-act>).



## Seattle

Seattle has a **Fair Chance Employment** Ordinance similar to the state law, making it illegal for most employers in Seattle to advertise jobs that keep out applicants with a criminal history, ask criminal history questions or perform criminal background checks during the initial part of the hiring process. If you have already been hired and your employer performs a background check s/he cannot take action against you (fire, demote, etc.) because of a criminal background unless s/he allows you to explain or correct the criminal history information, and s/he can prove that there is a good business reason for their action. The law does not apply to jobs with unsupervised access to children under 16, individuals with developmental disabilities or vulnerable adults. For more information, visit the Seattle Office of Labor Standards (<http://www.seattle.gov/laborstandards/ordinances/fair-chance-employment>).

### 3.5 Protections for Pregnant Employees

In 2017, the Washington legislature strengthened civil rights protections for pregnant employees needing accommodations at work. These protections apply to an employee's pregnancy-related health conditions during pregnancy and after birth, such as the need to breastfeed or express milk.

If a pregnant employee works for an employer with 15 employees or more, she has the right to the following accommodations:

1. Providing frequent, longer, or flexible restroom breaks;
2. Modifying a no food or drink policy;
3. Providing seating or allowing the employee to sit more frequently; and
4. Refraining from lifting more than 17 pounds.

Employers may not ask for written certification from a healthcare professional for the accommodations in 1–4 above.

In addition, a pregnant employee may have rights to other workplace accommodation(s), as long as there is no significant difficulty or expense to the employer. To learn more about pregnant employees' rights, or to file a complaint, go to the Attorney General's Civil Rights Division website: <https://www.atg.wa.gov/pregnancy-accommodations>

### Pregnancy-Relation Leave Protections

For pregnancy leaves, the Washington Law Against Discrimination (WLAD) provides disability leave and job protections if you work for an employer with 8 or more employees. See the Human Rights Commission's Guide to Pregnancy-Related Leave:

<https://www.hum.wa.gov/employment/sexpregnancy-employment>

### 3.6 Gender and Pay Equity Discrimination in Employment

Washington's Equal Pay and Opportunities Act ([RCW 49.58](#)), prohibits gender pay discrimination and provides tools to promote gender pay equity for both employees and applicants.

## Employees:

- Employers must provide equal compensation to “similarly employed” workers except for some specific reasons not related to gender.
- Equal career advancement opportunities: Employers must not limit or prevent career advancement opportunities to their employees based on gender.
- Open wage discussions: Employers cannot prohibit employees from discussing their wages with others or require employees to sign agreements that prevent wage discussions.
- Current employees who are offered an internal transfer, a new position or a promotion must now be shown the new job's wage scale or salary range if they request it.
- If no wage scale or salary range exists, the employer must show the employee "the minimum wage or salary expectation" that was set before the job was posted or a transfer or promotion was offered.
- Employers cannot retaliate or discriminate, including terminating an employee, for exercising any of their protected rights under this law.

## Job Applicants

- Employers cannot request an applicant's wage or salary history, except under certain circumstances.
- Employers with 15 or more employees must provide an applicant who is offered a position with the minimum wage or salary of the position, if requested.

The ban on requesting salary history applies to all Washington employers, regardless of size. The requirement to disclose salary information to certain applicants and employees applies only to Washington employers with 15 or more employees.

L&I is tasked with enforcing the law and can accept complaints from employees and job applicants. To file a complaint, or for more information, go to <https://lni.wa.gov/workers-rights/workplace-complaints/index>. For additional information, contact L&I's Employment Standards Program at 1-866-219-7321.

## Chapter 4: Your Right to a Safe Workplace

*This Chapter covers safety issues in the workplace, employer and employee safety responsibilities, and how to enforce workplace safety.*

### 4.1 Employer and Employee Responsibilities

#### Summary

All workers have the right to a safe workplace, free from avoidable dangers that can cause injury or disease. Government agencies and labor unions work to enforce state and federal laws that help make your workplace safe.

#### Your employer must:

- Provide a safe and healthy workplace and follow all safety and health rules.
- Begin and maintain an accident-prevention program. Both employers and workers must be involved in designing the program. The program should meet the particular needs of your workplace.
- Ban alcohol and narcotics from the workplace.
- Prevent workers from using tools and equipment that are not safe.
- Control chemicals.
- Protect workers from the dangers of "biological agents" such as animals or animal waste, body fluids, biological agents in medical research labs (like bacteria), and mold or mildew.
- Post the Job Safety and Health Law employer responsibility and worker rights notice (the WISHA poster), and safety violation citations and notices.
- Provide training about job health and safety.
- Keep records of all job-related accidents.
- Hold regular safety meetings or create an ongoing safety committee (see details below)

#### You must:

- Read the WISHA poster.
- Follow your employer's safety and health rules and wear or use all required gear and equipment.
- Coordinate and cooperate with other workers to avoid accidents.
- Report dangerous conditions to a supervisor or safety committee.
- Report any dangerous condition that isn't being fixed, in writing, to the Department of Occupational Safety and Health (DOSH) (see below).
- Report any job-related injuries or illnesses to your employer and promptly seek treatment.
- Cooperate with government inspectors.

#### Safety Committees and Safety Meetings:

Under state law, most workplaces must have either regular monthly safety meetings of all employees, or if your employer has more than eleven people working at the same time and the same location, it must set up a workplace safety committee. Safety meetings must be held at least monthly and include employee representatives. See L&I's page on safety committees:

<https://lni.wa.gov/safety-health/preventing-injuries-illnesses/create-a-safety-program/safety->

[meetings-and-committees](#). Agriculture and construction have different rules—see information on those rules in Section 4.4.

## 4.2 Safety/Health Enforcement Agencies

There are both state and federal laws to protect worker health and safety. The following agencies can help if there is a health or safety problem at your workplace:

### Dept. of Labor & Industries - Division of Occupational Safety and Health (DOSH)



DOSH interprets and enforces both state and federal laws on workplace health and safety and provides education and training. DOSH offers information on core health and safety rules in the workplace, as well as job-specific health and safety rules. DOSH representatives may visit a workplace to inspect unsafe working conditions in response to complaints. DOSH inspectors will look for unsafe machinery, electrical

equipment, chemicals, gases or other hazards. The toll-free number for health and safety assistance at L&I/DOSH is 1 (800) 4BE-SAFE. L&I complaint procedures are listed at the end of this chapter.

### Occupational Safety & Health Administration (OSHA)

OSHA is the federal government agency responsible for workplace health and safety. OSHA has designated WA-DOSH to enforce federal safety rules in Washington, with three exceptions. OSHA is still handling workplace safety enforcement for federal employees, non-federal employees on federal reservations or military bases, workers on floating worksites (dry docks, fishing boats or barges), or workers employed by tribal employers on tribal lands. Find OSHA contact information in the [Resources Chapter](#) at the end.

## 4.3 General Workplace Safety Requirements



### First Aid Kits

All Washington businesses are required to have a first aid kit that is easily accessible to all employees at every worksite.

### Ergonomics

Ergonomics is the science studying how people sit, stand or interact with desks or machines. Sitting, standing or stooping for long periods of time can cause serious injury sometimes called “repetitive

stress injuries.” For more information on preventing repetitive stress and ergonomics health problems, visit: <https://lni.wa.gov/safety-health/preventing-injuries-illnesses/sprains-strains/ergonomics-process>

### **Hazardous Substances**

The Worker Right-to-Know law states that your employer must tell you about dangerous chemicals used in your work area and train you in their proper use. When you start your job and when new hazards come into your workplace, your employer must offer detailed information about the chemicals. For information on Worker Right-to-Know laws, contact DOSH or OSHA.

### **Heat and Water – Working Outside**

From May through September employers must have a written heat safety and training plan and protect workers from heat stress. This includes monitoring workers for heat stress, relieving stressed workers from duty, cool drinking water, and offering preventive cool-down rest periods. For temperatures above 100 degrees F, employers must provide shade or other cool-down areas and mandatory preventive cool-down rest periods.

### **Heat and Air Quality – Working Inside**

Your employer must provide reasonable air quality that doesn't make you sick. Restaurants and warehouses, for example, must be air-conditioned or ventilated to be safe (usually 90° F or cooler). Your employer must also ensure that chemicals released from new carpeting or other materials in the workplace won't make you sick. If you notice something that could be toxic, report it to your employer and DOSH. For more information, visit: <https://lni.wa.gov/safety-health/safety-topics/industry/offices>

### **Transportation**

If your employer provides transportation to the job site, the vehicle must be safe, insured, and meet government standards. The number of people in a vehicle, often determined by how many seat belts are available, must be reasonable and safe.

### **Excessive Overtime**

Your employer may have to pay you extra for overtime hours depending on your industry (see: **Chapter 1: Your Right to be Paid**). There is no legal limit to how much overtime your employer can make you work. But, if mandatory overtime is seriously harming your health or safety, you can ask for an L&I investigation.

### **Fall Hazards**

Washington State requires employers to protect all workers from falls. Your employer must provide training, prevention and equipment based on the work you do. For more information: download this L&I brochure: English <https://lni.wa.gov/forms-publications/f414-154-000.pdf> Spanish <https://lni.wa.gov/forms-publications/f414-154-999.pdf>

### **Lock Out/Tag Out Rule**

"Lockout" devices, such as combination locks, must be placed on equipment or machinery that could be dangerous if accidentally started up. Your employer should only give the combination to workers that are trained to start and stop the machine. A tag or other eye-catching warning devices should also be put on the machine to show that it may not be operated until the "tag out" device is removed.

## Breaks and Meals

You are entitled to regular breaks and meal periods at your workplace. Your employer cannot set unreasonable restrictions on bathroom use.

## 4.4 Special Safety Rules for Some Jobs/Industries

### Agricultural Work

Agricultural work includes farming and ranching. Your employer must ensure that climbing or lifting to plant, maintain or harvest crops, or working with animals is done safely. In addition, there are rules regarding sanitation, safe drinking water, pesticides and insecticides, wildfire smoke, and the availability of medical care.



If you have housing at the farm where you work, your employer also has to make sure that living conditions are safe. There are different sets of rules for working and living conditions. If you have internet access you can also see all safety rules here:

<https://lni.wa.gov/safety-health/safety-topics/industry/agriculture>

For help with agriculture workplace pesticide issues, contact the WA Dept. of

Agriculture Pesticide Management Division at (877) 301-4555 or visit their website:

<https://agr.wa.gov/departments/pesticides-and-fertilizers>

### Construction Work

Construction sites are dangerous workplaces, so there are lots of rules and regulation to follow. Employees must be properly trained to operate equipment and machinery; equipment must comply with safety standards, often requiring safety guards and warning labels; and proper clothing and protective equipment must be worn and, in some cases, provided by the employer. Washington courts have ruled that general contractors have a duty to ensure safety for “every employee on the jobsite,” not just its own employees. This includes subcontractors and independent contractors.

Information on health and safety topics for construction sites can be found online at: <https://lni.wa.gov/safety-health/safety-rules/rules-by-chapter/?chapter=155>



## Raising the Bar! - Isolated Worker Protections for Janitors, Guards and Hotel Workers

Washington now provides protections for isolated workers. An isolated worker can be a **janitor, security guard, hotel or motel housekeeper or room service attendant** who spends a majority of their working hours alone without another coworker present. Employers in these industries must take required precautions to prevent sexual harassment and assault. Under [RCW 49.60.515](#), hotels, motels, retail employers, security guard entities, and property services contractors must:

- Adopt a sexual harassment policy.
- Provide training to managers, supervisors, and employees to prevent sexual harassment, assault, and discrimination, and protections for employees who report law violations.
- Provide a list of resources for employees to report harassment and assault.
- Provide a panic button to certain workers.

### Additional Seattle Protections for Hotel Workers

Seattle's new hotel worker protection rules cover harassment by guests, limits on workloads, health insurance and job retention.

**The Hotel Employees Safety Protections Ordinance** This law requires covered employers to take measures to prevent, address, and respond to guest conduct that is "violent or harassing," which is defined as assault, harassment, non-consensual sexual contact, and indecent exposure. The law covers all hotels with at least 60 rooms. For more info:

<https://www.seattle.gov/laborstandards/ordinances/hotel-employee-protections/protecting-hotel-employees-from-injury-ordinance>

**The Protecting Hotel Employees from Injury Ordinance** – This law limits the workload of hourly employees who clean the guest rooms of a covered hotel or motel to prevent injuries for hotels with at least 100 rooms. For more info:

<https://www.seattle.gov/laborstandards/ordinances/hotel-employee-protections/protecting-hotel-employees-from-injury-ordinance>

**The Improving Access to Medical Care for Hotel Employees Ordinance** - The law requires covered employers to make monthly healthcare expenditures to, or on behalf of, covered employees to increase their access to medical care for hotels with at least 100 rooms. For more info: <https://www.seattle.gov/laborstandards/ordinances/hotel-employee-protections/improving-access-to-medical-care-for-hotel-employees-ordinance>

**The Hotel Employees Job Retention Ordinance** - This law requires covered employers to provide advanced notice to covered employees of changes in ownership and requires the incoming employer to retain covered employees for a certain time after the change in ownership. For more info: <https://www.seattle.gov/laborstandards/ordinances/hotel-employee-protections/hotel-employees-job-retention-ordinance>

## Restaurant Work

Restaurants contain potential hazards such as hot surfaces, sharp objects, dangerous kitchen equipment, flammable oils and slippery floors. Your employer must set up an **accident prevention program (APP)** with employee representatives and follow it to make sure that your working conditions are as safe as possible. Your employer is required to tell you about all potentially dangerous equipment and ensure you are trained to competently use the equipment. In some cases, your employer must provide Personal Protective Equipment, such as gloves or masks.

Your employer must also do a daily safety check of work areas to make sure there are no new hazards, and make sure employees are following safety rules. For more information on the safety and health rules for restaurants and setting up an APP, see: [www.lni.wa.gov/Safety/Topics/AtoZ/Restaurants](http://www.lni.wa.gov/Safety/Topics/AtoZ/Restaurants)

## Temporary Work

In 2021, the Washington Legislature passed a new law on safety for temp workers. Both temp agencies and worksite employers have a joint responsibility to provide a safe workplace free of recognized hazards. Temp agencies are required to:

- inquire about safety conditions, workers tasks, and the worksite employer's safety program before assigning workers;
- provide safety training for hazards the worker is likely to face at the worksite in the preferred language of the employee, and at no expense to the employee.

Employers using temp employees must:

- document and inform temp agencies of hazards;
- provide any specialized safety training necessary;
- maintain records of training;
- Inform workers and temp agencies of any safety changes related to new tasks and provide appropriate training;
- An employee may refuse a new job task if they have not been given appropriate training to do the new task.

## Other Types of Work

Retail workers face the special safety concern of potential robbery. Office workers encounter ergonomics health issues. Health care workers face blood-borne dangers and exposure to dangerous chemicals. In addition, health care, transportation other specialized workers sometimes have limitations on work hours to ensure sufficient rest between shifts. Many workplaces also have rules concerning safe ventilation, lighting, safe entries and exits, fire hazards, crime and workplace violence. For more information on these issues visit the L&I/DOSH website: [https://lni.wa.gov/safety-health/safety-rules/find-safety-rules/#term=&filter=all&page=1?query=&filter=chapters&page=1&index=Safety\\_Rules](https://lni.wa.gov/safety-health/safety-rules/find-safety-rules/#term=&filter=all&page=1?query=&filter=chapters&page=1&index=Safety_Rules)



## 4.5 Coronavirus and Safety

### Special Coronavirus Safety Rules

**Providing Employees Notice of Exposure** - Once an employer has been notified of a Coronavirus case at a workplace, the employer must provide employees and subcontracted employees at the workplace with written notice within one business day. For health care facilities, such notice must be made to all employees on the premises within 24 hours (not a business day).

**Providing Notice to Dept. of Labor and Industries** - Employers with 50 or more employees at a worksite must provide notice within 24 hours to the WA Dept. of Labor and Industries (L&I) if 10 or more of their employees at the workplace or worksite in this state have tested positive for Coronavirus.

**Right to Use Personal Protection Equipment (PPE)** - Every employer that does not require specialized PPE must allow employees or onsite contractors to voluntarily use any PPE they want to use, including gloves, goggles, face shields, and face masks.

**Protection from Retaliation for Filing Complaints** - An employer cannot fire or discriminate against an employee for filing a Coronavirus (or any other) safety-related complaint or testifying against the employer in a safety case. Prohibited discrimination includes an action that would deter a reasonable employee from exercising their legal rights to a safe workplace. This protection includes the right to have their job or an equivalent job restored, back wages, and fines against the employer.

## 4.6 Harassment, Bullying or Assault

### Summary

Whether you're being pressured to have sex with your boss or forced to listen to foul language or slurs, harassment and bullying of all types can create an unsafe, hostile work environment. While federal and state laws are limited in defining illegal behavior, that does not mean what you're experiencing is acceptable. This section will guide you in understanding your rights and how to navigate hostile workplace environments.

**Harassment:** Under federal and WA state law it is illegal to harass a person in any aspect of employment because of that person's race, color, ethnicity, gender, religion, sexual orientation, or other legally protected status. Harassment can include slurs, offensive or derogatory remarks about a person's identity, or the display of offensive symbols. Harassment against someone because of their protected status can be illegal when it is so frequent or severe that it creates a hostile or offensive work environment, or when it results in an adverse employment decision (such as the victim of the harassment being fired or demoted). See the Discrimination section to get a comprehensive list of protected statuses and guidance on how to defend your rights.

**Workplace bullying** typically involves malicious behavior such as deliberate insults, threats, demeaning comments, constant criticism, overbearing supervision, profane outburst, blatant

ostracism, being overworked, or simply not communicating with colleagues. More subtle forms of bullying can include withholding or supplying incorrect work-related information, sabotaging projects, passive-aggressive behavior, blocking promotions, providing unclear or contradictory instructions, or requesting unnecessary or menial work.

Generally, it is not illegal for your boss to harass you unless it is done for an illegal reason. The law does not require that your boss be nice, kind or fair, only that your boss does not treat you differently because of your age, sex, race, religion, national origin, disability, or other protected status.

However, if bullying starts as retaliation against an employee who has reported ethical concerns about the company, the employee may be protected under whistleblower statutes. Workers represented by a union can report the bullying to their Union Representative and seek support in addressing the behavior with workplace management. Learn more about bullying at: <https://www.workplacefairness.org/workplace-bullying>

**Assault/Workplace Violence.** If you have experienced sexual assault or physical violence at work, report it immediately to your supervisor and/or the police, and detail the incident in writing. If threatened at your workplace and your supervisor or employer does not act, or the threat of further violence is serious, report it to the local police.

If you feel that you were the victim of violence because your employer violated the general duty to provide a safe workplace, you can file a complaint with OSHA and the WA Department of Labor & Industries. Employers are not automatically liable for violent acts committed by their employees. However, if your employer could have or should have known that one of their employees had violent tendencies; they may be liable for injuries caused by that employee.

Documenting and reporting threatening behavior when it happens will help you in holding your employer accountable if they fail to respond adequately to your concerns. Workers' compensation laws require employers to pay for injuries suffered by an employee on the job. Furthermore, employers are required by OSHA to provide a safe work environment for their employees.

Washington's Crime Victims Compensation Program (CVCP) assists **crime victims** who suffer bodily injury or severe emotional stress from a crime classified as a gross misdemeanor or felony, and who are providing reasonable cooperation with law enforcement in the investigation and prosecution of the offender. CVCP covers: medical/dental benefits; lost wages; medication coverage; mental health treatment; grief counseling; and funeral expenses. CVCP is a last payer of benefits, you must use your primary insurance first. To learn more about the compensation program, go to <https://lni.wa.gov/claims/crime-victim-claims/who-can-file-and-what-is-covered/>

### **New for 2020! Workplace Violence Prevention in Health Care Settings**

Beginning January 2020, Washington health care facilities, including mental health and home health services, must update their violence prevention plans regularly and provide updated training to employees (RCW Chapter 49.19). See the legislative summary here: <https://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bill%20Reports/House/1931-S%20HBR%20FBR%2019.pdf>

## 4.7 If You Find a Health or Safety Issue at Work

The Washington State Department of Labor & Industries (L&I), Division of Occupational Safety and Health (DOSH) is responsible for administering the requirements for worker health and safety in Washington.

<b>Step 1</b>	See, smell, or hear something unsafe.
<b>Step 2</b>	Write down what happened, the time and date, exactly where, and who was involved. Keep this record.
<b>Step 3</b>	Report the safety hazard to your boss. (Note, if you are uncomfortable telling your boss directly, you can skip steps 3-4, and directly file an anonymous DOSH complaint. You can also report it to a labor union or union representative.)
<b>Step 4</b>	If your boss does not fix the problem you can refuse to do the unsafe work, but you must stay at work. If you refuse to do unsafe work, tell your boss that you plan to report the violation.
<b>Step 5</b>	File a complaint with DOSH.
<b>Step 6</b>	DOSH could require an inspection of your workplace.
<b>Step 7</b>	DOSH will decide whether or not the problem has to be fixed. You can request that they look over the decision again if you disagree.

**Generally speaking, you have the right to refuse to do unsafe work, but you should stay at the jobsite and try to find safe work to do until your shift ends or you are asked to leave.**

If you have a safety committee in your workplace, you can also tell the committee. Your employer might simply correct the issue and solve the problem. But if your employer doesn't fix it and you are still concerned about the issue, you can file a complaint with DOSH.

### Information for Federal Employees

If you are a federal employee, a non-federal employee working on federal reservations or military bases, employed on a floating worksite (dry docks, fishing boats or construction barges), or employed by a tribal employer on tribal lands in Washington State, then you should visit the federal agency [OSHA's website](#) or call (800) 321-OSHA [6742]

### Filing a Complaint

Complaints must be made in writing. You can use an online form available in English or Spanish, or you can just write DOSH a letter explaining who you are and describing the problem.

You can call DOSH for more information about how to make your complaint and about the complaint process at 1 (800) 4BE-SAFE (interpreter services are available). You can also find information online and file complaints at the [DOSH Complaints website](#).

## 4.8 Workers' Compensation for Injury or Occupational Disease

### Workers' Compensation for Injury or Occupational Disease

If you are injured at work or develop an occupational (work-related) disease, you can apply for workers' compensation. If you need medical treatment for your injury or illness you may be entitled to help in paying for treatment. You may also be entitled to receive partial lost wages if illness or injury stopped you from being able to work. All employees have the right to receive workers' compensation, including undocumented workers.

Learn more in the On the Job Injury or Diagnosis of an Occupational Disease section under [Chapter 2: Your Right to Care for Yourself and Family](#).

## 4.9 ICE and the Police - What to do if Immigration Comes to Your Workplace

### Summary

Immigration officers are not allowed to enter private (employee-only) areas of your workplace — whether it is a factory, store, farm, or orchard — without either the owner's permission or a judicial warrant signed by a judge. If an officer does get permission, the officer can ask you questions about your immigration status.

- **You have the right to keep silent.** You don't even have to tell the agent your name.
- **You have the right to talk to a lawyer** before answering any questions. You can tell the officer, "I wish to talk to a lawyer," in answer to any question.
- If you hire an attorney, speak only through your attorney.
- Do not tell the immigration officer where you were born or your immigration status.
- **Do not show the officer your papers** or any immigration documents. If the officer asks you for your papers, tell the officer, "Please speak to my lawyer."

### **The Washington Immigrant Solidarity Network (WAISN) Hotline**

**844-724-3737**

**Call to find out more about what's going on in your community and to report ICE issues or see the handout at their website: <https://www.waisn.org/keep-washington-working>**

### If you are approached by Police on the Street While Waiting for Work

The police often approach day laborers while they are gathering for work on street corners. In some places, day laborers and organizers have formed a respectful relationship with the police. If you can, work with a trusted community group or worker center to learn about your rights and to make a plan of action for dealing with the police.

## Raising the Bar!

City of Seattle Police Officers are not allowed to ask you about your immigration status. If they do, you do not have to answer.

### If You Are Approached by The Police:

- The most important thing to remember is to stay calm and do not run because you may not be in any trouble. Running may give the police a reason to hold you.
- Never give a police officer false identification or immigration-related documents.
- Regardless of your immigration status, you have the right to not answer the police officer's questions. However, refusing to speak with the police can make them suspicious.
- You should ask if you are free to leave. If the officer answers, "yes," then you should walk away from the street corner.

### FAQs:

#### Can the Police Ticket or Arrest Me for Looking for Work on a Street Corner or Other Public Space?

Most likely, yes. Many cities have laws that forbid loitering and blocking traffic. Some of these laws make it illegal to look for work in particular places. Day labor organizers in some areas have worked with police to identify places workers can wait for work or address traffic and neighborhood concerns without ticketing workers.

#### What Should I do if Police Ticket or Arrest Me?

You should remain silent and say, "I am asserting my right to remain silent. I want to speak to an attorney. I do not consent to a search." Once a ticket is issued or you have been arrested, do not argue with the officer. The police can and will use anything you say against you. Carry a card that states you wish to exercise your right to remain silent. If the police start asking questions, present the card to the police and remain silent.

If possible, carry the name and contact information for an attorney or community organization who can give you advice in case you are arrested.

## Chapter 5: Your Right to Organize

*This Chapter covers what happens when workers organize together to improve conditions at work through a union or other organization.*

### Summary

*A Voice on the Job Leads to a Better Job. When workers stand together they are more likely to win improvements and protections at work. Having a legally established union means that the employer is **REQUIRED** to negotiate a written agreement about the terms and conditions of your job – that includes wages, benefits, and much more. But even without a union, when working people act together they can create the power they need to have a collective voice on the job.*

### 5.1 Federal Protections to Organize a Union

#### Summary

The National Labor Relations Act protects the basic right to take action with coworkers to improve wages and working conditions in the private sector. This is called “concerted activity.” The National Labor Relations Act protects most private sector workers’ right to organize a union and collectively bargain with their employers.

As a worker covered by the **National Labor Relations Act**, you have the right to:

- Talk about a union during breaks, or before or after work, but usually not during work time.
- Distribute union literature to your coworkers. You can do this on your own time in non-working areas (for example the cafeteria or parking lot).
- Attend union meetings.
- Encourage your coworkers to form a union.
- Wear union buttons, t-shirts, stickers, hats and other union items on the job as long as your dress code does not prohibit those kinds of things generally. If you are allowed to wear a Sierra Club or Rotary Club button at work, you should be allowed to wear a union button.



**It is against the law for your employer to:**

- Threaten to fire you for supporting the union.
- Spy on you about your union activity.

- Discriminate against you (treat you worse) when it comes to hiring, promotion, layoffs, benefits or other working conditions because you support the union.
- Make threats or promises related to union activity. An example of an illegal threat is saying that the workplace will close if workers form a union. An example of a promise is that if workers' reject the union, the employer will raise wages.

## FAQs:

### Who Is *Not* Covered by The National Labor Relations Act?

The National Labor Relations Act does not apply to farm workers, domestic workers, public sector workers (federal, state, county, and municipal employees), true independent contractors (see: *Am I an Employee?*), supervisors or managers who can hire or fire people, and confidential employees.

### What about public sector workers?

**Workers in the railroad or airline industries** are covered by the Railway Labor Act. For more information go to the website of the National Mediation Board (<http://nmb.gov/>).

**Public Sector Workers:** Most public sector workers do have the right to form unions under similar state and federal laws.

**State and local public sector workers:** Public Employment Relations Commission [www.perc.wa.gov](http://www.perc.wa.gov).

**Federal workers:** Federal Labor Relations Authority [www.flra.gov](http://www.flra.gov).

## 5.2 What is a Union?

A union is a democratic organization of workers who join together to improve the terms and conditions of their employment by bargaining collectively (together) with their employer.

### Union Members Have...

- **The right to collectively bargain** a contract guaranteeing the terms and conditions of employment.
- **The right to vote** for some union leadership positions, on contracts, and on whether to strike.
- **Constitutions and bylaws** that explain how the union operates internally.
- **Elected officers.**
- **To make a financial contribution:** In most cases, everyone who benefits from a union contract puts in money (called “dues,” and usually paid through payroll deduction) to cover costs such as professional staff, legal advisors, etc. Employees who do not want to be union members are still covered under the union contract and pay fees to cover the cost of their union representation.
- **The opportunity to be part of a larger labor organization** like a local, state, or national labor federation that works on behalf of all working people in the community.



## FAQs: Unions

### Why Have a Union?

The largest union benefit is having a stronger voice for employees on the job. Union members usually earn more than non-union workers doing similar work because they are able to bargain legally binding contracts (called collective bargaining agreements) with the employer. Union members also are more likely to have better employee benefits, including employer-provided healthcare, pensions, paid leave and job security.

### Can My Union Protect Me from Being Fired?

In Washington State, workers not covered by a union contract are considered to be "at-will" employees. This means an employer can hire and fire you for any reason or no reason at all. There are exceptions—you cannot be hired or fired for discriminatory reasons (race, sex, national origin, etc.), in retaliation for defending your workplace rights, or for a limited set of other prohibited reasons (like whistleblowing).

Having a union usually means your employment is no longer “at-will”—an employer must prove that they have "just cause" (good reason) to fire you, suspend you, or otherwise punish you for misconduct.

### I Want a Union! Where Do I Start?

A union organizing campaign is complex. Before beginning you should seek out resources and people who can help you. See the end of this chapter for some suggestions. Before starting you should consider the following things:

## 5.3 More About Unions

### Who Will Be a Part of Your Union?

Ideally, you should be in a union with workers who do similar work to you and/or work at the same place. The contract your union bargains will apply to that specific group of workers, called a “bargaining unit.”

Tip: The better organized your group is, the less likely it is that someone from management will deny you your rights!

### Who Can Help You?

First and foremost, think about your coworkers. Getting to know what workplace issues they care about, and how willing they are to organize will form the basis of your campaign! If you would like to discuss whether outside help or professional advice could aid your efforts, you can contact staff from a local union office at any point.

Union staff can provide resources, guidance, legal support and strategic advice. A good starting place for help is the Washington State Labor Council or a local labor council. They can direct you to a union that could help you in your effort. Their contact information can be found in the *Labor Organizations* section at the end of this chapter.



Tip: It is best to consult a union organizer or the NLRB for information on what is legal when employees try to form a union!

## Employer Resistance

Most employers will fight a unionization effort. Before starting a campaign, you should learn about your right to unionize and make sure everyone understands that they are legally protected. You should also learn about employers' common anti-union activities. Learning about other campaigns and talking to union organizers can give you an idea of what to expect. You should expect your employer to fight the organizing drive, and it is probable that some of your coworkers won't want a union either.

## Common Actions Employers Take When a Union is formed: Legal and Illegal

### Legal

- Call a mandatory meeting of all employees on work time to tell employees why management thinks a union would be bad for the company and the workers. This is called a "captive audience meeting." This is *not* allowed on union election day or the day before.
- Meet individually ("one-on-one") with employees, especially those that they think might be scared or willing to resist a union. This is *not* allowed on union election day or the day before.
- Hire a consultant to help run a campaign against the union.

### Illegal

- Punish workers for trying to form a union, if organizing activities are off-the-clock.
- Threaten to close the company if workers form a union or promise to improve working conditions if workers reject a union.
- Spy on workers to monitor or discourage union activities

## Getting Recognition of Your Union

### Union Authorization Cards

You need at least 30% of the workers in the bargaining unit to sign "union authorization cards" or a petition before you can take a vote. Although 30% is the legal minimum, to be more confident of winning, it is wise to have at least 65% of workers sign before proceeding to the next step: demanding recognition.

### Demanding Recognition of Your Union – Elections

Once a significant majority of employees in your workplace have signed cards or petition in favor of unionizing, you can ask the employer directly to recognize the union, or you can ask the National Labor Relations Board (or the Public Employment Relations Commission in the public sector) to hold a secret ballot election for employees to vote on a union.

**Very Important!** While you are organizing, *do not give management a reason to fire you!* Be sure to show up on time, follow the instructions you are given, etc. An employer can *legally* fire someone for poor job performance even during a union organizing campaign.

## What Do I Do If My Boss Does Not Respect My Rights?

Let your employer know that **the law protects your right to organize**. If someone in management questions you about union activity, make a note of the date, who spoke to you, and what was said. Tell other workers or professional union staff about what happened immediately!

- You do not have a legal obligation to tell the employer about your organizing activities.
- If your employer threatens you because you will not discuss your organizing, they are breaking the law and you can file an Unfair Labor Practice (ULP) charge against them.

For further assistance on the rules about unionizing and on filing an Unfair Labor Practice (ULP) charge, contact the:

### **National Labor Relations Board Regional Office (for private sector employees):**

*Address* – 915 2nd Ave Room 2948, Seattle WA 98174

*Phone* – (206) 220-6300, TTY – (206) 220-6292

*Web Address* – <https://www.nlrb.gov/region/seattle>

### **Public Employment Relations Commission (for public employees)**

*Phone Number* – (360) 570-7300

*King County Address* – 9757 Juanita Drive NE, Suite 201, Kirkland, WA 98304

*Web Address* – [www.perc.wa.gov](http://www.perc.wa.gov)

## 5.4 Rights and Responsibilities of Union Members

Once you have a union, you are entitled to many rights you would not otherwise have in the workplace.

### The Right to Representation – Weingarten Rights

Federal law gives you the right to have a shop steward or other union representative with you during an “investigative interview” by a manager that could result in discipline – in other words, when you are called in to discuss if you have done something wrong. This is what is known as your **Weingarten Rights**. If you think that your manager is asking to meet about an issue that could lead to discipline, you have a right to advice and assistance during this conversation.

If your employer denies the request for union representation and questions you anyway, you can refuse to answer any questions until you have a representative with you. However, you should not leave the meeting until your employer says you can!

### Collective Bargaining

Collective bargaining is the process when union representatives and an employer negotiate over the conditions of employment, including pay, benefits, hours, leave, health and safety policies, and more. Both the union and the employer are legally required to bargain in “good-faith,” that is, make a serious effort to reach an agreement.

An appointed or elected “bargaining team” will represent employees in negotiations for a contract. If you have joined a larger union you will likely have a professional staff person or union officer with you as well. If both sides agree to a contract, union members will vote to either accept or reject it – majority rule. If it is rejected, then both sides have to negotiate some more. If it is approved, it takes effect. A union contract can last for any length of time, but most run two to four years.

### Union Dues

Union dues provide your union with money to operate. Dues are either a percentage of your income or a flat rate. Dues pay for many different things including bargaining, organizing, staff salaries, strike-funds and contributions to community causes. In most cases, union dues cannot be spent on political activities. Many unions have separate political action committees (PACs) that operate with voluntary contributions.

Employees who are covered by a union contract but do not want to be members sometimes have the option to pay a reduced “agency” or “fair share” fee to cover the cost of representing them. Remember that non-members who pay reduced fees probably don’t have the right to vote on union matters.

### Duty of Fair Representation

Under the National Labor Relations Act, every union has a legal obligation to fairly represent all workers in the bargaining unit. Your union cannot discriminate against workers because of their race, gender, sexuality, age, nationality, immigration status, disability or their status as a dues-paying member, non-member, or agency fee payer.

### Can We Go on Strike?

The National Labor Relations Act protects your right to strike in some situations. Determining whether or not a strike is legal and what protections you have depends on the reason for the strike, how the workers and employer behaves, the type of workplace, and other factors. For more information on which strikes are protected visit the National Labor Relations Board website: <https://www.nlr.gov/strikes>.

For public sector employees (federal, state, city, etc.), or workers in the transportation industry covered by the Railway Labor Act, the right to strike is more limited. Washington State law explicitly bars most state, municipal, and county workers from striking, although public school teachers’ right to strike is unclear. Strikes by federal workers are generally illegal. When strikes are illegal, however, other types of concerted action by workers may be permitted.

## 5.5 Alternatives to Unions - Workers’ Organizations

Some workers, including agricultural workers, domestic workers, and independent contractors do not have a legal right to collective bargaining, but they can still organize to improve their working conditions. They can form workers’ organizations that look out for their well-being. The steps to form a workers’ organization that represents your interests are the same whether or not you have a legal right to collective bargaining.

- Identify the issues that workers care about and the changes they want to make.

- Build a leadership committee that can communicate with workers all over the workplace.
- Find allies in the community – unions, community organizations, teachers, etc. – who understand how your workplace organizing will make a positive contribution in the community.
- Use collective actions to ensure the employer follows all laws that protect workers even if they don't have a union.
- Engage in grassroots fundraising from workers and your community to help create and maintain a strong organization.
- Develop productive ways to discuss job issues with your employer. This might include a labor-management committee.
- Find ways to protect each other if the employer tries to divide you.
- Keep good records about what is happening on the job and celebrate your victories!

## 5.6 Labor Organizations

If you are interested in organizing to make things better at work, here are a few organizations that can help you get started.

### Washington State Labor Council, AFL-CIO

You can visit the **Washington State Labor Council's** website to find a list of unions, news about the labor movement, or contact them for support. They are the largest labor organization in the state. The WSLC's core programs are to assist workers with organizing campaigns, advocate for policies protecting and benefitting workers, and education on worker issues. They can also direct you to one of 15 local labor councils across Washington State, including MLK Labor (<http://mlklabor.org/>) in King County.

Washington State Labor Council  
321 16th Ave S.  
Seattle, WA 98144  
(206) 281-8901  
[www.wslc.org](http://www.wslc.org)

### Casa Latina

Casa Latina empowers metro Seattle's Latinx immigrants by providing them with educational and economic opportunities, giving people tools they need to work, live, support their families and contribute to the community.

317 17th Avenue South,  
Seattle, WA 98144  
206.956.0779  
<http://casa-latina.org/>

### Working Washington

Working Washington is a statewide workers organization with a mission of building a movement to improve wages and working conditions, and advocating for raising wages, improving labor standards, and changing the conversation about wealth, inequality, and the value of work. Visit

their website: <http://www.workingwa.org/>, or reach them at: [info@workingwa.org](mailto:info@workingwa.org) | Phone: **253-256-5176**

### **WA Building and Construction Trades Council**

The Washington Building and Construction Trades Council unites many building and construction trade unions. Their website is [www.wabuildingtrades.org](http://www.wabuildingtrades.org)

### **Labor Education and Research Center, South Seattle College**

If you need education on your rights or how to develop the skills you need to organize, contact the Labor Center – <http://georgetown.southseattle.edu/lerc/>.

## Chapter 6: Special Groups and Situations

*This Chapter covers workers' rights for special groups and workplace situations and remedies for these workers.*

### 6.1 Household/Domestic Workers

Household or domestic workers work in the employer's home as housecleaners and childcare providers. They are frequently paid under-the-table and lack many rights on the job. However, your employer cannot:

- Take away your personal property or documents
- Hit you, threaten you, nor abuse you in any way
- Sexually harass or assault you in any way
- Withhold your pay; nor
- Do anything else that violates your civil rights as a person living and working in this country.

#### Special Rights for Domestic Workers in Seattle

If you are a domestic worker in Seattle – as an employee or independent contractor – working in private homes as a nanny, house cleaner, home care worker, gardener, cook, and/or household manager, you have additional rights described below.

#### Do Household Workers have to be Paid Minimum Wage?

Almost all domestic workers in Seattle are covered by Seattle's higher minimum wage (See [Chapter 1.1 Minimum Wage](#)). Most household workers outside Seattle do have the right to be paid at least the state minimum wage (**\$13.50 in 2020**) unless you work for an employer irregularly, are younger than 18, or if you live where you work.

#### Taking Breaks and Taking Time Off

Except for Seattle, household workers do not have a right to rest breaks during work. Seattle requires the following breaks:

- A 30-minute uninterrupted meal break if you work for more than five hours in a shift in the same home
- A 10-minute uninterrupted rest break for every four hours of work in the same home
- If you can't take a break, your employer must provide additional pay for the missed break
- If you are a live-in caregiver, you must receive a day of rest after more than six days of work in a row

In addition, Seattle's Domestic Worker law prevents employers from keeping any of your possessions or documents such as passports or visas.

State law protects you from having to work more than 60 hours a week unless there is an emergency requiring you work the extra time. Your employer is allowed to fire you in most cases if you do not come to work, even if you are sick or just had a baby.

#### Safety and Injury on the Job

Employers are required to provide safe working conditions for household workers. This includes providing cleaning materials that are as safe as possible. However, most household workers will not be able to get workers' compensation if injured at work. You should still let your employer know when you are injured and ask for help. If the employer does not agree to help you, you have the right to sue your employer to help you pay your medical bills and other damages. If that amount is less than \$5,000, you can take your employer to small claims court. You can find information on small claims court (in Spanish as well) at Washington Law Help (<http://www.washingtonlawhelp.org>).

### Where to go for Help: Organizing with Other Workers

Household workers can join together to help each other, but do not have a right to unionize. In other words, your employer is not required to negotiate or sign a contract. In Seattle, some domestic workers who cannot form a union work together to find work and help protect each other through Casa Latina Workers Center (<http://casa-latina.org>).

Cleaners or other household services workers who are employed by a business, not a private family, probably *do* have the right to form a labor union (see [Chapter 5 – Your Right to Organize](#)).

### What Can I Do If My Employer Is Breaking the Law?

In Seattle, you can file a complaint with the Office of Labor Standards (<https://www.seattle.gov/laborstandards>). Outside Seattle, you can file a workplace rights complaint with the Department of Labor and Industries (<https://lni.wa.gov/workers-rights/workplace-complaints/worker-rights-complaints>). Other resources include Fair Work Center (<https://www.fairworkcenter.org/get-help/>), Legal Voice (<https://www.legalvoice.org/domestic-worker-rights>) and Casa Latina, listed above.

## 6.2 Day Laborers

Day laborers do temporary jobs, often in construction, landscaping and manufacturing. They are frequently paid off the books and misclassified as independent contractors. The following section is for day laborers who are true employees, even if they are misclassified as independent contractors.

### Does My Employer Have to Pay Me Minimum Wage and Overtime?

Day laborers have a right to be paid at least the minimum wage (\$12.00 an hour in 2019) and the right to paid overtime (time and a half) for every hour worked over 40 in a week for a single employer, whether that employer is an individual or an agency.

### Does My Employer Have to Pay Me for Waiting and Transportation Time?

You do not have to be paid for the time it takes to get to work unless you are working along the way to a job site or are being taken to a different site for the same employer. If you are free to leave the job site, then you do not have to be paid while you wait for work. However, if your employer says that you must report at a certain time you should be paid starting at that time, whether the work has begun or not.

### Can My Employer Take Money Out of My Paycheck?

If your employer offers you something that you are free to accept (like meals or transportation), and you are expected to pay for it, your employer can take money out of your pay as long as your pay (after deductions) is at least minimum wage and you have agreed to it in advance. If the employer does not allow you to provide your own transportation or meals, and your boss benefits or profits by charging workers for meals, transportation, etc., arrangement, then you should not have to pay.

If your employer withholds wages resulting in your pay being below the minimum wage, or not being paid at all, that is wage-theft. You should contact an attorney or Casa Latina **(206) 956-0779** for help.

**Uniforms and Equipment** – In most cases, your employer cannot deduct money from your paycheck for a uniform, tools, safety equipment or other materials that you need to do your job.

**Property Damage** – Except in limited circumstances, your employer cannot deduct money out of your paycheck to pay for damage to their property, even if it was your fault. However, they can ask you to pay for the damage or take you to court to force you to pay for it.

**Day Labor Agency Fees for Cashing Paychecks** – This is not allowed if the fee would reduce your paycheck to below the minimum wage. These fees are also not allowed if the employer profits from the fees or if they are not mostly for your benefit. The fees are allowed if the employer does *not* benefit financially, and the arrangement *is* mostly for your benefit, *and* you agree in advance and in writing.

## Safety and Injury on the Job

In 2021, the Washington Legislature passed a new law on safety for temp workers. Both temp agencies and worksite employers have a joint responsibility to provide a safe workplace free of recognized hazards. Temp agencies are required to:

- inquire about safety conditions, workers tasks, and the worksite employer's safety program before assigning workers
- provide safety training for hazards the worker is likely to face at the worksite in the preferred language of the employee, and at no expense to the employee.

Employers using temp employees must:

- document and inform temp agencies of hazards
- provide any specialized safety training necessary
- maintain records of training
- Inform workers and temp agencies of any safety changes related to new tasks and provide appropriate training
- An employee may refuse a new job task if they have not been given appropriate training to do the new task.

**Health and safety laws protect *all workers* regardless of their immigration status or being labeled as an independent contractor.** You can refuse unreasonably dangerous work and not



lose your job. You also have the right to file health and safety complaints with the State Dept. of Labor and Industries (L&I). Call them at **1 (800) 423-7233**. Interpreter services are available.

If you are injured on the job, your employer is responsible for covering the cost of your medical treatment. You may qualify for workers' compensation, no matter what your immigration status is. For more information on collecting workers' compensation see [Chapter 2: Your Right to Care for Yourself and Your Family](#).

### Where to Go for Help: Organizing with Other Workers

Casa Latina (<https://casa-latina.org/>), Seattle's Worker Center, helps workers with issues such as wage theft and provides a safe space for workers to gather and look for work. They provide a work dispatch service where anyone looking for workers can call in and the Center will send them out workers. They also set a minimum pay scale for the workers they send out, depending on the skills required to do the work.

For more information on the rights of day laborers and what you can do to protect yourself, see the National Day Laborers Organizing Network website (<https://ndlon.org/>). Workplace Fairness (<https://www.workplacefairness.org/day-laborers>) also has a good section on the rights of day laborers.

## 6.3 Under-the-Table Workers

Under-the-table work is all paid work that is not reported to the state or federal government. Under-the-table workers are generally paid in cash or through a personal check. Usually, you do not sign a written contract with your employer. It is generally illegal for an employer to hire you under-the-table.

### Your Rights as an Under-the-Table Worker

If you are paid in cash, as an “under-the-table” worker, you are entitled to the same rights and benefits as other workers, but it may be difficult to prove that you worked for a particular employer. They may deny that you ever worked for them or say that you were an “independent contractor.”

**A verbal contract** is an agreement that is not written down, but workers and employers are still required to follow it. It is best to get everything in writing to protect yourself.

Employees who work under-the-table have the right to be paid minimum wage (\$13.69/hour in 2021, higher in some cities) and usually overtime. Keep track of the hours and days that you work and all information you can gather about the person or company you worked for.

Your employer is responsible for providing a safe workplace for all workers, even those getting paid under-the-table. For more information on your rights to a safe workplace and on reporting an unsafe workplace, see [Chapter 4: Your Right to a Safe Workplace](#). Under-the-table employees, even undocumented workers, have the right to workers' compensation if injured on the job (see [Chapter 2.6: On the Job Injury and Occupational Disease](#)).

### Need More Help?

If you need help understanding or claiming these rights, contact one of the free or reduced-price legal services listed in the Resources chapter at the end of this book.

If you are in the Seattle area, you can contact the Fair Work Center (<https://www.fairworkcenter.org/get-help/>) or call **844-485-1195** for assistance. You can also contact a community organization, such as Casa Latina (<https://casa-latina.org/>) that helps under-the-table workers and undocumented workers.

For more information on undocumented workers' rights, see [Chapter 6.5](#) below.

## 6.4 Young Workers, New Jobs

### Teen Workers

#### How old do I have to be to work?

In Washington State, the minimum age for teen workers is 14 years old. There are a few exceptions for some agricultural work or when a teen is working for a business *entirely* owned by their parent or guardian.

To hire a worker under age 18, an employer must have a **Minor Work Permit** (<http://bls.dor.wa.gov/minorworkpermit.aspx>) from the Dept. of Revenue. Your employer must also have an **authorization form** from your parent and/or your school. (<https://lni.wa.gov/workers-rights/youth-employment/hours-of-work>)

#### What Is the Minimum Wage for Minors?

The minimum wage in Washington State for 16- and 17-year-old workers is the same as for adults — \$13.69 per hour in 2021. Teens under age 16 must be paid at least 85 percent of the minimum wage — \$11.64 in 2019. The minimum wage **exceptions** (<https://lni.wa.gov/workers-rights/youth-employment/wages-rest-breaks-and-meal-periods>) for farm workers also apply to teens.

#### Breaks for Teens

All 14- and 15-year-old non-agricultural workers have the right to a 30-minute, uninterrupted meal break for every four hours they work each day. They must also have a paid rest break of at least 10 minutes for every two hours worked.

All 16- and 17-year-old non-agricultural workers and all agricultural workers under 18 have the same rights as adult workers. See [Chapter 1.7](#) for more information.

#### When Are Teens Allowed to Work?

**Most teens under 18 may not work during school hours.** There are also limits on hours and how late teens may work during non-school hours. How long you can work depends on age, the type of work and whether it is during school break or during school-week.

For teens not in farm work see: <https://lni.wa.gov/workers-rights/youth-employment/hours-of-work>

For teens in agricultural work: <https://www.lni.wa.gov/workers-rights/youth-employment/hours-of-work#agricultural-jobs>

## Safety for Teens on the Job

The safety and health laws that protect adult workers also cover teens. See [\*\*Chapter 2: Your Right To Care For Yourself And Family\*\*](#). In addition, teens cannot perform work that could be potentially hazardous for them such as driving vehicles, exposure to dangerous chemicals, working high above the ground, using dangerous equipment, or working with explosives, except for those 16 years and older in state-approved Worksite Learning Programs and Apprenticeships.

You can find complete lists of tasks that teens cannot perform online. For teens in non-farm jobs: <https://lni.wa.gov/workers-rights/youth-employment/prohibited-duties>

For teens in agricultural

jobs: [www.lni.wa.gov/WorkplaceRights/TeenWorkers/Agri/Prohibited/default.asp](http://www.lni.wa.gov/WorkplaceRights/TeenWorkers/Agri/Prohibited/default.asp)

## Where to Go for Help

For more information on Teen Workers, go to <http://www.lni.wa.gov/WorkplaceRights/TeenWorkers/default.asp>. Teen work in Washington is regulated by the Department of Labor and Industries (L&I). If you believe your rights are being violated, contact L&I's Employment Standards Office at the above web address or call: **(866) 219-7321**.

If there is a union in your workplace, you will have additional benefits and access to help through your collective bargaining contract and union representatives. Be sure you have a copy of your collective bargaining contract and know whom to contact if you need help.

## Internships

Internships can be paid or unpaid, depending on the employer. Your internship provider must provide a safe working environment and follow all health and safety laws. For more information, see [\*\*Chapter 2: Your Right to Care for Yourself and Family\*\*](#).

### Internships at a For-Profit Business

**Even if you receive school credit**, an internship at a for-profit business can only be unpaid if **all** the following six standards are met:

1. The internship should be mostly educational. It can include some actual work experience, but you should not be doing routine business tasks all the time. An internship should help you develop a range of skills that could help you in several different jobs.
2. The internship must primarily benefit you, the intern.
3. You cannot be hired *instead of* regular workers. This means, that if the employer would have paid someone else to do the tasks that you are doing, then you should probably be paid as a legal employee.
4. The employer should not directly benefit from your work.
5. You are not guaranteed a job at the end of the internship. If there is an understanding that you will probably be hired at the end of the internship, then you should be paid like a regular employee from the outset.
6. You and the internship provider must both know and agree that the internship will be unpaid.

If your internship does not meet these guidelines, then you may be an employee. As an employee, you should get at least minimum wage and overtime pay. For help and more information, see the US Department of Labor's Internship

webpage: <https://www.dol.gov/whd/regs/compliance/whdfs71.htm>. You may be able to get paid for past work even if you finished the internship or got school/college credit for the internship.

### Internships at Non-Profit Organizations

Federal law allows unpaid internships at non-profit businesses (such as schools, churches, and government organizations). In this case, you are a volunteer and you do not have to be paid minimum wage or overtime.

### Resources for Internship Questions

You can contact the US Department of Labor for more information about paid and unpaid internships.

#### **US Department of Labor Seattle District Office**

*Address* – 300 Fifth Avenue, Suite 1130, Seattle, WA 98104

*Phone* – (206) 398-8039

**Portland District Office** - If you are from Wahkiakum, Cowlitz, Clark, Skamania or Klickitat counties, you should contact the **USDOL Wage and Hour Division Portland District office**.

*Address* – 620 SW Main Street, Room 423, Portland, OR 97205

*Phone* – (503) 326-3057

### Apprenticeships

Construction and other apprenticeships are an option if you are at least 16, have finished high school or their GED, are drug-free (you can be tested), and would like to learn a skilled trade while getting paid. Apprenticeship programs in Washington State usually take 1-5 years of mostly on-the-job training. Apprentices also get classroom instruction.

There are different requirements for apprenticeship programs in different trades, such as electrical or plumbing work. Getting into an apprenticeship program can be competitive. When you complete an apprenticeship program you become a “journey worker,” certified (and usually licensed) as an expert in your field.

### Benefits of Apprenticeship

**Help with the cost of college:** Some apprenticeship programs help pay for classes at technical colleges, and may earn credits towards an Associate’s degree in addition to a license in the trade.

**Excellent training and chances at getting work:** Established training programs produce highly skilled workers who are sought after by employers. Some apprenticeships (especially union apprenticeships) also offer job placement services through their “hiring halls.”

**Guaranteed pay raises:** As an apprentice your pay is an increasing percentage of a journey worker’s pay. In most trades, journey positions are living wage jobs, and apprentice wages well above unskilled positions.

**VA educational benefits:** Veterans may be able to use VA educational benefits during apprenticeships.

**Work on federal projects:** Registered apprentices are used on state and federally funded construction projects. Typically, such projects offer a higher rate of pay than privately funded, non-union projects.

**For more information**, see Labor and Industries' Apprenticeship page: <https://lni.wa.gov/licensing-permits/apprenticeship/apprenticeship-preparation>

### **Apprentice Health and Safety**

Whether you are injured during on-the-job training, in the classroom or lab, your medical expenses and lost wages are covered by insurance.

For any injury, tell your supervisor or instructor right away and seek medical attention. For more information on the process to get your medical costs and lost wages covered, see [Chapter 2](#) and ask your instructor or program coordinator. For more information on the health and safety laws that cover all workplaces see [Chapter 4](#).

## **University and College Student Workers**

### **Federal Work-Study Programs**

Some student workers may qualify for Work-Study programs. These programs are funded by the state and federal governments and pay part of a student wages.

#### **Am I Eligible?**

- Work study is for low-to-middle income students. You must show that you need financial aid to attend college.
- You must have the documentation to work legally in the U.S.
- If you are male, you must be registered with Selective Service.
- You must have a high school diploma or recognized equivalent (GED).
- You must be enrolled in a registered college at least half time, be working towards a degree or certificate, and show that you are making satisfactory academic progress.
- You cannot be in default on a federal student-loan or owe money on a federal student grant.
- You may not work for an employer that is involved in politics.
- You cannot work for a company that you own (or even partly own), and you cannot work for a company if the person who will verify your hours is part of your family.

#### **For the Washington State program, all the above are true, plus:**

- You cannot be studying towards a theology or religion degree. You also may not work for any employer that is associated with a religion, though some hospitals are exceptions.
- You must be a Washington State resident.

To apply, you must fill out the Free Application for Federal Student Aid (FAFSA) online at [www.fafsa.ed.gov](http://www.fafsa.ed.gov). After you submit your application, you will be considered for both Federal and Washington State programs.

If you get a work-study award, you will have to find a job on your own with an employer who participates in the program. Your college's student employment office or career center can help find employers and will also be a contact for the Federal Work Study Program. As a work-study employee, you have all the same rights as a regular employee, for instance, the right to be paid minimum wage.

## For More Information on the Federal Work-Study Program

Federal Student Aid Information Center

Phone – (800) 433-3243 or (800) 4FED-AID

Web Address – <http://studentaid.gov/understand-aid/types/work-study/>

## More Information on the Washington State Work Study Program

You can find more information on Washington State's Work Study program at the Washington State Student Achievement Council webpage: <https://www.wsac.wa.gov/state-work-study>

## International Student Workers

### On-Campus Employment

Students in the U.S. who hold F-1 visas can qualify to work certain on-campus jobs that serve students like campus bookstores or cafeterias. After one school year, you can work in off-campus locations connected to the school such as research labs. International students can work on-campus for 20 hours per week while school is in session and 40 hours per week during breaks. You do not have to get a separate work authorization for on-campus employment if you have an F-1 visa. You can find more information about student immigration on the US Immigrations and Customs Enforcement website at <http://www.ice.gov/sevis/students/>.

### Curricular or Optional Practical Training (CPT Vs. OPT)

The CPT and OPT programs allow international students to gain United States work experience. These programs require completion of one year at the college you are going to graduate from, and require that your job relates to your major. You may be paid for CPT and OPT, and you can work during the school year. For more information: [www.ice.gov/sevis/practical-training/](http://www.ice.gov/sevis/practical-training/)

### STEM Extension

If you participated in an OPT, you may be able to get a one-time STEM Extension of 17 months if your major and job are related to Science, Technology, Engineering, or Math, and your employer uses E-Verify. Apply for the extension before your OPT runs out.

### Working at an International Organization

You can work as an intern at an international organization that has been approved by US Citizenship and Immigration Services (USCIS) as long as you have F-1 status and are living in the US. You can find more about the International Organization Internship Program online at <http://www.ice.gov/sevis/employment#internship>

### Exception for Severe Economic Hardship

International F-1 students who experience unexpected economic hardship may work off-campus in a job unrelated to their field. To qualify for this, you must be doing well in school and prove to USCIS that on-campus employment isn't enough to meet your financial needs.

### Undocumented Young and Student Workers Can I Work in the United States?

An employer cannot hire you without a work permit. If you work in the US, you are entitled to earn minimum wage and are covered by most other rights covered in this manual. Please see section in this Chapter on Undocumented Workers for more information.



### How Do I Get Authorized to Work in the United States?

According to the USCIS, the Deferred Action for Childhood Arrivals (DACA) program is no longer accepting new individual requests for deferred action and Employment Authorization Documents (EAD). They are accepting renewal requests. For more information, visit the USCIS DACA update webpage: <https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca>, the [Northwest Immigrant Rights Project](#), or consult an immigration attorney.

### Resources

For more resources for undocumented student workers, visit Immigrants Rising webpage: <https://immigrantsrising.org/resource/overview/>

### Public Service Student Loan Forgiveness

As a result of the “College Cost Reduction and Access Act of 2007,” if you work in the public service, you are eligible to have all of your direct federal student loans forgiven, tax free.

To qualify for the program, you must apply to enroll, get accepted and then make 10 years of qualifying on-time payments (120 in total) toward your federal student debt. You must be working full-time in the public service at least 30 hours a week (you can combine multiple part-time jobs to meet this requirement) beginning after October 1, 2007. After you make your 120 on-time payments, the US Department of Education forgives your remaining federal student loan debt.

Public Service Loan Forgiveness (PSLF) isn’t a payment plan, like Income-Based Repayment or Pay as You Earn; it’s a separate program that incentivizes a career in the public service.

### Who is eligible?

Anyone who can answer “yes” to the following 5 questions is eligible for PSLF:

1. Do you work full-time in the public service?
2. Do you work full-time?
3. Does your loan qualify?
4. Does your repayment plan qualify?
5. Do your payments qualify?

### Resources:

For more information go to the US Department of Education’s webpage: <https://studentaid.ed.gov/sa/repay-loans/forgiveness-cancellation/public-service>, or Student Debt Crisis webpage: <https://studentdebtcrisis.org/tools/>

## 6.5 Undocumented Workers

### Your Rights as An Undocumented Worker

#### **Being undocumented does not mean that you have no rights at work!**

Please be aware that immigration law changes rapidly, so you may want to double-check the accuracy of the information provided here.

### You Have the Right to be Paid Minimum Wage

**Undocumented workers have the same wage, hour, breaks and unpaid leave rights as other workers.** An employer cannot refuse to pay you by saying that you because you have no papers. If your employer does not pay you for all hours you have worked, does not give rest breaks, or does not pay minimum wage or overtime, which is illegal wage theft. For more information on your rights and how to file a complaint, please see [Chapter 1: Your Right to be Paid](#).

### You Have the Right to a Healthy and Safe Work Environment

Health and safety laws protect **all workers** regardless of immigration status. You have the right to file health and safety complaints with the Department of Labor and Industries (<https://lni.wa.gov/workers-rights/workplace-complaints/safety-complaints>) For information on your health and safety rights and how to file a complaint see [Chapter 4: Your Right to a Safe Workplace](#).

### You Have the Right to Receive Workers' Compensation if You Are Injured at Work

All workers, including undocumented workers, can qualify for workers' compensation benefits if they are injured on the job, or become sick because of their job. Workers' compensation covers the cost of medical treatment, and in some cases lost wages. For more information on workers' compensation and how to apply, see [Chapter 2.5: On the Job Injury and Occupational Disease](#).



### Most Workers Have the Right to Organize with Coworkers



The National Labor Relations Act (NLRA) protects most workers' right to organize a union and collectively bargain with employers. This law covers undocumented workers as well. It also protects you if you make a "group effort" to improve working conditions even if you don't have a union.

**It is against the law for an employer to discriminate against you for trying to organize with your co-workers.** This law does



not protect farm workers, domestic service workers, federal employees, independent contractors, supervisors, and confidential employees. For more information on your right to organize, see [Chapter 5: Your Right to Organize](#).

### What to do if Immigration Comes to Your Workplace

Immigration officers are not allowed to enter your workplace — whether it is a factory, store, farm, or orchard — without either the owner’s permission or a warrant. If an officer does get permission, the officer can ask you questions about your immigration status. See [ICE Section in Chapter 4: Your Right to a Safe Workplace](#).

### What Other Workers Can Do About Workplace Immigration Raids

Allies and union members in the workplace can play a role in responding to the threat of workplace raids. If you can do so safely, take photos of, video record, document and report raids and arrests.

- Obtain the names and phone numbers of any witnesses.
- Share information about the raid with your co-workers. If there is a union in your workplace, contact a union official.
- If ICE agents or police officers enter without a proper warrant, ask for their names and/or write down their badge numbers.
- Report the raid to the Washington Immigrant Solidarity Network (WAISN) Hotline (Call **844-724-3737**).

The AFL-CIO and other civil rights organizations provide resources and guidance on how to prepare for and respond to a raid or audit. Contact the AFL-CIO to order a copy of their Toolkit and Workplace Raids and Audits: <https://actionnetwork.org/forms/defend-and-resist-workplace-raid-and-action-toolkit?source=website>

### Discrimination and Retaliation

It is illegal for an employer to hire you if you are undocumented, and they can refuse to hire you, or can fire you because you are undocumented. Once you have a job, however, you do have some protections. Your employer cannot discriminate against you based on race, sex, pregnancy, national origin, sexual orientation, gender identification, religion, age, disability or several other categories. For more information, please see [Chapter 3: Your Right to Be Free From Discrimination](#).

**Your Right against Retaliation and Illegal Firing:** Retaliation means that your employer fires you, gives you a worse job, or reports you to Immigration and Customs Enforcement (ICE) because you filed a government complaint about your working conditions. It is also retaliation if your employer *threatens* to retaliate as listed above. **Retaliation is against the law**, and you should seek help from a lawyer.

### Unemployment Insurance, Social Security Disability Insurance (SSDI) and/or Supplemental Security Income (SSI)

If you are undocumented, you **cannot** collect unemployment insurance, Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI). However, if you qualify to work under Deferred Action for Childhood Arrivals (DACA), you *may* be eligible for unemployment insurance. See the section *Undocumented Young and Student Workers* below for more information on DACA.

## Filing A Workplace Rights Complaint

If you choose to file a workplace rights complaint with any of the agencies that are described in this manual, there are some things you should keep in mind.

**TIP:** Government agencies enforcing workplace rights generally should not ask about immigration status. If they do, you do not have to answer before speaking with an attorney or legal representative!

## Risks of Filing a Complaint – ICE

The greatest risk in filing a complaint as an undocumented worker is that your employer may illegally “retaliate” against you by reporting you to ICE. If ICE does follow up, they could try to deport you. Worse, if you used fake papers when you applied for your job, you may be charged in court, fined, deported, and/or prevented from ever returning to live and work in the U.S. These penalties may apply even if you are married to a U.S. citizen, have U.S. citizen children, or have lived in the U.S. for many years.

## Ways to Protect Yourself

Whether or not you choose to file a complaint or a workers’ compensation claim, here are some ways you can protect yourself:

- **Consider applying for a U Visa if you are filing a complaint.** A U Visa gives you *temporary* legal status if you are a crime victim. If you get a U Visa, you will not be deported during the time that it takes to resolve your case; you may also be able to file for permanent residency. If you think you have been the victim of a crime, then contact the National Employment Law Project (<https://www.nelp.org/>) (NELP) or a legal service listed in the *Resources* chapter at the end of this manual for help with getting a U Visa.
- If ICE gets involved, request that they use prosecutor discretion. ICE can choose not to pursue your case if you are pursuing workplace or other rights. By asking for prosecutor discretion, you are asking them to not deport you while your claim is pending. This does not mean that you are legally allowed to work, it only means that ICE may decide to stop investigating your immigration status while your workplace claim is ongoing. Talk with an attorney about requesting prosecutorial discretion.
- Seek help from a community group that aids workers or immigrants, such as Casa Latina (<https://casa-latina.org/>) in Seattle; contact them at **(206) 956-0779**.
- Keep records and collect information about your work and employer. If your employer does not provide pay stubs with your hours, or you think that the records are wrong, keep track of your hours and other information about your employer. This includes his/her full name, contact information, and any other information that will assist in tracking down your employer.
- Seek help. If you have a union, talk to your union representative. Also, look for an attorney who specializes in workplace legal immigration issues, or seek help from a resource/aid organization such as NELP, or the Northwest Immigrant Rights Project (NWIRP)(<https://www.nwirp.org/get-help/>).

- Don't discuss your immigration status with anyone until you seek legal help.
- Don't re-submit your immigration papers to your boss. Since your boss should have checked your immigration papers when you were hired, you don't need to show them again without good reason.
- **Remember – there is strength in numbers.** If your boss is denying your rights, it is likely that you are not alone. It is always best to bring a group of co-workers, or at least one other co-worker with you to complain. That way you can support each other and you are more protected by the law. This is called the right to “protected, concerted activity” under federal labor law. Please see [Chapter 5: Your Right to Organize](#) for more information.

**Important Note:** Currently, in most situations, a government agency should enforce your workplace rights without considering your immigration status. However, there is some risk if you are undocumented. It is very important to seek legal help from a specialist— an attorney or a community organization with experience helping immigrant workers with labor or employment issues. *If you hire an attorney, allow the attorney to speak for you—do not communicate directly with your employer or with government officials.*

## Undocumented Young and Student Workers

### Deferred Action for Childhood Arrivals (DACA)

According to the USCIS, as of 2018, the Deferred Action for Childhood Arrivals (DACA) program is no longer accepting new individual requests for deferred action and Employment Authorization Documents (EAD). They are accepting renewal requests. For more information on DACA, visit the [USCIS DACA update webpage](#). For more information on your rights, contact the nearest office of the [Northwest Immigrant Rights Project](#), or consult an immigration attorney.

## FAQ: E-Verify and Social Security No-Match Letter

### E-Verify

E-Verify is a federal program that compares information from employees' I-9 forms to government information to determine if you are eligible to work. If there is a mismatch, the employer is notified. Your employer can only use E-Verify after they hire you; your employer cannot use E-Verify on job applicants or in a discriminatory way.

### What is a Tentative Non-Confirmation (TNC)?

When there is a mismatch on your I-9 form, the government will issue what is called a “tentative non-confirmation” (TNC). A TNC does not necessarily mean that you are not authorized to work in the United States; it only means that there is a mismatch in information. For more information on E-Verify visit the U.S. Citizenship and Immigration Services(<http://www.uscis.gov/>).

### What Do I Do If I Get a TNC?

If you get a TNC, you have the right to either *contest* or *not contest* the TNC.

**If you choose not to contest the TNC:** tell your employer—they may fire you. You do not have to do anything else to respond to the mismatch.

**If you choose to contest the TNC:** tell your employer that you are contesting the TNC and they will give you written information on how to contest it. The government will make a final decision on your case. If E-Verify's final decision is a mismatch, your employer may fire you. **It is against the law for your employer to fire you or otherwise change your working conditions because you choose to contest the TNC.**

### **Will E-Verify Report Me to ICE?**

The Department of Homeland Security (DHS) and the Social Security Administration run E-Verify. ICE is also part of DHS. Workers are at risk of being reported to ICE because E-Verify is connected to DHS.

### **No-Match Letter from Social Security Administration (SSA)**

A SSA "no-match" letter tells an employer that submitted forms contain names and Social Security numbers that do not match SSA records. The letter lists the names and/or Social Security numbers that do not match. SSA no-match letters are intended **ONLY** to help the SSA make sure its records and database are correct and that the SSA has the right earnings record for each employee.

A no-match letter by itself does not tell your employer that you are not authorized to work, and they are not required to ask employees to provide their Social Security cards or other immigration-related documentation. We encourage you to contact a lawyer if this happens to you.

## **6.6 Military Service Members and Families**



(Senior Airman Kayla Newman, U.S. Air Force Photo)

### **Your Civilian Job Rights**

As a veteran or member of the Armed Forces, you have federal law employment rights to protect your civilian job when you report for duty and when you return.

### Uniformed Services Employment and Reemployment Rights Act (USERRA)

If you leave a civilian job for military service, your job is protected by the federal Uniformed Services Employment and Reemployment Rights Act (USERRA.) In general, USERRA guarantees that after you return from service, you will get your old job back. You are entitled to the same rights and seniority-based benefits as if you were working at the civilian job that whole time. USERRA also protects you from employment discrimination due to past, present, or future military service. USERRA applies to voluntary as well as involuntary service of all kinds, in peacetime as well as wartime.

### What am I Entitled to Upon Re-Employment?

- Prompt reinstatement, which is generally a matter of days, not weeks, depending on length of service.
- Seniority-based rights and benefits.
- Training or retraining and other accommodations. This would also apply in case of a long period of absence or disability.
- If you served between 30 days and six months in the uniformed services, you cannot be fired without cause for six months following reemployment. If you served 181 days or more, you cannot be fired without cause for one year following reemployment.

### Do I Have the Right to Health Care Benefits and Pension from my Employer During Military Service?

Yes. You have the right to continue your employer's health insurance coverage for you and any dependents for up to 24 months, however you may have to pay the full cost of the coverage. If you had a pension or retirement plan, your employer must continue your participation and contributions as if you were still working.

### Other Benefits

You must be treated as if you are on a leave of absence. While you are away, you are entitled to any rights and benefits that are available to any worker on the employer's most generous leave of absence policy. You are entitled, but not required, to use your earned vacation or annual leave during your period of military duty.

### Who Can I talk to if I think my Employer is violating my USERRA Rights?

You may file a complaint with the Veterans' Employment and Training Service (VETS). The VETS staff helps veterans and service members with their civilian jobs problems related to military service. For more information, contact Veterans Employment and Training Service, (360) 507-9739, or visit the U. S. DOL Vets Washington office in Lacey, WA.

### Disability Accommodations

If you are disabled or seriously injured while serving, your employer must make reasonable efforts to accommodate your disability. This could include placing you in a new job position within the company or changing your old job. For example, if you break your leg during annual training, your employer has to make reasonable efforts to accommodate the broken leg or place you in another position until the leg has healed. For more information on disability accommodations, see [Chapter 3: Your Right To Be Free From Discrimination](#).

If you become disabled during service, you may also be eligible for vocational rehabilitation, re-training, and re-employment benefits through the U.S. Department of Veterans Affairs (<https://www.va.gov/>) or call (844) 698-2311.

## **Leave From Employment**

### **Short-Term Leave for Service Members**

When you are deployed, you are entitled to all rights and benefits you would have had if you were continuously employed, including the right to take leave from work. Both your military service and your civilian work hours count as hours worked to trigger leave rights under federal and state law. For more information on Family Medical Leave see [Chapter 2: Your Right To Care For Yourself And Family.](#)

### **Long-Term Leave and Disability Benefits for Service Members**

If you are unable to return to work because of a serious injury or disability you may qualify for social security disability benefits. To qualify for social security benefits, you must be unable to work because of your medical condition, but your injury need not have occurred during military service. For more information see [Chapter 2.7: Social Security for Long-Term Disability, Illness and People in Need.](#)

In addition to the regular federal disability leave, veterans who are partially or fully disabled from their military service can receive military disability pay. A disability can apply to mental health conditions, such as post-traumatic stress syndrome (PTSD) as well as physical conditions. The amount of pay is determined by the severity of the disability and whether you have children or other dependents. For more information, visit the VA Disability Compensation website.

### **Benefits for Military Families, Spouses, Children, and Caretakers**

When a person enlists in the military, his/her family is also affected. Families of service members may have rights to help with the responsibilities of being part of a military family.

### **Military Family Leave under the Family and Medical Leave Act (FMLA)**

If you are the spouse, parent, son, daughter, domestic partner, or next-of-kin of a covered service member on active duty you may be entitled to “military caregiver leave” under the Family and Medical Leave Act. This leave may provide between 12 and 26 workweeks of unpaid, job-protected leave in the following situations:

- Care of an injured service member
- Short notice deployment
- Military events and related activities
- Childcare and related activities
- Care of the service member’s parent
- Financial and legal arrangements
- Counseling
- Rest and recuperation
- Post-deployment activities

For more information download the “Employees’ Guide to Military Family Leave” ([https://www.dol.gov/whd/fmla/2013rule/FMLA\\_Military\\_Guide\\_ENGLISH.pdf](https://www.dol.gov/whd/fmla/2013rule/FMLA_Military_Guide_ENGLISH.pdf)), or call the

Department of Labor and request this pamphlet at **866-4-USA-DOL**. For general information about the Family Medical Leave Act, see [Chapter 2](#).

### **The Washington State Military Family Leave Act (MFLA)**

The Washington MFLA is different than the federal FMLA and gives spouses and registered domestic partners of service members the right to take time off work to spend with their partners before deployment. If you work an average of 20 hours a week or more and you are the spouse or registered domestic partner of a service member, you may take up to fifteen days of unpaid leave from work right before deployment or when your spouse is on leave from deployment for personal time. Spouses of both the Regular Armed Forces and the National Guard or Reserves are eligible.

For more information, download the MFLA Guide from Labor and Industries.

(<https://lni.wa.gov/workers-rights/leave/leave-for-military-spouses-and-certain-emergency-personnel>)

### **Other Information for Military Families**

For more information on programs that support military families, including finding a new job if your family is transferred, changing schools for your children, health care, financial assistance and more, visit the website of the National Military Family Association.

### **Civilian Work Restoration Programs**

There are several veterans' programs to assist you in gaining the education, experience and skills needed to be competitive on the civilian job market.

### **Support for College Education – the GI-Bill**

The GI Bill provides financial support for education and housing to honorably discharged veterans. Potential benefits include tuition and fees for public in-state colleges, housing and supplies supplements. For more information, see the GI-Bill website.

### **Compensated Work Therapy Programs (CWT)**

The VA offers vocational rehabilitation through the Compensated Work Therapy (CWT) programs. These programs support veterans who have physical and mental disabilities find opportunities for competitive jobs. CWT rehabilitation plans are individually developed for each veteran.

For information on CWT programs, see the Veteran Health Administration CWT website, or call one of the Washington State offices listed on the CWT website.

## **Veterans Resources**

### **The Veterans Crisis Line**

The Veterans Crisis Line connects veterans in crisis, their families and friends with qualified, caring VA responders through a confidential hotline, online chat, or text. Veterans and their loved ones can call **800-273-8255** and **Press 1**, chat online at their website above, or send a **text message to 838255** to receive confidential support 24 hours a day, 7 days a week, 365 days a year. TTY Support is available at **1-800-799-4889**.



### G.I. Rights Hotline

The GI Rights Hotline provides accurate, helpful counseling and information on military discharges, AWOL and UA (Unexcused Absence), and GI Rights. **877-447-4487**

### Washington State Department of Veterans Affairs (WDVA)

The Department of Veterans Affairs is a full-service state agency that assists veterans, their family members and survivors. WDVA aggressively pursues all federal and state benefits on veterans' behalf. WDVA provides employment-related assistance to veterans and other eligible persons, including job counseling, job search assistance, job referral and placement. If you do not live near their Olympia office, you can call the statewide number to find veterans service providers in your area. 1-800-562-2308

### WDVA Veterans Service Center

Visit WDVA Veterans Service Center (<http://www.dva.wa.gov/about-wdva/contact-us>), call **1-800-562-2308** or visit the office at 1102 Quince St SE, Olympia, WA 98504-1105

### US Department of Veteran Affairs

The US Department of Veterans Affairs (USDVA) provides benefits including health care, disability, education and records. You can contact them at **(844) 698-2311**.

## Chapter 7: Defend Your Workplace Rights

*This Chapter covers how to respond to violations of your workplace rights, what to do if an employer retaliates when you file a complaint, and workplace privacy rights.*

### 7.1 How to Defend Your Workplace Rights

Your employer cannot retaliate against you for filing complaints about violations of your workplace rights or exercising your rights under the state or local laws. This includes complaints on minimum wage, overtime, safety (including Coronavirus), discrimination, or any other rights listed in this guide.

**Retaliation** is any negative action that your employer takes to punish you for standing up for your workplace rights. This could include cutting your hours, changing your shift, giving you worse work to do, or many other actions. **Retaliation is illegal.**

If your employer retaliates against you, you can file a complaint with Labor & Industries (<https://lni.wa.gov/workers-rights/workplace-complaints/worker-rights-complaints>) or Seattle Office of Labor Standards (<https://www.seattle.gov/laborstandards/investigations/file-a-complaint>) .

#### If Workplace Issues Affect Multiple Employees

If the employer is violating the workplace rights of multiple workers, then organizing a common response, such as a union to represent employees, can be more effective than filing individual complaints. An organized employee group can often win a faster response from the employer than filing individual complaints through agencies. Having a union agreement usually means that your employment is no longer “at-will”—an employer must prove that they have “just cause” (good reason) to take action against you if problems continue in the future. For more information on organizing in your workplace, see [Chapter 5](#).

#### Whistleblower Protection Laws

A whistleblower is a person who tells someone in authority or the public about dishonest or illegal activities occurring in a government agency, or someone who reports violations of law by a private organization. The misconduct may be fraud, corruption or health and safety violations.

#### How Do I Report Improper Conduct?

If you are reporting violations of law by a private company, you should find an attorney to assist you with a “qui tam” or a “False Claims Act” lawsuit.

Any Washington State employee may report an improper governmental action through the whistleblower program. This includes temporary employees, classified and exempt civil service employees and elected officials. Whistleblower complaints may be filed anonymously within one year of the act. Anything written by a whistleblower and sent to the state auditor’s office should be marked “confidential”. For more information, visit the State Auditor’s Reporting website: <https://www.sao.wa.gov/report-a-concern/how-to-report-a-concern/>

Note: If you are a federal employee, you can file a complaint with the U.S. Office of Special Counsel. A complaint form is here: <https://osc.gov/pages/file-complaint.aspx>

**More information is available at:**

**Government Accountability Project**

1612 K Street, NW Suite #1100

Washington, D.C. 20006

Phone: 202-457-0034

Website: [www.whistleblower.org/](http://www.whistleblower.org/)

**National Whistleblower Center**

P.O. Box 25074

Washington, D.C. 20027

Phone: 202-342-1903

Website: [www.whistleblowers.org/](http://www.whistleblowers.org/)

**In relation to all your rights discussed in this manual, always remember it is very important to document (write down) all conversations with an employer if you have a question or concern. This is for your protection in case you ever have to file a formal complaint, if a union represents you, or if you meet with an attorney.**

## **7.2 Privacy in the Workplace**

The internet has made a lot of personal information public and available to everyone, including employers. Courts are beginning to place limits on what information employers can use against employees. For more detailed information about your privacy rights at work visit the website: [www.workplacefairness.org/](http://www.workplacefairness.org/)

### **Is My Employer Allowed to Search My Belongings or Me at Work?**

**It depends.** Generally, public employers can only search their employees' persons, desks and property when they have a reasonable suspicion of wrongdoing. Private employers have fewer limitations. If your employer has a policy that states that they may conduct searches of you or your belongings, then they may have the right to do so. However, if they do not have such a policy and workers can prove that there is a "reasonable expectation of privacy" in certain work situations, then it may be illegal for the employer to conduct such searches. In addition, if you have a union contract, the contract may place limits on the employer's ability to search and monitor you at work.

### **Is My Boss Allowed to Video or Audio Tape Me at Work?**

**Yes.** Employers are allowed to make video or audio recordings of their employees while they are on company property. However, they are *not* allowed to film in places where most people expect privacy such as restrooms, designated breast-feeding areas or changing rooms.

### **Can My Boss Monitor My Work Phone, Email, Computer or Car?**

**Yes.** Your employer can legally view, trace, and record all data that goes through company-owned property. Many employers keep tabs on telephones, email, computers, postal mail, and company-owned vehicles.

### **Can My Boss Look at My Social Media (E.G. Facebook, Twitter) Accounts?**

Your employer is allowed to look at anything that is publicly accessible online. The question of whether or not the employer can use that information against you is still unclear. Your employer **cannot** require you to give her/him your password or “friend” her/him on your personal social media account.

### Can My Boss Fire Me for Saying Bad Things About the Company Online?

If a group of two or more co-workers is talking on-line about wanting to improve their wages or working conditions, that is probably protected as “concerted activity” under the National Labor Relations Act. It could be illegal for your boss to fire or punish you for it. However, if you are complaining about the company’s products or your general dislike of a supervisor or coworker, and you show no interest in making things better, you could probably be legally fired for that. Please see **Chapter 5: Your Right to Organize** for more information on concerted activity.

### Can I wear a Black Lives Matter button at work?

Washington protects employees against discrimination based on “creed,” which includes political positions you might express on social media but wearing buttons or t-shirts with a political message at work is unresolved. If the employer permits employees to express some messages but not others, this inconsistent enforcement might not legally be enforceable.

### Health Records, Genetic Information and Drug Testing

Many employers will have access to some of your medical information. Your employer generally **can**:

- Ask you to provide a doctor’s note or other information about your health if s/he needs it for business reasons such as to give you an accommodation for a disability, sick leave, workers’ compensation, health insurance or wellness programs.
- Require you to pass a medical examination after you have been offered the job if everyone must do it and there is a work-related reason for it.
- Require you to take drug tests at any time as long as it is not done in a way that singles people out based on race, age, gender, disability or another protected status.

In general, your employer is **not allowed** to share this information with anyone, discriminate against you based on this information, or request more information than s/he needs. For a more in depth look at this important topic, visit the website [www.workplacefairness.org/](http://www.workplacefairness.org/).

## Chapter 8: Am I an Employee?

*This Chapter provides in-depth information about labels that employers use to classify employees and what to do if you think you have been misclassified.*



(Dawn Arlotta/Cade Martin, Center for Disease Control)

Many workers do not have the same rights and protections outlined in the chapters above. In order to be covered under most labor and employment laws, you must be an employee. If your work fits the definition of an employee but your employer labels you differently, this is called “misclassification.”

Misclassifying employees as “contractors” or “freelancers” or another label is illegal under federal and state law. Employers often misclassify workers to avoid paying taxes and benefits and avoid compliance with employee rights and protections. It’s not how you are labeled that matters—it’s the facts of your employment situation. Just because your boss calls you an independent contractor does not necessarily make you one!

### 8.1 Independent Contractors

An independent contractor is a person who sells his/her services directly to multiple consumers or businesses rather than working for someone else. Independent contractors are responsible for registering and licensing their businesses, tracking their own expenses, and filing taxes on their own.

### Advantages of Being an Employee

#### Employees:

- May be eligible for workers’ compensation if they are injured on the job. (See [Ch. 2](#)).
- May be able to receive unemployment if they lose their job or have hours cut (See [Ch. 1](#)).

- Must be paid at least the hourly minimum wage (\$13.69 per hour in 2021 in Washington).
- Usually earn overtime if they work more than 40 hours a week ([See Ch. 1](#)).
- Pay less in Medicare and Social Security payroll taxes.
- Usually have the right to unionize and bargain for better pay and benefits ([See Ch. 5](#)).
- Are protected against discrimination from employers ([See Ch. 3](#)).
- Have the right to take time off to care for self or family members ([See Ch. 2](#)).
- Are protected from retaliation if they exercise their rights ([See Ch. 7](#)).
- Generally, do not pay for work-related costs, such as permits or uniforms.
- Would be better able to prove they have been working if a new immigration law were to require proof from workers applying for legal status.

### Advantages of Being an “Independent Contractor”

- You can work for multiple clients or customers.
- You have more control over when and where you work, as long as you complete the work you said you would do.
- You might not need to show immigration documents to get a job.
- You can negotiate the price for your work.

## 8.2 How Do I Know If I Am an Employee?

For minimum wage and overtime, unemployment, and workers compensation, how much control the employer has over your work legally determines your employee status. The more control the employer has, the more likely it is that you would be considered an employee by law. Below are some of the factors that state agencies consider in determining independent contractor status.

1. The worker is free of the employer’s direction and control over the performance of the service.
2. If the services provided are not an essential part of the employer’s business.
3. If the worker has a separate place of business apart from the employer.
4. If the worker has business accounts and files with the Dept. of Revenue and the IRS.
5. If the worker maintains a separate set of income and expenses books and records.

For more information, see these fact sheets from Labor and Industries

(<https://lni.wa.gov/insurance/insurance-requirements/independent-contractors/>) and Employment Security (<https://www.esd.wa.gov/employer-taxes/independent-contractors>).

For determining who must pay federal withholding taxes, the IRS uses three factors to determine the degree of control and independence the worker has—the more control the employer has, the more likely the worker is an employee.

1. **Behavioral:** Does the company control or have the right to control what the worker does and how the worker does his or her job?
2. **Financial:** Are the business aspects of the worker’s job controlled by the payer? (these include things like how worker is paid, whether expenses are reimbursed, who provides tools/supplies, etc.)

3. **Type of Relationship:** Are there written contracts or employee type benefits (i.e. pension plan, insurance, vacation pay, etc.)? Will the relationship continue and is the work performed a key aspect of the business?

According to the IRS's Independent Contractor website (<http://www.irs.gov/businesses/small-businesses-self-employed/independent-contractor-self-employed-or-employee>), there is no “magic” or set number of factors that “makes” the worker an employee or an independent contractor, and no one factor stands alone in making this determination. Note that it is possible to be labeled an employee under one part of state or federal law, and an independent contractor under another section of laws while doing exactly the same work.

## Joint Employers

Some workers have two legal employers, a situation known as “Joint Employment.” An example would be a worker paid by a staffing agency who is assigned to work at a tech company, where the tech company supervises the worker on a daily basis. In this case, the tech company and the staffing agency are “joint employers,” and are both responsible for fulfilling the employer’s legal obligations to the worker. For more information about Joint Employment, see this [L&I Administrative Policy](#).

## 8.3 I Think I Have Been Misclassified. What now?

What you do next depends on what you want to happen. Read on for some options and get legal advice from an employment lawyer about your specific situation. If you can’t afford a lawyer contact one of the free or reduced-price legal services listed in the Resources chapter at the end of this book.

### If You Still Have Your Job, and Would Like to be Reclassified:

If you think that you have been misclassified by mistake, you might want to ask your employer to reclassify as an employee. If there are other employees in a similar situation, meet with your employer together. This gives you more protection.

### If You Want to Recover Missing Wages or Benefits:

If you believe you have been misclassified and want to seek unemployment benefits, worker’s compensation after an injury at work, wages that weren’t paid or money for job-related expenses, or if you want to make sure your employer pays the right taxes, you can file claims and/or complaints at the appropriate agency. You will need pay stubs or evidence of dates and hours worked.

- **Unemployment:** File an unemployment claim (<https://esd.wa.gov/unemployment>) as soon as you can, and the Employment Security Department (ESD) will investigate. You can also file a complaint on your employer at ESD’s Employer Tax Fraud (<https://esd.wa.gov/employer-taxes/employer-tax-fraud>) website or call **(360) 902-9450**.
- **Workers’ Compensation/Lost Wages:** Labor & Industries, Employer Fraud (<https://lni.wa.gov/fraud/>), or call **888-811-5974**.
- **Social Security/Medicare Tax Withholding:** Internal Revenue Service 1 (800) 829-3676. Ask about filing an SS-8 Determination of Worker Status form: (<http://www.irs.gov/businesses/small-businesses-self-employed/independent-contractor-self-employed-or-employee>)



# Resources

## Legal Resources

### Low Cost or Free Legal Help

#### Fair Work Center (Seattle)

- Provides resources outlining employee rights in various languages
- Conducts know your rights and workplace health & safety workshops in various languages
- Helps workers navigate city, state, and federal government agencies
- Provides free legal clinics for workers to seek advice about potential workplace violations

Have a question about your rights? Contact information:

Hotline: 1-844-485-1195

Online form: <https://www.fairworkcenter.org/get-help/>

Email: [help@fairworkcenter.org](mailto:help@fairworkcenter.org)

Address: 116 Warren Ave N., Suite A, Seattle WA 98109

**Northwest Justice Project** – (<https://nwjustice.org/get-legal-help>)

**Washington State Bar Association – Moderate Means**

**Program** (<https://www.wsba.org/connect-serve/volunteer-opportunities/mmp/mmpclients>)

**Northwest Immigrant Rights Project** (<https://www.nwirp.org/>)

**Columbia Legal Services** (<https://columbialegal.org>)

#### Finding a lawyer

Some resources for finding an employment lawyer:

**Washington Employment Lawyers Association** (<https://welalaw.org/>)

**Washington State Association for Justice – Find a**

**Lawyer** (<https://www.washingtonjustice.org/index.cfm?pg=FindAnAttorney>)

**Washington State Bar Association – Find Legal Help** (<https://www.wsba.org/for-the-public/find-legal-help>)

## Local Agencies

### Seattle Office of Labor Standards

Implements Seattle's labor standards for Minimum Wage, Paid Sick and Safe Time, Wage Theft, and Fair Chance Employment (limiting the use of conviction and arrest records in employment decisions).

Ask a question or file a complaint:

Call (206) 256-5297

810 3rd Avenue, Suite 375, Seattle, WA 98104-1627

Hours: Monday to Friday, 8 am to 5 pm

Website: <https://www.seattle.gov/laborstandards> Send a message through our [Web Form](#)

### Seattle Office for Civil Rights (OCR)

OCR enforces laws against illegal discrimination in employment, housing, public accommodations and contracting within Seattle city limits.

<http://www.seattle.gov/civilrights> or call (206) 684-4500

### City of SeaTac Employment Standards

<http://www.seatacwa.gov/our-city/employment-standards-ordinance>

### City of Tacoma Employment Standards

(<https://www.cityoftacoma.org/cms/One.aspx?portalId=169&pageId=87944>)

### City of Tacoma Equal Employment Opportunity Office

Tacoma's Equal Employment Opportunity (EEO) Office provides an opportunity for employees and applicants for employment within Tacoma City limits to complain about discrimination and also protects them from retaliation when they make EEO complaints or cooperate in EEO investigations.

[City of Tacoma EEO Office](#) Call (253) 591-5420

## State Agencies

### WA State Labor Education and Research Center (LERC)

Provides high-quality education and training programs for the working women and men of Washington State, including labor union education and training.

6737 Corson Ave. S, Seattle, WA 98108-3450

(206) 934-6671

<http://georgetown.southseattle.edu/LERC/>

### Department of Labor and Industries (L&I)

- Protects the health and safety of workers
- Ensures medical care and financial help for injured workers
- Protects workers' wages, hours, breaks, and more

**Report fatalities and serious injuries** requiring hospitalization within **8 hours**

### L&I Online Resources:

L&I Workplace Rights Section (<https://www.lni.wa.gov/Workers-Rights/>)

L&I Safety and Health Section (<https://www.lni.wa.gov/safety-health/>)

L&I Workers' Comp (Injured Workers) Section (<https://lni.wa.gov/claims/for-employers/injured-worker-what-you-need-to-know/>)

L&I Office Locations Map (download PDF) (<https://lni.wa.gov/agency/contact/#office-locations>)

### L&I Frequently called numbers:

L&I Office of Information and Assistance (claims)	<b>800-547-8367</b> <b>(800-LISTENS)</b>
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Workers' Comp – automated claims info	<b>1-800-831-5227</b>
Civil rights	<b>1-855-682-0778</b>
Crime victims compensation	<b>1-800-762-3716</b>
Employment standards/workplace rights	<b>1-866-219-7321</b>
Prevailing wage	<b>1-855-545-8163</b>
Safety and health	<b>1-800-423-7233</b>

### Other State Agencies

WA Employment Security Dept. (ESD) – unemployment (<https://esd.wa.gov/unemployment>)

WA Human Rights Commission – discrimination (<https://www.hum.wa.gov/>)

WA Public Employment Relations Commission (PERC) (<https://perc.wa.gov/>)

WorkSource Washington (<https://worksourcewa.com/>)

WA State Office of Attorney General, Civil Rights Division (<https://www.atg.wa.gov/wing-luke-civil-rights-division>)

### Federal Agencies

Department of Labor– wage & hour, medical leave  
(<https://www.dol.gov/WHd/workers.htm#complaint>)

National Labor Relations Board – unionization issues (<https://www.nlr.gov/>)

Federal Labor Relations Authority – federal employee issues <https://www.flra.gov/>

Occupational Safety and Health Administration (OSHA) <https://www.osha.gov/>

Equal Employment Opportunity Commission (EEOC) <https://www.eeoc.gov/>

### Community / Labor / Nonprofit Organizations

#### Casa Latina

Seattle-based day labor and workers' center, education, and worker's rights defense.  
<https://casa-latina.org/>

#### Familias Unidas por La Justicia (FUJ)

A union organizing farm-workers in Washington State, and the first union led by indigenous workers in Washington. FUJ is a program of Community to Community (C2C), a food justice and community-building organization based in Bellingham, WA.

<http://familiasunidasjusticia.org/en/home/>

### **MLK Labor**

MLK Labor (formerly the Martin Luther King County Labor Council) is the central body of labor organizations in King County, Washington, and is affiliated with the national AFL-CIO. MLK Labor's mission is to unify labor organizations in King County to build power and strength for all workers. <http://mlklabor.org/>

### **Washington Immigrant Solidarity Network (WAISN)**

WAISN's mission is to protect and advance the power of immigrant and refugee communities. WAISN educates and mobilizes statewide to uphold and defend the rights and dignity of all immigrants and refugees. <https://waimmigrantsolidaritynetwork.org/>

### **Washington State Labor Council (WSLC)**

Washington State Labor Council, AFL-CIO, represents and provides services for hundreds of local unions throughout Washington state. The WSLC's core programs are legislative advocacy, political action, communications, and media relations, plus assistance with organizing campaigns. <http://www.wslc.org/>

### **Working Washington**

Working Washington is a statewide workers organization that fights to raise wages, improve labor standards, and change the conversation about wealth, inequality, and the value of work. <http://www.workingwa.org/>