

# Domestic Workers Work Group

*January 25, 2022*



# Agenda

- Welcome and update – Maggie Leland
- Discussion - Supplemental Documentation
  - Other States' WC Coverage
  - Case Law
- Domestic Workers Community Experiences
  - Summary of efforts so far
  - Updates on Survey
- Process for Report and Recommendations
- Session recap

# Legislative direction

2021-23 biennial budget created work group to:

- Investigate how to make it easier for employers to provide workers' comp coverage for domestic workers.
- Recommend legislative, regulatory or other changes.
- Explore possible role of nonprofit organizations that assist and refer domestic workers and day laborers.

# Other states' workers' comp coverage

- Two states require coverage for domestic workers.
- 21 states require coverage only when specific conditions are met.
  - Hours worked
  - Wages earned
  - Employer's gross annual payroll
  - Number of domestic workers hired and/or wages paid
- 27 states have voluntary coverage only.
- Washington is only state that:
  - Requires coverage for domestic workers in a specific situation, and
  - Offers voluntary coverage for day laborers

## Relevant case law

- History of court decisions on current WA law on domestic workers and day laborers
  - Clarifies that employees of a referral service may be covered, even if working in a home.
  - A worker providing only personal labor (no specialized equipment or other workers) may be covered for workers' comp, with some exceptions.
  - Independent contractors must be free from direction and control.
- No legal guidance to support joint employer liability

# Domestic Worker Community Experiences

- Purpose: Gather information from broader community members on their experiences.
- Summary
  - Workgroup members' experiences
  - Community experiences

# Updates on Survey

- Purpose
  - Gather information from lived experiences to better understand current circumstances to help craft solutions.
- Feedback from DWW members
- Survey will be available in English and Spanish
  - Based on feedback from Seattle OLS

# Updates on Survey

- Survey will be open for 30 days
- Link will be available on LNI website
- Seattle OLS will also share via their email distribution list
- Encourage DWW members to have co-workers and others from domestic workers community to help others with completing survey



# Session recap

- Identify decisions, action items
- Capture “parking lot” items for future sessions
- Confirm next steps

**Questions?**

**Future agenda items?**

# Additional resources

## L&I legislative website

- <https://lni.wa.gov/agency/legislature>
- Domestic Workers Workgroup\* DWW schedule (2021/2022)
  - Meeting materials
  - Agendas with log-on information

## L&I point of contact

- Email questions/comments to Cheryl Mills at [cheryl.mills@lni.wa.gov](mailto:cheryl.mills@lni.wa.gov)

\*Under Workgroup tab on right.

thank you!

# Workgroup members

10-member work group, appointed by governor

Worker Representatives	Employer Representatives
<b>Directly affected domestic workers (2)</b> <ul style="list-style-type: none"><li>• Silvia Gonzalez</li><li>• Kasey Bowen</li></ul>	<b>Employers of domestic workers (2)</b> <ul style="list-style-type: none"><li>• Puja Dhawan, Care for All with Respect &amp; Equity</li><li>• TBD</li></ul>
<b>Directly affected day laborers (2)</b> <ul style="list-style-type: none"><li>• Fred DuBon</li><li>• TBD</li></ul>	<b>Employer of domestic day laborers (1)</b> <ul style="list-style-type: none"><li>• TBD</li></ul>
<b>Unions/worker centers (2)</b> <ul style="list-style-type: none"><li>• Tina Sigurdson, SEIU 775</li><li>• Joe Kendo, WA State Labor Council</li></ul>	<b>Nonprofit that works with employers (1)</b> <ul style="list-style-type: none"><li>• Dana Barnett, Hand in Hand</li></ul>

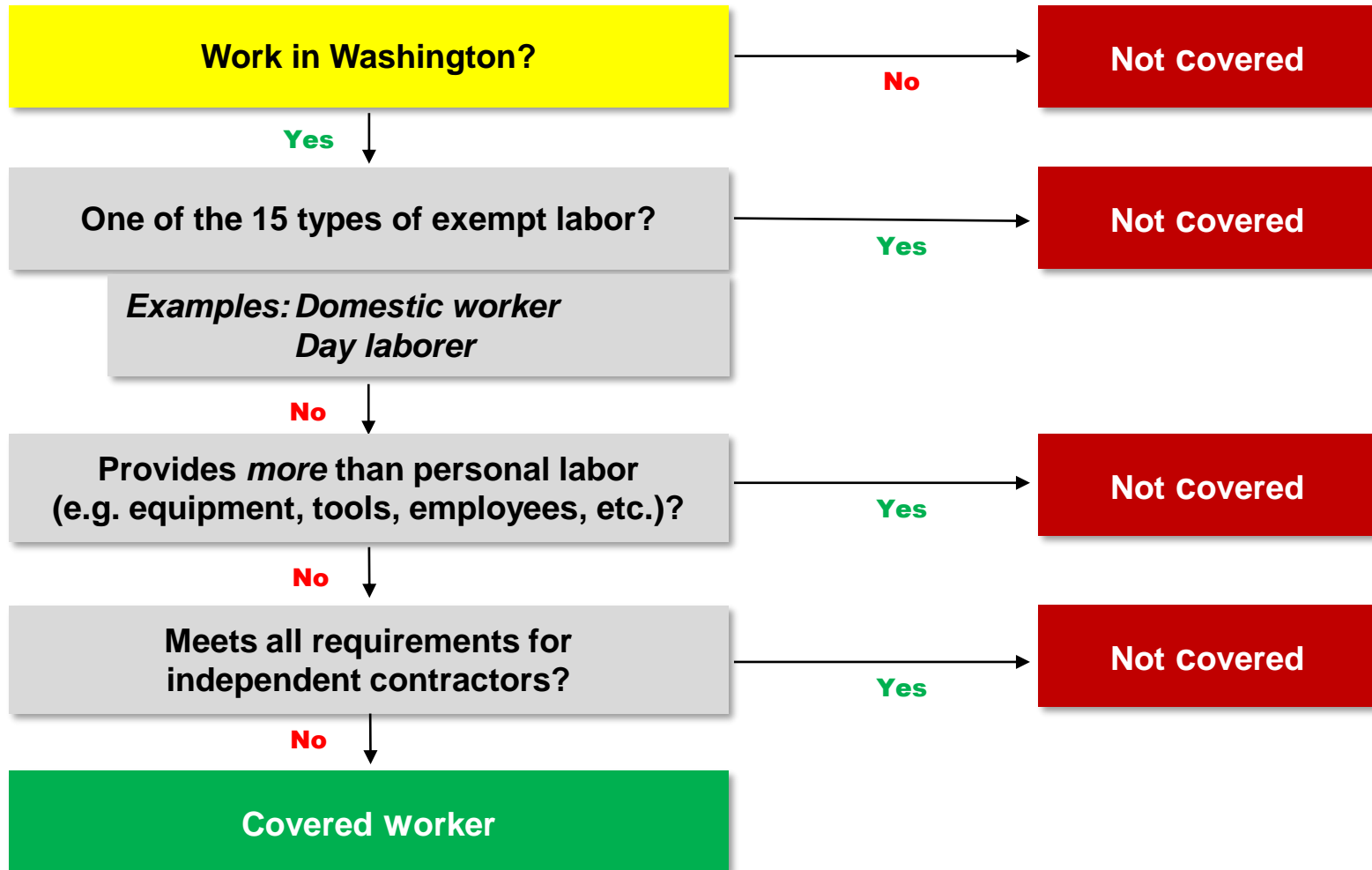
Report & recommendations by October 5, 2022

# Approved schedule & meeting details

2021	
July 27	10 AM–Noon
September 28	10 AM–Noon
November 30	10 AM–Noon
2022	
January 25	10 AM–Noon
March 29	10 AM–Noon
May 24	10 AM–Noon
July 26	10 AM–Noon
September 27	10 AM–Noon

- Workgroup sessions held via Zoom.
- Log-on information for can be found in the agenda for each meeting as posted on the L&I legislative website.
- Approved by DWW members in August 2021.

# Which workers covered by workers' comp?



# Process for report & recommendations

- Capture materials, as presented to the work group.
- L&I staff to draft.
- Reviewed by workgroup members.
- Timeline for review TBD.
- Submit to legislature by Nov 4, 2022.
- If there are recommendations L&I can implement, department will take into consideration.