

# **Workplace Rights Investigations Report**

Fiscal Year (FY) 2023 Annual Report to the  
Governor

December 2023

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# Executive Summary

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## Introduction

As required by RCW 49.12.180, the Department of Labor & Industries (L&I) is providing updated information about investigations and proceedings related to worker wages, leave, youth employment, and other workplace rights. It includes actions taken in response to multiple new laws passed in the last several years that expanded responsibilities, procedures, and enforcement mandates.

L&I's Employment Standards Program met these growing demands while maintaining its responsibility of enforcing existing wage and hour laws, youth employment protections, protected leave laws, and other essential labor protections.

## 2023 Update

In fiscal year (FY) 2023, L&I continued to enhance how it protects workers' wages and working conditions. The agency implemented new rules and laws, provided a new phone intake option that enables customers to submit complaints over the phone, expanded education and outreach, and continued workplace rights investigations.

## Education and outreach

Within the department, the Employment Standards Program offers extensive education on workplace rights and requirements. During FY 2023, the program devoted considerable time and resources to encouraging proactive compliance with workplace laws and delivering education through a variety of media including in-person presentations, social media outlets, webinars, and other platforms. The program uses expert staff to answer and address questions received from the public.

These efforts include education for people with limited English proficiency, helping to bridge cultural and language barriers. Public webinars were offered in both English and Spanish. All public webinars were offered with free interpreting services upon request by the attendees.

## Investigations

In FY 2023, the program conducted nearly 9,000 investigations of workplace rights issues across multiple program areas including the Minimum Wage Act (RCW 49.46), The Wage Payment Act (RCW 49.48), the Industrial Welfare Act (RCW 49.12), Equal Pay and Opportunities Act (RCW 49.58), and various agriculture and protected leave statutes. They also issued 223 penalties for violations. The program also returned more than \$2.93 million in wages rightfully owed to workers.

## New worker protections

In this report, in addition to ongoing educational and enforcement efforts, the department will detail work to support several new worker rights and responsibilities, including:

- **Interest on Wage Complaints**  
[Substitute House Bill \(SHB\) 1217](#), effective Jan. 1, 2024, requires the department to assess interest of 1% per month on all wages owed to employees by an employer if the department determines that an employer has violated a wage payment requirement.

- **Warehouse Distribution Center Employees**

[Second Substitute House Bill \(SSHB\) 1762](#), effective July 1, 2024, requires warehouse distribution centers engaged in specific activities with 100 or more employees at a single warehouse, or 1,000 or more employees at one or more warehouses across the state to:

- provide employees with a written description of any quotas to which they are subjected and any adverse action that may be taken for failure to meet the quota;
- provide notification of change in quotas to affected employees prior to the new quota being instituted;
- ensure quotas account for employees being able to take rest, meal, and bathroom breaks, as well as access tools or safety equipment, and reasonable travel time to accomplish these actions; and
- maintain records of quotas and work speed data, and provide these records when requested.

Also:

- If a covered employer takes an adverse action against an employee for failure to meet a quota, the employer must provide that employee with their applicable quota and their personal work speed data that was the basis for the adverse action.
- Employees are protected from retaliation for requesting information about a quota or personal work speed data, or for filing a complaint for violations of this law or safety and health protections under RCW 49.17 RCW.

- **Payment for Accrued and Unused Sick Leave for Certain Construction Workers**

[Engrossed Substitute Senate Bill \(ESSB\) 5111](#), effective Jan. 1, 2024, requires employers to pay out sick leave balances to workers in the construction industry if they separate from employment before reaching the 90-day sick leave waiting requirement.

- **Expanding Farm Internship Program**

[Substitute Senate Bill \(SSB\) 5156](#), effective May 4, 2023, expands the current farm internship pilot project from 20 counties to all counties and makes it permanent.

- **Concerning Hospital Staffing Standards**

[Engrossed Second Substitute Bill 5236](#), effective July 1, 2024, expands upon existing workplace standards for certain hospital staff by bringing L&I into the enforcement of staffing plans in coordination with Department of Health staff, clarifies standards and enforcement regarding mandatory overtime, and expands uninterrupted meal and rest break protections.

# Introduction

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L&I protects the safety, health, and security of Washington’s workers. The agency’s Employment Standards Program is responsible for carrying out state laws that protect workers’ wages and working conditions. The program supports L&I’s mission, Keep Washington Safe and Working, by administering state laws regarding workplace rights.

As required by RCW 49.12.180, L&I submits this report to the Governor annually to provide updated information about investigations and proceedings related to worker wages, leave, youth employment, and other workplace rights.

The Employment Standards Program has three primary goals to support the department’s mission:

- Protect and enforce workplace rights
  - Ensure employers understand the rights they are required to provide to workers
  - Ensure workers understand and receive those rights
  - Rectify situations when workers’ rights are not protected
- Serve all people in Washington
  - Create easily accessible processes
  - Ensure our services are available to all audiences and customers
- Staff development
  - Create an innovative and supportive program culture
  - Provide career and development opportunities within the program

The program administers a broad set of workplace rights that affect every employer and employee in Washington. This includes laws relating to wages, such as the state minimum wage and wage agreements between workers and employers. Enforcement also includes laws regarding working conditions, such as meal and rest breaks.

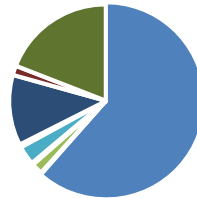
Employment Standards also ensures that workers receive paid sick leave and other forms of protected leave, and that workers are not retaliated or discriminated against for the exercise of leave and minimum wage rights. The program enforces laws and rules on youth employment, including hours of work, breaks, and investigating on-the-job injuries that involve workers under 18, and enforces special work rules related to agricultural employment through its Farm Labor Contracting investigations. Employment Standards is also responsible for education and enforcement of laws ensuring gender pay equity and guaranteeing that training and protections are provided to isolated workers.

The program makes extensive efforts to educate the public about these workplace rights and requirements. During FY 2023, the program devoted considerable time and resources to encouraging proactive compliance with workplace laws. This team within L&I strives to ensure employees understand their workplace rights and employers understand their responsibilities under the law.

Employment Standards offers an array of education through multiple communication webinars, in-person presentations to individual organizations, radio interviews, automated email messages, website updates, publications and resource guides, and educational consultations, and has knowledgeable staff available to answer questions from the public.

While education and outreach to secure voluntary compliance is the first step, the program also conducts thousands of investigations each year on complaints and referrals. The program also works to proactively find other ways of identifying instances in which workers’ rights are not being protected. As shown below, in FY 2023, the majority of complaints were wage claims in which a worker filed a complaint alleging they were not paid appropriately. The next-highest category was “other non-wage claims,” including matters such as meal and rest breaks. The third-highest category was paid sick leave complaints.

FY 2023



- Wage Claims
- Farm Labor
- Retaliation
- Paid Sick Leave
- Other Non-Wage Claims
- Protected Leave
- Proactive Investigations
- Equal Pay
- Youth Employment

Closed Investigations in FY 2023	
■ Wage Claims	5,423
■ Other Non-Wage Claims	1,520
■ Paid Sick Leave	995
■ Retaliation	514
■ Youth Employment	217
■ Farm Labor Contracting	88
■ Equal Pay	18
■ Protected Leave	32
■ Health Care Facility Overtime	15
■ Proactive Investigations	5
<b>TOTAL</b>	<b>8,827</b>

The program may assess monetary penalties to ensure compliance with workplace rights. During FY 2023, the department issued 223 penalties associated with these types of violations. These penalties totaled more than \$1.28 million. (See charts below.)

Penalties Issued in FY 2023	
Wage Payment Act	130
Youth Employment	86
Farm Labor Contracts	6
Equal Pay	0
Protected Leave	1
Health Care Facility Overtime	0
<b>TOTAL</b>	<b>223</b>

Penalties Assessed in FY 2023	
Wage Payment Act	\$185,429
Youth Employment	\$1,080,950
Farm Labor Contracts	\$17,250
Equal Pay	\$0
Protected Leave	\$500
Health Care Facility Overtime	\$0
<b>TOTAL</b>	<b>\$1,284,129</b>

The Employment Standards Program is committed to protecting workplace rights for all workers and employers in Washington.

# 2023 Information Update

## Wage Complaints

The Wage Payment Act requires employers to properly pay wages to workers. Employer noncompliance with these laws most commonly involves failing to pay overtime or failing to pay at least minimum wage for hours worked. Wage complaints comprised the majority of the complaints received by this program (61% [5,423 of 8,827] in FY 2023). L&I investigates every wage complaint received to determine whether the law has been violated. If a violation has occurred, L&I makes every reasonable effort to collect delinquent wages owed and return them to workers.

The figure below shows different types of wage complaints received between 2019 and 2023, but does not include less frequent complaints involving Paid Sick Leave (PSL), final paychecks, tips and service charges, unpaid hours worked, non-sufficient fund checks, and unauthorized deductions.

Wage Complaints by Allegation: Received FY 2019 - FY 2023						
Fiscal Year	Minimum Wage	Overtime	Agreed Wages	Wage Claims PSL	Wages Owed	Other
2019	475	1,157	1,722	824	N/A	N/A
2020	402	1,103	1,582	768	N/A	N/A
2021	268	673	978	567	15	20
2022	337	1,086	1,440	597	171	68
2023	499	1,191	1,936	217	90	1,490

When a worker files a wage complaint, L&I has 60 days to issue a determination as to whether the law was violated. The time period to issue a determination may be extended for good cause. The figure below shows the percentage of complaints that were resolved within various time periods after receipt. L&I completed 81% of complaints within 60 days and 97% of complaints within 120 days.

Wage Complaints Completed by Number of Days in FY 2023	
Number of Days to Resolve	Percentage of Complaints
Less than 60	81%
Less than 90	91%
Less than 120	97%
Less than 180	99%
More than 180	1%



Wage complaints may be closed for a variety of reasons. Some are withdrawn by the employee or not accepted because they did not contain enough information to enable an investigation or because the agent could not reach the complainant after the complaint was filed. Others are resolved by the agent or determined not to have been a violation.

## Determination of Compliance

In many investigations, L&I can collect money for the worker without resorting to a citation and notice of assessment. However, not all wage complaints can be resolved through voluntary compliance, requiring L&I to issue a formal determination. Shown below is the total amount collected for workers through each closing mechanism. Collection efforts continue beyond the fiscal year. These amounts may also include assessments in prior years. Wages that are paid prior to the department issuing a notice of assessment are not included in dollars assessed.

The figure below shows the disposition of wage complaints in FY 2023. Six percent of wage complaints filed in FY 2023 resulted in a notice of assessment, identifying wages were owed, and 4% in which the department issued a notice of compliance, indicating there was no violation. The majority were not accepted due to insufficient information. The “other” category includes cases voluntarily paid or resolved by the employer prior to the issuance of the notice of assessment.

Wage Complaints Closed by Reason in FY 2023				
Closing Reason	Number of Closed Complaints	Percentage Closed	Assessed	Collected
Not Accepted	2,774	40%	N/A	N/A
Withdrawn by Employee	825	12%	N/A	N/A
Non-Wage Resolved by Agent	913	13%	N/A	N/A
Determination of Compliance	304	4%	N/A	N/A
Notice of Assessment	403	6%	\$789,693	\$0
Other	1,725	25%	\$2,966,306	\$2,930,642
<b>Total Closed</b>	<b>6,943*</b>	<b>100</b>	<b>\$3,755,999</b>	<b>\$2,930,642</b>

\* Includes 5,435 closed wage claims and 1,520 closed Other Non-Wage Claims as noted on pg. 6.

## Proactive Investigations & Enforcement

The legislature first approved supplemental funding in 2019 to increase the department’s capacity to initiate companywide wage investigations. In contrast to investigations responding to an individual worker, a proactive companywide wage investigation involves L&I seeking broader remedies for many affected workers. These larger investigations enable L&I to follow up on systemic issues discovered in complaint investigations and strategically target and address areas and industries in which workers may be most vulnerable to workplace rights violations.

Prior to the 2006 Wage Payment Act (WPA), the Employment Standards Program routinely conducted companywide investigations. In 2005, for instance, it recovered \$2.2 million for workers from these wider investigations. Priorities shifted when the Wage Payment Act went into effect, requiring individual worker complaints to be investigated within 60 days. These new requirements resulted in the department receiving more wage complaints from workers, leaving less time to conduct the more time-consuming companywide investigations that agents opened themselves. As a result, the practice of initiating companywide investigations all but ceased.

In FY 2023, the program continued companywide investigations. In October 2022, the Proactive Investigations & Enforcement Unit (PIEU) received 58 WPA cases stemming from 2018 and created a successful settlement agreement in July 2023. This agreement included the employer paying back wages to the employees totaling \$144,224, and a new Paid Sick Leave policy written by their company. Additionally, PIEU collected more than \$40,000 in financial remedies for workers through investigative efforts and closed six cases, affecting at least 914 workers. The remaining open and active cases are expected to be closed in FY 2024. In addition to completing investigations, PIEU conducted educational efforts. Through this process, the unit contacted 19 employers and provided education affecting more than 4,000 employees.

Throughout FY 2023, PIEU has been growing, restructuring, and moving forward with very large cases. PIEU has a working relationship with the Office of the Attorney General and conducted several coordinated enforcement cases, with outcomes affecting thousands of employees, including assisting with large-scale financial audits. Examples of these outcomes include: back wages collected totaling more than \$500,000 for Washington employees, correction of violations found, and revisions of companies' policies for compliance with Washington State laws. These are relatively small numbers compared to the total number of employers in Washington, yet these remedies create an opportunity to protect workers through education and enforcement. During the investigation process, the unit promptly contacts the employers, provides an educational summary of the identified concerns, and provides resources to help employers come into compliance without requiring a full investigation.

## Transportation Network Companies

Engrossed Senate House Bill 2076 — regarding Transportation Network Companies (TNC) — passed during the 2022 legislative session and took effect Jan. 1, 2023. This bill protects drivers in areas such as minimum compensation rates, paid sick time, retaliation, deactivation, and administrative actions.

The TNC Unit has conducted 53 investigations collecting almost \$200,000 for more than 15,000 drivers. The majority of these complaints have been filed with the assistance of the Drivers Resource Center, which has helped drivers understand their rights and the process of filing a complaint through collaborative partnership.

## Protected Leave, Paid Sick Leave, & Retaliation

The state's leave laws ensure that workers can appropriately use paid sick leave and other forms of leave, as well as leave without pay for certain activities. These laws also protect workers from retaliation or discrimination for using these protected forms of leave.

### Protected Leave Laws

Washington has many different protected leave laws. Those that are enforced by L&I include:

- The Washington Family Care Act- The Washington Family Care Act (FCA) allows employees to take any paid leave offered by their employer to: provide treatment or supervision for a child with a health condition and care for a qualifying family member with a serious or emergency health condition.
- The Domestic Violence Leave Act- Washington State provides victims of domestic violence, sexual assault, or stalking the opportunity to take time off from work. This leave is available to all employees and qualifying family members. Victims and their family members can use domestic violence leave for: legal or law enforcement assistance and court proceedings, medical and psychological help, help from social service programs, safety planning, and relocating.
- The Military Family Leave Act - An employee whose spouse has received an impending call to active duty during a period of military conflict may take up to 15 days of job-protected leave from work. Their spouse must be a member of the armed forces or National Guard to be eligible. This leave also applies to reservists who have been called to active duty.
- Leave for volunteer firefighters, reserve peace officers, and civil air patrol members. Certain emergency service personnel have rights to leave work in connection with their emergency services.

### Paid Sick Leave

The Minimum Wage Act includes the requirement that employers in Washington must provide nearly all employees paid sick leave. Most workers in Washington, including part-time, temporary, and seasonal workers, are entitled to paid sick leave.

Some workers may be exempt from paid sick leave laws based on their job duties and responsibilities, e.g., some executive, administrative, and professional workers who perform specific duties and are paid a salary equal to or greater than a required salary threshold.

### Retaliation

Also under the Minimum Wage Act, an employer may not retaliate against an employee who exercises a protected right, files or intends to file a complaint, or has discussed potential violations of their rights. L&I investigates all complaints of retaliation or discrimination related to these activities.

The figure below shows investigations and amounts recovered for workers related to leave and retaliation laws in FY 2023. The “total closed” figures represent all complaints received in those categories. Overall, it shows no dollar amounts were assessed or collected for protected leave, but more than \$49,000 was collected on behalf of workers for in response to retaliation complaints and almost \$350,000 was collected for paid sick leave violations.

Complaints are “not accepted” where the worker is not covered by the law or there is insufficient evidence of a violation.

Paid Sick Leave Complaints/Investigations Closed by Reason in FY 2023				
Closing Reason	Closed	Percentage	Assessed	Collected
Not Accepted	460	46%	N/A	N/A
Withdrawn	165	16%	N/A	N/A
DOC* or No Action	35	4%	N/A	N/A
NOA**/Infraction /Citation	35	4%	\$126,311	\$29,719
Other***	300	30%	\$342,421	\$316,348
<b>Total Closed</b>	<b>995</b>	<b>100%</b>	<b>\$468,732</b>	<b>\$346,067</b>
Protected Leave Complaints Closed by Reason in FY 2023				
Closing Reason	Closed	Percentage	Assessed	Collected
Not Accepted	19	60%	N/A	N/A
Withdrawn	2	6%	N/A	N/A
DOC or No Action	1	3%	N/A	N/A
NOA/Infraction/Citation	2	6%	N/A	N/A
Other	8	25%	\$0	\$0
<b>Total Closed</b>	<b>32</b>	<b>100%</b>	<b>\$0</b>	<b>\$0</b>
Retaliation Complaints Closed by Reason in FY 2023				
Closing Reason	Closed	Percentage	Assessed	Collected
Not Accepted	450	88%	N/A	N/A
Withdrawn	38	7%	N/A	N/A
DOC or No Action	4	1%	N/A	N/A
NOA/Infraction/Citation	0	0%	N/A	N/A
Other	22	4%	\$0	\$0
<b>Total Closed</b>	<b>514</b>	<b>100%</b>	<b>\$86,186</b>	<b>\$49,364</b>

\* Determination of Compliance

\*\* Notice of Assessment

\*\*\* Indicates closure for payment in full, arranged payment plan, or employer bankruptcy

## Health Care Facility Employee Overtime

In 2002, the legislature created requirements to limit when health care facilities may require employees to work beyond their predetermined regularly scheduled shift. This law was updated in 2019 to provide employees who work more than 12 consecutive hours to be given the option to have at least eight consecutive hours of uninterrupted time off. This law was further expanded in 2020 and provides extra protections for a broader category of health care workers including licensed practical nurses (LPNs), registered nurses (RNs) surgical technologists, diagnostic radiologic technologists, cardiovascular invasive specialists, respiratory care practitioners, and certified nursing assistants.

The current law allows for certain exceptions when health care facilities require an employee to work overtime. There is no prohibition on overtime work that occurs because of any of the following four reasons:

1. any unforeseeable emergent circumstance;

2. prescheduled on-call time;
3. when the employer documents that they used reasonable efforts to obtain staffing; and
4. to complete a patient care procedure already in progress.

In FY 2023, there were 13 complaints received relating to health care overtime. Of the cases received, 11 were settled and two investigations resulted in no violations. A total of \$39,000 was recovered. In 2023, the legislature further expanded health care worker protections, effective July 1, 2024. Current law provided the department the authority to investigate; however, when a violation was found the citation was sent to local court for further action. Beginning July 1, 2024, when the department finds a violation it can pursue administrative action. The ability to enforce through the administrative process will enable L&I to provide updated data related to the reasons for complaint closures.

## Agriculture

Agricultural workers have long been exempt from the state's overtime requirements. However, the Washington State Legislature changed this practice in 2021 by removing the overtime exemption for all agricultural workers. The department began implementing this change in FY 2022.

Except for dairy employers that are required to pay overtime at the 40-hour threshold, the law is phased in over three years. The phase-in schedule incrementally reduces the number of hours employees must work in a workweek before they are entitled to overtime.

Beginning:

- Jan. 1, 2023, the threshold is 48 hours per week.
- Jan. 1, 2024, the threshold will be 40 hours per week.

The law prevents agricultural employees from seeking retroactive payments for overtime worked prior to July 2021. The program updated the following administrative policies that provide additional guidance and interpretation of the new law:

- [ES.A.8.1](#) — Overtime
- [ES.B.1](#) — Paid Sick Leave – Frequently Asked Questions
- [ES.C.6.2](#) — Agricultural Labor Standards – Meal Periods, Rest Periods, and Rates of Pay
- [ES.D.2](#) — Recordkeeping and Access to Payroll Records (Agricultural Employment)

### **Agricultural Overtime Education and Outreach Campaign**

The program conducted extensive outreach, in English and Spanish, to inform the agricultural sector of these changes. This multifaceted education and promotional campaign spoke to a diverse audience, including agricultural workers, employers, farm labor contractors, law firms, associations, and worker advocacy organizations. Examples of the outreach include:

- [Fact sheet](#): This printable fact sheet explains the details of the new agricultural overtime law.
- [Fact sheet en español](#): The printable fact sheet is available in Spanish.
- [Infographic](#): This infographic highlights the key elements of the changes regarding overtime for agricultural workers.
- [Infographic en español](#): The agricultural overtime infographic is available in Spanish.
- [Webinars in English and Spanish](#): L&I is holding informational webinars every month. Look for

“Understanding the Changes in Agricultural Overtime Laws” in the “Event Title” pulldown menu on this link.

- [YouTube video — Get the details on the new agricultural overtime law](#): L&I created short videos to explain the new agricultural overtime changes.
  - [Facebook video — English](#)
  - [YouTube video en español — Obtenga los detalles sobre la nueva ley de horas extras en la agricultura](#)
  - [Facebook video — en español](#)
  - [Mixteco Bajo Facebook video](#)
  - [Mixteco Bajo YouTube video](#)
  - [Administrative Policy ES.C.6.2: Agricultural Labor Standards — Meal Periods, Rest Periods, and Rates of Pay](#)

### **Farm Labor Contracting**

Farm labor contracting provides another way for farmers to hire workers. Farmers often directly hire workers to harvest crops and do other agricultural duties. However, when a farmer pays an outside person, agency, or company, or even pays an employee an additional fee, to help find or hire laborers, then that person or company must be a licensed Farm Labor Contractor. Contractors recruit, solicit, employ, supply, transport, and hire workers for farms and other agricultural work. The farm labor contracting law protects these workers, such as requiring a contract, safe worker transportation, ensuring meal and rest breaks, and being paid.

The unit conducted 89 farm labor contractor audits to ensure compliance with the farm labor contracting rules and regulations, and issued eight Notices of Violation and 278 Washington State Farm Labor Contractor licenses. (The team issued additional licenses after the fiscal year cut-off date.)

### **Farm Internship Program**

The 2023 legislature updated the Farm Internship Program, as well. As a result of the passage of [Substitute Senate Bill 5156](#), effective May 4, 2023, the law includes:

- All 39 counties in Washington State are now eligible to participate in the Farm Internship Program.
- The Farm Internship Program is permanent and no longer has an expiration date.
- There are new requirements for farms located in the 19 counties that became eligible to participate in the program in 2023. Those are:
  - If the farm employs more than one intern, the farm must employ at least one intern who has direct experience working as a migrant farmworker or whose parent or grandparent has direct experience working as a migrant farmworker.
  - If a farm is employing only one intern and the farm does not receive any other applications from individuals who meet the migrant farmworker criteria, then this requirement does not apply.
  - This applies to the following Washington counties: Adams, Asotin, Benton, Clallam, Columbia, Douglas, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Mason, Okanogan, Pacific, Pend Oreille, Skamania, Stevens, Wahkiakum, and Whitman.
- The internship shall encourage interns to participate in career and technical education or other educational content with courses in agriculture or related programs of study.

The Farm Internship Program now has its own inbox: [ESFarmInternship@Lni.wa.gov](mailto:ESFarmInternship@Lni.wa.gov).

Certified farms during FY 2023:

- 2022 harvest season: 15
- 2023 harvest season: 10

Participating interns during FY 2023: 40

## Youth Employment

Young workers can be an asset to employers, bringing enthusiasm and energy to the workplace. In exchange, they have opportunities to learn, contribute, and earn. L&I's Youth Employment Unit works with the Office of Superintendent of Public Instruction, school districts, and employers to provide training and education so that young people can acquire job skills and academic credit while still in high school.

Providing work-based learning and apprenticeships are key to Washington's future workforce; however, workplace safety is imperative. Workers under 18 are at higher risk for work-related injuries. L&I offers education about obligations to ensure safe workplaces for youth and enforces those requirements. Washington State restricts both the work hours and the types of work minors may do. During the school year, teens may work part-time hours only; however, L&I may grant special variances for 16- and 17-year-olds with permission of both a legal guardian and an authorized school administrator.

Some job duties are prohibited for minor workers, such as forklift driving, working on roofs, and working in freezers or meat coolers. In addition, employers with workers under 18 must have a minor work permit endorsement on their master business license. The table below shows minor injuries, work permits, and variances. There was a sharp rise in work permits and variance applications in FY 2022 that continued in FY 2023, largely due to increased demand for younger workers. Over the same period, the number of minor injuries reported continued to decline.

Investigations, Work Permits & Variances from FY 2019-FY 2023					
	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Minor Injuries Reports Reviewed	1,514	1,400	1,275	811	799
Minor Work Permits Issued	40,982	32,856	30,199	38,208	38,349
Minor Work Variances Issued	276	194	261	495	522
Public Outreach & Education	1,741	907	2,368	2,502	1,306

Source: L&I Employment Standards Program

## Equal Pay & Opportunities Act

The Equal Pay and Opportunities Act (EPOA), effective June 7, 2018, prohibits employers from compensating employees differently or limiting or denying career advancement based on gender. The law also explicitly allows employees to disclose, discuss, and compare their wages or the wages of others.



In 2019, this law was amended to add protections for employees and job applicants. This change prohibits employers from requesting job applicant wage or salary history, except under certain circumstances. Employers are prohibited from requiring applicant wage or salary history to meet certain criteria. Internal promotion or transfer applicants have the right to certain salary information if the employer has 15 or more employees.

The law was amended in 2022 to add further protections for job applicants. As of Jan. 1, 2023, employers with 15 or more employees must disclose wage scale or salary range, a description of benefits, and other compensation in their job postings. The department published administrative policy ES.E.1 on Dec. 1, 2022, to provide guidance on this change and other sections of the EPOA.

The EPOA unit expanded from one to two agents, both of whom were hired in August 2022. The new agents implemented new pay transparency requirements including the most recent changes. Together, the EPOA team (with help from many others) created new fact sheets, updated several internal guide documents, revamped the EPOA website to make it easier for customers to navigate, and collaborated with stakeholders to share information internally. Externally, the EPOA team has been conducting extensive outreach efforts in person and via webinars, responding to questions received via email, and conducting employer consultation requests.

Additionally, the EPOA team has developed a new service to encourage proactive and voluntary compliance from employers through education when allegations of violations of the new pay transparency requirements are made. This new service means the team educates an employer in response to tips regarding noncompliant job postings, even if no complaint is filed.

A tip may be submitted if a person sees a job posting they believe does not comply with the EPOA’s pay transparency requirements but does not intend to apply for the available position or wish to file a formal complaint. In these instances, L&I may provide education on the law to the applicable employer.

In FY 2023, the department received 250 EPOA complaints. Of those, 183 were closed, as shown below. The remaining continue to be adjudicated. One citation and notice of assessment was issued, and more than \$16,000 was assessed as damages that were recovered during mediation and given to the workers; these also include one \$500 civil penalty. A Notice of Finding was issued in each of these cases stating a violation was found that was resolved. Collection efforts will continue for outstanding assessments.

Equal Pay and Opportunities Act Complaints/Investigations Closed by Reason in FY 2023				
Closing Reason	Closed	%	Assessed	Collected
Not Accepted	150	82%	N/A	N/A
Withdrawn	19	10%	N/A	N/A
Notice of Finding (No Citation)	2	1%	N/A	N/A
NOA/Citation	1	1%	\$47,718	\$0
Other*	11	6%	\$19,544	\$19,544
<b>Total Closed</b>	<b>183</b>	<b>100%</b>	<b>\$67,262</b>	<b>\$19,544</b>

\* indicates the complaint was resolved through a settlement agreement or in response to a final demand letter.

Additional outreach in FY 2023 included informing the public about protections and requirements under EPOA by incorporating current EPOA content in public presentations such as Know Your Worker Rights



and Employer Guide to Workers' Rights. L&I held monthly EPOA public webinars about protections and requirements under the law and collaborated with the WorkSource system to provide monthly webinars tailored to job applicants and employees. Also in FY 2023, the EPOA team conducted extensive outreach about these latest changes. There were more than 30 webinars presented to the public as well as employers and organizations, totaling over 2,000 attendees reached. L&I also presented to individual organizations upon request.

The department continues to offer customized EPOA employer consultations to help employers understand the impact that EPOA might have on their organization and employment practices, and evaluate possible specific risks.

## Isolated Workers

During the 2019 session, the legislature passed Senate Bill (SB) 5258, which added protections for certain isolated workers in the janitorial, security, retail, and hospitality industries. Certain employers must now provide panic buttons for isolated workers and implement a sexual harassment policy and training curriculum. Additionally, the law requires property services contractors (janitorial companies) to submit work location, hours, and sexual harassment training data to L&I each quarter. Lastly, employers must provide affected employees with contact information for the Equal Employment Opportunity Commission and the Washington State Human Rights Commission, as well as any local organizations geared toward preventing sexual assault and harassment.

L&I does not have investigative authority under this law, though the agency continues to provide outreach and education regarding employers' responsibilities and the rights of affected employees. L&I conducts monthly educational webinars regarding isolated worker protections.

During FY 2023, L&I launched an employer consultation service to help employers understand the impacts this law may have on their organization and employment practices, and evaluate possible, specific risks. At the same time, the program launched a concern-escalation process to answer questions from affected employees. This process offers a comprehensive review of an individual's job and what protections they may be entitled to receive. Employers and employees are now able to request these services by e-mailing [isolatedworkers@lni.wa.gov](mailto:isolatedworkers@lni.wa.gov).

These new services are advertised on the isolated worker webpage of the L&I website, which was updated and reformatted during FY 2023 to reflect these new services and other changes.

A statewide list of ongoing/potential partnerships was created that includes labor groups, chambers of commerce, community organizations, and educational programs. Advertising Employment Standards services through these organizations enable the program to reach business owners and employees affected by the isolated workers law. During FY 2023, Employment Standards also partnered with the Human Rights Commission (HRC) to get its sexual assault resource documents translated into Spanish in response to a specific public request.

Additionally, since the law requires employers to provide their employees with a list of any local advocacy groups focused on preventing sexual harassment and sexual assault, L&I created a statewide list of these advocacy groups for businesses to provide to their employees.

During FY 2023, the Isolated Worker Specialist responded to just over 600 public inquiries and received seven employer consultation requests.

## Outreach & Customer Service

L&I prioritizes education and outreach to ensure employers understand their responsibilities and workers know their rights. Information is shared in all parts of Washington to increase voluntary compliance. Materials are drafted using plain language and are translated into many languages.

In FY 2023, the program offered monthly webinars on a variety of topics including an Employer Guide to Worker Rights, Know your Worker Rights, overtime exemptions, Equal Pay and Opportunities Act, and Isolated Worker Protections. Offering these webinars has enabled the department to educate thousands of employers and employees across the state remotely. Program staff have begun a joint effort to educate the Adult Family Home Council on issues of importance to its membership and are providing a monthly educational webinar in conjunction with the U.S. Department of Labor.

In addition to monthly webinars, program staff answer questions and meet with organizations to educate them about these responsibilities. The L&I website is also kept up to date with helpful guidance and resources such as fact sheets, employer guides, case examples, and frequently asked questions.

And finally, customer service staff received and directed more than 44,000 calls from customers.

The table below summarizes the outreach events for the wage and hour programs. EPOA presentations on the new Pay Transparency and Job Postings law were attended in great numbers. Events that discuss overtime rules for executive, administrative, and professional workers, overtime rules for agricultural workers, and information provided in our Employer Guide presentation remained the most popular.

Outreach Activities for FY 2023		
Program Unit	Number of Events	Attendance for Events
Wage Payment Act	1	2
Agricultural Overtime	20 (13 via Zoom)	630 (115 via Zoom)
Proactive Investigations	25	21
Protected Leave	154	210
Paid Sick Leave	7	35
Executive, Administrative & Professional Rules	49	2,573
Isolated Workers	12	113
Equal Pay Opportunity Act	102	2,756
Retaliation	68	230
Youth Employment	19	1,306
Health Care Facility Overtime	31	39

## Limited English Proficiency (LEP) & Accessibility Progress

L&I enforces workplace laws that affect most employers and employees in the state across a wide variety of diverse backgrounds and industries. The department is committed to expanding services and information for all customers.

The following data shows all complaints opened and resolved by the Employment Standards Program for all complaint types and the preferred language of the complainants during FY 2023. This does not include

any cases opened in the previous fiscal year. While the majority of complainants prefer English, there are significant numbers of inquiries in other languages, particularly Spanish and Chinese.

Employment Standards Complaints by Preferred Language for FY 2023	
Preferred Language	Number of Complaints Resolved
English	7,353
Spanish	716
Chinese	29
Korean	10
Russian	18
Vietnamese	11
Other	14
Cambodian	2
Laotian	0
<b>Total Complaints Resolved</b>	<b>8,153</b>

The program offers free translation and interpreter services to customers in their preferred language, in accordance with internal, state, and federal requirements.

To ensure the rights of all workers are protected, direct outreach efforts were made to educate people with limited English proficiency. Public webinars — including Know Your Worker Rights (for employees) and Employer Guide to Workers’ Rights — were offered in both English and Spanish. These public webinars and all other public virtual events were well attended and informed thousands of people. They also offered free interpreting assistance. These are in addition to the data previously provided in the outreach activities table under Outreach and Customer Service.

Limited English Proficiency Events in FY 2023	
Program Unit	Number of Events
Farm Labor Contracting/Agricultural	70

In addition to extensive outreach efforts for workers with limited English proficiency (LEP), the Farm Labor Unit ensures compliance with agricultural employment standards, farm labor contracting, and other protections of diverse communities in both the agricultural and reforestation sectors. Agents provided one-on-one consultation services to agricultural employers and farm labor contractors regarding the requirements of those laws, including licensing requirements, employer requirements, break and rest period requirements, and out-of-state employer requirements.

Agents conducted field visits to audit registered farm labor contractors. These visits provide an opportunity to educate contractors of their requirements and interview workers to confirm the accuracy of the audit and educate them of their rights in their language of preference. The unit also provides education and outreach presentations at the request of community partners representing LEP customers, agricultural business associations whose membership employs LEP customers, and other relevant entities

in the agricultural sector.

Additionally, the program worked on a number of projects to help LEP workers gain meaningful access to our services. Some of these projects focus primarily on Spanish and include a plan for expanding language access services to other languages. Some of the objectives within the language access projects included:

- Initiating Worker Rights Complaints over the phone
- Updating and translating Employment Standards sections of L&I's public website from English to Spanish
- Translating forms, publications, and policy documents
- Translating administrative policies
- Translating standard letters and documents used in investigations into Spanish, Russian, Chinese Simplified, and other languages as requested
- Developing and managing a translations repository
- Providing language assistance services during investigations
- Developing and implementing standard work and case management processes for investigations that involve LEP customers (employees and/or employers)
- Creating a new Operations Manual Chapter 13 to provide guidance and expectations to staff related to language access, effective communication, and accessibility services
- Conducting and facilitating LEP outreach: in-person events, webinars, individual presentations, radio interviews, and social media presentations in partnership with community organizations
- Removing potential barriers and working on initiatives to provide multiple complaint filing options for workers to exercise their rights
- Collaborating with other L&I programs that provide bilingual support to LEP customers
- Informing customers of their right to request interpreting and translation services at no cost to them
- Informing customers of their right to file a civil rights complaint if they experienced denial of services provided by the Employment Standards Program
- Having bilingual staff provide small translations and translating incoming complaints from Spanish to English and vice versa for program areas with no bilingual staff.

**Additional details about some of the above-listed initiatives:**

In September 2022, the program incorporated a new chapter into the program's operations manual. This chapter defines the program's responsibilities to comply with language access, accessibility, and effective communication requirements by establishing standard work guidelines and best practices for all Employment Standards staff when interacting with Limited English Proficiency (LEP) customers and customers with disabilities or accessibility needs.

Incorporating these expectations into standard work processes was a further step forward for the program to ensure meaningful and equitable access to program services and information while keeping in mind the needs of customers and making necessary adjustments or modifications to processes to facilitate customers' participation in programs and activities.

Also in September 2022, the program created a new repository for all translations for all program areas. The repository houses all translated letters used during Wage Payment Act investigations and is updated with new translated letters as requests come in. This enables program staff to reuse letter templates without having to translate for every case, thereby preventing delays in concluding investigations, avoiding multiple versions of the same letter being used across the state, and preventing

unnecessary costs to have the same letter translated more than once. Lastly, this contributes to more meaningful access to information and services about the program's investigation and determination processes. When customers understand what is needed of them and the letters and requests are sent to them in their preferred language, they can better respond to the assigned investigator to consider all evidence provided during the investigation process.

The program has invested in translation costs to have all letters used during Wage Payment Act investigations translated into Spanish, Chinese Simplified, and Russian, and continues to request translation of these letters into other languages as customers (claimants and employers) are identified as LEP during investigations.

The Employment Standards program has also implemented additional complaint filing options for EPOA and Worker Rights Complaint forms via secure online information repositories.

In October 2022, the program hired a new bilingual Intake Specialist. The Intake Specialist assists external customers and program specialists by: screening and assigning incoming complaints to the respective program areas; conducting intake services by helping customers file complaints; considering multiple complaint filing options and customers' diverse access to resources; educating the public through external outreach; and monitoring and tracking customers' eligibility for and participation in services and information.

On June 1, 2023, the Employment Standards Program launched a new service — the Phone Intake Complaint Hotline for Wage Payment Act complaints. The program is committed to demonstrating L&I's values and Goal No. 3: "Make it easy to do business with L&I" by providing meaningful access to services and information to all customers.

The primary focus of this service is to help workers who contact the department file their worker rights complaint form over the phone with the assistance of the Intake Specialist. The purpose of this service is to provide an additional option for filing a complaint for workers who are unable to file in person, online, or on paper.

In the first month, June 2023, the program received 115 calls through the complaint hotline.

These equitable access efforts are critical to providing high-quality service to all customers and finding ways to adapt our processes to our customers' language and accessibility needs.

# Conclusion

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The Department of Labor & Industries' Employment Standards Program is responsible for administering state laws that protect workers' wages and working conditions, helping to fulfill L&I's mission to *keep Washington safe and working*. In the last several years, laws have expanded workers' rights and employer responsibilities, including overtime for agricultural workers and ensuring equal pay. In addition, the department expanded the categories of workers who are eligible for overtime and enforcement authority related to over time.

The program has responded to multiple new laws and initiatives, including the need to create new rules and update existing ones. These new responsibilities have resulted in changes in staffing levels and responsibilities, procedural changes, and new and expanded enforcement mandates.

L&I made these improvements while adding new workload requirements, expanding education and outreach, and ensuring the vitality of workplace rights investigations.