



Legislation Text

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CITY OF SEATTLE

RESOLUTION _____

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

WHEREAS, in 2020, the City extended the coverage of PSST to workers hired as independent contractors by

enacting the PSST for Gig Workers Ordinance, an emergency ordinance requiring food delivery network companies and transportation network companies to provide app-based workers with PSST during the COVID-19 public health emergency; and

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

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

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

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

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

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

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

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

WHEREAS, the COVID-19 crisis has deepened the urgency for PTO, with domestic workers facing massive

loss of work hours, illness of workers and family members, safety risks from entering homes of individuals who are sick or at risk for illness, and disproportionate health impacts of COVID on Black, Indigenous, and People of Color (BIPOC) workers; and

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

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

WHEREAS, many groups of domestic workers are explicitly left out of many federal labor and employment protections—a policy decision dating back to the New Deal, when majority-Black domestic and farmworkers were excluded from landmark federal labor laws as a concession to racist Southern lawmakers and those federal exclusions are repeated in numerous state labor laws in Washington and across the country; and

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

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

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

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

(DWSB); and

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

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

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

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

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

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

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

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

WHEREAS, establishing a right to portable PTO for domestic workers and creating a portable PTO policy will

fulfill the City's goal of building an economy that can provide shared prosperity for everyone and will establish an important model that may be applicable to other low wage workers; NOW, THEREFORE,

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

Section 1. The Seattle City Council (Council) intends to establish a right to portable paid time off (PTO) for domestic workers in Seattle and requests the Office of Labor Standards (OLS) to collaborate with a community coalition to draft legislation that would create a portable PTO policy for domestic workers.

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

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

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

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

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

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

4. User-centered design. Create a simple and user-friendly system to implement the portable

PTO program, to help ensure both workers and hiring entities will use it. Engage both workers and hiring entities in how to best design the system.

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

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

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

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

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

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

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

Section 3. Council approves allocation of City resources in the 2022 Adopted Budget to support policy development and outreach efforts for the creation of a portable PTO policy, recognizing that successful development of a portable PTO policy for domestic workers depends on OLS's close collaboration with domestic workers, domestic worker organizations, and policy experts who comprise the Domestic Workers Coalition to develop sound, innovative policy, and facilitate robust and effective outreach to domestic workers and hiring entities.

Adopted by the City Council the _____ day of _____, 2021, and signed by
me in open session in authentication of its adoption this _____ day of _____, 2021.

President _____ of the City Council

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)