



# City of Seattle

Mayor Jenny A. Durkan

June 24, 2021

Monica Martinez Simmons  
Seattle City Clerk  
600 4th Avenue, 3rd Floor  
Seattle, WA 98104

Dear Ms. Martinez Simmons:

I have returned Council Bill 120069 unsigned, understanding it will become law. I am deeply committed to protecting low wage workers, particularly independent contractor workers. That's why my office partnered with Councilmember Mosqueda to draft and pass legislation protecting Domestic workers, and why I was one of the first elected officials in the country to propose and enact labor standards for TNC drivers through my Fare Share initiative. I am appreciative of Council's partnership on that package of legislation and continued commitment to advancing labor standards for workers in the "gig economy." However, I do not believe this ordinance is tailored to the most urgent problems those workers face.

Also, based on input my office has received it appears there should have been more stakeholder engagement in the development of this ordinance. Both the Domestic Workers Standards Board (DWSB) and the Labor Standards Advisory Commission (LSAC) repeatedly articulated the need to Councilmembers for additional stakeholder engagement in the development of this legislation. Both of these organizations are empowered by ordinance and practice to advise the City on the development of labor standards, indeed the origin of this ordinance lies within recommendations provided by the LSAC themselves. When these groups tell us to slow down and take their views into account, I believe we should listen. Engaging and listening to community members most impacted or affected by a policy results in better, more sound policy that avoids unintended consequences. While Council has delegated rulemaking authority to the Office of Labor Standards (OLS), that is no substitute for measured and thorough legislative policy making—particularly given that Council passed this ordinance with no additional resources to OLS.

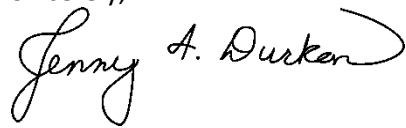
As the LSAC has repeatedly noted to Council, this ordinance goes far beyond their May 2020 recommendations to Council. LSAC recommended a modest, transparency-focused ordinance to provide independent contractors with sufficient information to understand the terms of engagement and the pay they receive. And while the ordinance authorizes novel enforcement measures, it appears Council has not taken the time to determine if these are effective or worth the investment, instead requiring the Executive (through OLS) to make that determination without additional resources.

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Finally, I believe the City should be focused first on guaranteeing a minimum pay standard for gig workers—just as our partnership on Fare Share did. Addressing transparency and wage theft before a minimum pay guaranty puts the cart before the horse. Put simply, this ordinance is not informed by the minimum pay policy-making that is now underway and therefore lacks critical context. Indeed, this is evidenced by Council’s own decision to remove transparency protections focused on gig workers in the substitute bill.

Given the vote margins by the Council and the ability for OLS to impact the outcomes through rulemaking, a veto did not seem warranted.

Sincerely,

A handwritten signature in black ink that reads "Jenny A. Durkan". The signature is written in a cursive, flowing style with a large, sweeping flourish at the end.

Jenny A. Durkan  
Mayor of Seattle