

Workers' Rights Guide for the Adult Entertainment Industry

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Chapter 1 – Purpose of this guide

This resource provides adult entertainers in Washington with general information about workplace rights, protections, and where to go for help. Adult entertainers work in a variety of settings, including strip clubs, private events, and adult film productions, and may provide services such as exotic dancing, pole dancing, burlesque, and other forms of adult entertainment.

Some workplace protections depend on whether an adult entertainer is classified as an employee or an independent contractor. Employment status matters only for protections under Washington’s Minimum Wage Act ([RCW 49.46](#)). Adult entertainers who meet the legal definition of an employee under the Minimum Wage Act may be entitled to wage and hour protections and other employment-related rights.

Information and indicators are included to help workers understand how employment status is determined for Minimum Wage Act purposes.

Separate from the Minimum Wage Act’s employee protections, Washington law provides additional wage and fee protections specifically for adult entertainers under [RCW 49.46.360](#). These protections apply to *all* adult entertainers, regardless of whether they are classified as employees or independent contractors. Covered topics include rules related to payments, fees, and working arrangements in adult entertainment establishments, as well as definitions such as “adult entertainment” and “adult entertainment establishment” ([WAC 296-128-90010](#)).

Adult entertainment establishments in Washington are also subject to workplace safety and health requirements. These standards address working conditions and safety practices intended to protect adult entertainers while at work. Information is provided on how to raise safety and health concerns and where to file complaints related to workplace hazards or unsafe conditions.

Chapter 2 – Minimum Wage Act protections

If an adult entertainer is determined to be an employee under the Economic Realities Test (see Chapter 3), the worker is covered by the Washington Minimum Wage Act ([RCW 49.46](#)). These protections apply regardless of job title, stage name, or how the club or promoter labels the relationship.

Minimum wage

Adult entertainers who are employees must be paid at least the state minimum wage for all hours worked, including time spent performing, rehearsing, attending mandatory meetings, or being required to remain on-site.

Tips and service charges

Tips are voluntary amounts given by customers directly to entertainers. Employers may not take tips for company use, to offset wages, or to cover business expenses. Tips belong to the entertainer and are in addition to, not a substitute for, minimum wage.

Overtime pay

Employee entertainers who work more than 40 hours in a fixed seven-day workweek may be entitled to overtime pay at one and one-half times their regular rate, unless a specific exemption applies.

Regular paydays and wage statements

Employers must pay entertainers on regularly scheduled paydays at least once per month and provide wage statements showing hours worked, rate of pay, gross wages, pay period, and all deductions. Any deductions must be lawful and authorized.

Rest breaks and meal periods

Employee entertainers are entitled to a paid 10-minute rest break for every four hours worked and an unpaid 30-minute meal period when working more than five hours in a shift, unless required to remain on duty during the meal period.

Paid sick leave

Most employee entertainers earn at least one hour of paid sick leave for every 40 hours worked. Sick leave may be used beginning on the 90th calendar day of employment, and unused hours generally carry over year to year as required by law.

Retaliation protections

Employers may not fire, discipline, or otherwise retaliate against an entertainer for exercising protected rights, including asking about wages, keeping tips, using paid sick leave, filing a complaint, or raising concerns about possible violations of the Minimum Wage Act.

Filing a complaint

Employee entertainers who believe their rights have been violated may file a worker rights complaint with L&I for wage issues such as minimum wage, overtime, tips, paid sick leave, final paychecks, or unauthorized deductions, as well as non-wage issues like retaliation, rest breaks, and meal periods.

If you believe you qualify as an “employee” as defined by [RCW 49.46.010](#) (see Chapter 3) and believe your worker rights have been violated, there are multiple ways for you to file a complaint:

- File a [Minimum Wage Act complaint online](#).
- Download and mail a completed [Worker Rights Complaint form \(F700-148-000\)](#)
- Visit your [nearest L&I office](#).
- Call 1-866-219-7321

You can file a complaint against an employer even if you no longer work for that employer. You can file your worker rights complaint up to three years after the violation occurred. For cases involving worker retaliation, you must file a complaint within 180 days from the alleged retaliatory action.

Chapter 3 – Employee versus independent contractor

L&I has authority under [RCW 49.48.083](#) to investigate wage complaints filed by employees against employers. However, protections under the Washington Minimum Wage Act ([RCW 49.46](#)) apply only to employees, not true independent contractors. As a result, determining whether a worker is an employee or an independent contractor is a threshold issue in wage investigations.

Worker classification is based on the actual working relationship, not the label used by the business. Businesses may not avoid legal obligations by classifying workers as independent contractors if the facts show an employment relationship.

Washington courts and L&I determine worker status using the Economic Realities Test, which examines whether, as a matter of economic reality, the worker is dependent on the business or is operating an independent business.

The test considers six factors:

1. The degree of control exercised by the business.
2. The worker's opportunity for profit or loss.
3. The worker's investment in equipment or materials.
4. The degree of skill or initiative required.
5. The permanence of the working relationship.
6. Whether the work performed is an integral part of the business.

No single factor is determinative. All factors are weighed together based on the totality of the circumstances.

In some industries, including adult entertainment, more than one party may qualify as an employer. When multiple entities share control over the terms and conditions of work, L&I may evaluate the relationship under [Administrative Policy ES.A.14](#) to determine whether joint employment exists.

The questions that follow are intended to help workers better understand how their working relationship may be classified under the Economic Realities Test.

Factor 1: The degree of control that the business has over the worker

The more control the business has over the worker, the more likely the worker is an employee.

Questions to consider:

1. Did the club, agency, or venue require you to sign an agreement or contract outlining expectations for performances, appearance, customer interaction, or stage/rotation rules?
2. Does the club, agency, or venue determine how you are paid (e.g., stage fees, tip-outs, set rates for private dances or rooms, etc.)
3. Does the club, agency, or venue set your work schedule, required shifts, or mandatory minimum number of nights/hours?
4. Does the club, agency, or venue decide when and where the work is performed?
5. Does the club, agency, or venue supervise and evaluate your work and performance?
6. If you use support workers (e.g., security, assistants, hair/makeup), does the club, agency, or venue require approval before they can work with you on-site?
7. Does the club, agency, or venue restrict you from performing at other establishments at the same time, or impose penalties for doing so?
8. Does the club, agency, or venue enforce rules related to performances, costumes, customer engagement, safety protocols, or behavior on and off the floor?
9. Are you required to pay fees (either documented or informal) to work there or use facilities?

Factor 2: The worker's opportunity for profit or loss is dependent on the worker's managerial skill

When the worker's opportunity for profit is not limited by a business, and the worker controls their own business expenses, the worker is more likely an independent contractor.

Questions to consider:

1. Do you consider yourself an independent business, brand, or performer who markets your own services?
2. Do you have a business license?
3. Do you lease/rent equipment or space from the hiring business?
4. Do you control the business advertising or any other business expenses?
5. Do you have an opportunity to earn more money based on your initiative or performance?

Factor 3: The worker's investment in equipment or material

When the worker's investment in equipment or materials is substantial, the worker is more likely an independent contractor.

Questions to consider:

1. Do you provide your own attire, costumes, makeup, props, music, or other materials needed to perform?
2. Do you pay rent, house fees, stage fees, room/booth rental fees, or other charges to the club, agency, or venue in order to work or access certain spaces?
3. Do you create your own advertising or promotional materials (e.g., business cards, flyers, online ads, or social media)? If so, is the branding centered on you as an individual performer or does it promote the club/venue/agency?

Factor 4: The degree of skill required for the job

When a worker brings a special skill to a job and employs that skill in an independent manner, the worker is more likely an independent contractor.

Questions to consider:

1. Are you particularly skilled at the work or service you were hired to perform?
2. Do you perform work of a different trade or a service that's different from the services provided by the venue to their customers?
3. Is your level of education, training, and experience related to the work performed significant?
4. Are you required to have a certification or a license to do the work you were hired to do?
5. Do you receive any on-the-job training by the hiring business? If so, how extensive is the training?

Factor 5: The degree of permanence of the working relationship

When a limited-term working relationship exists, the worker is more likely an independent contractor, unless the nature of the work is seasonal.

Questions to consider:

1. Is the working relationship between you and the club or venue continuous (more permanent) or is it temporary with a limited term (start and end date)?
2. Is your work seasonal in nature, or available year-round?
3. Do you have to give notice before you end the working relationship or quit working for the club or venue?
4. Can the club or venue fire you without notice?
5. Could you remain in business if your working relationship with the club or venue ended?
6. Could you continue to do the same type of work after you stop working for the club or venue?
7. Are you allowed to work for other businesses within the same industry?
8. Do you work for other businesses while working for the club or venue? If so, how many and how often?
9. Can you take your own clients with you if you no longer work for the club or venue?

Factor 6: Worker's services integral to business

When the services performed by a worker are integral to the business, the worker is more likely an employee.

Questions to consider:

1. Do you provide the main type of entertainment or performance that the club, agency, or venue offers to its customers?
2. Do you perform tasks that are part of the normal operations of the business?
3. Do you perform work that's similar to work performed by employees of the venue?
4. Do you supervise other employees of the venue?
5. Does the club, agency, or venue rely on your performances or services to attract customers and generate traffic?
6. Does a percentage of the business revenue depend on services provided by you?

Remember, these factors are not exclusive but should be considered with other relevant evidence and the totality of the circumstances for each case. During a complaint investigation, L&I will look at the overall factors and make a decision based on the evidence provided by all parties.

For more details and to assist with applying the Economic Realities Test, read the federal guidelines on [Fact Sheet 13: Employment Relationship Under the Fair Labor Standards Act](#).

Chapter 4 – Additional protections for adult entertainers

In addition to potential protections under the Minimum Wage Act, Washington law provides specific protections for adult entertainers working in adult entertainment establishments. These protections apply to adult entertainers regardless of whether they are classified as employees or independent contractors.

State law ([RCW 49.46.360](#)) establishes standards related to how entertainers are hired, compensated, and treated in the workplace. Key protections for adult entertainers under this law include:

Written Agreements

- When leasing fees or other fees are charged the adult entertainment establishments must provide entertainers with a written contract before work begins.
- The contract must include information on compensation, fees, and grounds for termination.

Fees and Charges

- The law limits certain fees or charges that establishments can require entertainers to pay to perform.
- Establishments may not require entertainers to pay fees that are not disclosed in the written contract.

Tips and Gratuities

- Entertainers are entitled to keep their own tips and gratuities.
- Establishments may not take, retain, or deduct tips from entertainers.

Recordkeeping

- If an establishment terminates the working relationship, it must provide the entertainer with a written statement explaining the reason for the termination.
- Establishments must maintain written records, including contracts and compensation-related information, as required by law.

Submitting a complaint

Adult entertainers who believe an establishment has violated [RCW 49.46.360](#) may submit a complaint to the Washington State Department of Labor & Industries.

In your complaint, you should:

- Clearly state why you are filing a complaint and what rights you believe have been violated.
- Include the hours worked and wages owed, when applicable.
- Provide any relevant information or documents that support your case.

Filing a complaint

Complaints regarding [RCW 49.46.360](#) may be submitted in the following ways:

- Email completed complaint forms to AE@lni.wa.gov.
- File an [online complaint form](#).
- Visit your [nearest L&I office](#).
- Call 1-866-219-7321.

Workers do not need to determine whether they are an employee or an independent contractor to file a complaint related to [RCW 49.46.360](#).

You can file a complaint against an employer even if you no longer work for the employer. You can file your worker rights complaint up to three years after the violation occurred. For cases involving worker retaliation, you must file a complaint within 180 days from the alleged retaliatory action.

Chapter 5 – Safety and health for adult entertainers

Washington law provides specific safety and health protections for adult entertainers and other workers in adult entertainment establishments. These requirements are

designed to reduce the risk of violence, injury, and exposure to hazards, and to ensure that entertainers can work in an environment that prioritizes their safety and dignity. The complete entertainers and adult entertainment establishments statute is listed under [RCW 49.17.470](#).

Core safety requirements for establishments

Adult entertainment establishments are required to maintain workplace safety measures that include accessible panic buttons, on-site security personnel, secure access to private areas, and written policies addressing customer conduct, violence, and emergencies. Establishments must also maintain records related to complaint logs and blocklists and comply with training and reporting obligations.

Accident Prevention Program (APP)

Each adult entertainment establishment must maintain a written Accident Prevention Program (APP) that complies with [WAC 296-800](#). In addition to general workplace safety requirements, the APP must address risks specific to adult entertainment work, including:

- Training entertainers on the type, location, proper use, and limitations of panic buttons.
- Procedures for reporting hazards, injuries, unsafe conditions, or unsafe practices.
- How to document and add problematic customers to a complaint log or blocklist.
- Emergency procedures, including how to leave the workplace safely.
- The proper use and care of personal protective equipment (PPE).
- Evaluation of chemical hazards, including cleaning supplies, under hazard communication rules.
- Bloodborne pathogen protections when there is potential exposure to other potentially infectious materials.

Safety meetings

Establishments must regularly hold safety and health meetings to communicate and evaluate workplace safety issues, including review of the APP. These meetings may also be used to determine panic button locations and evaluate alternative panic button options, with input from entertainers.

Panic button Protections

Adult entertainment establishments must provide accessible panic buttons in all areas where an entertainer may be alone with a customer, as well as in bathrooms and dressing rooms. Entertainers may use a panic button if they are harmed, reasonably believe they are at risk of harm, or experience another emergency in the entertainer's presence. After activating a panic button, an entertainer may stop work and leave the immediate area to wait for assistance.

Panic buttons must be discreet at the point of use, clearly identify the location of the alert, be resistant to tampering, and be tested and maintained regularly. Establishments must keep records of testing and repairs and reassess accessibility at least annually in coordination with entertainers.

On-site security personnel

Adult entertainment establishments must have at least one dedicated security person on-site during operating hours. During peak operating hours, security staff must focus exclusively on security duties, including monitoring interactions between entertainers and customers. Establishments must also evaluate whether additional security personnel are needed based on factors such as customer volume, layout, and prior incidents.

Cleaning supplies and hazard protections

Employers must provide appropriate cleaning supplies at all stages and performance areas and comply with hazard communication requirements, including training and access to Safety Data Sheets (SDS). When there is potential exposure to blood or other infectious materials, employers must comply with bloodborne pathogen standards and provide appropriate PPE.

Secure access and written procedures

Dressing rooms and locker rooms for entertainers must be secured with keypad access, and establishments must post signage informing customers of expected conduct and etiquette. Written policies and procedures must be accessible to entertainers and employees and must address responding to customer violence or criminal activity, including when law enforcement is contacted, and ejecting customers who violate establishment policies.

Training requirements

Establishments must provide entertainers with training on panic button use, complaint log and blocklist procedures, and safety protocols for emergencies. Designated responders must receive additional training on responding to panic button alerts, managing customer violence, and handling customer ejections.

Employees other than entertainers must complete recurring training to prevent sexual harassment and assault, identify and report human trafficking, de-escalate conflicts, and respond to emergencies. Entertainers must be allowed to opt in to this training.

Know Your Rights training

Adult entertainers are required to complete a “Know Your Rights” training to obtain or renew an adult entertainer license. This training covers workplace rights and responsibilities, injury and abuse reporting, financial considerations, trafficking risks, and available support resources.

Reporting unsafe conditions and retaliation

Adult entertainers have the right to report unsafe working conditions to L&I and to report retaliation for exercising workplace safety or health rights. Employers may not retaliate against entertainers for raising safety concerns, using panic buttons, reporting injuries, or participating in investigations.

Filing a safety and health complaint

If you feel that your work environment is unsafe, you may report an alleged safety or health hazard with L&I's Division of Occupational Safety & Health (DOSH) in the following ways:

- Submit your completed safety and health [complaint form](#) through DOSH's [secure file upload](#).
- Fax, mail, or visit your [nearest L&I office](#).
- Call 1-800-423-7233,

[Learn more about safety & health complaints.](#)

You may choose to remain anonymous when reporting or, if you provide your name and contact information, you can request confidentiality.

Your contact information helps ensure we can follow up with you should we need additional information. It also allows us to inform you of any action taken as a result of your report.

Chapter 6 – FAQs

Adult entertainment safety and health

Q. What are considered appropriate cleaning supplies for use in adult entertainment establishments?

A. In order to assist with compliance, L&I produced a list of appropriate cleaning supplies, which is available for reference on the [Safety & Health for Adult Entertainers information page](#). Establishments may choose to use cleaning supplies not included on the list. All use of chemicals must be compliant with [chapter 296-901 WAC](#) (Hazard Communication) including, but not limited to, a written Hazard Communication

program, employee training, and access to Safety Data Sheets, as well as personal protective equipment.

Q. Can I use isopropyl alcohol (IPA) to clean surfaces?

A. Yes, IPA (typically at 70% strength) may be used to clean surfaces. However, employers must ensure compliance with [chapter 296-901 WAC](#) (Hazard Communication) when using chemicals for cleaning.

Q. Does IPA pose any risks?

A. Use of IPA can present a corrosive splash hazard to eyes. Employers must provide a Division of Occupational Safety and Health (DOSH)-compliant emergency eyewash system (refer to [chapter 296-800-WAC](#) and [DOSH Directive 13.00](#)), chemical splash goggles, or mitigate the eye hazard in some other way.

Q. How long should IPA stay on a surface before wiping?

A. The surface should remain wet for at least 30 seconds for sanitation to kill germs like bacteria and viruses. In some cases, it may need to stay wet longer to effectively sanitize the surface. Always follow the recommended contact time on the chemical product label.

Q. What are the differences between customer complaint logs and blocklists?

A. Customer complaint logs are a record that establishments must maintain to track allegations that a customer has committed sex trafficking, prostitution, promotion of prostitution, or an act of violence, including assault, sexual assault, or sexual harassment, towards an entertainer. The establishment must record as much identifying information about the customer as reasonably possible and must maintain written details of the incident for at least five years after the most recent allegation.

Blocklists are additional records that must be maintained by establishments. If an allegation involving a customer is supported by a statement made under penalty of perjury or other evidence, the establishment must add the customer to a blocklist, deny the customer entry to the establishment for at least three years following the incident, and must share information about the customer with other establishments with common ownership. Establishments with common ownership must also prohibit the customer entry for three years after the date of the incident.

Q. What is considered “other evidence” for the purposes of a customer being added to a blocklist?

A. Other evidence could be anything that substantiates an allegation made by an entertainer that a customer has committed sex trafficking, prostitution, promotion of prostitution, or an act of violence toward the entertainer. Examples include, but are not limited to, signs of physical assault, eyewitness accounts, etc.

Q. Where are panic buttons required in adult entertainment establishments?

A. Panic buttons must be provided in any room in the establishment where an entertainer might be alone with a customer, as well as in bathrooms and dressing rooms. Panic buttons must be accessible at the entertainer's point of use, and the accessibility of panic buttons must be determined in coordination with, and based on, recommendations from entertainers.

Q. Can a panic button trigger an audible or visible alarm at the entertainer's locations?

A. Only in specific circumstances. An establishment may use panic buttons with audiovisual or tactile alerts at the entertainers' location only if:

- The establishment has assessed its operations and alarm system with a required safety and health committee; and
- The committee has unanimously determined that a visible/audible alarm is more effective for a specific location where an alarm is required.

Q. Is documentation required if audiovisual or tactile alerts are used?

A. Yes, the determination must be documented by the safety committee and apply only to the specific location within the establishment.

Q. Do the police need to be contacted if a panic button is activated?

A. There is no requirement for the police to be contacted if a panic button is activated. However, establishments must have written processes and procedures accessible to all employees and entertainers for responding to customer violence or criminal activity, including when police are called.

Q. What are the requirements for security in adult entertainment establishments?

A. Establishments must provide at least one dedicated security person on the premises during operating hours. Their primary duty must be security, including monitoring interactions between entertainers and customers. During peak hours, the dedicated security person cannot have duties other than security. Establishments must assess on

an ongoing basis when additional security is needed. The need for additional security could occur both during and outside of peak operating hours.

Q. Can complaints be filed anonymously?

A. Safety and health complaints can be filed anonymously. Additional information about how to file a complaint can be found on L&I's [Safety Complaints web page](#).

Adult entertainment labor standards

Q. Does it make a difference if an adult entertainer is an independent contractor or an employee?

A. No. The Adult Entertainer laws apply to all “adult entertainers” regardless of whether they are “independent contractors” or “employees.” An adult entertainer who is an “employee” also has additional rights under state law, such as paid sick leave, minimum wage rates, and overtime and other laws.

More information can be found in L&I policies [ES.A.1, Minimum Wage Act Applicability](#) and [ES.A.14, Minimum Wage Act- Employment Relationships](#).

Q. Can entertainers be required to share their tips or gratuities with other entertainers, staff, or the entertainment establishment?

A. No. Entertainers are entitled to keep their tips and gratuities. Entertainment establishments cannot require entertainers to participate in tip pools or share their tips under [WAC 296-128-90030](#). Entertainment establishments cannot retaliate against entertainers for exercising their right to collect tips or gratuities, as required by [WAC 296-128-90070](#).

Q. What is a leasing fee?

A. A leasing fee is any fee, charge, or other request for money from an entertainer by an establishment in exchange for the entertainer's access or use of the establishment's premises or for allowing an entertainer to conduct entertainment on the premises.

Q. How are leasing fees calculated?

A. A leasing fee is made up of two parts: Amounts collected for performances in nonprivate performance areas, plus amounts collected for performances in private performance areas. There is a cap on each. A leasing fee includes both Part 1 and Part 2.

Part 1: A leasing fee is never allowed to be more than 30% of the amount collected by the establishment for an entertainer's performances in nonprivate areas. Part 1 is not allowed to be more than \$150.

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Part 2: A leasing fee is never allowed to be more than 30% of the amount collected by the establishment for an entertainer's performances in private areas. There is no dollar cap on this portion of the leasing fee.

Q. If an entertainer doesn't make any money during their shift, can an establishment charge the entertainer a leasing fee?

A. No. The establishment cannot charge an entertainer a leasing fee more than the amount the entertainer makes during their shift under [RCW 49.46.360\(3\)\(d\)](#) and [WAC 296-128-90020\(2\)\(d\) or \(e\)](#).

Q. How do charges made directly to customers affect leasing fee agreements between establishments and adult entertainers?

A. An establishment's charges to customers can be taken into account when calculating the maximum amounts the establishment can charge an entertainer for a leasing fee in [RCW 49.46.360\(2\)\(e\)\(i\)](#) and [WAC 296-128-90020](#). However, if no leasing fee is charged to the entertainer then the law does not require the establishment to include amounts charged to the customer in any agreement it makes with an adult entertainer regarding compensation.

Q. What is a "private" performance area for the purposes of calculating maximum leasing fees?

A. A private performance area is a designated space within an adult entertainment establishment that provides complete visual and physical privacy. A "semi-private" area would generally not be considered a private area and would be subject to the leasing fee limit for non-private performance areas, which is never more than 30% with a cap of \$150 under [WAC 296-128-90020\(2\)\(e\)\(i\)](#).

Q. Can an entertainer collect more than an establishment's posted price for a performance?

A. Yes. An entertainer may always receive and collect tips or gratuities for a performance. Tips and gratuities collected by an entertainer belong entirely to the entertainer and are not "amounts collected" for purposes of calculating leasing fees.

Q. What are some examples of allowable and not allowable leasing fee structures?

A.

Example 1: An entertainer's contract sets the cost of performances. Each dance in a non-private performance area costs a customer \$50. Each dance in a private performance area costs a customer \$100.

The entertainer works 8 hours and completes 10 dances in a private area and 5 dances in a non-private area. The establishment charges the entertainer a \$375 leasing fee:

Non-private performance area: $\$50 \times 5 \text{ dances} = \$250$.

The entertainer is not charged more than 30% of \$250 and is charged less than \$150. Because 30% of \$250 is \$75, this portion of the leasing fee is allowable.

Private performance area: $\$100 \times 10 \text{ dances} = \$1,000$.

The entertainer is charged 30% of \$1,000, which is \$300.

The \$75 for non-private areas + \$300 for private areas equal a \$375 leasing fee.

The \$375 fee is allowable under [WAC 296-128-90020](#). An establishment cannot require an entertainer to pay a leasing fee more than 30% of amounts collected by the entertainer in a non-private performance area (up to \$150), plus 30% of amounts collected by the entertainer for entertainment provided in a private performance area (\$300 in this example).

Example 2: An establishment does not designate charges to customers for entertainment provided in a non-private area. During an 8-hour period, an entertainer only provides entertainment in a non-private area and only receives tips from customers. The establishment still requires the entertainer to pay a \$100 fee to the establishment.

The \$100 fee is not allowable under [WAC 296-128-90020\(2\)\(d\) or \(e\)](#). In this example, the establishment cannot charge any fee because the entertainer only received tips. Tips and gratuities belong solely to the entertainer and an establishment cannot request or require that an entertainer hand over any portion of their tips.

There were no "amounts collected" for entertainment in a non-private performance area or private performance area, so the establishment cannot require the entertainer pay any leasing fee at all. "Amounts collected" for the purposes of calculating leasing fees under [RCW 49.46.360\(3\)](#) and associated rules, means an establishment's designated charges for entertainment provided in private performance areas and any individual

performance in a private or non-private area, based on the establishment's designation of what those services cost, whether presumed, contractual, or posted.

Example 3: An establishment posts performance prices and charges a customer \$120 for 3 dances in a private VIP room. Customers must pay for performances at a cashier for the establishment. Entertainers in the establishment do not directly collect any posted performance fees for the establishment and are not required to pay any fees to the establishment or give any money to the establishment.

During an 8-hour period, an entertainer completes one 3-for-\$120 VIP package for a customer. The customer pays the \$120 directly to the cashier for the establishment. The cashier accepts the money from the customer and then gives the entertainer 60% of what the customer paid: \$24 for each dance for a total of \$72.

During these 3-for-\$120 dances, the customer gives the entertainer money directly, above the establishment's posted prices for dances. The entertainer is allowed to keep all money given directly to them by the customer as a tip.

The establishment did not violate the leasing fee requirements and tip requirements in [WAC 296-128-90020](#) and [WAC 296-128-90030](#). The establishment does not charge entertainers leasing fees and applies this practice equally among all entertainers at the establishment.

Example 4: An establishment posts the price of performances, such as \$120 for 3 dances in a private VIP room. Customers pay the performance fees directly to an establishment cashier. The establishment also requires entertainers pay a flat \$100 fee to the establishment each night they work.

During an 8-hour period, an entertainer completes one private, 3-for-\$120 VIP package for a customer and does not provide entertainment in any other non-private areas of the establishment. The customer pays the \$120 directly to a cashier. During these 3-for-\$120 dances, the customer also gives the entertainer money directly, above the amount paid to the cashier for the performance. The entertainer is allowed to keep all money given directly to them by the customer as a tip.

The \$100 fee is not allowable under [WAC 296-128-90020](#). The establishment charged the entertainer a leasing fee. The leasing fee cannot be more than 30% of the amounts collected for the performance in a private area, which would be \$36 for the \$120 VIP package. The establishment's flat \$100 fee exceeded the \$36 fee allowed.

Example 5: An establishment posts the price of \$120 for 3 dances in a non-private room. Customers pay for performances to a cashier for the establishment.

The written contracts between entertainers and the establishment state that \$100 of the posted \$120 posted price is an “entertainment charge” charged to the customer and \$20 is a “couch charge” charged to the customer.

During an 8-hour period, an entertainer completes one 3-for-\$120 dance package for a customer in a non-private area. The customer gives \$120 directly to the cashier. The customer also gives the entertainer money directly, which the entertainer is allowed to keep as a tip.

From the \$120 paid to the cashier by the customer, the establishment keeps the entire \$20 couch charge and 30% of the \$100 “entertainment charge,” for a total of \$50. The establishment gives the entertainer 70% of the \$100 “entertainment charge,” which is \$70. The entertainer is not charged any form of fee by the establishment.

The establishment did not violate the leasing fee requirements in [WAC 296-128-90020](#). The establishment did not charge an entertainer a leasing fee, as the entertainer was not required to pay any fee to the establishment and did not have to collect or turn over any part of the performance fees. The entertainer and establishment can set in their contracts how much of the establishment-collected fees will be paid out to entertainers.

Chapter 7 – Additional resources

Contact us

Call: 1-866-219-7321

Email: AE@Lni.wa.gov

Web: [Worker's Rights](#)

[Adult Entertainer Safety and Labor Standards](#)

Administrative policies

[ES.A.1 Minimum Wage Act Applicability](#)

[ES.A.13 Minimum Wage Act – Washington-Based Employee](#)

[ES.A.14 Employment Relationships](#)

Human Trafficking Resources

[Home | National Human Trafficking Hotline](#) 1-888-373-7888

[Crime Victims Advocacy – Washington State Department of Commerce](#)

Washington State Office of Crime Victim Advocacy 1-800-822-1067

RCWs

[RCW 49.46.010](#) - Definitions

[RCW 49.46.360](#) – Adult Entertainer protections

WACs

[296-128-90010](#) - [296-128-90130](#)

L&I Resources

[Division of Occupational Safety and Health – Adult Entertainer Safety Information](#)

[Adult Entertainer Safety and Labor Standards](#)

[Adult Entertainer Safety and Health Q&A](#)

Federal guidelines

[Fact Sheet 13: Employment Relationship Under the Fair Labor Standards Act](#) | U.S. Department of Labor