



Worker's Rights

This document is a guide for worker's rights for the trans and gender non conforming community. It offers specific information and resources for folks in Washington and Seattle. This should not be considered legal advice. If you need help navigating this information, or have questions contact Ingersoll's Economic Justice Coordinator at jobs@ingersollgendercenter.org.

Gender Identity and Trans Specific Protections

Federal Rights & Protections

Currently, there is Federal law protecting trans workers from discrimination by employers. This includes: Title VII of the Civil Rights Act of 1964, the Civil Reform Act of 1978, Executive Order 13087 and Executive Order 13672. Previously, trans workers have been protected by the Federal Government through Title VII under the language of sex discrimination, which has been interpreted as including gender identity or sexual orientation. This includes transgender people and people who do not conform to gender stereotypes.

State Rights & Protections

Washington Law Against Discrimination (WLAD) protects people from discrimination based on gender expression and gender identity. This includes areas of public accommodation, housing, employment in public workplaces and private workplaces with 8 or more employees.

City Rights & Protections

On a city level, Burien, Seattle, Tacoma, and all of King County have laws prohibiting discrimination in public accommodation, housing, and employment. Olympia has a law prohibiting discrimination in housing based on gender expression or identity as well.

Workplace Rights

It is essential that trans and gender non-conforming people understand and advocate for their rights at work. Because our communities have been oppressed by various institutions and systems, we can be vulnerable to workplace exploitation and rights violations.

The following are some basic workplace rights to keep in mind when applying for or working at a job. Reach out to Ingersoll's Economic Justice Coordinator (jobs@ingersollgendercenter.org) for more information and help advocating for yourself.

1) Sick Leave

As of 2018, all workers in the state of Washington accrue sick time. This sick time may be used for a medical appointment, emergency, domestic violence situation, or for caring for a family member. This sick time accrues at a minimum of 1 hour for every 40 hours worked.

2) Minimum Wage

In the State of Washington, the minimum wage for 2018 is \$11.50. Tips cannot be counted as part of your minimum wage, nor can tips be withheld by your co-workers, managers, or supervisors. In Seattle, if you are employed by a company of more than 500 workers, the minimum wage is \$15/hr if you receive medical benefits, and \$15.45/hr if you do not. For companies with less than 500 workers, and where you earn \$2.50/hr or more in tips or in medical benefits, the minimum wage is \$11.50. However, if your employer does not pay towards benefits and you do not earn \$2.50/hr or more in tips, the minimum wage is \$14. See the Washington State Labor and Industries website for information about minimum wage requirements and labor laws in Sea-Tac, Tacoma and other Washington cities where the minimum wage is greater than \$11.50/hr.

3) Paid Rest and Mealtimes

Workers in Washington must receive a 10 minute rest period for every 4 hours worked. Workers can use several small breaks over a 4 hour work period, or use all 10 minutes at once. The break period can be used however the worker wishes to. Workers must be given at least a 30 minute meal period during their work shift, if they work for more than 5 hours.

Employers may require workers to stay on the job site during their meal period if they are being paid during their meal break. Businesses are not required to have a separate room or area for employees to eat or take breaks in. Workers must be paid during their work period if they are required to stay on site, required to be on-call, or required to be on duty during their lunch period.

4) Wage Theft

When you are hired, you should receive written notice of your position, compensation, benefits and when you are paid by your employer. If any of these items change throughout the course of your employment, you must receive written notification. If your job includes tips, you should also receive written policy on tips, that includes a requirement that your employer pay your tips.

All deductions from pay or paychecks must be agreed to by the employer and worker in writing beforehand. It is illegal for employers to deduct pay for tools, transportation, rent, or other expenses related or not to your job without written approval.

Wages may be deducted from paychecks when under a court-order for garnishment. Wages can also be deducted if there are policies in place around; worker damage or breakage of equipment or facilities, bad checks or credit, worker theft, cash shortages in the till. Be careful when signing employment paperwork at the beginning of your job. If

you need help reviewing what you are agreeing to, contact Ingersoll's Economic Justice Coordinator (jobs@ingersollgendercenter.org) for help.

5) Scheduling

Unfortunately, there are no state protections for workers around when employers schedule them. A business has the right to change a worker's schedule without advance notice and at any time.

Most employees who work hourly and work more than 40 hours in a 7 day period are paid over-time. Over-time must be at least one and a half times the regular hourly rate. Businesses may make working over-time mandatory. There are some jobs that do not pay over-time. To see a full list, head to [L&I's website](#).

For people employed at retail or food service establishments with 500+ employees worldwide, employees must be given a good faith estimate of their annual schedule, the right to provide input on their schedule (around major life events), and employers must post work schedules at least 14 days in advance. Employers must pay time and a half for hours worked between closing and opening shifts that are separated by less than 10 hours and employers must post notice of available hours to existing employees before hiring new workers.

6) Fair Chance Employment

In the city of Seattle, Fair Chance Employment restricts how employers can use criminal background checks during hiring processes. This explicitly prohibits categorical exclusions in job descriptions or ads, requires a legitimate business reason in denying employment to someone based on a conviction record, and requires an opportunity for candidates to explain criminal history information.

Resources

Federal:

- [Lamda Legal](#)
- [US Equal Opportunity Employment Commission](#)
- [ACLU of Washington](#)

State:

- [Washington State Department of Labor and Industries](#)
- [ACLU of Washington](#)

City:

- [Fair Work Center](#)
- [Seattle Office of Labor Standards](#)