



# SEATTLE CITY COUNCIL

August 3, 2021

Dear Members of the Domestic Workers Standards Board,

*Re: Response to the Domestic Workers Standards Board Recommendations*

The Finance and Housing Committee (Committee) welcomes the opportunity to respond to the Domestic Workers Standards Board (Board) recommendations to improve the standard of domestic work for tens of thousands of domestic workers who provide vital services in the Seattle community.

On May 18, 2021, the [Board presented their recommendations](#) for implementing the Domestic Workers Ordinance, Seattle Municipal Code (SMC) 14.23, to the Committee. The Board presented [ten recommendations](#) that focused on the following areas:

- Investing in community expertise and building trust.
- Providing more materials and resources to domestic workers and hiring entities.
- Implementing policy changes to improve the Domestic Workers Ordinance.
- Mandating portable benefits for domestic workers.

The Committee appreciates the Board's work with the domestic worker community to identify the most pressing needs facing domestic workers and craft a set of recommendations that supports collaboration, increased awareness of domestic worker rights, accountability, and stronger protections.

The Committee has carefully considered the Board's recommendations with deference to the Board's expertise, thoughtful evaluation of financial impacts, consideration of the relationships with other City policies and Seattle labor standards and implementation challenges, attention to feedback from the Office of Labor Standards (OLS), and in consultation with the City Attorney's Office.

The Committee intends this response to provide general guidance to the Board by indicating areas of support and identifying opportunities for further exploration. With deep respect for the Board's expertise and judgment, the Committee seeks to provide a broad framework for next steps rather than prescriptive action. The Committee looks forward to proposals that reflect the Board's priorities for implementation and analysis of relevant issues.

In addition, please know that the Committee's encouragement to submit certain budget or legislative proposals does not guarantee the City Council's (Council's) ultimate adoption of the proposal. However, the Committee is eager to consider these proposals and indicate our support for the Board's work.

Within this context, and under the governing procedure of SMC 14.23.030, the Committee responds to the Board's ten recommendations with the following guidance for each recommendation by suggesting Options A-E:

- A. The Committee supports the submission of a proposal (e.g., budget request, legislation) to Council.
- B. The Committee requests further information from the Board.
- C. The Committee requests the Board to develop alternatives.
- D. The Committee rejects the proposal with reasons for the rejection.
- E. The Committee requests a longer timeline.

**Board Recommendations and Committee Response:**

1. **Fund community organizations** – The Committee appreciates the Board’s interest in expanding funding for community organizations to build on the trust of community partners who can reach vulnerable groups and close communication gaps, such as those within the African and Asian Pacific Islander community. The Committee recognizes the difficulties inherent in reaching out to this group of workers and hiring entities, some of whom may still operate without knowledge of their rights as workers or responsibilities as employers. The Committee also understands that community organizations are best positioned to conduct this type of outreach in communities where trust in government institutions may be lacking. The Committee recognizes the Board’s ongoing work in partnership with OLS to determine priority actions that require further funding. The Committee recognizes and appreciates the steps OLS has taken to help identify specific organizations that may benefit from further funding and looks forward to reviewing proposals as a part of the 2022 Budget Process.

**Committee response** – Option A: The Committee supports the submission of a Board and/or OLS proposal (e.g., budget request) to fund community organizations.

2. **Compensate workers for their expertise** – The Committee recognizes that the participation of domestic workers is vital to the Board’s work and that numerous barriers can prevent worker involvement. The Committee supports meaningful and equitable participation of domestic workers and other community members to shape the City’s policy development. To this end, the Committee is appreciative of the steps OLS has taken to identify a path forward that is within their existing budget to compensate workers on the Board. Separately, the Committee will endeavor to work directly with the Law Department, Central Staff and City partners to learn about compensation policies for other community members and possible implications of this recommendation for other boards and advisory groups across the City, such as concerns around the gift of public funds prohibition and implications on other similarly situated Boards and commissions.

**Committee response** – Option B: The Committee requests further information from the Board pending the results of OLS’s process.

3. **Fund development of new outreach materials and expand language access** – The Committee appreciates the Board’s interest in developing new outreach materials in a wider range of languages to increase awareness of the Domestic Worker Ordinance for domestic workers, hiring entities and the public. The Committee understands the fundamental challenges associated with identifying appropriate spaces to provide relevant materials to both domestic workers and employers and supports the Board’s desire to work with consultants to develop effective strategies for targeted

outreach approaches. The Committee would be interested in partnership opportunities with City departments that currently utilize mass mailing as an outreach approach and other means for widely spreading information. The Committee looks forward to reviewing proposals to fund development of outreach materials.

**Committee response** – Option A & E: The Committee supports the submission of a Board and/or OLS proposal (e.g., budget request) to fund outreach materials and is possibly interested in considering this request on a longer timeline pending the Board’s consideration of consultant recommendations.

- 4. Fund improvement of the domestic workers section on the OLS website** – The Committee recognizes the importance of a user-friendly website and appreciates the suggestion to enhance OLS’s online information about the Domestic Workers Ordinance, including improving access to information on domestic worker rights and hiring entity obligations, templates, outreach materials, enforcement options and other aspects of implementation. The Committee appreciates OLS’s recognition of the importance of these improvements and initiative in beginning this process. The Committee agrees that enhancements to this section of OLS’s website is a priority and looks forward to reviewing proposals as more information is available.

**Committee response** – Option A & E: The Committee supports the submission of a Board and/or OLS proposal (e.g., budget request) to fund website enhancements, and is interested in considering this on a longer timeline pending further conversation between OLS and the Board and as more information regarding the scope of the project is available.

- 5. Ensure third-party platform compliance with the Domestic Workers Ordinance** – The Committee understands the value of using strategic enforcement initiatives to ensure third-party platform compliance with the Domestic Workers Ordinance. The Committee would welcome the opportunity to learn from the Board where compliance is lacking and would consider joining efforts with the Board and/or OLS to pursue innovative compliance strategies, including but not limited to signing a compliance letter to third-party platforms.

**Committee response** – Option B & E: The Committee requests further information and is interested in considering this on a longer timeline pending stakeholder engagement.

- 6. Address the devastating impact of lack of healthcare for domestic workers** – The Committee recognizes the urgent need for healthcare for many domestic workers. The Committee appreciates the opportunity to consider a proposal on providing resources for hiring entities to understand worker healthcare options and convening City departments to further explore healthcare options. The Committee appreciates OLS’s suggestion of convening an Interdepartmental Team (IDT) to discuss access to healthcare for domestic workers and would consider participating in an IDT. The Committee also would support advocating for a statewide affordable healthcare option for all.

**Committee response** – Option A & E: The Committee supports the request to support legislative changes in the State Legislature to expand access to healthcare and will work to support its inclusion in the 2022 Legislative agenda. The Committee is also interested in considering this

recommendation for city legislative action on a longer timeline pending results of a potential IDT and further stakeholder engagement.

- 7. Require hiring entities to provide domestic workers with information about their rights and conditions of work** – The Committee understands that the Board is currently gathering feedback from domestic workers and hiring entities on the benefits and risks of mandating a notice of rights. The Committee is interested in learning about the outcomes of this engagement, is supportive of this requirement, and looks forward to hearing the results of stakeholder engagement.

**Committee response** – Option A: The Committee supports the submission of Board and/or OLS proposal (e.g., legislation) for consideration to put before the Council in 2022.

- 8. Eliminate the exclusion of publicly funded home care workers from the Domestic Workers Ordinance** – The Committee recognizes that recent state law has changed the landscape of publicly funded work. The Service Employees International Union (SEIU) 775, as part of the coalition who originally supported the drafting and passage of the legislation, had requested they not be included. Given the changing state law and pending additional outreach and engagement on this proposal with SEIU 775 and others, the Committee would be interested in reviewing a proposal or legislation at a later date, pending results of stakeholder engagement.

**Committee response** – Option A: The Committee supports the submission of Board and/or OLS proposal (e.g., legislation) for consideration to put before the Council in 2022 pending stakeholder engagement.

- 9. Eliminate the “interference standard” for joint hiring liability** – The Committee is interested in learning more about the Board’s recommendation to simplify hiring entity coverage by removing the “interference” standard for individuals or households that contract with a separate hiring entity for domestic worker services. The Committee requests more information on the benefits and risks of this recommendation, the interplay with other laws, and the outcomes of stakeholder engagement.

**Committee response** – Option E: The Committee is interested in considering this recommendation on a longer timeline pending stakeholder engagement, further research, and Board prioritization of this issue.

- 10. Develop a portable benefits program for domestic workers that would allow workers to access paid leave for sick days, rest days, and other uses** – The Committee supports the goal of providing domestic workers with portable paid time off (PTO) benefits and recognizes the complexity of developing this type of program. To this end, the Committee would support the introduction of a Resolution and/or a statement of legislative intent (SLI) that includes additional resources/funding, requesting OLS to collaborate with the Board, community partners, and Council to research policy related to a portable PTO benefits program and submit legislation to Council to establish the policy jointly for consideration by the Council.

**Committee response** – Option A: The Committee supports the submission of a proposal for the 2022 Budget that funds OLS to develop a portable benefits policy, in collaboration with the Board and community partners, for Council’s review of legislation in 2022.

In close, the Committee reiterates our gratitude to the Board for their thorough and inspired work on these recommendations. The Committee looks forward to hearing more from the Board in the coming months and year.

Sincerely,

Finance and Housing Committee

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Councilmember Teresa Mosqueda, Chair

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Councilmember Lisa Herbold, Vice Chair

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Council President M. Lorena González

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Councilmember Andrew Lewis

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Councilmember Dan Strauss

Attachment 1: Summary by Board Recommendation

Attachment 2: Summary by Committee Response

Attachment 1: Summary by Board Recommendation.

Board Recommendations		Committee Response
<b>Invest in community expertise and build trust.</b>		
<b>1</b>	<p><b>Fund community organizations.</b></p> <ul style="list-style-type: none"> <li>• Build on trust of community partners who can reach vulnerable populations.</li> <li>• Close existing communication gaps, such as within the African and Asian Pacific Islander communities.</li> </ul>	A. The Committee supports the submission of a Board and/or OLS proposal (e.g., budget request) to fund community organizations.
<b>2</b>	<p><b>Compensate domestic workers for their expertise.</b></p> <ul style="list-style-type: none"> <li>• Pay Board members for their board commitments.</li> <li>• Pay domestic workers who participate in surveys.</li> </ul>	B. The Committee requests further information from the Board pending the results of OLS's process.
<b>Provide more materials and resources to domestic workers and hiring entities.</b>		
<b>3</b>	<p><b>Fund development of new outreach materials and expand language access.</b></p>	<p>A. The Committee supports the submission of Board and/or OLS proposal (e.g., budget request) to fund development of outreach materials.</p> <p>E. The Committee is possibly interested in considering this recommendation on a longer timeline pending the Board's consideration of consultant recommendations.</p>
<b>4</b>	<p><b>Fund improvement of the domestic worker section on the OLS website.</b></p>	<p>A. The Committee supports the submission of Board and/or OLS proposal (e.g., budget request) to fund website enhancements.</p> <p>E. The Committee is interested in considering this recommendation on a longer timeline pending further conversation between OLS and the Board and as more information regarding the scope of this project is available.</p>
<b>5</b>	<p><b>Ensure third-party platform compliance with the Domestic Workers Ordinance.</b></p>	<p>B. The Committee requests further information pending stakeholder engagement.</p> <p>E. The Committee is interested in considering this recommendation on a longer timeline pending stakeholder engagement. The Committee would be interested in signing a compliance letter the third-party platforms.</p>

<b>Board Recommendations</b>		<b>Committee Response</b>
<b>6</b>	<p><b>Address the devastating impact of lack of healthcare for domestic workers.</b></p> <ul style="list-style-type: none"> <li>• Provide resources for hiring entities to understand worker healthcare options.</li> <li>• Convene City departments to discuss creative options and program assistance for workers to gain access to healthcare.</li> <li>• Push state legislature to adopt a statewide affordable health insurance option.</li> </ul>	<p>A. The Committee supports the request to support legislative changes in the State Legislature to expand access to healthcare and will work to support its inclusion in the 2022 Legislative agenda.</p> <p>E. The Committee is interested in considering this recommendation for city legislative action on a longer timeline pending results of a potential IDT and further stakeholder engagement.</p>
<b>Implement policy changes to improve the Domestic Workers Ordinance</b>		
<b>7</b>	<p><b>Require hiring entities to provide domestic workers with information about their rights and conditions of work.</b></p>	<p>A. The Committee supports the submission of Board and/or OLS proposal (e.g., legislation) for consideration to put before the Council in 2022.</p>
<b>8</b>	<p><b>Eliminate the exclusion of publicly funded home care workers from the Domestic Workers Ordinance.</b></p>	<p>A. The Committee supports the submission of Board and/or OLS proposal (e.g., legislation) for consideration to put before the Council in 2022 pending stakeholder engagement.</p>
<b>9</b>	<p><b>Eliminate the “interference” standard for joint hiring entity liability.</b></p> <ul style="list-style-type: none"> <li>• Establish third party liability for ordinance violations for those who contract with a separate hiring entity that employs the domestic worker to provide domestic services.</li> </ul>	<p>E. The Committee is interested in considering this recommendation on a longer timeline pending stakeholder engagement, further research, and Board prioritization of this issue.</p>
<b>Mandate portable benefits for domestic workers</b>		
<b>10</b>	<p><b>Develop a portable benefits program for domestic workers.</b></p> <ul style="list-style-type: none"> <li>• Enable workers to access paid leave for sick days, rest days, and other uses.</li> <li>• Center the program on portability of benefits, centralized accounting system, third-party administration, universal coverage, enhanced enforceability, stakeholder engagement, and outreach/education.</li> </ul>	<p>A. The Committee supports the submission of a proposal for the 2022 Budget that funds OLS to develop a portable benefits policy, in collaboration with the Board and community partners, for Council’s review of legislation in 2022.</p>

Attachment 2: Summary by Committee Response.

<b>Summary of Committee Response</b>
<b>A. The Committee supports the submission of proposal to Council.</b>
<b>Budget proposal</b> <ul style="list-style-type: none"><li>• Fund community organizations.</li><li>• Fund development of new outreach materials and expand language access.</li><li>• Fund improvement of the Domestic Worker section on the OLS website.</li></ul>
<b>Legislative proposal</b> <ul style="list-style-type: none"><li>• Address lack of healthcare for domestic workers by supporting legislative changes at the State level.</li><li>• Require hiring entities to provide domestic workers with information about their rights and conditions of work.</li><li>• Eliminate the exclusion of publicly funded home health care workers from the Domestic Workers Ordinance, pending stakeholder engagement.</li><li>• Develop a portable paid time off benefits program.</li></ul>
<b>B. The Committee requests further information from the Board.</b>
<ul style="list-style-type: none"><li>• Compensate workers for their expertise, pending results of OLS’s process.</li><li>• Ensure third-party platform compliance with the Domestic Workers Ordinance, pending stakeholder engagement.</li></ul>
<b>E. The Committee requests a longer timeline.</b>
<ul style="list-style-type: none"><li>• Fund development of new outreach materials, pending Board’s consideration of consultant recommendations.</li><li>• Fund improvement of the Domestic Worker section on the OLS website, pending further conversation between OLS and the Board and as more information regarding the scope of the project is available.</li><li>• Ensure third-party platform compliance with the Domestic Workers Ordinance, pending results of stakeholder engagement.</li><li>• Address devastating impact of lack of healthcare for domestic workers, pending results of potential IDT and further stakeholder engagement.</li><li>• Eliminate “interference standard” for join hiring liability pending stakeholder engagement, further research, and Board prioritization.</li></ul>