

Rideshare driver rights

Wage and hour requirements



Rights and protections for rideshare drivers

Changes to a number of existing Washington laws give rideshare drivers certain rights and protections, and establishes new requirements for these companies. Many provisions of Engrossed Substitute House Bill 2076, passed early in 2022, took effect Jan. 1, 2023. This law covers drivers providing passenger service through transportation network companies (TNCs), like Lyft and Uber, and not food delivery drivers.

Paid sick time

Drivers will earn at least one hour of paid sick time for every 40 hours of passenger platform time worked. They can begin using paid sick time upon recording 90 hours of passenger platform time on the company's driver platform.

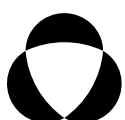
A driver can use paid sick time for the following reasons:

- An absence caused by a driver's mental or physical illness, injury, or health condition; to accommodate the driver's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or a driver's need for preventive medical care
- To allow the driver to provide care for a family member for the same reasons
- When the driver's place of business has been closed by order of a public official for any health-related reason, or when a driver's child's school or place of care has been closed for such a reason

- Absences that qualify for leave under the Domestic Violence Leave Act
- During a deactivation or other status that prevents the driver from performing network services on the TNC's platform, unless the deactivation or status is due to a verified allegation of sexual assault or physical assault perpetrated by the driver

Workers' compensation coverage

- Drivers injured while they are engaged in dispatch platform time or passenger platform time can file a workers' compensation claim.
- For allowable claims, L&I benefits can include partial wage replacement and medical services for the injured driver.
- Beneficiaries of drivers may file a death benefit claim for drivers who die as a result of an injury while logged into the system, available for work, and are inside or in close proximity to their vehicle. Death benefits are also available for beneficiaries of drivers who die during dispatch platform time and passenger platform time.
- The companies will report and pay for workers' compensation coverage for their drivers during dispatch platform time and passenger platform time.
- Like any other business in Washington, a TNC can deduct a portion of driver wages for dispatch platform time and passenger platform time to help offset the company's costs of the workers' compensation insurance. TNCs may or may not choose to take the deduction.



Minimum trip compensation

The law establishes minimum per mile, per minute, and per trip rates for drivers.

On Sept. 30 of each year, L&I will adjust these rates based on the rate of inflation. The new rates will take effect the following Jan. 1. You can find the current rates on the “Getting Paid” web page at Lni.wa.gov/TNCDrivers.

Retaliation protections

- It is unlawful for a company to retaliate against a driver for exercising any of the rights provided in this law.
- If a driver feels a company has retaliated, the driver may file a complaint with L&I within 180 days of the alleged retaliatory action.
- If the department finds the allegation to be true, and the company and driver do not reach a resolution, the department can fine the company.

Other key elements of the law

- Beginning Jan. 1, 2023, TNCs shall provide each driver with a written notice of the rights established by this bill to inform drivers of their rights.
- TNCs shall pay all tips to drivers. Tips are in addition to, and may not count towards, the driver’s minimum compensation.
- Creates uniform statewide regulations of rideshare companies.

Resources

- Session law: You can read the bill at 2076-S.PL.pdf (lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/House%20Passed%20Legislature/2076-S.PL.pdf?q=20220323105824).
- Minimum Wage Requirements and Labor Standards: RCW 49.46 (apps.leg.wa.gov/RCW/default.aspx?cite=49.46).
- Workers’ compensation information: Lni.wa.gov/InjuredWorker

For more info

If you have questions on the driver rights, contact L&I’s Employment Standards Program by calling toll free 1-866-219-7321 or send an email to tncdriversupport@Lni.wa.gov.

If you are a driver and have questions regarding workers’ compensation, contact L&I’s Insurance Services Program by calling 360-902-5775 or email the program at specialriskunit@Lni.wa.gov.

TNCs with questions can contact L&I’s Employer Services Program by calling 360-902-5775 or email the program at specialriskunit@Lni.wa.gov.