

September 7, 2018

## MEMORANDUM

**To:** Members of the Civil Rights, Utilities, Economic Development & Arts Committee  
**From:** Asha Venkataraman, Council Central Staff  
**Subject:** CB 119351: Discrimination protections for domestic workers

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On September 11, 2018 the Civil Rights, Utilities, Economic Development & Arts Committee (CRUEDA) will discuss and vote on Council Bill (CB) 119351, a bill to protect domestic workers from discrimination. This memo (1) provides background related to CB 119351 and (2) describes the approach reflected in the bill.

### Background

In July, the Council passed [Ordinance 125627](#), which, among other things, established labor standards for domestic workers and regulations for enforcement of those standards in a new Chapter 14.23, Domestic Workers, in the Seattle Municipal Code (SMC).

As described in the [July 16, 2018 memo](#) to the Housing, Health, Energy, and Workers' Rights Committee, in developing the ordinance stakeholders expressed concerns about discrimination and harassment in the workplace. Employees are currently protected from discrimination and harassment by [SMC 14.04](#), Fair Employment Practices, enforced by the Seattle Office for Civil Rights (SOCR).

In response to stakeholder concerns, Councilmember Herbold, who oversees items related to SOCR, agreed to consider in CRUEDA legislation to extend the protections against discrimination and harassment to domestic workers.

### CB 119351

As described in the [August 10, 2018 memo](#) to CRUEDA, Councilmember Herbold decided to amend SMC 14.04 to include protections for domestic workers rather than create a new SMC chapter. The draft bill discussed in committee on August 14, 2018 would have amended multiple parts of the chapter as appropriate, adding in "hiring entity" where "employer" is referenced, "domestic worker" where "employee" is referenced, and "domestic services" where "employment" is referenced. While working on that draft, Councilmember Herbold's staff, Central Staff, SOCR, and the City Attorney's Office further discussed the form of the legislation, and Councilmember Herbold decided that rather than amending the entire chapter, CB 119351 would add a section reflecting that the chapter covers domestic services, and amend only the [declaration of policy](#)<sup>1</sup> and the [definitions](#)<sup>2</sup> sections.

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<sup>1</sup> Seattle Municipal Code (SMC) Section 14.04.020.

<sup>2</sup> SMC Section 14.04.030.

The amendment to the declaration of policy section states that the chapter applies to hiring entities, domestic workers, and employees. The definitions section adds in the definitions of “hiring entity” and “domestic worker” and adds in those terms and “domestic services” to the existing definitions as applicable.

New section 14.04.230 provides that except for the definitions section and the section relating to labor organizations, anywhere “employer” is referenced, “hiring entity” is covered by the chapter’s provisions; where “employee” is referenced, “domestic worker” is covered by the chapter’s provisions; and where “employment” is referenced, “domestic services” is covered by the chapter’s provisions. These changes ensure that coverage is extended only where appropriate. Lastly, SMC 14.04.230.B adds that if an individual or household contracts with a separate hiring entity, that hiring entity is solely liable for any violations of the chapter unless the individual or household interferes with any rights established. This provision ensures that the correct entity will be liable if the chapter is violated.

cc: Kirstan Arestad, Central Staff Director  
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