

CITY OF SEATTLE

RESOLUTION 32028

A RESOLUTION concerning the health, well-being, and safety of domestic workers; expressing Council’s intent to establish a right to portable Paid Time Off (PTO) for domestic workers in Seattle; and requesting the Office of Labor Standards to work with community stakeholders to draft legislation creating a portable PTO policy for domestic workers.

WHEREAS, paid time off (PTO) is vital to workers’ health and well-being; and

WHEREAS, The City of Seattle (City) has long recognized the value of providing workers with paid leave to care for their personal and family members’ health conditions or safety needs; and

WHEREAS, in 2012, the City enacted the Paid Sick and Safe Time (PSST) Ordinance requiring employers to provide employees working in Seattle with paid leave for health and safety reasons; and

WHEREAS, the PSST Ordinance recognized that PSST “promote[s] the safety, health and welfare of the people of the City of Seattle by reducing the chances that worker's illnesses will intensify or be prolonged, by reducing the exposure of co-workers and members of the public to infectious diseases, and by reducing the exposure of children at schools and day cares to infectious diseases; resulting in a healthier and more productive workforce, better health for older family members and children, enhanced public health and improved family economic security”; and

WHEREAS, the PSST Ordinance further declared, “To safeguard the public welfare, health, safety, and prosperity of the city of Seattle, all persons working in our community should have access to adequate paid sick and safe leave, because doing so will ensure a more

1 stable workforce in our community, thereby benefiting workers, their families,
2 employers, and the community as a whole”;

3 WHEREAS, in 2020, the City extended the coverage of PSST to workers hired as independent
4 contractors by enacting the PSST for Gig Workers Ordinance, an emergency ordinance
5 requiring food delivery network companies and transportation network companies to
6 provide app-based workers with PSST during the COVID-19 public health emergency;
7 and

8 WHEREAS, many domestic workers do not get paid leave for health or safe time purposes (such
9 as related to domestic violence, sexual assault, and stalking), or other critical needs like
10 bereavement, needed family time, or when their workplace is closed for public health
11 reasons, negatively impacting workers’ physical and mental health, safety, and economic
12 wellbeing; and

13 WHEREAS, in 2021, a survey of Seattle domestic workers conducted by the Domestic Workers
14 Coalition reported that 65 percent of domestic workers and nearly 90 percent of
15 housecleaners surveyed did not get PSST; and

16 WHEREAS, few domestic workers receive PSST because they often work short-term jobs with
17 multiple hiring entities and are often classified as independent contractors; and

18 WHEREAS, PSST can be difficult to accrue, track, and use when workers have multiple hiring
19 entities for varying periods of time; and

20 WHEREAS, community organizations that work with domestic workers report that domestic
21 workers often work when sick due to their lack of paid leave; and

1 WHEREAS, universal paid leave, such as PTO, is a flexible type of paid leave that permits broad
2 application and provides workers with greater opportunity to manage their personal and
3 family needs; and

4 WHEREAS, a portable PTO policy, that travels with the worker, is an innovative public health
5 solution to protect the health and safety of domestic workers who may not accrue
6 adequate PTO or PSST from any one single employer or household; and

7 WHEREAS, a portable PTO policy helps advance the City’s interests to provide critical paid
8 leave rights to domestic workers who largely lack access to paid leave; and

9 WHEREAS, the COVID-19 crisis has deepened the urgency for PTO, with domestic workers
10 facing massive loss of work hours, illness of workers and family members, safety risks
11 from entering homes of individuals who are sick or at risk for illness, and
12 disproportionate health impacts of COVID on Black, Indigenous, and People of Color
13 (BIPOC) workers; and

14 WHEREAS, according to the Economic Policy Institute (EPI), nannies, housecleaners, and home
15 care workers in the United States (U.S.) are 92 percent women, 52 percent BIPOC
16 workers, and disproportionately immigrants, with 35 percent born outside of the U.S.,
17 compared with just 17 percent of the rest of the workforce; and

18 WHEREAS, a portable PTO policy for domestic workers aligns with the Seattle’s Race and
19 Social Justice Initiative (RSJI) and should be made a priority under the RSJI, which
20 directs the City to develop policies to eliminate systemic racism and analyze its policy
21 development through a race and social justice lens; and

22 WHEREAS, many groups of domestic workers are explicitly left out of many federal labor and
23 employment protections—a policy decision dating back to the New Deal, when majority-

1 Black domestic and farmworkers were excluded from landmark federal labor laws as a
2 concession to racist Southern lawmakers¹ and those federal exclusions are repeated in
3 numerous state labor laws in Washington and across the country; and

4 WHEREAS, the Washington Workers Compensation law specifically excludes from coverage a
5 single domestic worker working for a private home employer; and

6 WHEREAS, the Washington Industrial Safety and Health Act excludes from coverage domestic
7 workers who are employed by private home employers; and

8 WHEREAS, domestic workers continue to suffer the impacts of being historically excluded from
9 basic labor protections; and

10 WHEREAS, the City has taken steps to address this historical exclusion, with the
11 implementation of the Domestic Workers Ordinance (DWO) and the creation of the
12 Domestic Workers Standards Board (DWSB); and

13 WHEREAS, the DWO guarantees rights to minimum wage, rest and meal breaks, and other
14 basic labor protections for domestic workers, regardless of their status as employees or
15 independent contractors; and

16 WHEREAS, the DWSB has been collaborating with a community coalition comprised of
17 domestic workers, domestic worker organizations, hiring entity organizations, and policy
18 experts called the “Domestic Workers Coalition” with the long-term goal of creating a
19 portable PTO policy; and

20 WHEREAS, in May 2021, the DWSB, in consultation with the Domestic Workers Coalition,
21 recommended the creation of a mandated portable PTO policy for domestic workers to
22 the Council’s Finance and Housing Committee (Committee); and

¹ Linda Burnham and Nik Theodore, *Home Economics: The Invisible and Unregulated World of Domestic Work*, National Domestic Workers Alliance, 2012.

1 WHEREAS, in August 2021, the Committee issued a letter to the DWSB supporting the
2 submission of a proposal for the 2022 budget that would fund the Office of Labor
3 Standards (OLS) to develop a portable PTO policy in collaboration with the DWSB and
4 community partners; and

5 WHEREAS, in 2019, the City of Philadelphia passed an ordinance giving domestic workers the
6 right to portable paid leave benefits, which is undergoing administrative rulemaking; and

7 WHEREAS, the Domestic Workers Coalition has conducted surveys and focus groups of workers
8 and hiring entities and has been providing research and policy expertise in support of the
9 DWSB to develop a portable PTO policy; and

10 WHEREAS, domestic workers are essential workers, making all other work possible by caring
11 for children, cleaning homes, and supporting elders and persons with disabilities; and

12 WHEREAS, a recent survey of domestic hiring entities conducted by the Domestic Workers
13 Coalition in 2021 found that nearly 60 percent of respondents support the concept of
14 hiring entities paying for domestic worker benefits, including paid leave and health
15 insurance; and

16 WHEREAS, establishing a right to portable PTO for domestic workers and creating a portable
17 PTO policy will fulfill the City's goal of building an economy that can provide shared
18 prosperity for everyone and will establish an important model that may be applicable to
19 other low wage workers; NOW, THEREFORE,

20 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

21 Section 1. The Seattle City Council (Council) intends to establish a right to portable paid
22 time off (PTO) for domestic workers in Seattle and requests the Office of Labor Standards (OLS)

1 to collaborate with a community coalition to draft legislation that would create a portable PTO
2 policy for domestic workers.

3 A. The community coalition may include members of the Domestic Workers Standards
4 Board (DWSB), which includes hiring entity representatives, domestic workers, members of the
5 Domestic Workers Coalition, and representatives of organizations that advocate for the
6 improvement of domestic worker conditions in Seattle.

7 B. OLS and the community coalition should conduct direct engagement with domestic
8 workers and hiring entities regarding the portable PTO policy and systems design.

9 C. In developing this legislation, OLS should be guided by the following principles, and
10 other principles outlined in the DWSB recommendations for a portable PTO policy:

11 1. Racial equity. Center race in the creation of a policy that aligns with the City's
12 Race and Social Justice Initiative to eliminate racial disparities and achieve racial equity in
13 Seattle. Analyze the policy through a race and social justice lens.

14 2. Worker-centered policy. Center workers in the creation of a policy that impacts
15 their lives and working conditions. Workers best know their conditions and needs.

16 3. Privacy and security. Consider administering portable PTO benefits through a
17 third-party and including rigorous cyber-security testing as part of the systems design to ensure
18 maximum security of information. The system should protect sensitive worker information from
19 both hiring entities and government entities, as permitted by law.

20 4. User-centered design. Create a simple and user-friendly system to implement
21 the portable PTO program, to help ensure both workers and hiring entities will use it. Engage
22 both workers and hiring entities in how to best design the system.

1 5. Mandated policy. Develop a policy that requires hiring entities to pay for
2 portable PTO for domestic workers. Relying on a hiring entity’s voluntary participation in a
3 portable PTO program is not sufficient to meaningfully improve workers’ lives.

4 6. Equitable access. Ensure equitable access to portable PTO, including equity for
5 domestic workers who have limited English proficiency, work in occupations that do not accrue
6 paid sick and safe time under the Paid Sick and Safe Time (PSST) Ordinance, and are hired as
7 employees or independent contractors.

8 7. Flexibility. Provide broad usage and flexibility for portable PTO and avoid
9 creating a system that requires workers to justify the reasons for their leave.

10 8. Recordkeeping. Ensure the policy has a method to ensure appropriate
11 recordkeeping that does not burden workers.

12 9. Sustainability. Evaluate the feasibility of different models and consider the cost
13 of on-going operations. The policy should reference or identify sources of funding for
14 implementation and enforcement.

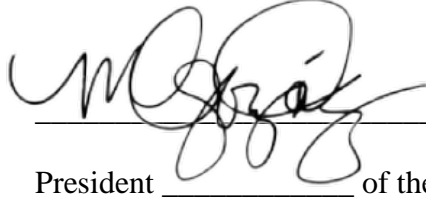
15 10. Accountability. Develop a policy that reflects specific short and long-term
16 measurable goals, a commitment to transparency, and methods for evaluation.

17 Section 2. Council requests that OLS submit legislation that would create a portable PTO
18 policy to the Council Committee overseeing OLS by no later than the first quarter of 2023.

19 Section 3. Council approves allocation of City resources in the 2022 Adopted Budget to
20 support policy development and outreach efforts for the creation of a portable PTO policy,
21 recognizing that successful development of a portable PTO policy for domestic workers depends
22 on OLS’s close collaboration with domestic workers, domestic worker organizations, and policy

- 1 experts who comprise the Domestic Workers Coalition to develop sound, innovative policy, and
- 2 facilitate robust and effective outreach to domestic workers and hiring entities.

1 Adopted by the City Council the 22nd day of November, 2021,
2 and signed by me in open session in authentication of its adoption this 22nd day of
3 November, 2021.

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5 _____
6 President _____ of the City Council

6 Filed by me this 22nd day of November, 2021.

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8 Monica Martinez Simmons, City Clerk

9 (Seal)