

January 2, 2019 Publication

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Happy New Year to Hotel Employers: Washington Court Invalidates Seattle Hotel Employees Health and Safety Law

Labor, Employment & Benefits Legal Update

In November 2016, Seattle voters overwhelmingly passed Initiative 124 (I-124), the Hotel Employees Health and Safety Law, regulating hotel employers with employees working in the City of Seattle. The initiative was placed on the ballot by UNITE Here, Local 8, a union that represents workers in the hospitality industry. Although the initiative was advertised to protect hotel workers from assault and harassment, it went much further and required sweeping and costly changes to how hotels do business. Among other things, the law required hotel employers to provide panic buttons to hotel employees, maintain lists of guests accused of acts of violence, provide safety devices and safeguards, adopt workplace safety standards and safeguards relating to hazardous chemicals, limit housekeeping assignments, provide subsidies or health care coverage to low-wage employees, and maintain seniority lists from which a new owner must hire if hotel ownership changes. The new law also prohibited hotel employers from retaliating against employees who exercised their rights under the law, and permitted hotel employees to sue their employers for violations. Employees were also authorized to file certain complaints with the City of Seattle's Office of Labor Standards.

Several hotel associations filed suit to block I-124, but the trial court [upheld the law](#) in June 2017. In good news for hotel employers, the Washington Court of Appeals [disagreed](#) and invalidated the law on December 24, 2018. The Court of Appeals reasoned that the new law is unconstitutional because it contains multiple unrelated topics and therefore violates the single subject requirement for voter initiatives. If the ruling is appealed, the Supreme Court has discretion to decide whether to hear the case, so hotel employers in Seattle should continue to monitor this development.

What Should Seattle Hotel Employers Do Now?

Seattle hotel employers should re-evaluate policies and practices designed to comply with the law, including:

- Front desk procedures relating to guests and complaints against them;
- Employment policies and practices addressing safety and health, including handling of complaints of assault or harassment;
- Work schedules limiting housekeeping assignments; and
- Benefit and compensation plans designed to comply with the law's requirement that employers provide a subsidy or health care coverage.

While all employers continue to be bound by workplace safety requirements imposed by the Occupational Safety and Health Administration and related state laws, policies and practices implemented solely to comply with the Hotel Employees Health and Safety Law may not be required going into 2019.