

Domestic Workers Work Group

November 30, 2021



Agenda

- Welcome and update – Maggie Leland
 - Process for report and recommendations
 - Supplemental materials that were shared
- Workgroup member experiences
- Session recap
 - Additional worker and employer experiences?
 - Questions and next steps
 - Future agenda items?

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

DWW member experiences

- Goal: Better understand current circumstances to help craft solutions.
- Today's meeting:
 - Hear from workgroup members
 - May add to future meetings, if there is interest
- Both worker and employer experiences are needed.

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

*Under Workgroup tab on right.

thank you!

Workgroup members

10-member work group, appointed by governor

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

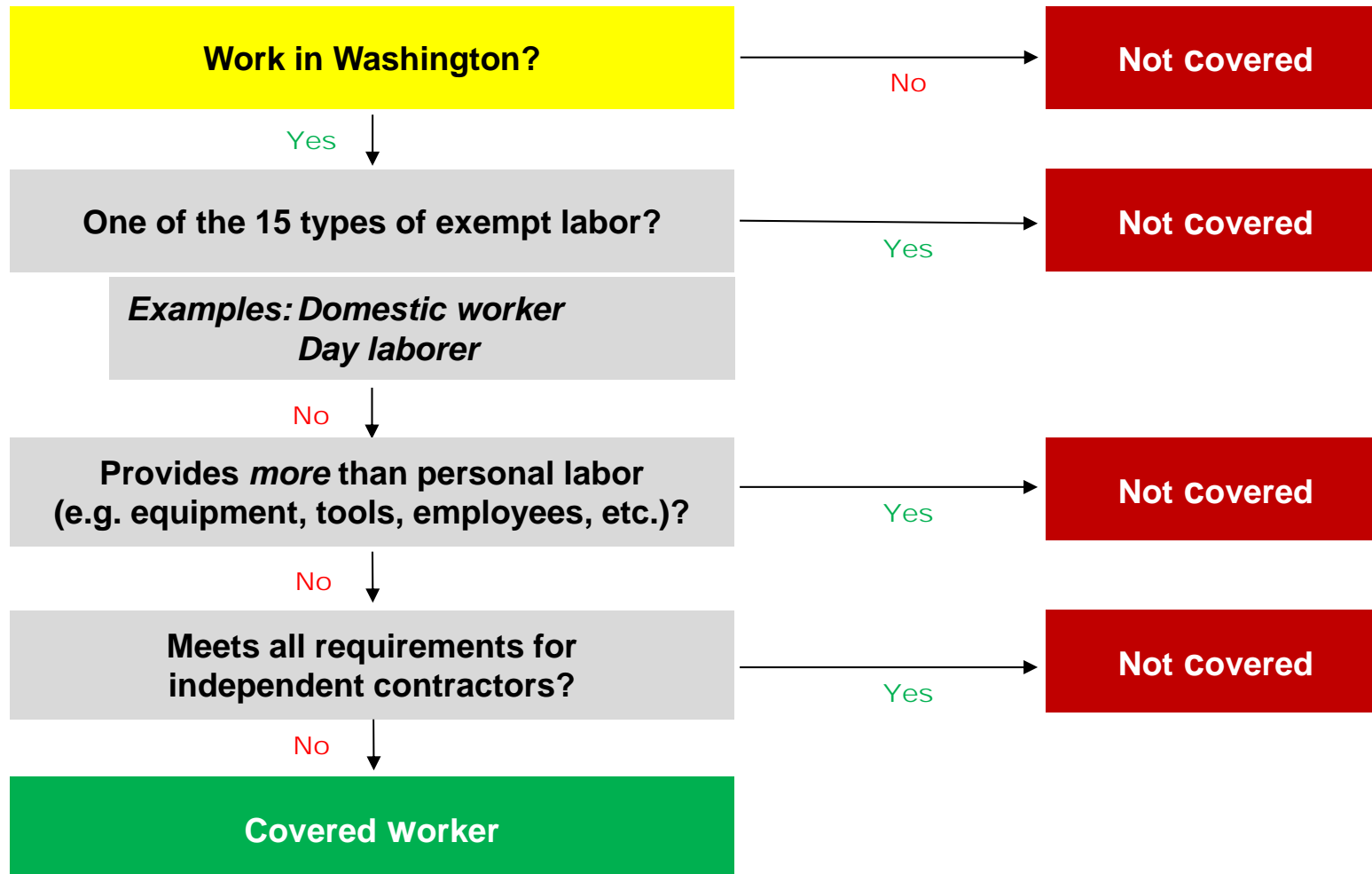
Report & recommendations by October 5, 2022

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.

January meeting

- Report and recommendations process
- Materials that were shared
 - Relevant case law
 - Comparison of other states