

# Domestic Workers Work Group Session

*March 29, 2022*



# Agenda

- Welcome and update – Maggie Leland
- Review Action Items from Last Meeting
- Survey Results
- Discussion - Supplemental Documentation
  - Relevant Case Law
- DW Workers' Compensation Coverage for Homeowners
- State Benchmarking for Workers' Compensation
- 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.

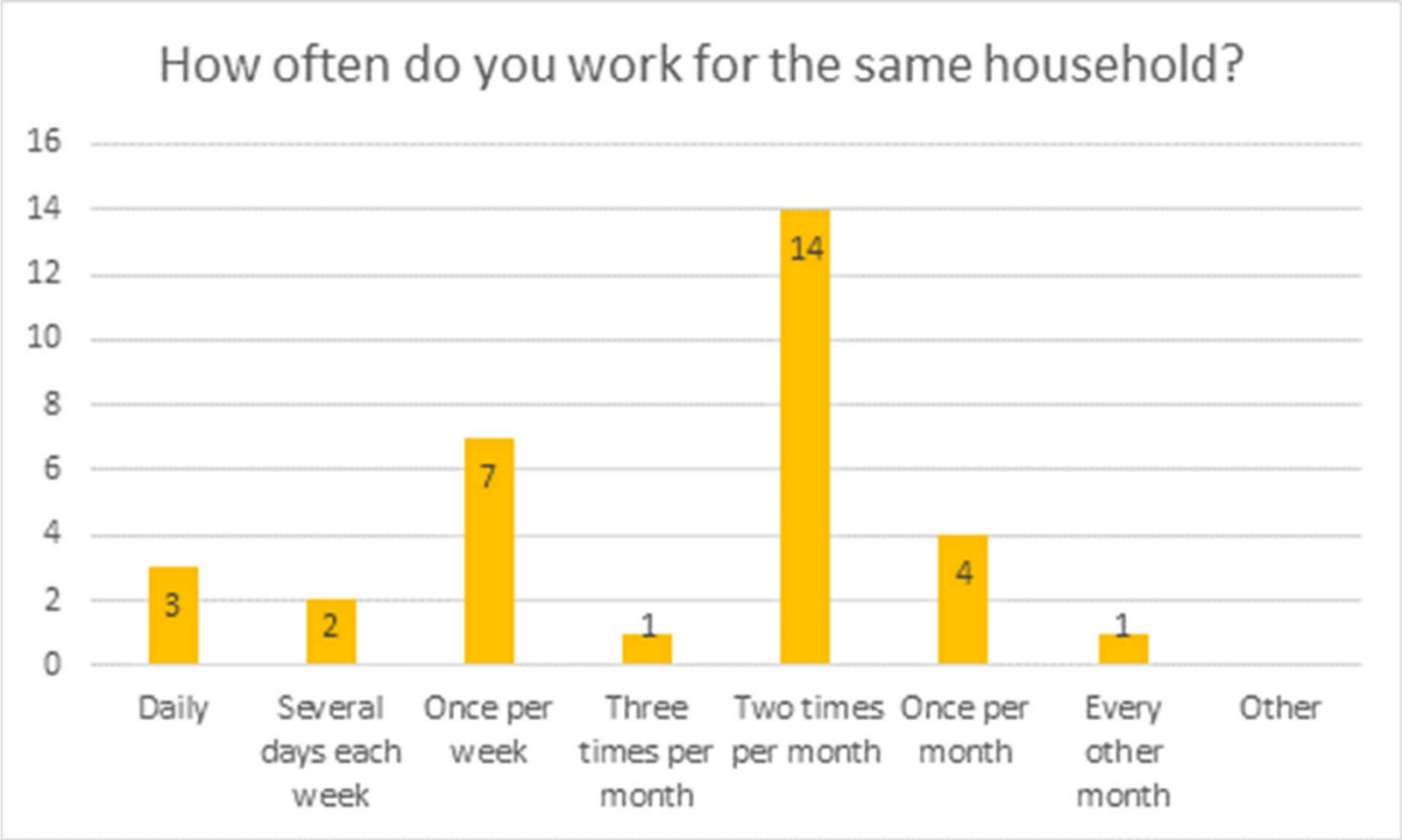
# Action Items from January Meeting

- Verify determining time loss includes all the wages
  - Yes this will be discussed in further detail later in the meeting
- Verify responsible employer for coverage associated with an accumulative exposure, requiring an occupational disease claim
  - based on the employer at the time of last injurious exposure
- Follow Up on Ohio
  - This will be discussed later in the meeting
- Confirm whether LNI database collects data regarding homeowners
  - Database notes who the employer is, and whether they are getting elective coverage

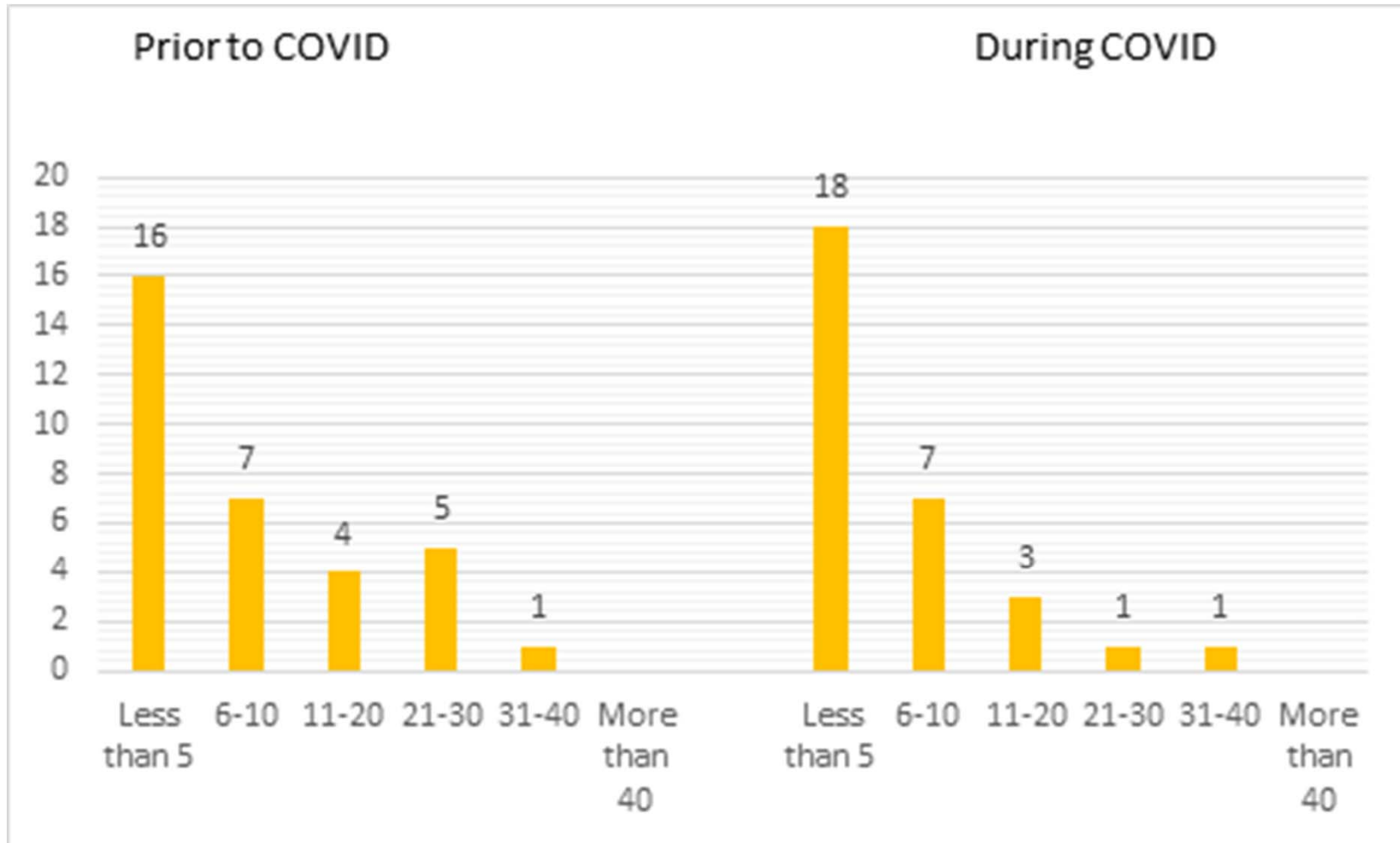
# Survey Results

- 36 Responses
  - Majority used Spanish version
  - 31 complete response
  - 5 partial responses
- Key Findings
  - 84.8% were housecleaners
  - 83.3% worked for a homeowner on a reoccurring basis
  - Number of households and hours worked reduced during COVID
  - 26.7% have been injured while working in a household

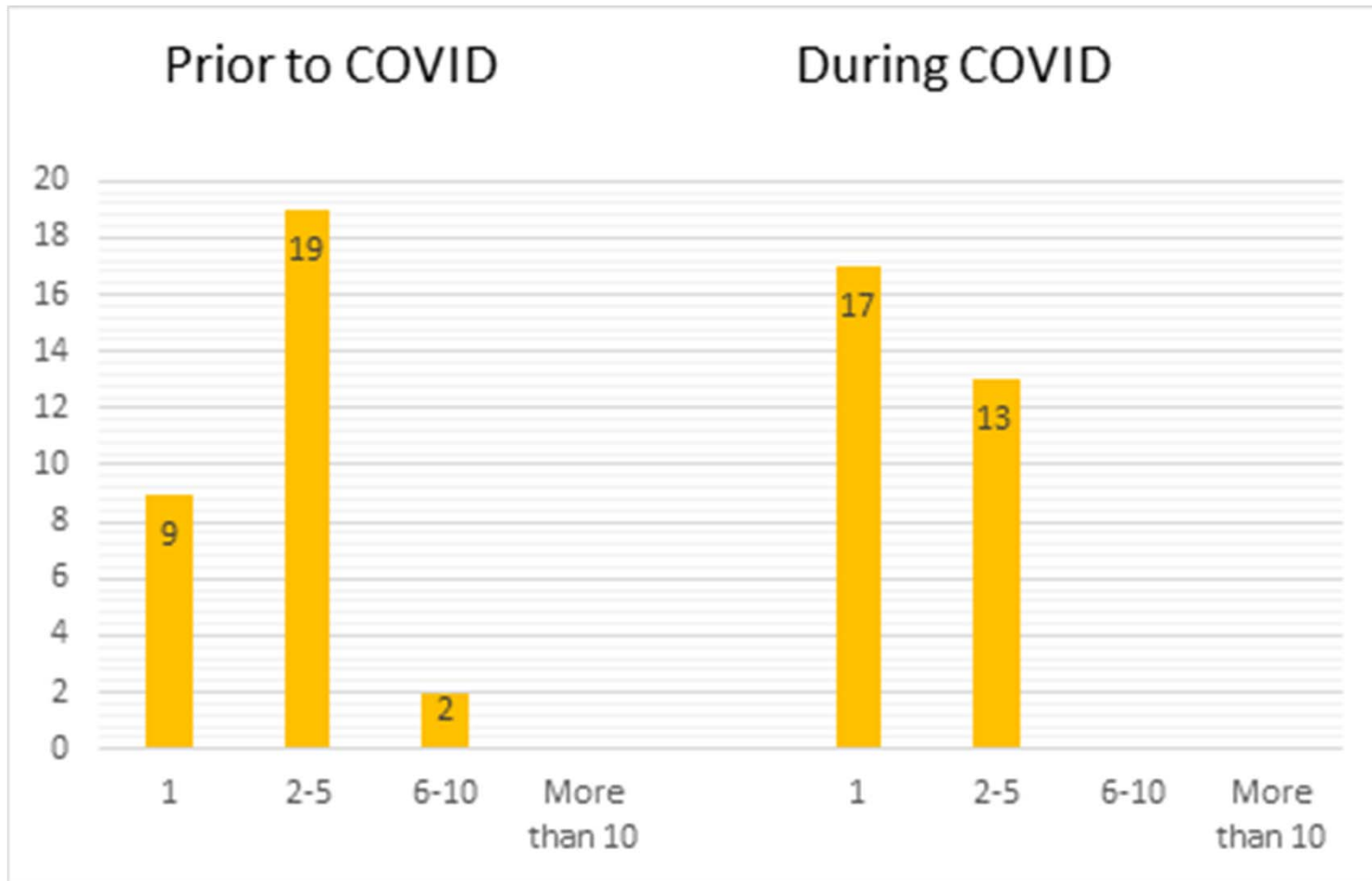
# Rate of Recurring Work



# Hours Worked for a Single Household per Week



# Number of Household's Worked For per Week





## 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

# DW Workers' Comp Coverage for Homeowners

- Minimum requirements for mandatory coverage
  - At least two domestic workers
  - Work 40 hours/week, same week
- Elective Coverage
  - If not meeting minimum requirements, still available

# DW Workers' Comp Coverage for Homeowners

## Setting up an account for WC Coverage

- Required registration with state agencies
  - Department of Revenue (DOR)
    - Business License - Online application available
  - Department of Labor & Industries (LNI)
    - DOR notifies L&I of business application
    - LNI will designate risk classification
      - 6510 for domestic workers

# DW Workers' Comp Coverage for Homeowners

## Homeowner/Employer

- Keeps track of hours worked per domestic worker
  - Online reporting every 3 months to LNI
    - Combine all hours worked by domestic workers
    - Premiums calculated by system
      - Offers payment options
    - Must report quarterly
      - Even if no hours worked by DW
- Reporting accident or injury
  - DW may file a claim to cover medical costs and potential lost wages
    - Applicable to both mandatory and elected coverage.

# DW Workers' Comp Coverage for Homeowners

Understanding responsibilities as an employer of domestic workers

- Department of Employment Security
  - Reporting only required for wages \$1000 or more per quarter
    - Per domestic worker
  
- [Small Business Guide](#)

# State Benchmarking for Workers' Comp

- Domestic Workers
  - Ohio only state similar to WA State WC.
  - Ohio does not audit or monitor homeowner employers.
  - Results in lack of transparency regarding:
    - Under reporting
    - Number of claims
    - Claims retaliation
- Day Laborers
  - Same as above

# Process for Recommendations and Report

- Will include introductory summary of existing law
- Recommendations from the workgroup
  - LNI would provide guidance on impacts as they are offered during sessions
- Collected testimonials used to support the recommendations provided by workgroup
  - Data from survey results may be used as supplemental information
- Key Dates
  - Final recommendations collected at Sept. 27 session
  - Report due to Office of the Governor by Nov. 4

## 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 of website.

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>

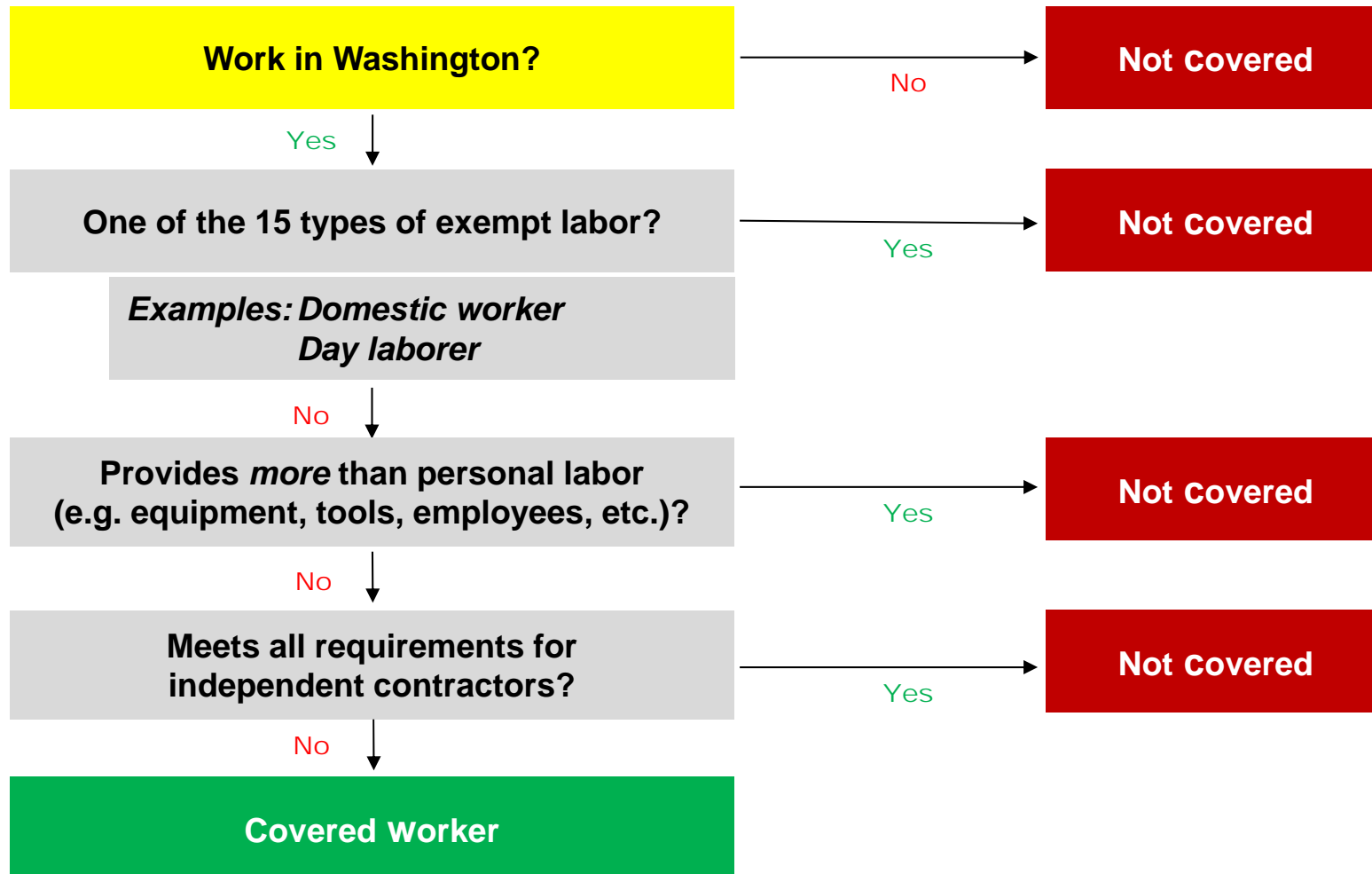
Report & recommendations by October 5, 2022

## 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.