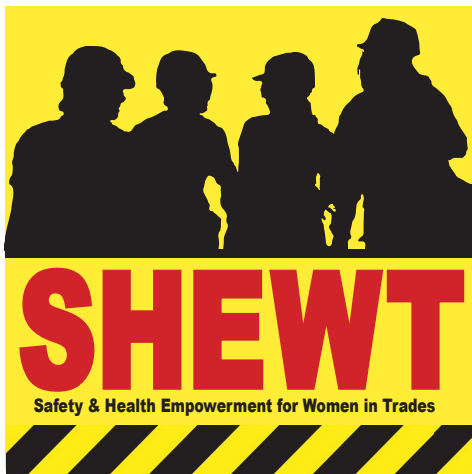




SHEWT

Safety & Health Empowerment for Women in Trades

Mentor Manual



Mentor Manual



Washington State Labor Education and Research Center
South Seattle College – Georgetown Campus



DEPARTMENT OF
ENVIRONMENTAL
& OCCUPATIONAL
HEALTH SCIENCES

UNIVERSITY of WASHINGTON
School of Public Health

**A comprehensive
resource guide
for mentors.**

This is a joint project of

**UW School of Public Health Department
of Environmental & Occupational Health Sciences**

Washington Women in Trades

Washington State Labor Education and Research Center

University of Oregon Labor Education and Research Center

PACE-PreApprenticeship Construction Education

2017 Mentor Manual Volume 1

Graphic Design: Cindy Payne, Payneless Promotions

Contributors: Kelly Coogan-Gehr, Hannah Curtis, Diane Davies, Sarah Laslett,
Alice Lockridge, Hendrika Meischke, Lee Newgent
Jo Scherer, Noah Seixas, Nancy Simcox

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SHEWT

Safety & Health Empowerment for Women in Trades

Mentor Manual

MANUAL SECTION 1:

Introduction and About this Manual

SHEWT Mentoring Statement

The goal of the SHEWT mentoring program is to help women apprentices in the building and construction trades problem solve their workplace health and safety concerns, and develop their communication and leadership skills. We emphasize proactive approaches and building self-confidence to empower these women to address their workplace stressors through development of their “soft skills,” rather than on development of technical trade skills. The mentor can be most helpful if the mentee raises concerns before they become full-blown problems. The SHEWT program focuses on women apprentices because we specifically want to get at the safety issues for women in the trades. However, mentees can bring questions, issues, or problems based on any work of life experience to their mentors; concerns do not have to be about their gender. Mentors will have resources to refer mentees to if the problem is beyond the scope of the mentor-mentee relationship. The sharing of problems between mentees and mentors is completely confidential and must be based on mutual trust and respect.

We also acknowledge that negative workplace experiences based on an apprentice’s gender (or race, immigrant status, sexual orientation, gender identity, etc.) are almost always not the fault of the apprentice. It’s important for us to recognize that discriminatory or harassing behavior is the responsibility of the perpetrator and the leaders on the job site, within the company, and within the union. While the skills we are helping women apprentices develop may help them cope with their experiences, and therefore succeed in their careers, they should not be made to feel that they are the problem.

This is a project of the University of Washington Department of Environmental and Occupational Health Sciences, Washington Women in Trades, and union partners. Funding and support for this project is provided by the State of Washington Department of Labor & Industries, Safety and Health Investment Projects.



About SHEWT

Safety and Health Empowerment for Women in Trades (SHEWT) is a multi-phase study aimed at reducing tradeswomen's risk of workplace health and safety hazards through research and program development. Construction workers experience many health and safety concerns including slips/trips/falls, being struck by/against machinery, musculoskeletal disorders, and chronic health hazards from contaminants. Women workers face additional gender-specific hazards such as inadequate physical protection, unsanitary facilities, and stress from discrimination and harassment. As opportunities for women in the trades continue to grow in the Pacific Northwest, better understanding of tradeswomen's unique exposure to workplace hazards is needed.

SHEWT is a collaboration between the University of Washington Department of Environmental and Occupational Health Sciences and community partners Washington Women in Trades, the Washington State Labor Education and Research Center, the University of Oregon Labor Education and Research Center, and the Washington State Building Trades Council's Pre-Apprenticeship Construction Education (PACE) program. Funding and support for this project has been provided by the State of Washington, Department of Labor and Industries, Safety and Health Investment Projects.

During March and April 2015, we conducted four focus groups in western and eastern Washington with women and men working in construction trades. These groups discussed physical and psychosocial risks that specifically affect women at work, as well as programs to address these hazards. Based on findings from the focus groups, we developed a detailed questionnaire to more fully assess workplace risks. The questionnaire was administered online, on paper, and via phone interviews to approximately 300 tradeswomen and tradesmen throughout Washington State during the fall/winter of 2015 and spring of 2016. Three follow-up focus groups were held in May and June 2016 to interpret the survey findings and discuss potential programs to reduce workplace risk.

Based on the findings from Phase I, we developed a pilot mentoring program to empower women apprentices in western Washington to recognize their workplace stressors and advocate for safer workplaces. We trained 15 journeymen and journeymen in early 2017 to act as mentors for 25 women apprentices in the Puget Sound region. Participating trades included carpenters, electricians and line workers, ironworkers, laborers, and pipe trades. After matching, pairs communicated regularly over a six-month period and received support from program staff. We are still evaluating the pilot program but preliminary findings suggest an increase in apprentices' self-confidence to work safely on jobsites and report safety concerns.

SHEWT is dedicated to supporting worker health and safety. By identifying the primary work-related health and safety risks to tradeswomen, this study will help inform intervention strategies to address this population's health challenges.



Safety and Health Empowerment for Women in Trades

SAMPLE Mentor Training Agenda and Facilitation Notes

Click on underlined handouts to jump to desired page.

9:00 – 9:30 SECTION ONE: INTRODUCTIONS, PRE-TRAINING SURVEY, AND AGENDA REVIEW

- 1) Introduce trainers
- 2) Introduce participants
 - a) Name, trade, years in trade, motives for being a mentor
- 3) Opening discussion
 - a) What's the greatest challenge for the construction industry?
 - b) What's the greatest challenge for workers?
 - c) What's the greatest challenge for women workers?
 - d) What are our shared values as union trades people?
- 4) Review agenda
- 5) Participants complete [Pre-training survey](#)

9:30 – 10:45 SECTION TWO: HOW GENDER EXPECTATIONS IMPACT WORKERS

- 1) PPT Presentation: [The Gendered Nature of Work and the Specific Manifestations of that Nature within the Building and Construction Trades](#)
- 2) Discussion of how construction culture creates risk for women workers
 - a) Use [SHEWT Fact Sheet](#) and [Definitions of racial and gender justice terms](#) to help guide discussion
 - b) What are the key physical and stress-related risks for women?
- 3) Interactive exercise: "Put Yourself in Their Shoes"
 - a) In two groups (women and men), answer the following questions from the point of view of the OTHER gender. Report back and discuss.
 - i. What risks do you run in your relationship with supervisors when you raise a health & safety concern?
 - ii. What risks do you run in your relationship with co-workers when you challenge harassing or discriminatory behavior?
 - iii. What would be the ideal support you desire (that is currently missing or inadequate) both from co-workers and supervisors to make you as safe, healthy, and competent on the job as possible?

10:45 – 11:00 MORNING BREAK

11:00 – 12:30 SECTION THREE: MENTORING DEFINITIONS AND SKILLS

- 1) Discussion of participants previous experiences with mentoring
- 2) Review SHEWT mentoring program objectives:
 - a) To foster productive and healthy mentor/mentee relationships

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- b) To promote mentoring that is based on mutual inquiry (asking, not telling) and self-reflection
 - c) To help women apprentices develop self-confidence, seek out allies, and be proactive in addressing problems
 - d) To help women apprentices develop critical thinking and problem solving skills that can help them cope when OTJ & life stressors push them to work unsafely, accept bad behavior from others as “just the way it is,” or even contemplate quitting
 - e) To help women trades apprentices learn to be advocates for their own safety on the job, and the safety of other workers
- 3) SHEWT mentoring program is NOT seeking to:
- a) Have mentor/mentee relationships that focus on technical trade skills development
 - b) Encourage mentorship that is premised on the ‘expertise’ of the mentor and the ‘black slate’ of the mentee
 - c) To send the message to women apprentices that the best we can hope for in the trades is for them to be tough enough to survive in hostile work environments, rather than seeing themselves as leaders in advocating for change across the worksite and throughout their crews & unions
- 4) Review handouts:
- a) Mentoring defined
- 5) Mentoring Styles: Supportive, Persuasive, Directive
- a) Mentoring skills
 - b) Mentor do’s & don’ts
- 6) Types of Social Support: Emotional, Informational, Appraisal, and Tangible
- a) Social support
- 7) Developing the mentor-mentee relationship
- a) Discuss how to build trust
 - b) Understanding mentor/mentee boundaries
 - i. Benefits & pitfalls of mentoring
 - c) Confidentiality
 - i. Confidentiality agreement

12:30 – 1:15 LUNCH

1:15 – 2:00 SECTION THREE CONTINUED: COMMUNICATION SKILLS

- 1) How to communicate with mentees
 - a) Mentoring nuts and bolts
 - b) What do you talk about with your mentee during the first meeting?
 - i. Mentee goal setting
 - c) Talking to mentees when they are in the wrong

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- i. *Giving feedback – excerpt from BuildForce Canada’s Mentor’s Handbook*
 - d) Honoring different communication styles and strategies
 - i. *Chicago Women in the Trades Tools for Success – Honoring communication styles*
- 2) Active/reflective listening
 - a) *Blocks to Listening*
 - b) *The Art of Listening*
 - c) *Advanced mentoring strategies – excerpt from BuildForce Canada’s Mentor’s Handbook*
 - d) Activity: Active Listening in Triads
 - i. Break participants into groups of three
 - ii. Person A speaks for three minutes about their experience as an apprentice starting out in the trades, including their feelings and thoughts about how they were treated
 - iii. Person B then summarizes what Person A said, using some of their own words to show understanding of the key messages
 - iv. Person C provides feedback on Person B’s paraphrasing and active listening skills
 - v. Repeat the process so that each participant plays all three roles
 - vi. Discuss as a group what you learned from this process

2:00 – 2:30 Developing Mentor Cultural Competency

- 1) Defining implicit bias and micro-aggressions
 - a) *Implicit Bias and Micro-aggressions: How Far Have We Come?*
 - b) *Micro-aggression Resources*
- 2) Discussion: how do the concepts of implicit bias and micro-aggressions apply to women in the trades?

2:30 – 3:15 Proactive problem-solving

- 1) Review *Steps of proactivity*
- 2) Group Activity: *Proactivity exercise*

3:15 – 3:30 AFTERNOON BREAK

3:30 – 4:30 Connecting mentoring and leadership development

- 1) Discuss how mentoring can help mentees develop skills and understanding of their role as workers in order to be effective leaders
- 2) Practicing difficult mentor conversations
 - a) *Mentor training scenarios*

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4:30 – 5:00 SECTION FOUR: PROGRAM STRUCTURES AND EXPECTATIONS

- 1) Mentor-mentee matching procedures
- 2) Next Steps for mentors
- 3) Participants complete Post-training survey

* * * * *

SECTION FIVE: FOLLOW-UP TRAINING MATERIALS

- 1) Objective versus Subjective
- 2) Trades Trainee Success Tips
- 3) Mentor Self-Care
- 4) Preparing for Apprentice Disciplinary Proceedings
- 5) Mentor Intake Form
- 6) Mentee Job Log

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SHEWT
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Mentor Manual



MANUAL SECTION 2: **Training Handouts**

Training Handouts

Sample Agenda Section 1



SHEWT Mentorship – Mentor Pre-Training Survey

Name: _____

How confident do you feel in your ability to:

	Not at all confident	A little confident	Somewhat confident	Very confident	Completely confident	Prefer not to answer
1. Explain how gender roles affect work in the construction industry?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Explain gender-specific health and safety risks affecting tradeswomen?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Manage multiple mentees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Provide active listening skills to your mentees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Be an effective mentor?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Provide your mentees with emotional support? This includes active listening and being someone they trust with their concerns.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Provide your mentees with information and advice on working safely in the trades?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Provide your mentees with praise and encouragement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Demographics

9. What is your current trade?

☐ Trade: _____

10. How many years have you been working in your current trade?

☐ Less than 3

☐ 3-5

☐ 6-10

☐ 11-20

☐ More than 20

☐ Prefer not to answer

11. What is your gender?

☐ Woman

☐ Man

☐ Prefer not to answer

12. How would you describe your race?

☐ White

☐ Black or African American

☐ Asian American

☐ American Indian or Alaskan Native

☐ Hawaiian/Pacific Islander

☐ Other Pacific Islander

☐ Multiracial

☐ Other: _____

☐ Prefer not to answer

13. Are you of Hispanic or Latino origins?

☐ Yes

☐ No

☐ Prefer not to answer

14. In what year were you born?

☐ Year: _____

☐ Prefer not to answer



15. What is your marital status?

- ☐ Married
- ☐ Single
- ☐ Divorced
- ☐ Widowed
- ☐ Domestic Partnership
- ☐ Prefer not to answer

16. Do you have dependents (children or relatives) that you take care of on a regular basis?

- ☐ Yes
- ☐ No
- ☐ Prefer not to answer

17. What is your family's yearly income level?

- ☐ Less than \$25,000
- ☐ \$25,000 to \$49,999
- ☐ \$50,000 to \$74,999
- ☐ \$75,000 to \$99,999
- ☐ More than \$100,000
- ☐ Prefer not to answer

18. What is the highest level of formal schooling you have completed?

- ☐ Less than high school
- ☐ Finished high school or GED
- ☐ Finished trade/vocational school
- ☐ Some college
- ☐ Finished college
- ☐ Prefer not to answer
-

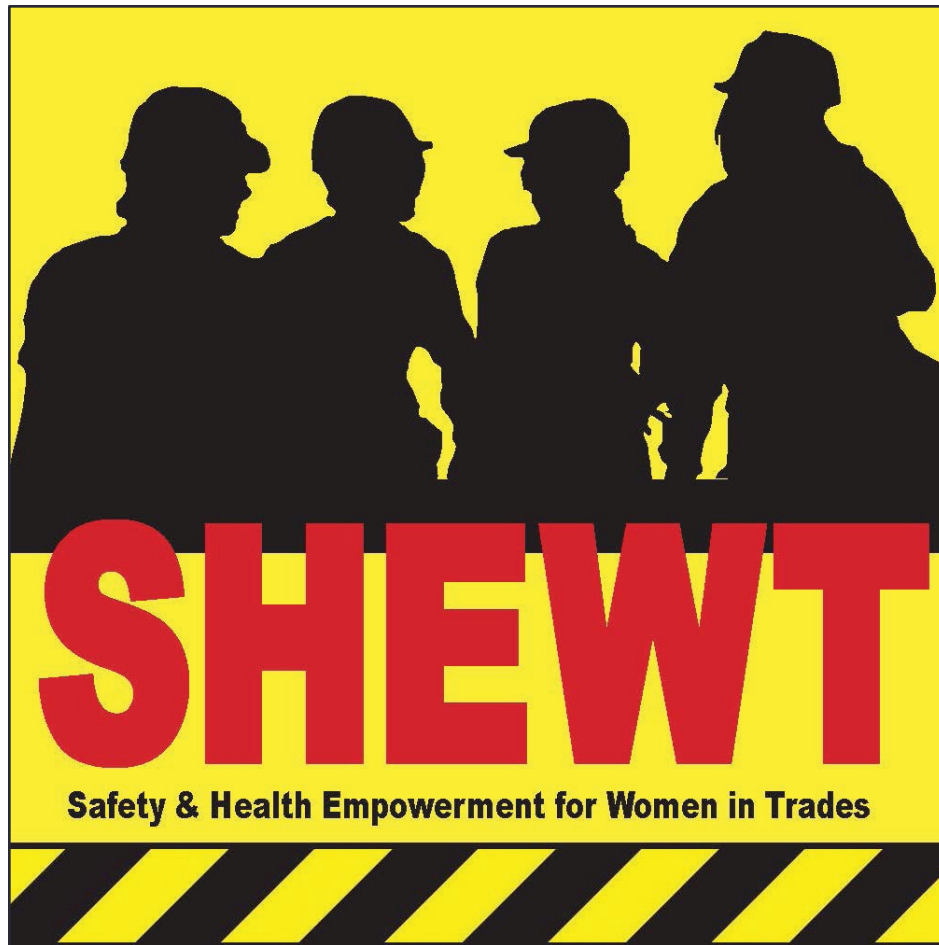


Training Handouts

Sample Agenda Section 2: How Gender Expectations Impact Workers



Gender, Work, and the Construction Trades



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Presentation Overview

- Why social beliefs about gender & work matter and where these beliefs arise
- The meaning of “gender division of labor” and how it manifests in society and in the trades
- Federal legislative protections against gender discrimination at work and in the trades
- A Brief Summary of SHEWT Study Findings: How gender discrimination translates into psychosocial stressors that negatively impact the health and safety of tradeswomen

Men & Women: The Public/Private Split

- **The cult of domesticity:** Prevailing value system among the middle and upper classes in the United States during the 1800s
- This value system solidified women's place in the home, distancing them from paid work.



- During the 1800s, women's place became the private sphere, and men's place became the public sphere.
- This public/private split remains to this day.

The Public/Private Split Has Never Been for Poor and Working-Class Women



The Gender Division of Labor



The Sneaky Persistence of Male Privilege at Work

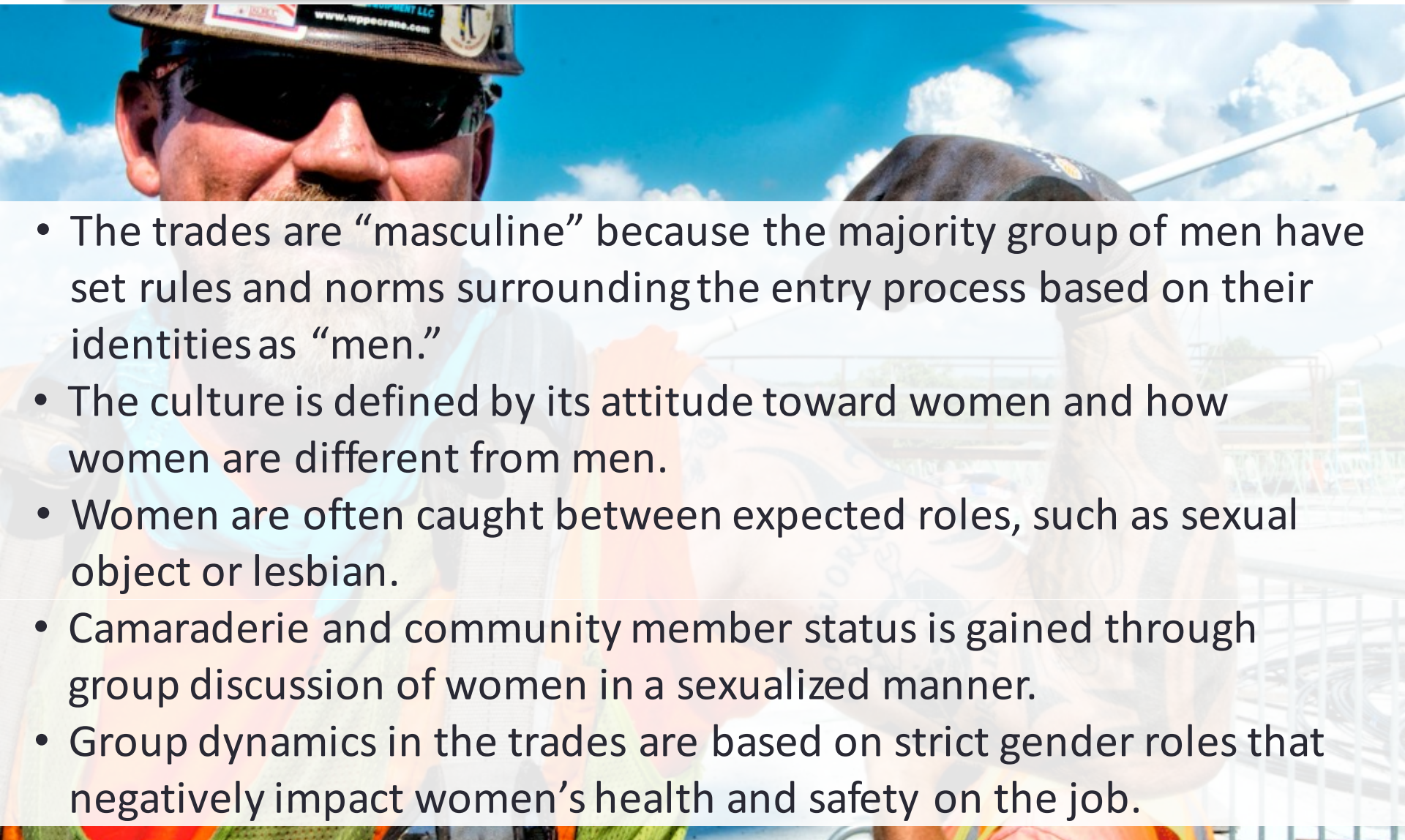
WOMEN

Like men,
only cheaper.



IF YOU DON'T LIKE IT,
HELP US RIGHT IT.

The Trades: A Masculine Workplace



- The trades are “masculine” because the majority group of men have set rules and norms surrounding the entry process based on their identities as “men.”
- The culture is defined by its attitude toward women and how women are different from men.
- Women are often caught between expected roles, such as sexual object or lesbian.
- Camaraderie and community member status is gained through group discussion of women in a sexualized manner.
- Group dynamics in the trades are based on strict gender roles that negatively impact women’s health and safety on the job.

Understanding Social Capital

- **Social capital** refers to the links, shared values, and understandings in a particular culture—in our case, the culture of the trades—that enable individuals and groups to trust each other and work together effectively.
- **Social capital** also refers to the influence and authority individuals gain or lose through the relationships they develop, how they respond to expectations, and how they communicate within a specific work culture.
- The higher someone's position is within the hierarchy of a workplace, the more social capital they stand to gain or lose and the more **social capital** they can give or take away from others.

Social Capital Has Real Life Economic Consequences



The Story of Women in the Construction Trades

- The tale of persistence by women entering and staying in the trades in the face of immense individual and institutional barriers
- The story of the failure of institutional stakeholders to implement the change in social policy that has been law since 1978



Women in the Trades in the United States: A Very Brief History



Fair Employment Practices Committee established in 1941 to provide for “full and equitable participation of all workers, without discrimination in defense industries.”

Women employed in large numbers in non-traditional occupations during the Second World War

In 1962, an Executive Order grants protection against discrimination for all government contractors and direct employees but did not include women.

In 1965, Executive Order 11246 specifically prohibited federal contractors and subcontractors from discriminating on the basis of sex.

6.9 Percent



- The goal of 6.9 percent hours by tradeswomen on federally-funded construction projects has been federal law since 1978.
- The mandate that construction contractors “ensure and maintain a working environment free of harassment, intimidation and coercion” has been federal law since 1978.
- The goal of 6.9 percent hours by tradeswomen on federally-funded construction projects has been federal law since 1978.

Industry-contractors, owners, and unions have largely not complied with the law.

Government enforcement agencies have fallen far short of their obligation to implement equality for women in the construction trades.

Gender Discrimination at Work: Disparate Treatment & Disparate Impact

- **Disparate treatment** is an instance in which “the employer simply treats some people less favorable than others because of their race, color, religion, sex, or national origin.”
- **Disparate Impact** is defined by the court as “employment practices [rules and procedures] that are facially neutral in their treatment of different groups, but that in fact fall more harshly on one group than another, and cannot be justified by business necessity.”



The courts have required proof of intent to discriminate in cases of employment discrimination.

Gender Discrimination at Work: Sexual Harassment

- **Sexual-desire-dominance approach:** Sexual harassment is comprised of unwanted male sexual advances toward women due to inappropriate male sexual desire in the workplace.
- **Competence-based approach:** Sexual harassment is a form of sex discrimination in which men seek to maintain the most highly rewarded forms of work for themselves by persistently denigrating women's competence and undermining their confidence.

Sexual harassment in the form of a hostile work environment is used to eliminate women from male arenas of power and control.

Women in the Construction Trades: Sexual Harassment & Hostile Workplaces

- Women construction workers have the highest rates of sexual harassment complaints per 100,000 employed women.
- 88 percent of women construction workers surveyed had experienced sexual harassment at work.
- 41 percent of tradeswomen reported that they had been mistreated by coworkers and/or supervisors because they were female.



CAUTION: WOMEN NOT WELCOME HERE.

ONLY 2.6% OF CONSTRUCTION WORKERS ARE WOMEN...
THE SAME AS 30 YEARS AGO. WWW.NWLC.ORG/CONSTRUCTION

 **NATIONAL WOMEN'S LAW CENTER**
www.nwlc.org

Health & Safety Hazards for All Trades Workers

- Falls
- Being struck by a falling object or machinery
- Caught in/between a trench, cave-ins, vehicle and object
- Electrocution
- Musculoskeletal disorders from lifting, awkward postures, repetitive motion, hand-tool vibration, flying/falling objects
- Exposure to a variety of chronic health hazards, including noise, silica, asbestos, man-made fibers, lead and other metals, solvents, hazardous wastes, extreme heat and cold

Safety & Health Problems Unique to Tradeswomen

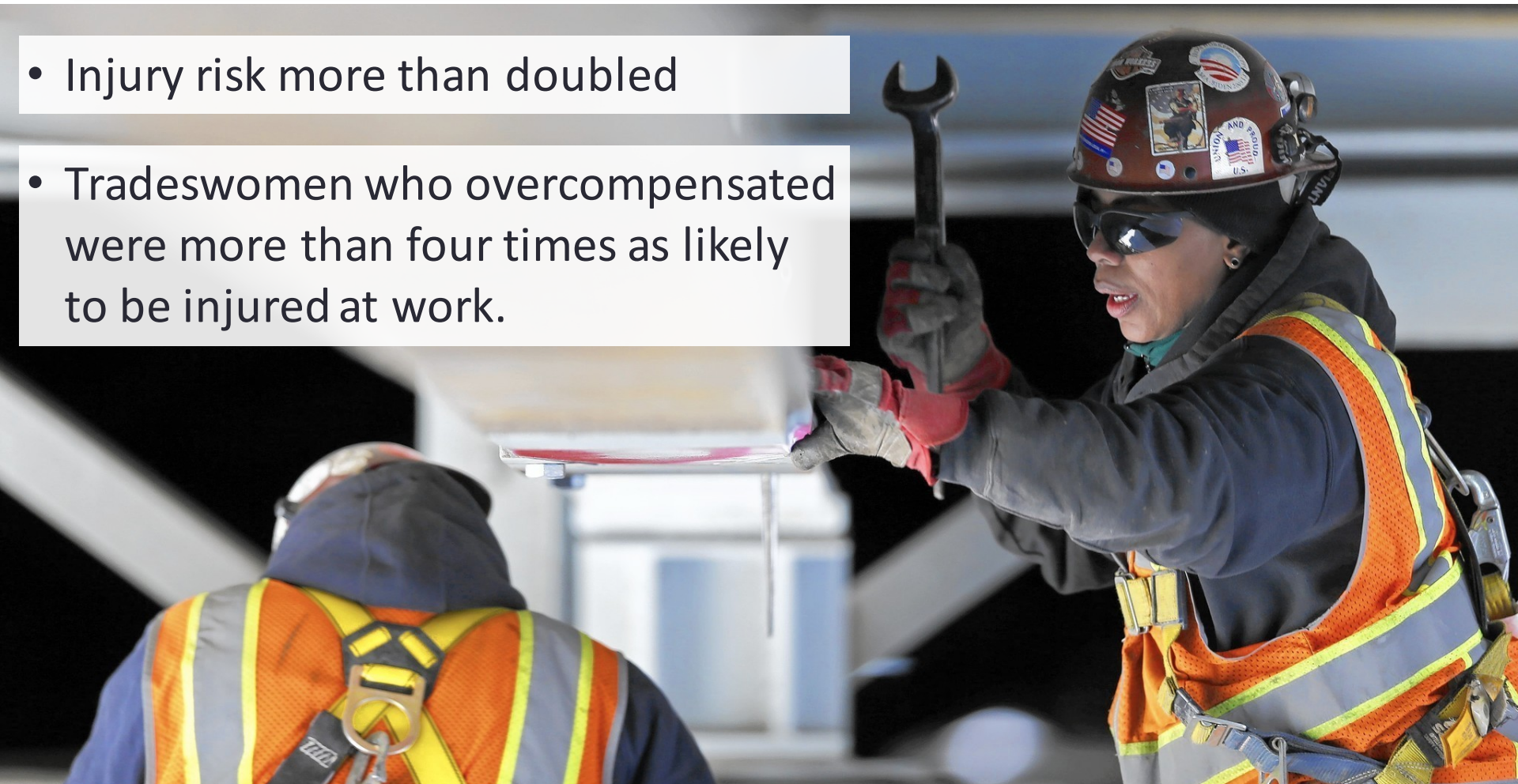
Women-Specific Risks Identified in SHEWT Study

- Inadequate PPE
- Physical limitations
- Sexual harassment
- Gender discrimination and unequal training
- Overcompensation due to constantly proving self
- Tokenism
- Poor work/life balance
- Fear of layoff for reporting safety concerns
- Lack of support

Safety and health problems in construction create barriers to women entering and remaining in this field.

Key SHEWT Findings: Overcompensation and Gender Discrimination Are Occupational Safety and Health Issues

- Injury risk more than doubled
- Tradeswomen who overcompensated were more than four times as likely to be injured at work.



Key SHEWT Findings: Age Discrimination, Poor Work/Life Balance, and Financial Hardship Are Occupational Safety & Health Issues

- Tradeswomen who experienced age discrimination reported nearly a ten-fold increased risk in perceived stress levels.
- Tradeswomen who have a poor work/life balance are almost eight times as likely to report high levels of perceived stress.



Key SHEWT Findings: Gender-related Stressors Determine Negative Health & Safety Outcomes for Women

- Women are more likely to report one injury at work in the past year.
- Women are less likely to report their injury due to fear of layoff.
- Women were more likely to have poorly fitting PPE but less likely to report the issue.

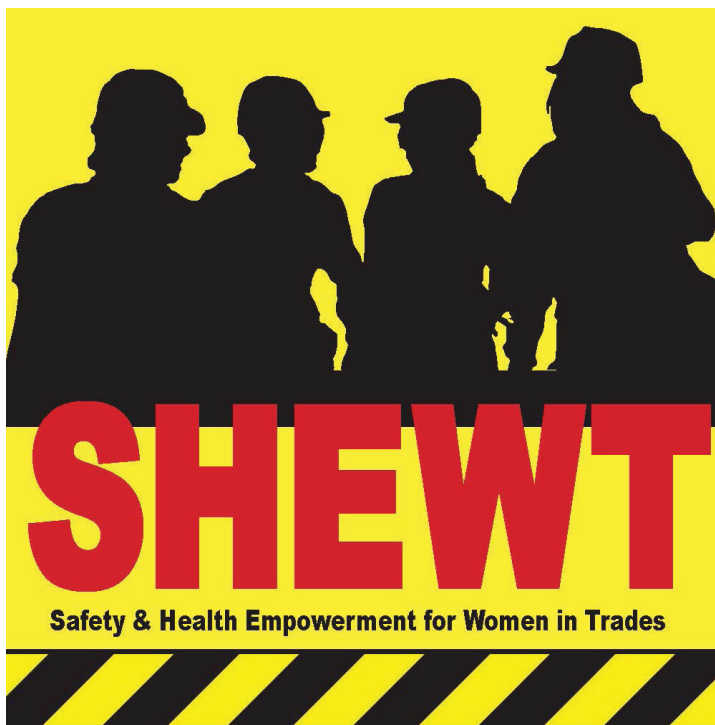
Sexual Harassment
Discrimination
Over Compensation

**Fear of Speaking Up
about Safety Concerns**

Key SHEWT Findings: Social Support Matters for Tradeswomen Health & Safety

- Tradeswomen who reported receiving high levels of support from their coworkers reported less stress.
- A high degree of trust is necessary between all workers in the trades.
- Workers in the trades rely on each other to hear about new job opportunities.
- Women included in these networks thrive.

Safety and the vital importance of social networks in the trades



STUDY ON HEALTH AND SAFETY FOR WOMEN CONSTRUCTION WORKERS

Summary of Findings

This fact sheet presents findings from the Safety and Health Empowerment for Women in Trades (SHEWT) study, a collaboration between the University of Washington and Washington Women in Trades. The study used focus groups and surveys with women and men working in the trades in Washington State to better understand the health and safety risks affecting tradeswomen at work. Below are the top risks identified by 25 focus group participants and key survey results.

Common Themes Raised in Focus Groups

Health & Injury Risks

- Dangerous work environment
- Inadequate bathrooms
- Chronic injuries

Social/Stress Risks

- Coworker acceptance of risk
- Hazing
- Job insecurity
- Management prioritizing production over safety
- No paid sick leave
- Macho culture

Women-Specific Risks

- Inadequate PPE
- Physical limitations
- Sexual harassment
- Gender discrimination and unequal training
- Overcompensation due to constantly proving self
- Tokenism
- Poor work/life balance
- Fear of layoff for reporting safety concerns
- Lack of support

What Workers Had to Say

"I think that just being a woman you have a lot of pressure to do things that are not the healthiest to keep up with the young 27-year-old guys."

—Journeywoman laborer

"It's always hard to break into a group. And there's a certain amount of...hazing, just pulling tricks on the new person that happens."

—Journeyman carpenter

"You just gotta be mindful about [electricity]. It doesn't care what gender you are."

—Journeywoman electrician

"It's almost like you have to prove—as a woman—you have to prove yourself 10 fold before somebody will actually give you the respect."

—Journeywoman laborer

"I think I've had guys purposely tell me something that wasn't true, which could have jeopardized my safety. So I guess, sabotage is sometimes a threat...It falls back into the hostile work environment of the guys who don't want you there. And therefore they'll set you up to fail."

—Journeywoman electrician

"And if you ask for that [handwashing station], which you're also entitled to, you're on that layoff next week too."

—Journeywoman electrician

"I think the trades is a white man's industry. And so there's a comfort level with white men to be with white men and to put white men under their wings. And so I think women and people of color and other minorities are at a disadvantage."

—Retired electrician

Survey Results

- Almost 300 workers completed surveys about health and safety hazards in the workplace
- Demographics: 68% women, 32% men; 43% apprentice, 57% journey level. The top trades represented were: laborers, electricians, pipe trades, and carpenters
- Women reported higher levels of perceived stress compared to men
- More than half of women reported pushing themselves past their physical comfort at least half of the time to get the job done
- Almost half of women felt discriminated against at work due to their gender
- Women were more likely than men to report at least one injury at work in the past year
- Of those respondents who were injured in the past year, women were more likely than men to not report their injury due to fear of layoff
- Women were more likely than men to report PPE not fitting properly. Of women who did not feel comfortable asking for better PPE, more than half listed “fear of being labeled complainer by coworkers” or “fear of layoff” as the primary reason

► **Compared to men, women in our survey had a higher risk of being injured at work in the past year and a higher risk of reporting high levels of stress.**

- Data supports the idea that apprentices experience higher levels of stress than those who have finished their apprenticeship
- For women, overcompensation and gender discrimination were associated with being injured at work in the past year
- For women, reporting high stress was associated with age discrimination, poor work/life balance, and financial hardship
- Women who received high levels of support from their coworkers and supervisor showed a lower risk of stress

Survey Short Answer Themes

Top Problems for Women

Sexist stereotypes
Physical limitations
Discrimination
Harassment
Under-representation
Having to prove selves
No respect
Poor work/life balance
Poor training
Inadequate PPE/tools
Women who set bad example

Solutions

More women
Education
Improved training
Treat women and men equal
Don't know
Mentoring
Women carry selves

Other Experiences

Variability in jobsites
Women feel accepted
Job insecurity
Inadequate supervision
Love work

“I have been doing this a long time. It has gotten better but so much of the stress is covert, hard to pin down. The harassment never really stops; you learn to ignore it. They will take the first opportunity available to replace you. Men don't want us there so it is a constant, unstated hostile environment.”

—Journeywoman electrician

“Point blank, we are not as strong as men. I have to work twice as hard as a man to do the same job. It is not their fault, and I don't let it hold me back.”

—Journeywoman laborer

I believe the biggest problem we face is still just proving that we can perform the work as well as other men. I feel I should just be able to walk onto a jobsite and have the confidence of my male coworkers and supervisors, but I have not had that experience in this job.”

—Journeywoman laborer

“We need to continue to educate both sexes in communication and not single out women as the weaker link... Everyone needs to be taught it's ok to say ‘no this doesn't feel right or safe.’

—Journeywoman electrician

“It would be ideal to have a mentoring program for women as an apprentice in the particular trade she is in to help understand the construction industry.”

—Journeywoman ironworker

Definitions of Racial and Gender Justice Terms

Sex: Refers to a person's anatomy, chromosomes and or hormones, i.e. a biological definition. In contrast, **gender** is about the social characteristics of a person. The terms masculine and feminine refer to gender. The terms male or female refer to sex.

Gender Identity: Whether a person feels more strongly like a man or a woman, regardless of what their biological category may be. Someone who is transgender does not identify with the gender role assigned to their biological sex. Someone who is **cis-gendered** (or just "cis") does.

Sexual Orientation: An identity that describes the gender and/or sex(es) of the people with whom one desires to have sexual intimacy.

Homophobia/transphobia: Like any phobia, this is an irrational dislike or fear of someone who is homosexual or transgendered. When people with this phobia are in positions of power, they can enforce discriminatory practices.

Power: Holding a position within a social hierarchy that makes it easier for you to get what you want, while that same social hierarchy makes it more difficult for others to get what they want.

Privilege: An unearned advantage granted to individuals by society based on visible characteristics such as race, perceived gender, age, language, etc. These privileges are embedded in social hierarchies and exist whether a specific individual wants them or not.

Equity: When everyone has access to opportunities necessary to satisfy essential needs, advance their well-being and achieve their full potential.

Race: A term with intense social and political meaning but no basis in biological or scientific distinction. To quote Ta-Nehisi Coates, "race is the child of racism, not the father." Assigning racial categories to people has been a way to legitimize white supremacy.

White: People of European descent who benefit from privileges based on a racist social hierarchy.

Racism: Applying racial prejudice while having racial privilege to maintain dominant systems of power and white supremacy.

People of color: An umbrella term for people from many different backgrounds or places of origin who share the common experience of being targeted and oppressed by racism.



Racial Justice: The proactive enforcement of policies, practices, attitudes and actions that produce equitable access, opportunities, treatment, impacts, and outcomes for all regardless of race or ethnicity.

Ethnicity: Refers to groups of people that share some common ancestry, traditions, or language.

Tokenism: Selecting a few people who are not in the majority group for participation in order to deflect criticism of exclusion.

Cultural Competency: The ability to interact effectively with people of all different cultures and backgrounds.

Social Capital: The influence and authority individuals gain or lose through the relationships they develop, how they respond to expectations, and how they communicate within a specific work culture (in our case, the culture of the trades). The higher someone's position is within the hierarchy of a workplace, the more social capital they stand to gain or lose and the more social capital they can give or take away from others.



Training Handouts

Sample Agenda Section 3, Part 1: Mentoring Definitions and Skills



Mentoring Defined

Mentoring is:

- A supportive relationship between an experienced tradesperson and an apprentice. Trust is an essential component and confidentiality is a must.
- A partnership in which the needs of the apprentice take precedence, but in which the mentor should also learn and grow.
- An intentional and well-defined process through which the mentor helps the mentee understand their experience in the trades, set goals for their professional development, develop strategies to solve problems they encounter, and enhance their self-confidence.
- An opportunity for the mentor to share what they have learned from their own experience. This can include modeling behavior, advising, and coaching. Both parties in the relationship should be prepared to share both successes and failures



Mentoring Skills

When you mentor someone, you help them to believe in themselves and explore their own potential. When a person is struggling with a behavior or relationship, it is tempting to tell them what they *should* do. However, good mentoring supports engagement with struggle, even making mistakes. It is the process of struggle that leads to learning, change, and growth. Because the mentor-mentee relationship is a *safe space*, it provides an opportunity to practice new approaches through role-playing and action planning.

Interventions: There are a range of ways a mentor can help a mentee, from gentle to forceful. The best mentoring uses the gentlest intervention possible. Below are examples of interventions, ranging from the most gentle (supportive) to the most forceful (directive):

- **Supportive** – can be the most empowering; support the person's problem solving process; encouraging them to continue and help them over rough spots.
 - Do nothing – don't react judgmentally, let the person work it out for themselves.
 - Support – nod, agree, help the apprentice articulate their plan.
 - Question to clarify – check whether you understand correctly what the person is saying, feeling, intending to do, etc.
- **Persuasive** – intended to influence the person about what actions to take. Relies on the powerful technique of asking questions.
 - Question to move – ask whether the person is ready to do something differently.
 - Ask what the person wants to do next.
 - Question to expand understanding – ask open-ended questions that may lead the apprentice to realize aspects of the problem that they were unaware of, or had not articulated. This can often be about their own role in the problem they are describing.
 - Suggesting choices or paths the person might follow - use only when the person is entirely lost and has *asked* for suggestions.
 - Share ideas – outline your own thoughts on the subject. Be careful to give the person time to think it through for herself after you are finished.
 - Suggest action – only when the person is completely at a loss for what to do next, or when their energy is low. Try to offer multiple options so the final decision is theirs.
- **Directive**
 - Guidance – use only when you're asked for it directly, when time is short, and when you've already tried other options and they haven't worked. Describe what you would do in the situation and model that behavior.
 - Choose for the person – do this rarely because it is disempowering. If it works, you get the credit but the person won't necessarily know how make their own choice in the future – encourages dependence.
 - Directing – telling the person what to do – a last resort, when all else has failed. Some will be relieved when you do this, others may be angry, or cease to participate or try.



Mentor Do's & Don'ts

DO:

- Listen More Than Talk
- Ask Questions
- Help Mentee to Feel Safe and Supported
- Help Mentee Explore the Problem and Make a Plan
- Refer Mentee To Resources
- Give Constructive Feedback
- Maintain Appropriate Boundaries

DON'T:

- Give Legal Advice
- Put Yourself At Risk
- Break Confidentiality
- Try To Mediate Between a Mentee and Their Boss, or Their Union
- Try to Handle Psychological Problems Yourself
- Try To Solve the Problem for the Mentee or Tell Her What To Do
- Get Romantically Involved With A Mentee
- Let the Mentee Demand More Time and Attention Than You Can Give
- Keep It To Yourself If You're Having Trouble With A Mentee – Ask for help!



Social Support

Social support is the perception and reality that a person is cared for, has assistance available from other people, and that one is part of a supportive social network. Social support has been shown to protect against stress and promote physical and psychological well-being. Support can come from friends, family members, social groups, pets, and organizations. Social support can be categorized into four broad types of supportive behaviors or acts:

Emotional support

Emotional support means providing empathy, love, trust, and caring. This type of support can include giving the apprentice a non-judgmental space for them to vent about their problems.

Informational support

Informational support is the provision of advice, suggestions, and information that a person can use to address problems. For our program, we are emphasizing the inquiry-based version of informational support, which means helping the mentee problem-solve. This can also include referring the mentee to an outside resource if they need assistance with anything that is outside the scope of the mentor's responsibilities (for example, legal aid, emergency housing, financial support, etc.).

Appraisal support

Appraisal support involves the provision of information that is useful for self-evaluation purposes—in other words, constructive feedback and affirmation. This means discussing the role that the mentee is playing in their own problem and supporting them to break old patterns. Appraisal support should also include affirmation, encouragement, or praise.

Tangible support

Tangible support, also called 'Instrumental support,' means giving the apprentice something concrete, like a tool. We discourage this kind of support. Our emphasis is on helping apprentices get what they need within their own social and work networks. Developing the self-confidence and communication skills to ask for what they need at work is a fundamental objective of this program. However, mentors are likely to hear requests for this kind of support and we want to know when you are hearing this. When tangible support is requested, we ask mentors to re-direct to problem-solving support.



Benefits and Pitfalls of Mentoring

BENEFITS

There are two different ways to look at the benefits of mentoring – from the mentor perspective and from the mentee perspective. Mentees can look forward to benefits like:

- Define workable goals for career and educational development
- Develop networking skills
- Develop listening skills
- Build confidence and self-awareness
- Identify and work on your weak areas
- Develop critical thinking and problem solving skills
- Learn at your own pace in a supportive relationship
- Benefit from the experience of your mentor
- Become a mentor yourself

The mentor may enjoy many of the same benefits and a few more:

- Develop relationship, communication, and leadership skills
- Benefit from the experience of your mentee
- Discover new ways of helping people that can then be applied elsewhere

PITFALLS

Mentors risk the two extremes that can occur in this kind of relationship – either exerting too much control or paying so little attention to the mentee that it amounts to neglect.

Both parties should understand that this relationship will require a time commitment that is essential if the relationship is to meet its goals. Time constraints on both sides should be acknowledged and accommodated. Each party should closely examine their motives for engaging in the relationship, the take care to avoid the following pitfalls:

- Power (instead of partnership)
- Control (instead of cooperation)
- Manipulation (instead of mutual respect)
- Unclear goals
- No plan for success
- A mismatch between the mentor and the mentee
- Unrealistic expectations on the part of the mentee who expects or demands too much from the mentor
- Breaches of confidentiality



Confidentiality Agreement

Trust must be a verb before it is a noun. You must trust and be trustworthy to be trusted. It is one of the most, if not the most, important factor in the partnership.

Mentoring pairs will share information about themselves and their experiences throughout the program. Establishing clear boundaries is a big step toward building trust. Partners must be very clear on the objectives of the relationship and where the limits lie. Partners must also remember that they are part of a larger program, and that SHEWT needs to collect data on the mentoring relationship to determine the program's success. No names or identifying information will be recorded.

Here is a statement to start your agreement. You may accept the statement as it is, build upon it, or establish a completely new agreement. The important thing is that both partners concur with the confidentiality agreement.

1. What we discuss will stay between the two of us, unless we give each other permission or ask that the information be shared with others. The exception is that the mentor will share information with SHEWT program staff.

2. Add other additional conditions you both mutually agree to.

Mentor signature

Date

Mentee Signature

Date



Training Handouts

Sample Agenda Section 3, Part 2: Communication Skills



Mentoring Nuts and Bolts

How Often? (These are minimums)

- ❖ During the first month: weekly
- ❖ During the second month: every other week
- ❖ During the third month and ongoing: monthly
- ❖ Schedule in advance – regular or irregular
- ❖ Be available on an emergency basis

How? (These are presented in order of priority)

- ❖ In person
- ❖ By phone
- ❖ Via email or text
- ❖ In groups

Where? (Not at work)

- ❖ Home
- ❖ Public/social (e.g. coffee)
- ❖ Public/official (e.g. union hall)
- ❖ Public/active, such as walk or hike





mentorship
program

Mentor's HANDBOOK

CONSTRUCTION
SECTOR COUNCIL



CONSEIL SECTORIEL
DE LA CONSTRUCTION

Funded by the Government of Canada's
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How to Give Feedback

Giving feedback that results in change is a sign of effective mentoring.

Sometimes feedback needs to be supportive

Sometimes feedback needs to be corrective

How to give feedback:

- Plan your comments
 - › Let the learner know what the learner has done well
 - › State the problem area
- Pick your time and place wisely
- Give your learner a “heads up” that you want to have a talk so they are prepared to listen
- Listen. Your learner may have something relevant to say
- Stay on track
- Get your learner to agree on the change

Feedback done badly is damaging, done well, is powerful.



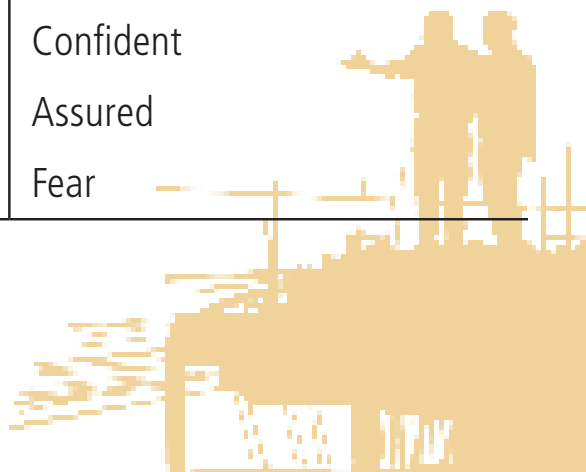
Giving Feedback About Behaviour and Attitudes

What do you do when behaviour and attitudes get in the way of getting the work done?

1 Step 1: Identify the specific behaviour or attitude you wish to talk about

- Work to identify the behaviour as specifically as possible
- Stick to one behaviour/attitude at a time
- Stick to the behaviour/attitude and not the person
- Describe what you see/experience
 - › “I have seen...”
 - › “I noticed...”

Example of Behaviours	Example of Attitudes
Ignoring	Checked-out
Rolling the eyes	Agitated
Staring	Defensive
Shouting	Confident
Laughing, smirking	Assured
	Fear



2 Step 2: Describe the effect of the behaviour/attitude

"I have seen your eyes roll when you are given instructions. It looks like you are being disrespectful and don't care. Then the other person gets angry because they think you are rude."

3 Step 3: Describe the change you want

"To show you are listening and showing respect, it would be better if you looked at the person giving instructions."

4 Step 4: Get the OK on the changed behaviour

"What will you do differently so that the other person sees you are listening?"

What to Do With Feedback

Mentors may need to coach learners in how to learn from feedback.

The question is: *"What do you do when someone gives you feedback?"*

Talk about how feedback belongs to behaviour:

- *"It is not about who you are, it is about the behaviour that needs to change"*
- *"Feedback is for learning"*
- *"Feedback helps you be successful"*
- *"In the end, there is something you need to pay attention to, once you get around all the difficult feelings"*

Check for change



Chicago Women in the Trades Tools for Success <http://chicagowomenintrades2.org/>

Chapter 3: What's a Nice Girl Like You Doing in a Place Like This?

Working in a Traditionally Male Environment

The construction industry has been dominated by men for years, and sexist attitudes are unfortunately still all too common on the jobsite. Your presence and your work will be a problem for some men. They may make belittling comments, check your work constantly, or act surprised when you've done a good job. They may also be more aggressive. Tradeswomen say they've been threatened with physical harm, have had their work sabotaged and have been placed in dangerous situations by co-workers.

Unfortunately, you may have to cope with more than sexism. Women of color encounter racism, and both lesbian and heterosexual women say they hear hateful language about lesbians. While the goal of tradeswomen's organizations and the individual tradeswomen, who demonstrate every day that women can do this work, is to eliminate discrimination, there are many considerations that go into each woman's decision about how to deal with situations that arise on the job site. If you are working with someone displaying sexist attitudes, you may need to determine case by case whether it is worth it to you to confront it head-on or whether some other strategy, including ignoring it, might be just as effective and less disruptive to your work/life.

Support Groups

Some tradeswomen rely on informal support groups; they meet with other tradeswomen for dinner once a month, call tradeswomen friends regularly or belong to an on-line mentorship site such as **Trade Women Chat** on Facebook (https://www.facebook.com/groups/161867147306766/?ref=br_tf). Others take part in more formal support groups organized by tradeswomen's organizations or by fellow union members.

If you are in a formal group, remember these basic principles:

- 1) ***Listen carefully; don't just wait for our own time to speak.***
- 2) ***Don't pass judgment of what people say.***
- 3) ***Make sure that everyone understands that what is said in the group is confidential***
- 4) ***Make sure that everyone has a chance to participate.***

Whether your support groups is formal or informal, you can use it to break the isolation of working in a traditionally male environment. As a tradeswoman you may sometimes be the only woman on a site, working alone, and sometimes taking breaks and eating lunch alone. If this is difficult for you, a support group can help.

A support group can also be a place where people will understand why you're in the trades. Other tradeswomen will share your love of the physical work, and they'll understand that you could never sit

at a desk all day long. You'll be able to share stories about your work that no one else understands. you'll also get information about finding and keeping jobs, preparing physically and mentally for your work, what kind of clothes to wear and where to find them in your size.

Finally, support groups will give you a chance to talk about the difficulties you may encounter on the job. Most tradeswomen find it best to be unemotional on the job. Almost everyone says, "Never let them see you sweat." However, you'll still need an outlet away from work for the strong feelings you may have.

Developing Your Own Strategy

Often, you may find you need more than a support group to cope on the job. You're also going to need a strategy to handle unpleasant remarks and incidents as they occur. This strategy has to be your own, and it may be very different from the strategies of other, equally successful tradeswomen. It's best to think out how to react before an incident occurs. Some tradeswomen write their answers to offensive remarks in the notebooks they keep in their lunchboxes or pickets and practice these answers with other tradeswomen or with their support groups.

As a coping strategy some tradeswomen are quiet and reserved:

"I'm not friendly - I just do what I'm told to do. I get the respect that I give. Different women encounter different things, but I do feel like you go in with a certain attitude - not that you're one of the guys, or take all the crap they're going to pile on you - you go and try to fit in. For the most part, you can get by."

Others are very outgoing and open:

"I'm a first year apprentice, and everybody knows me. The general contractor, every boss that comes down there knows me, because I just let everybody know where I stand. If you don't like it, my attitude is, then fire me. I don't expect you to change; don't expect me to change. I'm gonna do what I'm gonna do, you're gonna do what you're gonna do."

Some tradeswomen ignore a lot of the negative things that go on:

"The naked pictures on the wall, instead of complaining about them, don't look at them. You have to bite your tongue sometimes."

Some women try to understand that they're entering what has been a man's world for a long time:

"We're breaking into their world. If we say, 'Don't say this, don't say that,' they will never accept us, they'll always resent us. I don't try to change them. They can have any book on the table they want, just don't put it in my face. I let them be them and I'm me. Instead of trying to change them, you try to gain their respect as a person, then a woman. There are problems any person would have on a job. I have problems, not because I'm a woman or because I'm black, but because they're just jerks. It's nothing toward me."

Others don't try to fit in at all:

" You should just be yourself. you don't have to act like a guy. You're a lady. I wear my makeup." I'm a lady; I went on the job as a lady, and I left as a lady. You have to be very strong minded to keep your dignity. But I was out there to work, and they knew it."

Some tradeswomen don't find the trades to be all that different from everyday life:

"Racism, sexism- they're not unique to the trades. These are world issues. It's not just the Polish guys, it's not just the Irish guys - It's a male thing. There are black men who don't want black women in the trades."

Both lesbians and heterosexual women encounter homophobia:

" One day this guy told me, 'A lot of guys are saying you're a lesbian because you don't date any of them.' I was shocked that they were saying that. At first I wanted to defend myself - to let everyone know that I'm not a lesbian. Then I thought about it- I didn't need to defend myself. I realized that they can think anything they want- I'm as gay as they think I am - and It's none of their business anyway."

"One guy asked me, 'are you gay?' I asked, 'Are you gay?'"

Many say you need a way to let off steam:

"When I was at the utility and they said terrible things to me, I was quiet. But my doctor said to me that this job was going to make me sick if didn't start opening up my mouth, so that's when I started swearing. There's a double standard. They don't think about what they say to you , but when you have a comeback, some of them get offended."

"I adapted a little phrase that one of the kids that we were training used to say, 'You'll get over it.' I started using the phrase and let the aggravation run off. You do have to find a way that t doesn't get stuck in there, because when it does, it really does eat at you. You have to let it roll."

Others caution not to let off steam prematurely, if at all:

"When I get upset I wait until things cool off. Then I go to talk to them."

"Women don't stick around because they're too involved in emotionalism. You can't get ahead by being emotional. You've got to have the sperm mentality that men do - that go-getter attitude. It's an uphill battle, up the canal. You've got to be the winner. A lot of them are trying to get up that canal and only one's going to fertilize that egg, and you've got to decide you're going to be that one. You've got to be the winner, whether you're a man or a woman. That's the name of the game."

And some do nothing at all:

"Somebody will say to me, 'You're going to put up that drywall by yourself?' Sometimes I don't answer - I don't think they deserve a response. If I'm in a bad mood, I'll look straight through them."

Almost everyone says, "Never let them see you sweat":

"If someone says something that gets to me, I never let them know. Anybody who teases, once they find out they get to you, they don't stop."

"You've got to have a lot of balls - you can't let them break your spirit. You've got to be strong on the job. You can cry and kick the hell out of the door when you get home, but you've got to be strong on the job."

BLOCKS TO LISTENING

LABOR EDUCATION AND RESEARCH CENTER - UNIVERSITY OF OREGON

There are twelve blocks to listening. You will find that some are old favorites that you use over and over. Others are held in reserve for certain types of people or situations. Everyone uses listening blocks, so you shouldn't worry if a lot of blocks are familiar. This is an opportunity to become more aware of your blocks at the time you actually use them.

1. COMPARING

Comparing makes it hard to listen because you're always trying to assess who's smarter, more competent, more emotionally healthy -- you or the speaker. While someone is talking, you think to yourself: *"Could I do it that well? or I've had it harder; he doesn't know what hard is or I'd never let my kids do that..."* You can't let much in, because you're too busy seeing how you measure up.

2. MIND READING

You're trying to figure out what the other person is *really* thinking and feeling, so you're not paying much attention to what she's *actually* saying. "She says she wants to go to the show, but I'll bet she's tired and just wants to relax." If you are a mind reader, you probably make assumptions about how people react to you. *"She thinks I'm stupid..... He's probably laughing at this stupid haircut I just got...."* These notions are born of vague misgivings and shaky hunches, and have little to do with what the person is actually saying.

3. REHEARSING

You can't listen when you're rehearsing what to say next. Your whole attention is on the preparation and crafting of your next comment. You may *look* interested, but your mind is going a mile a minute because you've got a story to tell or a point to make.

4. IDENTIFYING

You take everything a person tells you and refer it back to your own experience. They want to tell you about their toothache, but that reminds you of the time you had oral surgery for receding gums. You launch into your story before they can finish theirs. You're so busy with exciting tales of your own life that there's no time to get to know the other person.

5. ADVISING

You are the great problem-solver, ready with help and suggestions. You don't have to hear more than a few sentences before you begin searching for the right advice. However, because you don't listen long enough, you may miss what's most important. You don't hear the feelings, and you don't acknowledge the person's pain. He feels basically alone because you couldn't listen and just *be* there.

6. SPARRING

This block has you arguing and debating with people. The other person doesn't feel heard, because you are so quick to disagree. In fact, a lot of your focus is on finding things to disagree with. One type of sparring is the **put-down**. You use acerbic or sarcastic remarks to dismiss the other person's point of view. Another is **discounting**. This is for people who can't stand compliments. "Oh, I didn't do anything... What do you mean, I was totally lame..." The other person never feels satisfied that you really heard his appreciation.

7. FILTERING

You listen to some things but not others. You might only listen to hear if someone is angry or unhappy. Once assured they're not, your mind wanders. Or you avoid hearing certain things -- particularly anything threatening, negative, critical or unpleasant.

8. JUDGING

You write people off when they've barely begun to speak. Hastily judge a statement as immoral, hypocritical, or crazy, and you'll cease to listen and begin a knee-jerk reaction. Make judgements only after you have heard and investigated the content of the message.

9. DREAMING

You're half-listening, and something the person says suddenly triggers a chain of private associations. Your neighbor says she's been laid off, and in a flash you're back to the scene where you got fired for sleeping on the job. You had a tough time the next few months till you got your new job... You're gone, only to return a few minutes later as your neighbor says, "I knew you'd understand, but don't tell my husband." You are more prone to dream when you feel bored or anxious, but if you dream a lot with certain people, it may indicate you don't care about them much.

10. BEING RIGHT

You'll go to any lengths (twist facts, start shouting, make excuses) to avoid being wrong. You can't listen to criticism, you can't be corrected, and you can't take suggestions to change.

11. DERAILING

This listening block is accomplished by suddenly changing the subject. You derail when you get bored or uncomfortable with a topic. Or you might continually **joke it off**, responding with a joke in order to avoid the discomfort or anxiety in seriously listening to the person.

12. PLACATING

"Right...right...absolutely...I know...Of course you are...yes...really?" You want to be nice and pleasant, supportive. You want people to like you. So you agree with everything. You may half-listen, just enough to get the drift, but you're not really involved. You are placating rather than tuning in and examining what's being said.

The Art of Listening

Talking about problems at work is stressful and can lead to confusion and frustration. In order to have clear and productive conversations about the issues, both speakers and listeners need to take responsibility during the process. One of the key skills for Mentors is the ability to listen actively. An active listener shares responsibility with the speaker to make sure that she is really heard. Becoming a good active listener takes time and practice.

General Listening Guidelines:

1. Stop Talking
2. Do not interrupt
3. Concentrate on what the other person is saying
4. Avoid hasty judgments
5. Recognize your own prejudices
6. Don't be swayed by your own emotions
7. If you feel compelled to state your views, do so only after you have listened

Active Listening Step-by-step:

Connect

1. Look at the speaker, stop other activities (if meeting in person)
2. Show interest (*Do you want to talk about it? Tell me about it. I'm interested in hearing what you have to say.*)
3. Let the speaker know you are listening with culturally appropriate non-verbal actions (*Move your chair closer. Lean forward. Make eye contact. Nod your head.*)
4. Keep your tone of voice warm and accepting
5. Keep your facial expression relaxed and open
6. Listen not merely to the words, but to the feelings being expressed

Clarify

1. Restate/summarize what the person said and ask if you got it right (*As I understood you . . . what's really important to you is . . .*)
 - a. *Mirroring: Use the exact words they used*
 - b. *Paraphrasing: Use your own words*
2. Ask questions to make sure you understood
3. If the speaker is shy or reluctant, draw them out with open-ended, non-directive questions (*Can you give me an example? What did you mean by...? What happened when...?*)

Confirm

1. Validate what they said (*I can see why that would be a problem*)
2. Acknowledge the feelings as well as the statements (*It sounds like you're feeling like you're getting it from all sides. Is that right?*)



3. Statements of support (*This is a challenge, and I think we can figure out how to deal with it together*)

Finding Solutions:

1. Ask what the speaker thinks would help first (*Don't tell her what she should or shouldn't do*)
2. Help to assess the potential impacts of various actions (*How do you think they'll react when you ...*)
3. Create a concrete plan based on what the speaker is comfortable committing to doing
4. Offer your own or other experience ONLY if you think it's directly applicable and can help the speaker think about the problem in a different way
5. Plan a follow-up





mentorship
program

Mentor's HANDBOOK



CONSTRUCTION
SECTOR COUNCIL



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DE LA CONSTRUCTION

Funded by the Government of Canada's
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Canada 

Listening to Discover Needs

You will need 10 minutes. This coaching process is for discovering what is going on behind a behaviour or attitude that is getting in the way of work.

1 Step 1: Focus on the learner 's experience

"Tell me what happened when..."

2 Step 2: Share

"I've seen that before..."; "Something like that happened to me once..."; "I used the wrong tool once..."

3 Step 3: Don't judge – stay open to finding out more

"I get it..."; "That is rough..."; "Then what happened with the..."

4 Step 4: Ask questions

- What, where, when, who

"Where did it happen...?"; "Who else was involved...?"

5 Step 5: What's next

"What would you like to do next?"; "What will you do now ..?"; "Shall I demonstrate the skill now and then you practice...?"

**When learning happens,
change results**



Coaching Questions for Mentors

Questions to help your learner think and learn. This coaching process works when you can take 10 minutes to work through a problem or situation.

1. Questions are "open"

- No right or wrong answer
- No yes/no answer

"Tell me what you wanted to have happen."

"Describe what happened"

2. The Question is simple

- It is easy to understand
- One part at a time

"What do you think made it happen the way it did?"

"And then...?"

3. After the description, shift the questions to the learner's role

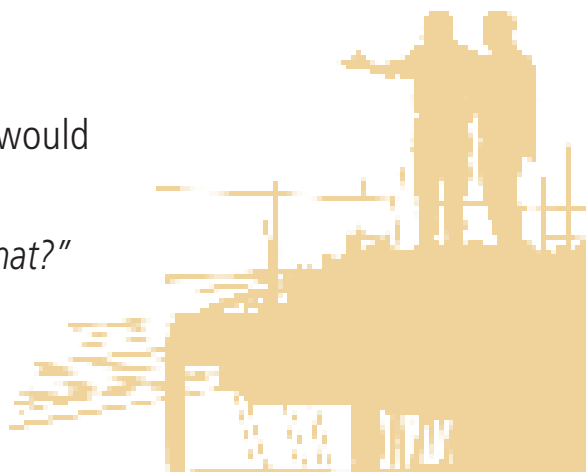
"What was your role in that?"

"And what was your part?"

4. Move to what they learned or would do differently the next time

"And, what did you learn from that?"

"What would you do differently the next time?"



Thinking Questions for Mentors

Teaching thinking skills to learners is important for:

- Problem solving
- Finding new and better ways of doing something

Questions to stimulate thinking – choose what works for you to get the information you need

1	To become clear	<ul style="list-style-type: none">• <i>What do you mean by...?</i>• <i>Can you put it another way?</i>• <i>Give me an example of...</i>• <i>What happened when you used that tool?</i>
2	Getting to the assumptions	<ul style="list-style-type: none">• <i>What are you assuming?</i>• <i>What else?</i>• <i>How did you make those assumptions?</i>
3	Getting to the reasons	<ul style="list-style-type: none">• <i>How do you know?</i>• <i>What are the reasons?</i>

continued on next page



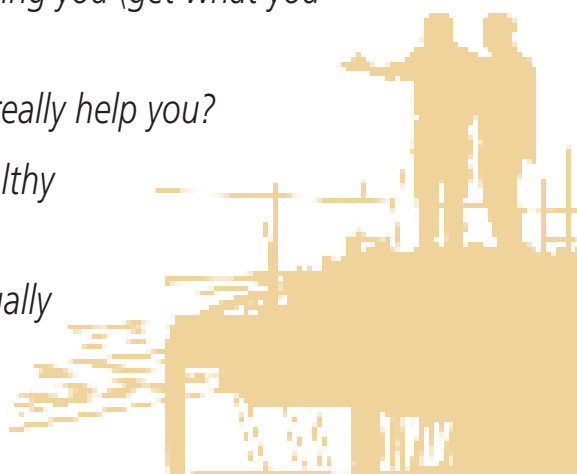
4	Getting behind the point of view	<ul style="list-style-type: none"> • <i>What effect would that have?</i> • <i>What is another way of seeing it?</i> • <i>What is a different approach to the job?</i>
5	Getting to consequences	<ul style="list-style-type: none"> • <i>What makes _____ important?</i> • <i>What will tell us our approach will work?</i> • <i>What might happen if _____?</i>
6	Why you ask questions	<ul style="list-style-type: none"> • <i>What is the point of the question?</i> • <i>Why do you think I am asking the question?</i> • <i>What have you learned from this?</i>

Testing Thoughts, Attitudes and Behaviours

Mentors often need to work with the learner on developing good work attitudes and behaviours.

Practical questions you may ask your learner to test attitudes and behaviours:

1. *Is that behaviour or attitude helping you (get what you want) achieve your goals?*
2. *Does that behaviour or attitude really help you?*
3. *Is that behaviour or attitude, healthy for you?*
4. *Is this behaviour or attitude, actually helping you get what you want from work or your personal life?*



HOW MUCH PROGRESS HAVE WE MADE?

Twenty-first Century Racism and Sexism

There is still plenty of explicit and overt racism and sexism in our world today. Significant progress has been made in some places and among some people to challenge and change these things. What is ongoing, however, are subtle interpersonal actions and reactions that perpetuate racism and sexism. Below are two terms that help us understand these more subtle behaviors.

Implicit Bias

- The automatic association of stereotypes or attitudes with particular groups of people. Most destructive when they are negative, but can also be positive.
- Can happen on an unconscious level.
- Everyone has them, even people committed to impartiality.
- Our implicit biases can contradict our explicit value systems.
- Our implicit biases tend to favor our own group, although it's possible to be biased against our own group as well.
- Implicit biases can be unlearned.

Micro-aggressions

- Sometimes subtle verbal or non-verbal behaviors that stereotype or demean someone on the basis of their “difference” from dominant culture.
- Can include trivializing or dismissing someone’s experience of discriminatory behavior, or casual degradation of someone different than yourself.
- Whether or not a micro-aggression has occurred is measured by the IMPACT on the person on the receiving end, not the INTENT of the person delivering.
- Can even be the product of genuine interest.

Another major way in which racism and sexism continue is through institutional practices that are so deeply embedded as to have become ‘normal.’ Challenging these can cause a lot of upset. For example, Title IX of the Civil Rights Act requires that girls get the same access as boys to playing sports in publicly funded educational institutions. This was very controversial when it was first made into law, but today, women’s basketball teams or soccer teams have become normal. (The ongoing problem is that professional women athletes are still paid significantly less than their male counterparts.) This is an example of how racist or sexist practices that may be implemented by individuals are actually built into how organizations work. Implicit Bias contributes to this, but solutions have to operate on a structural level, not just vis-à-vis the behavior of individuals.



SHEWT Mentoring – Microaggression Resources

A microaggression is the casual degradation of any marginalized group. As minorities, women in construction trades are vulnerable to these subtle insults. The following resources can help you recognize microaggressions and their impact. Remember, whether or not a microaggression has occurred is measured by the IMPACT on the person on the receiving end, not the INTENT of the person delivering.

How Microaggressions are Like Mosquito Bites

<https://youtu.be/K4dYLaZINig>

Microaggressions Explained

<https://www.youtube.com/watch?v=TPCGNDaE7MA>

Recognizing microaggressions and the messages they send

https://academicaffairs.ucsc.edu/events/documents/Microaggressions_Examples_Arial_2014_11_12.pdf

What Kind of Asian Are You?

<https://www.youtube.com/watch?v=DWynJkN5HbQ>

Why Microaggressions Hurt (comic)

<http://everydayfeminism.com/2015/10/why-microaggressions-hurt/>

This is a project of the University of Washington Department of Environmental and Occupational Health Sciences, Washington Women in Trades, and union partners. Funding and support for this project is provided by the State of Washington, Department of Labor & Industries, Safety & Health Investment Projects.



SHEWT
Safety & Health Empowerment for Women in Trades

Proactive Versus Reactive: Six Steps for Proactive Problem Solving

1. Identifying risks before they cause harm
2. Identifying the root causes of the risk
3. Seeking input on problem-solving
4. Strategic approaches to seeking relief from the risk
5. Developing allies
6. Getting into conflict and then moving past it



SHEWT Mentor Training Activity

Proactive Approaches to Problem Solving

Introduction

One of the key skills we want to ask the mentors to help their mentees develop is proactive approaches to problem solving. One of the enduring problems we see in the culture of the construction trades is a reliance on reaction to problems after they have happened, often with dire consequences both personally and professionally. This also drives the silence of construction workers when it comes to confronting discriminatory treatment of co-workers who don't fit the stereotype of a typical construction worker. This reactivity is driven in part by the macho culture of the trades which judges the vulnerability it can require to identify problems in advance as weak.

This exercise teaches a 6-step approach to pro-active problem solving and provides a scenario that participants will get to work with in understanding how the process work.

Instructions: Split the group into 6 teams. On a flip chart sheet, write up the headings for the 6 steps. Given each of the six teams ONE of the pieces of the scenario (with the heading removed). Their task is to identify which of the 6 steps their scenario piece is an example of. After each group has said where they think their piece fits, and the entire group has had the chance to see how the scenario develops over the six steps, the group can discuss how this proactive process works and how mentors can help mentees learn and use it.

Step One: Identify risks before they cause harm. Identify potential benefits to taking and/or mitigating the risk in advance.

Scenario Part One:

A woman outside line apprentice is told that, the following day, she will be paired with a journey line worker to do an important piece of work with a live line (working hot); she knows how dangerous the work is. She also knows that the male journey worker she will be paired with has a reputation for making disparaging remarks about women on the job and she worries about how this will impact her safety. She wants to learn the skill of working hot and she respects the male journey line worker's expertise. She starts to think about all of the ways in which this task could put her at risk, but could also benefit her.



Step Two: Identifying the root causes of the risk

Scenario Part Two

The job the woman outside line apprentice is to be assigned to will require her and the male journey line worker to protect each other from a live line. This will require instantaneous communication using shared vocabulary and swift action in response to conditions. The apprentice is somewhat but not completely confident in her grasp of the vocabulary and the actions that specific information should prompt, and she knows that different crews do things slightly differently. She is worried about appearing less-than-fully competent to the journey worker, and about her and his safety. Her concern about his attitude towards her as a woman increases her anxiety.

Step Three: Seeking input on solutions

Scenario Part Three

At the end of the day when the apprentice learns the task she will be assigned to the next day, she asks a journey level line worker on her crew to review the procedure she will be assigned to do the next day with her and he agrees to help. They review materials, equipment and procedures. (In this process, the apprentice becomes aware of a problem with the gloves that she will be asked to use.) The journey worker encourages her to take advantage of the 'tailgate meeting' at the beginning of the shift the next day when all the work for the day will be reviewed. The journey level worker points out that the review may or may not address all of her concerns and that she has to be prepared to ask questions. She is nervous about this. The idea of asking questions during the meeting, when most crew members, especially apprentices, stay silent increases her fears about appearing incompetent. She reaches out to her mentor who helps her develop strategies for asking questions at the tailgate meeting. The mentor also talks to her about the problem with the gloves and helps her decide on a strategy to handle it.

Step Four: Developing allies

Scenario Part Four

The apprentice has developed a strong relationship with a young male journey worker on the crew who she trusts, both in terms of his knowledge of the work, and his support for her being on the job. She expresses her fears to him when they meet up on the job site that morning. He encourages her by saying that he believes she can do it and that the journey worker she is worried about won't let anything bad happen to her, even if he doesn't like her being there. The apprentice asks if he can do his best to be on hand when she is doing this work to provide both technical and emotional support. He says that he'll do his best but, if he gets assigned elsewhere, he'll try and get someone else he knows to look out for her.



Step Five: Strategic Approaches to Requesting Relief from the Risk

Scenario Part Five

The apprentice knows that one of the essential pieces of equipment for completing the task she will be assigned to the next day is the gloves. She knows that it's really dangerous to work without them, but she also knows that every pair of gloves she's used on the job are too big for her and will interfere with her dexterity. The day before, with the support of her mentor, she purchases a pair of gloves that fit her properly. They are expensive and, if she can't get reimbursed it will put a real dent in her budget for the month. She has not gotten prior authorization from the crew chief for this equipment purchase, but she believes that she should get reimbursed. She sends a text to the crew chief asking to meet up with him 10 minutes before the shift to help her with an equipment question. He agrees.

Step Six: Getting into Conflict and then Moving Past it

Scenario Part Six

The apprentice meets with the crew chief before the shift and presents him with the gloves and receipt for them. He is annoyed that she made the purchase without prior authorization and initially denies her request for reimbursement. She points out that properly fitting gloves are basic safety equipment for her, that none of the other gloves available are small enough to fit her properly, and that this is essential to her ability to do the task at hand. She also point out her rights to this equipment under her union contract. The crew chief doesn't like her insistence but complies, and hands her the reimbursement form to complete with a sneer. She thanks him and fills out the form right there. At the end of the shift she goes back to him and reaffirms how important the gloves were to her being able to do the work. She thanks him again and they part on a positive note.



SHEWT Mentor Training Role Play Scenarios

Break participants into pairs and have them decide who will be the mentor and who will be the mentee (apprentice). Role play an introductory mentorship meeting where the mentor talks to the mentee about her experience in the trades. The person playing the role of the apprentice will get the information below. The person playing the mentor will only know the information s/he has gathered during the intake interview.

Scenario 1: Physical Overexertion

Olivia is a third-year apprentice carpenter. She loves her work and looks forward to getting her journey card. She is a big, strong woman and generally appreciates that she's not seen as 'weak' by her male co-workers; she's seen other, smaller women being treated that way. She's increasingly aware, however, that everyone on the job is asked to do tasks that are too physically demanding for one person. This is particularly the case when it comes to moving materials around the job site. Some of the guys seem to do it with no trouble. She sees other men, sometimes the older guys, struggling. This includes the journey level carpenter she's been working with, Joe. She doesn't want to embarrass him by offering to help. There's also a sense of competition to see who can move the most stuff the fastest. This is encouraged by the foreman. While she can generally handle the work OK, she's aware of the toll this heavy carrying is taking, especially on her shoulders and back. She struggles on, not wanting to get pegged as a complainer or a weak woman. She fears she might lose her job if she speaks up. She knows if she doesn't say anything, sooner or later, she will get injured.

Scenario 2: Hostile Work Environment

Alex is in her second year as an apprentice plumber. It's taken her months to feel like she's 'one of the guys.' Everyone jokes around and laughs together, including Alex. Sometimes the jokes get a little 'colorful,' but it's all been pretty innocent and she's getting used to the job culture. One day, however, a co-worker tells a joke that is so offensive to Alex that she is speechless. The punchline implies that it's OK to grab a woman if she seems to be 'asking for it.' The guy who told it is pretty senior and seems well respected by the crew. He's also really big and strong and he seems to enjoy physically intimidating the other men – all as a joke, of course. He's never done this to her but watching him do it to male co-workers has made her cautious around him. After the incident of the really offensive joke, a couple of the guys on the crew apologized to Alex. At the time, they had laughed along with everyone else but privately they tell her that they didn't like it. She has to work with the joke teller daily and feels like there is nothing she can do. She put up with the 'colorful' jokes earlier on. How can she complain now?

Scenario 3: Speaking up about Safety

Jolie has been an apprentice ironworker for six months now. She loves the work and is excited to go to a new job site. When she gets there, the foreman shows the crew the tie-off point. Jolie is pretty sure that it wouldn't even hold her weight if she fell, and she's a lot smaller than



all of the men on the crew. She over hears a couple of the other workers talking about it and reassuring each other that it should be okay, but she can tell that they are concerned. The task they have to tie-off for should only take a few minutes, but how long does it take for someone to slip and fall? Jolie wants to say something to the foreman, but has heard stories about ironworkers getting laid off if they make a stink about safety. She also knows that the foreman is particularly aware of her gender. When she first showed up on the job he said, “well welcome, little lady.”

Scenario 4: OTJ Training Opportunities

Lena is a single mom and a first year apprentice with the Laborers. She likes the Laborers Union because she knows she has the opportunity to learn and do a variety of jobs, and can make enough to support herself and her son even if his father doesn't pitch in. Lena has taken numerous classes and training at the school and is excited about applying these things in the field. On her first job, she's assigned to flag. This isn't very exciting but she does it willingly. But the next day it's the same, and the next week. Even when she's sent to a new job, all they have her do is flag. Lena sees other apprentices (men) get assignments to rake asphalt or do grade checking. She starts to get frustrated and says something to the journey level worker who is supposed to be supervising her. He tells her that she has to 'wait her turn.' She accepts this but months go by and nothing seems to change. There's no way she can leave the job; the money and benefits are essential for her and her son, and she really wants to learn the skills to be good at her job.

Scenario 5: Tradeswomen's Relations on the Job

Star is excited to get her first dispatch as a journey line worker. As an apprentice, she got a lot of support from both men and women on the job, even though it was pretty rare to see another women line worker. On the first day of the new job, she is pleasantly surprised to see that there is another woman on the crew. She hears other workers calling her Meg. Jolie approaches Meg eagerly, barging into a group conversation the crew is having. Not only does Meg not welcome and support Star, she laughs along with the rest of the crew when someone makes a joke about Jolie being such an 'eager girl beaver.' The sexual overtones are clear. After that, Star begins to notice that some of the men seem to not even want her there. They ignore her, even when she asks questions. She sees Meg watching when this happens. Star would really like to ask Meg for advice but whenever Star starts towards her, Meg turns her back or walks away. Star notices that none of the men treat Meg like they treat her. Star feels confused and betrayed; she wonders if Meg feels threatened by her being there. She wants to handle this herself, but she's not sure how.



Training Handouts

Sample Agenda Section 4: Program Structures and Expectations



SHEWT Mentorship – Mentor Post-Training Survey

Name: _____

1. What are your goals as a mentor for this program?

2. How satisfied were you with the mentor training you received?

- ☐ Not at all satisfied ☐ A little satisfied ☐ Somewhat satisfied
☐ Very satisfied ☐ Completely satisfied ☐ Prefer not to answer

3. What was missing from the training?

How confident do you feel in your ability to:

	Not at all confident	A little confident	Somewhat confident	Very confident	Completely confident	Prefer not to answer
4. Explain how gender roles affect work in the construction industry?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Explain gender-specific health and safety risks affecting tradeswomen?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Manage multiple mentees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



	Not at all confident	A little confident	Somewhat confident	Very confident	Completely confident	Prefer not to answer
7. Provide active listening skills to your mentees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Be an effective mentor?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Provide your mentees with emotional support? This includes active listening and being someone they trust with their concerns.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Provide your mentees with information and advice on working safely in the trades?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Provide your mentees with praise and encouragement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. What additional support or resources would you need to help you feel more confident as a mentor?

13. What materials should we cover in the follow-up mentor trainings?



Training Handouts

Follow-Up Training Handouts and Materials



Objective VS Subjective

Descriptions that are **Objective** stick to the facts.

Description that are **Subjective** are influenced by feelings, guesses, emotions and opinion.

Objective and **Subjective** are opposites.

Examples:

Objective: It is raining. He was late to work today.

Subjective: I love the rain He doesn't want this job.

Objective: The apprentice missed 3 days of work out of 35.

Subjective: This apprentice misses too much work.

Objective: This apprentice didn't follow safety rules: 3 times failed to bring or wear hard hat as work started in the morning or after lunch (dates: 4/5/17 M, 5/15/17 L, 5/30/17 M)

Subjective: This apprentice is an unsafe worker.

Mnemonic to remember the difference:

"O – just the facts!"



Trades Trainee Success Tips ©

- **Keep a work journal.** Write about work every day:
 - Record work times, location, crew members, lessons and incidents.
- Be on time, work at your best effort all shift, don't leave early.
- Keep contact information updated.
- Wear appropriate clothing for current weather and potential changes.
- Have a spare set of work clothes "just in case".
- Wear proper foot gear to protect feet and support ankles on uneven surfaces.
 - hard soles protect your feet from sharp objects (nails, tacks and stones).
- Observe weather forecasts daily to anticipate hazardous changes.
- Don't wear jewelry to work. Jewelry increases electrical, snagging & crushing risks.
- Tie up long hair to avoid entanglement.
 - Keep fingernails short.
 - Pull up your pants. Wear a belt if needed.
- Wear hard hat, safety glasses, ear protection and gloves as appropriate.
- Drink fluids to avoid dehydration and heat illness.
- Wear a hat and sunscreen when working outside.
- Have several pair of dry gloves and socks with you during wet and cold weather.
- Bring toilet paper "just in case".
- Keep your vehicle in good working order to ensure getting to work.
 - Keep bus pass, cash or rider tickets paid up.
- Keep both hands available for work and tools. Secure phone during class & work.
- Keep your hand tools in good working order.
- Never use alcohol or drugs before or during work.
 - Hangovers poorly affect ability to work.
- Help other workers when needed.
- Don't antagonize or fight with other workers. De-accelerate or walk away.
- Volunteer for the dirty and/or difficult jobs.
- Try to get a variety of work experience. Keep a written record of skills attained.
- Ask for instruction and opportunity to do things you haven't yet done.
- Jump up, don't lag back. Be the first to start work and the last to stop.
- Don't "cut-corners", follow through with safe work procedures.
- Do every job the best way you know how. If the new crew has a new way, do it!
- Re-evaluate your own work each day. Consider improvement strategies.
- Learn from mistakes, minimize and prevent them in the future.
- Learn to recognize who your friends are. Generate a support group for bad days.

- Be a great learner, an easy person to teach and an asset to every crew.
 - Some good workers aren't great teachers. Learn from them anyway.
- Ask questions, absorb the answers. Put the new knowledge into action ASAP.
- Learn something in every situation, gain knowledge and mechanical skills.
- Expect your errors to be mentioned in evaluations & the subject of teasing.
- Don't expect verbal expressions of gratitude for the work you are expected to do.
- Be open-minded and calm when your work is corrected or criticized.
- Do what you're told to do. Right away, with enthusiasm.
- Ask questions, but be cautious. Make each question be valuable.
- Listen and pay close attention to instructions. Don't need to be told again.
- Clean up the work site. Stock the truck. After instruction, don't wait to be told.
- Put everything back where it belongs (where you found it).
- Maintain tools, both those belonging to you and the company.
- Cover and secure tools and materials to protect from the theft and the elements.
- Load and unload the trucks that haul materials to worksites.
- Report any broken or unsafe equipment. Do not use unsafe equipment.
- Notify the supervisor when damage is caused. **Write a short report, keep a copy.**
- Be truthful to supervisors and co-workers. Be truthful on your timecard.
- Ask for time off (medical or vacation) well in advance, in writing. Keep a copy.
- Tell your supervisor when you cannot work overtime.
- Don't miss training classes, arrive ready to take notes and participate fully.
- Update your driving, swimming, CPR and 1st Aid skills.
- Know the location of the nearest emergency clinic - from every site you work in.
- Keep your first aid kit stocked. Care for your injuries. Stay healthy.
- When lifting, observe proper back position, keep your head up and lift properly.
- If something is too heavy to safely lift along, speak up and get an additional lifter.
- Don't stand on the top steps of a ladder.
- Drive safely with seat belt in place. Drive without distractions.
- Store material in the truck so the load doesn't shift.
- Tie down ladders and tools on roof or bed of moving vehicles.
- Don't take chances with live power, **follow all safety rules.**

Alice Lockridge, MS

Advocate Alice, Exercise Physiologist for Every body

AliceLockridge@Comcast.net

206-552-1921



SHEWT Mentoring – Mentor Self-Care Resources

Self-care is not an indulgence. It is essential for preventing distress and burnout. It should not be considered as something ‘extra’ or ‘nice to do if you have the time’ but as an essential part of mentors’ identities. We can’t support others unless we take good care of ourselves. Below are some resources to help you get started on your own self-care practices.

Treat yo self!

https://www.youtube.com/watch?v=ZsABTmT1_M0

TED Talk on emotional first aid:

https://www.ted.com/playlists/299/the_importance_of_self_care

Interactive self-care guide

http://philome.la/jace_harr/you-feel-like-shit-an-interactive-self-care-guide/play

Checklist for practicing self-care

<http://www.movetoendviolence.org/wp-content/uploads/2015/07/Practicing-Self-care-7.22.15.pdf>

Article on why millennials are so focused on self-care (useful for connecting with mentees):

<http://www.npr.org/2017/06/04/531051473/the-millennial-obsession-with-self-care>

This is a project of the University of Washington Department of Environmental and Occupational Health Sciences, Washington Women in Trades, and union partners. Funding and support for this project is provided by the State of Washington, Department of Labor & Industries, Safety & Health Investment Projects.



Practicing Self-care for Sustainability and Impact

At Move to End Violence, we are committed to sharing resources and tools to help everyone cultivate a practice of [self-care for sustainability and impact](#).

The first step is to become aware of habits which sabotage self-care and establish new practices with intention.

Habit vs. Practice

Habit = unconscious, repetitive acts

Practice = repetitive acts done consciously for an explicit benefit

Our habits can conspire to eliminate spaciousness in our days and in our lives. Creating “spaciousness”—a breath, an interval, or a moment to consider or to reconsider—is another key element to self-care. It’s what allows us to stay in for the long haul, gain a wide perspective, unlock our creativity, and make a greater impact.

By attaching awareness to our habits, we can cultivate intentional practices which are repetitive acts that are consciously done for an explicit benefit and can be improved upon over time.

Take a look at your daily activities, what habits do you have that sabotage your self-care? Do you overbook your scheduled with meetings, stay rooted at your desk for lunch, or forget to drink enough water? By raising your awareness of these habits, you can identify easy self-care practices.

Here are some ways you can adopt a practice of your own:

- ➔ Think about your bad habits and come up with counter practices.
- ➔ Ask yourself, “What do I do to take care of myself? What do I do that could be damaging?”
- ➔ Consider what your organization does to take care of itself? What does it do to sabotage its self-care? Are there partners in your organization who you can work with to shift some of these organizational habits?
- ➔ Pay attention to your body.
- ➔ Practice breathing deeply, from below your belly button, rather than in your chest.
- ➔ Stay hydrated throughout the day.
- ➔ Take five minutes a day to do something that is restorative for you (meditate, drink a cup of tea, or take a short walk. It should not involve a screen!) until it becomes a practice and something that you crave.
- ➔ Create some “spaciousness” – a breath, an interval, or a moment to consider.
- ➔ [Print out these four flyers available in English and Spanish](#) and post them in your workplace to remind you of self-care practices.
 - Creating Spaciousness; Como Crear Amplitud
 - Power of Breathing; El Poder De La Respiracion
 - Rules of the Hand (for individuals); Cuidado Propio y la “Regla De La Mano” (individual)
 - Rules of the Hand (for organizations); Cuidado Propio y la “Regla De La Mano” (organizacional).

SHEWT Mentoring – Preparing for Apprenticeship Disciplinary Proceedings

These are tips for mentees facing disciplinary proceedings (suspension, termination, etc.) with their apprenticeship boards. As mentors, you can help prepare your mentees to present themselves appropriately and speak confidently about the situation.

- Be informed about the issues that the hearing is addressing. Your apprenticeship coordinator should talk to you about them in advance. If they don't, ASK.
- Listen
- Don't get defensive
- Be respectful
- Make a strong statement of why your apprenticeship is important to you.
- Prepare:
 - Discuss the issues with a trusted colleague or mentor who will be honest with you about the situation. Do not use friends who have not worked with you and who will just tell you what you want to hear. This is a moment for honesty.
 - If you have or can get documentation that supports your version of events get it, submit it to the JATC and take it in to the meeting with you.
 - Get letters of recommendation from people you have worked with on jobsites or who are in the industry and know you.
 - Practice what you are going to say. This helps you say what you really want to say, and practicing in advance helps you control your emotions.
- If you have done the things that the hearing is about, own up to them and tell the committee why things will be different moving forward. Be concrete and specific about what you will do to turn things around.
 - Example: "I have been laid off several times due to being late. I know that this is not acceptable, and it will not continue. My tardiness was due to the time my daycare opened. It did not give me enough time to get to work if traffic was heavy. I have found another daycare that opens earlier, so I will be able to get to the jobsite on time even if traffic is a mess."

This is a project of the University of Washington Department of Environmental and Occupational Health Sciences, Washington Women in Trades, and union partners. Funding and support for this project is provided by the State of Washington, Department of Labor & Industries, Safety & Health Investment Projects.



Mentor Intake Form

Mentor name: _____ Mentee name: _____

Check-in date: _____ Time: _____ Length of check-in: _____

Check-in was: *face-to-face* or *over the phone* (circle one)

What did you discuss with your mentee?

What health and safety concerns did your mentee raise?

How did your mentee respond to these concerns? What action steps did you both discuss? If your session included following up on a problem that was previously discussed, was the apprentice able to resolve it? How?



What types of support did your mentee want during the check-in? (can circle more than one)

Emotional (space to vent and not feel judged)

Informational (needed advice on solving a problem or finding a resource)

Appraisal (encouragement or praise)

Tangible (demonstrating how to use a tool correctly)*

**note that this program does not expect mentors to provide technical support to mentees. Mentors are encouraged to use a different form of support or suggest that mentees talk to their apprenticeship about these issues.*

What types of support did you provide?

Did you refer your mentee to any resources?

Mentee year/percentage in apprenticeship: _____

Have there been any changes in your mentee's career or training status?

Other notes:

Date of next check-in: _____



Mentee Job Log TEMPLATE

Date: _____ Company: _____

Crew Leader: _____

Crew Members: _____

Work Location: _____

PAY Reg Rate: _____ OT Rate: _____

Start Time: _____ End Time: _____

Today's Work (what we did): _____

My Tasks (what I did): _____

Victories (what I did *well*): _____

Lessons (mistakes & solutions): _____

Tomorrow's Location _____

Tomorrow's Start Time _____





SHEWT

Safety & Health Empowerment for Women in Trades

Mentor Manual

MANUAL SECTION 3: Additional Resources

Safety and Health Empowerment for Women in Trades STUDY CONTACT

To learn more about the SHEWT study, please visit our website at
<http://deohs.washington.edu/shewt>

For questions or concerns about the SHEWT Mentoring Program, please contact:

Hannah Curtis
Research Coordinator
University of Washington
Department of Environmental and Occupational Health Sciences
4225 Roosevelt Way NE, Suite 100, Seattle, WA 98105
hmcurtis@uw.edu
206-543-2384

Mentor Conversation Guide

Mentors should use this form to guide their regular check-ins with mentees. Some mentees might be reluctant to discuss their workplace problems or think that they do not have anything to report. By using these questions as probes, mentors can help their mentees open up and develop a more trusting relationship.

Basic “getting to know you”

1. What year are you in your apprenticeship?

2. How old are you?

3. Do you have a partner? Kids? Elderly parents you care for? Pets?

4. Where did you grow up? Do you come from a family of skilled trades workers?

5. Do you have any favorite activities when you are not working?

Apprenticeship experience

6. How do you like your apprenticeship?

7. Has your apprenticeship helped you develop the skills you expected?

8. Has your program been a positive experience in terms of developing your ability to function as a woman in a male-dominated field? How so or how not?

9. What did you do before you started your apprenticeship?

10. What drew you to the trades? What life experiences do you think help prepared you to be a tradeswoman?

11. What has been your scariest experience of hazards on the job? This can be something you have experienced yourself, seen others experience, or heard about.

Mentoring experience

12. What are you hoping to get out of our relationship?

13. Have you had mentors before? Formal or informal? What did you find helpful or problematic about those experiences?

After the initial meeting, you can ask questions about their experiences at work with health and safety:

Workplace health and safety

14. What makes you feel safe at work? Unsafe?

15. Is your workplace messy? Do your coworkers clean up after themselves?

16. How do you find the pace of work? Too fast? Too slow?

17. Do you work with other women? How do they interact with you?

18. How do your male co-workers treat you?

19. How does your foreman/supervisor handle safety complaints?

20. What stories have you heard about other tradeswomen?

21. How comfortable are you with the tools and machines you are asked to use?

22. What is the bathroom situation like at your jobsite?

Topics to avoid:

- Politics
- Religion

Closing the relationship

(Adapted from the National Institutes of Health and US Department of Health and Human Service's Mentoring Program)

This is a pilot mentoring program designed to last for six months, so there is a natural end to the relationship. However, ending a supportive mentoring relationship can be difficult for everyone involved. To plan for closure, the mentoring program should have a conversation with all members of the match to discuss their interest in continuing the mentoring relationship beyond the original commitment. This conversation allows everyone the opportunity to formally commit to continuing the mentoring relationship for an additional period of time and discuss any challenges they are experiencing that need to be addressed in order for the relationship to continue.

The SHEWT program encourages mentors and mentees to continue their relationship beyond the official program end, but wants them to recognize that the study will not be able to continue providing guidance and support. We are working with our union and apprenticeship partners on a sustainability plan that will allow the program to continue.

Closure offers the opportunity for reflection and growth. Some questions to discuss during your last meeting include:

- What did you learn from the relationship?
- How can you apply and integrate that learning into your daily life?
- What worked well in our partnership?
- What did we learn about ourselves?
- What did we learn about each other? What are our gifts and strengths?
 - "I admire your..."
 - "You have a real knack for..."
 - "I especially appreciated it when you..."
- What didn't work so well and why? What did you learn from these experiences?

Having a reflective conversation about specific learning that has taken place during, and as a result of the mentoring partnership, encourages the relationship to come to a learning conclusion.

U.S. Equal Employment Opportunity Commission
Legal Definitions of Discrimination and Harassment
(<https://www.eeoc.gov/laws/types/>)

Race/Color Discrimination

Race discrimination involves treating someone (an applicant or employee) unfavorably because he/she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone unfavorably because of skin color complexion.

Race/color discrimination also can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain race or color.

Discrimination can occur when the victim and the person who inflicted the discrimination are the same race or color.

Race/Color Discrimination & Work Situations

- The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Race/Color Discrimination & Harassment

- It is unlawful to harass a person because of that person's race or color.
- Harassment can include, for example, racial slurs, offensive or derogatory remarks about a person's race or color, or the display of racially-offensive symbols. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).
- The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Race/Color Discrimination & Employment Policies/Practices

- An employment policy or practice that applies to everyone, regardless of race or color, can be illegal if it has a negative impact on the employment of people of a particular race or color and is not job-related and necessary to the operation of the business. For example, a "no-beard" employment policy that applies to all workers without regard to race may still be unlawful if it is not job-related and has a negative impact on the employment of African-American men (who have a predisposition to a skin condition that causes severe shaving bumps).

Sex-Based Discrimination

Sex discrimination involves treating someone (an applicant or employee) unfavorably because of that person's sex.

Discrimination against an individual because of gender identity, including transgender status, or because of sexual orientation is discrimination because of sex in violation of Title VII. For more information about LGBT-related sex discrimination claims, for more information see http://www.eeoc.gov/eeoc/newsroom/wysk/enforcement_protections_lgbt_workers.cfm.

Sex Discrimination & Work Situations

- The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Sex Discrimination Harassment

- It is unlawful to harass a person because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.
- Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.
- Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).
- The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Sex Discrimination & Employment Policies/Practices

- An employment policy or practice that applies to everyone, regardless of sex, can be illegal if it has a negative impact on the employment of people of a certain sex and is not job-related or necessary to the operation of the business.

Harassment

Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

Prevention is the best tool to eliminate harassment in the workplace. Employers are encouraged to take appropriate steps to prevent and correct unlawful harassment. They should clearly communicate to employees that unwelcome harassing conduct will not be tolerated. They can do this by establishing an effective complaint or grievance process, providing anti-harassment training to their managers and employees, and taking immediate and appropriate action when an employee complains. Employers should strive to create an environment in which employees feel free to raise concerns and are confident that those concerns will be addressed.

Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment to management at an early stage to prevent its escalation.

Employer Liability for Harassment

- The employer is automatically liable for harassment by a supervisor that results in a negative employment action such as termination, failure to promote or hire, and loss of wages. If the supervisor's harassment results in a hostile work environment, the employer can avoid liability only if it can prove that: 1) it reasonably tried to prevent and promptly correct the harassing behavior; and 2) the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer.
- The employer will be liable for harassment by non-supervisory employees or non-employees over whom it has control (e.g., independent contractors or customers on the premises), if it knew, or should have known about the harassment and failed to take prompt and appropriate corrective action.
- When investigating allegations of harassment, the EEOC looks at the entire record: including the nature of the conduct, and the context in which the alleged incidents occurred. A determination of whether harassment is severe or pervasive enough to be illegal is made on a case-by-case basis.

Sexual Harassment

- It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.
- Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.
- Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.
- Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).
- The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Washington State Community Resources Referrals

Legal aid

Union Gospel Mission Open Door Legal Services. Please contact David Mace, Managing Attorney at: (206) 682-4642 / dmace@ugm.org.

http://www.ugm.org/site/PageServer?pagename=programs_legal

Columbia Legal Services

Advocates for people who face injustice and poverty. We seek to achieve social and economic justice for all, using policy reform, litigation, and innovative partnerships to reveal and end actions that harm the communities we serve.

<http://columbialegal.org/>

King County Bar Association

Links to a range of free legal services offered to low-income King County residents.

<http://www.kcba.org/pbs/legalhelp.aspx>

Family Law Facilitator Instructions and Forms

<http://www.kingcounty.gov/courts/scforms/familylaw.aspx>

Northwest Justice Project

<https://nwjustice.org/>

Washington State Department of Labor and Industries

File worker compensation claims online:

<http://www.lni.wa.gov/ORLI/ECS/default.asp?Pub=Worker>

Childcare

Seattle Milk Fund

Provides childcare grants and family support to low-income, full-time students at King County's colleges and universities. While parents are in school, their children receive a valuable learning opportunity in a licensed, quality childcare facility or preschool. Seattle Milk Fund helps parents realize their higher education potential, which can create a brighter and more stable financial future for their families.

<https://www.seattlemilkfund.org/>

Washington Early Achievers

We are building a state-wide system of high-quality early learning, while ensuring that children's care is reflective of the needs of Washington's diverse families. Connects families to early learning and care programs with the help of an easy-to-understand

rating system. Offers coaching, professional development, and resources for providers to support each child's learning and development. <https://www.del.wa.gov/care/gris>

City of Seattle Child Care Assistance Program

The City of Seattle helps low- and moderate-income working families pay for childcare for children ages one month to 13 years. Families can choose from more than 100 licensed family childcare homes and centers in Seattle, which contract with the City to provide high-quality and affordable child care.

<http://www.seattle.gov/education/early-learning/child-care-and-preschool/child-care-assistance-program>

Child Care Aware of Washington State

<http://www.childcarenet.org/>

Parent Help 123 Washington

Operated by the statewide non-profit [Within Reach](#), it helps Washington State families find services in their communities and apply for health insurance, food assistance programs and more. The website also provides important health information for pregnant women, children and families. <https://www.parenthelp123.org/>

National Diaper Bank Network – Washington

By focusing on [diaper need](#), the National Diaper Bank Network (NDBN) works to meet the **basic needs** of all American children and families. <http://nationaldiaperbanknetwork.org/>

Free Drop-in Child Care

The Childcare Center at the Maleng Regional Justice Center in Kent offers a safe, nurturing environment for children while their parents or guardians conduct business in court.

<http://www.kingcounty.gov/courts/SuperiorCourt/childcare.aspx>

Health Care

Washington State Health Care Authority

Apple Health is the WA Medicaid program that provides preventative care and other health services to families and individuals in the state with limited resources

<http://www.hca.wa.gov/free-or-low-cost-health-care/apple-health-medicaid-coverage>

Alex Ely, Apple Health Coordinator (360) 725-1586

King County Health Insurance

You may be eligible for free health insurance—depending on your income.

If you earn too much for free Medicaid insurance, you could buy one of the insurance plans offered through [Washington Healthplanfinder](#).

<http://www.kingcounty.gov/depts/health/locations/health-insurance/coverage.aspx>

Center for Multicultural Health
<http://www.multi-culturalhealth.org/>

Christ Community Free Clinic
<http://www.christfreeclinic.org/>

HealthPoint Tyee Campus Healthcare
<http://www.healthpointchc.org/health-centers/tyee-campus>

NeighborCare Health
<https://www.neighborcare.org/>

New Hope Health Center
Provides primary health care and dental care to adults with no insurance in south King County
<http://www.newhopehc.org/>

Project Access Northwest
Connects patients with specialty medical and dental care
<https://projectaccessnw.org/>

Puget Sound Christian Clinic
<http://pschristianclinic.org/>

Rotacare Free Clinic Bellevue
<http://bellevuerotacare.org/>

SeaMar Community Health Centers
<http://www.seamar.org/>

Seattle Indian Health Board
<http://www.sihb.org/>

Swedish Community Health Medical
<http://www.swedish.org/locations/swedish-ballard-primary-care>

Union Gospel Mission Dental Clinic
http://www.ugm.org/site/PageServer?pagename=programs_dental

Within Reach
<http://www.withinreachwa.org/>

The B-D Syringe Assistance Program

<http://bd.com/us/diabetes/page.aspx?cat=7002&id=14199>

Lilly Cares Patient Assistant Program

<http://lillycares.com/>

Rainier Valley Community Clinic

Family clinic focusing on health and midwifery care.

<http://www.rv-cc.org/>

Harborview Madison Financial Counseling Exemption Request

<http://depts.washington.edu/idhmc/madison-clinic/patients/>

LGBTQ Support

City of Seattle LGBT Commission

List of resources for LGBTQ youth in the Seattle area

<https://www.seattle.gov/Documents/Departments/SeattleLGBTCommission/documents/LGBTQYouthResourceList.pdf>

Gay City

<https://www.gaycity.org/>

Gender Alliance of the South Sound

<http://southsoundgender.com/>

Gender Diversity

<http://www.genderdiversity.org/about/>

Gender Justice League

<http://www.genderjusticeleague.org/>

Ingersoll Gender Center

<http://ingersollcenter.org/>

King County Trans* Resource and Referral Guide

2014 guide to resources for transgender youth and adults. Note that some resources and links may be outdated. https://issuu.com/lgbtgaccess/docs/trans_guide_-_draft

PFLAG Bellevue

<https://pflagbellevue.org/>

The Trevor Project

Provides crisis intervention and suicide prevention for LGBTQ youth

<http://www.thetrevorproject.org/>

Washington Gender Alliance

<http://washingtongenderalliance.com/>

Counseling

Center for Human Services

Provides general counseling as well as domestic violence and abuse support.

<http://www.chs-nw.org/>

Consejo Counseling Services

Award-winning agency that has provided behavioral health services to the Latino community in the state of Washington for near four decades.

<http://consejonew.consejocounseling.org/>

The Black Prisoner Caucus

<http://www.blackprisonerscaucus.org/>

HopeSparks

At HopeSparks, we envision a world where all children and families are safe, secure and stable. Our mission is to strengthen families by inspiring courage and confidence to make a lasting change. <http://hopesparks.org/>

Navos

<https://www.navos.org/>

Sound Mental Health

Full range of mental health counseling and behavioral health services.

<http://www.smh.org/>

Domestic abuse and sexual assault

Abused Deaf Women's Advocacy Services

<http://www.adwas.org/>

Crystal Judson Family Justice Center

Serves the needs of domestic violence victims and their children by providing comprehensive victim services in one, central, safe location in downtown Tacoma.

<http://www.aplaceofhelp.org/>

Domestic Abuse Women's Network (DAWN)

<http://dawnrising.org/>

Harborview Medical Clinic Center for Sexual Assault and Traumatic Stress

<http://depts.washington.edu/hcsats/>

King County Coalition Ending Gender-Based Violence

<http://endgv.org/>

King County Domestic Violence Protection Order Advocacy Program

<http://protectionorder.org/>

King County Sexual Assault Resource Center

<http://www.kcsarc.org/>

LifeWire

<https://www.lifewire.org/>

New Beginnings

<http://www.newbegin.org/>

Washington State Coalition Against Domestic Violence

<http://wscadv.org/get-help-now/>

Washington State Domestic Violence Hotline

<http://www.wadvhotline.org/>

Substance abuse

Directory of Certified Chemical Dependency Services in WA State (pdf)

<https://www.dshs.wa.gov/sites/default/files/BHSIA/dbh/Cert%20%26%20Licensing/Directory%20of%20Certified%20CD%20Svc.pdf>

Evergreen Treatment Services

<http://www.evergreentreatment.org/>

Integrative Counseling Services

<http://www.icswa.com/>

New Traditions

Substance abuse support for adults and pregnant women

<http://www.new-traditions.org/>

Seadrunar

Seattle Drug and Narcotic Center provides long-term residential drug and alcohol treatment to women and men dealing with addiction

<http://www.seadrunar.org/>

Spectrum Health System

<http://www.spectrumhealthsystems.org/>

24-hour Alcohol and Drug Hotline: 1-800-562-1240

Emergency housing support

U.S. Department of Housing and Urban Development's state shelters and emergency housing directory

<https://portal.hud.gov/hudportal/HUD?src=/states/washington/homeless/shelters>

Washington State Department of Social and Health Services

<https://www.dshs.wa.gov/housing-assistance>

King County Housing and Community Development Regional Access Points

<http://www.kingcounty.gov/depts/community-human-services/housing/services/homeless-housing/coordinated-entry/access-points.aspx>

Crisis Clinic

List of all shelters and other emergency housing resources in King County.

<http://crisisclinic.org/education/emergency-services-brochures/>

HopeLink

Provides support with housing, food assistance, transportation, employment, and other emergency services

<https://www.hopelink.org/>

Job placement

Cares Washington

<http://www.caresofwa.org/>

Seattle Jobs Initiative

<http://www.seattlejobsinitiative.com/>

Seattle Office for Civil Rights
<http://www.seattle.gov/civilrights/>

Stepworks Vocational Programs
<http://www.cpcwa.org/vocational.html>

WorkSource Seattle
<http://www.worksourceskc.org/worksourcelocation/>

Labor rights support

City of Seattle Employee Policy and Regulations
<https://www.seattle.gov/laborstandards/ordinances>

Fair Work Center
<http://fairworkcenter.org/>

Seattle city code – personal regulations
https://www.municode.com/library/wa/seattle/codes/municipal_code?nodeId=TIT4PE

Seattle employee civil rights
<http://www.seattle.gov/personnel/employment/rights.asp>

Washington State employment laws and apprenticeship standards
<http://www.lni.wa.gov/TradesLicensing/Apprenticeship/Programs/Standards/default.asp>

Washington State labor laws
<http://www.lni.wa.gov/lawrule/>

Washington State workplace rights and responsibilities
<http://www.washingtonlawhelp.org/resource/your-rights-and-responsibilities-as-an-employ?ref=Rsz2l>

Union support

Martin Luther King Jr. County Labor Council, AFL-CIO
<http://www.mlkclc.org/>

WA State Labor Council, AFL-CIO
<http://www.wslc.org/>

Washington State Building and Construction Trades Council

<http://www.wabuildingtrades.org/>

Financial support

Financial Tools for the Trades

<http://www.financialtoolsfortrades.org/>

King County Assistance Program

http://www.needhelppayingbills.com/html/king_county_assistance_program.html

Puget Sound Labor Agency

Provides emergency assistance with mortgage/rent utilities, and food assistance

<http://www.pugetsoundlaboragency.org/>

Seattle Financial Assistance

http://www.needhelppayingbills.com/html/seattle_assistance.html

Seattle City Light Financial Assistance Programs

<http://www.seattle.gov/light/assistance/assistance.asp>

Seattle.gov Financial Support Assistance

<http://www.seattle.gov/economicdevelopment/business-owners/financial-support>

Workers compensation

Project Help

<http://www.projecthelpwa.com/>

Washington State Department of Labor & Industries

<http://www.lni.wa.gov/ClaimsIns/Claims/>

Stores with PPE for women

Washington Workwear – Covington, WA

Sells PPEs, construction work clothes, shoes and boots.

<http://www.waworkwear.com/home.php>

Western Safety

<http://www.westernsafety.com/>

ANEW (Apprenticeship and Non-traditional Employment for Women) has a number of resources to help new workers find tools and clothing for work.

<http://anewaop.org/programs/aop-apprenticeship-opportunities-project/>

Washington Women in Trades runs Rosie's Closet, a women's work clothes clearinghouse

<http://www.wawomenintrades.com/rosie-s-closet>

Tradeswomen networking/conferences

WA Women in Trades

<http://www.wawomenintrades.com/>

IBEW Local 46 Electrical Sisters United (ESU)

<https://www.facebook.com/electricalsistersunited/?fref=ts>

We are Trades Women (Seattle)

<https://www.facebook.com/groups/168247166847794/?fref=nf>

Sisters in the Building Trades

https://www.facebook.com/groups/25156938017/?hc_ref=SEARCH

Sisters in the Brotherhood (UBC)

https://www.carpenters.org/Todays_UBC_Top_Nav/Sisters/SIB_Landing.aspx

Cultural and linguistic services

Academy of Languages

<http://www.aolti.com/>

Arab Center of Washington

<http://arabcenterwa.org/>

Asian Counseling and Referral Service

<https://acrs.org/>

Asian Pacific Islanders Coalition

<http://apicwa.org/>

Center for Multicultural Health

<http://www.multi-culturalhealth.org/>

Chinese Information and Service Center

<http://www.cisc-seattle.org/>

Consejo Counseling and Referral Service
<http://consejonew.consejocounseling.org/>

Chamorro Works
<https://www.facebook.com/ChamorroWorks/>

Dynamic Language
<https://www.dynamiclanguage.com/>

El Centro de la Raza
<http://www.elcentrodelaraza.org>

Eritrean Community in Seattle and Vicinity
<http://www.ericommunity.com/>

Ethiopian Community in Seattle
<http://ecseattle.org/>

Helping Link – Mot Dau Noi (Vietnamese services)
<http://www.helpinglink.org/>

Refugee Women’s Alliance
<https://www.rewa.org/>

Seattle Civil Rights and History Project
<http://depts.washington.edu/civilr/African%20Americans.htm>

Somali Community Services of Seattle
<http://www.somcss.net/>

4 Culture
<http://www.4culture.org/>

SHEWT Mentoring – Child Care Resources

Child Care Aware of Washington

Non-profit that connects families to high-quality childcare and early learning programs. Providers include center day cares that are usually open from 6am to 6pm, but also family day cares, which are privately owned and have more flexible hours. Drop-in care providers are also available. Call with your child's age, your schedule, and location to find support. The agency is open from 8:30am to 4:30pm M-F but you can also search their database online for providers.

1-800-446-1114

<http://www.childcarenet.org/families/family-resources-1/your-child-care-search>

Crisis nurseries are available for families with children under age six who need emergency childcare for up to 72 hours.

<https://www.del.wa.gov/parents-family/other-child-care-programs-and-choices/crisis-nurseries> <http://www.vanessabehan.org/for-parents/using-the-crisis-nursery/>

Some families qualify for financial help to pay their family, friend, or neighbor childcare provider. For more information, visit: <https://www.del.wa.gov/parents-family/family-friend-and-neighbor-care/can-i-get-help-pay-my-ffn-provider>

Breastfeeding support for tradeswomen

<https://www.womenshealth.gov/breastfeeding/employer-solutions/industry/construction.html>

https://www.dol.gov/whd/nursingmothers/Sec7rFLSA_btnm.htm

- Federal regulations require employers to provide break time for nursing mothers (with some exceptions for employers who employ less than 50 workers)
- If you are breast-feeding, you can take as many breaks as you need to pump or breast-feed your newborn for up to one year after the birth of your child. These breaks do not have to be paid. The employer has to provide a place, other than a bathroom, that is private for you to take these breaks.

This is a project of the University of Washington Department of Environmental and Occupational Health Sciences, Washington Women in Trades, and union partners. Funding and support for this project is provided by the State of Washington, Department of Labor & Industries, Safety & Health Investment Projects.

SHEWT Mentoring – Additional Resources

Here are more resources to help you support mentees who need outside referrals for supportive services. These links also provide useful guidance on apprentice rights.

Washington State Department of Social and Health Services (Division of Child Support)’s “Alternative Solutions Program”: <https://www.dshs.wa.gov/esa/division-child-support/alternative-solutions>

Community Resource Navigator:

<https://gis.dshs.wa.gov/apps/LocalPerspective/index.html?appid=23d0bf9d082e47668ee941205c548381>

Western Resources Center for Women in Apprenticeship’s “Know Your Rights Resources for Tradeswomen”: <http://womeninapprenticeship.org/resources-for-tradeswomen/know-rights-resources/>

2017 City of Seattle’s Construction Apprenticeship Guidebook:

<http://www.seattle.gov/Documents/Departments/FAS/PurchasingAndContracting/Labor/ApprenticeshipGuidebook.pdf>

U.S. Department of Labor, Employer and Training Administration’s “Apprenticeship EEO Final Rule”

<https://www.doleta.gov/oa/eeo/pdf/FAQs.pdf>

Dean James Ryan's 5 Essential Questions In Life: <http://youtu.be/bW0NguMG1bE>

This is a project of the University of Washington Department of Environmental and Occupational Health Sciences, Washington Women in Trades, and union partners. Funding and support for this project is provided by the State of Washington, Department of Labor & Industries, Safety & Health Investment Projects.

Washington State Workers' Rights Manual

3rd Edition, 2014, Abridged Version



Edited and Updated By: Kia Sanger

Produced By: The Washington State Labor Education
and Research Center

SCCC Georgetown Campus
6737 Corson Ave S, Seattle, WA 98108
Phone: 206.934.6859
<http://georgetown.southseattle.edu/lerc/>

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Donors

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International Association of Fire Fighters District 7

Seattle Firefighter Local 27

Washington Council of Fire Fighters

Casa Latina

Communications Workers of America Local 7800

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Finally, thank you to all the working people worldwide and throughout history who fight and sacrifice for the rights of us all.

- Kia Sanger, Editor, January 2014

Preface

Sarah Laslett, Director – Washington State Labor Education
and Research Center

South Seattle Community College

This manual is a resource for understanding the laws governing workplace rights, but it is more than that. It is a reflection of an important set of values. Those values say that working people deserve to go home safe and healthy at the end of the day.

Working people deserve to be able to take time off from work to care for their families. Workers who are more vulnerable – youth and the disabled – or who have been traditionally discriminated against – women, immigrants and minorities – deserve equal treatment and protection at work. These are caring values, fought for by energetic and transformative social movements, then articulated in laws by our national, state, and local governments, and which reflect the will of the people.

Only after a great deal of human suffering, struggle, thought, and work have these laws been created to make work a healthier, more compassionate, and more respectful experience. But this only works if all of us take responsibility for understanding and fulfilling both the letter and the spirit of these laws.

The mission of the Fetzer Institute, which has generously supported the 2014 edition of this manual, is to understand the nature of love and forgiveness in many societal settings, in this case, at work. By using this manual we hope that you will embrace the positive and caring values that underlie the rights explained here and, thereby, contribute to Fetzer's mission.

Introduction

Published by the Washington State Labor Education and Research Center at South Seattle Community College, this is the abridged version of the Workers' Rights Manual. It is written to be an easy-to-use reference guide to workplace rights covered by federal, state and local laws. However, this is not a substitute for legal advice. If you need practical legal assistance, please contact an attorney or one of the community services listed in the resources chapter at the end of the manual.

The manual initially grew out of Professor Sarah Ryan's class *Justice at Work*, taught at The Evergreen State College for the first time in 2005. Students in that class generated the information that became the basis for the first edition of the manual. The Labor Center produced editions of this manual in 2007 & 2008. This third edition is current as of January 1, 2014. The full-length guide is also available from the Labor Education Research Center and both versions can be found online at <http://georgetown.southseattle.edu/lerc/workersrightsmanual>. Please visit our website for periodic updates to this edition.

We offer this Workers' Rights Manual in the spirit of the traditional union saying, *An Injury to One is an Injury to All* and encourage all users to remember that workplace rights (like any political rights) are strongest when people pursue them together. Please remember to reach out to your co-workers, unions and community organizations that are dedicated to the protection and enforcement of workers' rights. **Alone we are weak — together we are strong.**

Washington State Labor Education and Research Center

The mission of the Labor Center is to deliver high-quality education and training programs for the working women and men of Washington State. In addition to publishing this manual, the Labor Center builds the skills, confidence and knowledge workers need to improve their work lives and their communities, and promote a just economy through collective action. As a unique program within higher education in the state, we use the best practices of adult education to serve our dynamic and diverse labor force.

If you want a copy of this manual, and are unable to download and print it from the website, or if you want your organization added to the resource section, please contact us at the Washington State Labor Education and Research Center at South Seattle Community College.

The WA LERC takes no responsibility for any content in the linked materials.

Phone Number – (206) 934-6859

*Address – 6737 Corson Avenue South, Seattle, WA 98108,
Building B Room 106*

Web Address - <http://georgetown.southseattle.edu/lerc/>

Chapter 1: Basic Workplace Rights

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Wage And Hour Laws

Minimum Wage

The Right To Be Paid At Least The Minimum Wage

The minimum wage is the least amount an employer can pay you per hour that you work, are trained, are required to stay at the worksite, or commute between worksites on a single job. As of January 1, 2014, the minimum wage in Washington State is **\$9.32 per hour**. Workers who are 14 or 15 years old may be paid 85% of the adult minimum wage, or \$7.92 per hour.

Washington's minimum wage law covers *almost all* workers in both agricultural and non-agricultural jobs. **The minimum wage law covers documented and undocumented workers.** In Washington State, if you receive tips at your job, your employer is **not** allowed to count them as part of your minimum wage payment.

It is illegal for your employer to not pay you the minimum wage, or ask you to work "off-the-clock" (without pay). If your employer does not pay you, you can call the Washington State Department of Labor and Industries' (L&I) employment standards office at **(360) 902-5316** or toll-free at **1 (866) 219-7321** to report your employer or file a complaint. Interpreter services are available.

My Employer Said S/He Only Has To Pay Me The Federal Minimum Wage. Is That True?

No. If there are differences between federal, state, or city minimum wages, whichever is highest is the rate you must be paid.

If My Employer Changes My Shift At The Last Minute, Does S/He Have To Pay Me For Showing Up?

No. An employer is not required by law to give you advance notice about your shift changing, or if s/he makes your shift longer or shorter.

What Is “Prevailing Wage”?

Prevailing wage is the hourly wage, expected benefits and overtime rates paid to the majority of workers employed on government construction projects in the largest city in each county in Washington State. Prevailing wage laws say that if the federal government or Washington State is funding your construction job, you must be paid the prevailing wage. If you have internet access, you can look up the prevailing wage for your county and trade at www.lni.wa.gov/tradeslicensing/prevwage/.

Overtime

You Have The Right To Overtime Pay

In most industries, you must be paid 1.5 times your regular rate of pay for all hours that you work over 40 in a seven-day workweek. Your employer is not required by law to pay you overtime to work on a holiday or weekend, but some employment and union contracts do include that.

Important note: There are some types of workers who do not have the right to overtime pay. These include workers who live at their workplace, most agricultural employees, certain salaried employees, and independent contractors.

Sometimes, employers use the words “exempt” and “non-exempt” when referring to whether an employee is entitled to

overtime. If you are called an “exempt” employee, it means that your employer has determined that you are not entitled to overtime.

For more information on overtime rules see:

www.lni.wa.gov/WorkplaceRights/Wages/Overtime

Or, call the WA State Department of Labor and Industries at:
1 (866) 219-7321.

Do I Still Get Overtime If I Choose To Take An Extra Shift?

Yes. Even if you volunteer to take an extra shift or trade a shift, your employer still has to pay you overtime for all hours that you work over 40 in a week. Your employer can't have a policy that says you don't get paid overtime unless it is approved or scheduled in advance.

Can My Employer Make Me Work Overtime?

Yes. Most employers can make you work overtime even if you don't want to, and even on a day that you usually have off.

What About Agreements To Take Time Off Later Instead Of Overtime Pay?

If you work for a public agency, you can request time off at a later time instead of being paid overtime wages in the pay period when you worked the overtime hours. This is sometimes called "comp time" or "exchange time."

- When you take the time off, it must be at the rate of at least 1.5 hours for each overtime hour worked.
- Comp or exchange time must be at your request
- If you do not use your comp time within the year, it must be paid out (cashed out) at the overtime rate.

Breaks

In Washington, most workers are entitled to rest breaks.

	Rest Break	Meal Break: Paid or Unpaid	Breast Feeding Break
How Long?	10 min.	30 min.	As long as needed
How Often?	Every 4 hours worked	1 for less than 11 hours total worked. 2 for more than 11 hours worked.	As frequently as needed
Is it paid?	Yes	Employer's choice	No
Can it be split up?	Sometimes	Paid: Yes. Unpaid: No	N/A
Can you choose not to take it?	No	Yes	Yes

Pay Periods And Pay Statements

You must be paid *at least once a month* on a regularly scheduled payday. When you leave your job, your employer must pay you for all unpaid wages no later than the end of the next regular pay period. Each time you are paid, you must receive a written statement from your employer (usually a paycheck stub) that includes information about the pay period, hours of work, rate of pay and any deductions.

Paycheck Deductions

Deductions from your pay are only legal if they are required or permitted by federal or state law or if you agree to them in advance. All deductions from your paycheck must be listed and explained on your paycheck stub. These deductions can include things like taxes, Social Security and Medicare, insurance, garnishments and union dues. **Your employer cannot deduct:**

- Payments for loans, housing, transportation, tools or food *without your permission.*
- Payments, even with your permission, if they reduce your wages to below the minimum wage, or if the company makes a profit from selling you these things.
- Money for unemployment compensation.
- Money to pay for equipment that you accidentally lost or broke.
- Money to cover a cash register shortage – except during your *final* pay period and only if your employer can prove that you participated in counting the register before and after your shift and you were the only person using it.

TIP: You should keep your own records of the hours you have worked and what you believe you should be paid. This can help you if you ever need to file a wage theft claim.

Uniforms

What Kind Of Clothing Does My Employer Have To Pay For?

Clothing that has an uncommon color, function, style or has a logo – i.e. is unusual in some way (like a cowboy hat, for instance), is usually considered a uniform and your employer has to pay for them. Your employer may not take money from your wages or require a deposit from you for your uniform. Some required clothing is not considered a uniform and you might have to pay for it. For instance, it is not considered a uniform if you are required to wear common colors for tops and bottoms, like a white top and black pants. For more information see:

www.lni.wa.gov/WorkplaceRights/LeaveBenefits/Uniforms/

Personal Protection Equipment And Clothing

For jobs where you could be injured, your employer is generally required to provide, free of cost to you, safety equipment such as protective gloves, helmets, goggles, and other clothing to protect you from injury or sickness on the job.

Benefits

Common benefits include health insurance, pension, 401K and other retirement plans, vacation leave, paid sick leave, paid maternity leave, childcare, memberships to clubs and bonuses. An employer offers these in addition to wages or salary. They are usually optional unless your employment contract requires them.

Special Wage And Hour Laws For Agricultural Workers

Agricultural work includes growing, producing and harvesting farm, nursery, or forest products as well as working with livestock, bees, sheep, goats, poultry or wildlife. It could be migrant or seasonal work, or it may be year-round.

Do I Get Paid The Minimum Wage If I Am An Agricultural Worker?

Yes. If you are an agricultural worker your employer may pay you on a piece rate basis or salary basis, but that rate must equal the minimum hourly wage of \$9.32 in Washington State in 2014.

There are a few limited exceptions when agricultural workers do not have to be paid the minimum wage. For information on these exceptions and other agricultural workers rights see: www.lni.wa.gov/WorkplaceRights/Agriculture/

Your minimum salary is counted by the week, not by the day. If some days you earn less than the minimum wage, and other days you earn more, it is legal as long as you earn at least the minimum wage by the end of the week.

Breaks

Agricultural workers have the right to the same breaks as non-agricultural workers:

- One 10-minute paid rest break for every four hours worked.
- One paid or unpaid 30-minute meal break if working more than five hours in a day.

- One additional 30-minute meal break if working 11 or more hours in a day.

Agricultural Worker Recruitment Rights (Migrant And Seasonal Workers)

If you are recruited (hired) to do seasonal agricultural work away from home, you have rights guaranteed by the federal Migrant and Seasonal Agricultural Worker Protection Act. As soon as you agree to work for your employer, s/he must give you **written information in your native language** about your workplace, wage, crop, duration of job, housing, transportation, benefits, and whether there is a strike or work stoppage at the farm where you will work.

Agricultural Workers Under Age 18

There are special rules about what hours you can work and what tasks you can perform to protect agricultural workers under the age of 18 Please see Chapter 8 for more information.



What If I Think My Employer Did Not Pay Me What I Am Owed?

When your employer does not pay you the correct amount that is called wage theft. **Wage theft is illegal.**

Wage theft includes:

- Not paying you for all the hours you work.
- Not paying you your last paycheck after you leave a job.
- Not paying you overtime.
- Not giving you breaks and not paying you extra for missed breaks.
- Forcing you to work “off the clock.”
- Not paying minimum wage.
- Not paying you the amount you agreed upon.
- Stealing your tips.

It is important that you keep records about your employer and your work. Your records are evidence in a claim for unpaid wages. If your employer doesn't keep a record of your work, a judge or government investigator will rely on the records you keep as evidence.

If you think you have not been getting paid what you earned, read on for some options.

1. Go through the Labor and Industries Wage Complaint Process

The 2006 Washington State Wage Payment Act gives Labor and Industries (L&I) the power to help you get paid what you are owed. You can file a “Workplace Rights Complaint with L&I, and they will investigate. If they decide that your employer owes you money, they can make him/her pay you. The L&I process is free and most complaints are investigated in 60 days or fewer. For more information and to file a complaint, see:

www.lni.wa.gov/WorkplaceRights/ComplainDiscrim/WRComplaint

2. Take Your Employer To Court For Unpaid Wages

You can go to small claims court yourself, or hire a lawyer to help you collect the money you are owed. A court can award you your unpaid wages, and the court may also order your employer to pay your lawyer’s fees. In court, you also may be able to win *double* the amount of wages owed if your employer failed to pay you on purpose.

TIP: Before you decide what to do, you may want to talk to a lawyer so you can decide which process is best for you. If L&I has issued a citation and you have not opted out of the L&I process, you cannot pursue a court action at the same time.

Information on going to small claims court can be found at www.washingtonlawhelp.org

3. File A Lien Against The Property Where You Worked

Certain agricultural and construction workers also have the option of filing a lien against their employer. A lien is a legal process that puts a “hold” on property (including crops) until

your employer pays you. If you want to file a lien, you should contact a lawyer right away. For information on how to find a lawyer see the *Resources* chapter at the end of this manual.

4. If You Live In Seattle, File A Complaint With The Police Department

Wage theft is a crime in Seattle, and the city has the power to recover your wages, put your boss in jail, and take away your boss's business license if he or she is found guilty. The police department has a policy that it **will not question or look into your immigration status** if you file a complaint about wage theft. Call the Seattle police department at their non-emergency number: **206-625-5011** or file a report online at: www.seattle.gov/police/report/

5. Talk With A Community Group

Some community groups help workers get unpaid wages through direct action. Two examples are Casa Latina **206-956-0779 ext.122**, <http://casa-latina.org/> and Seattle Solidarity Network **206-350-8650**, <http://seasol.net/>



(www.seattle.gov)

Privacy In The Workplace

The internet has made a lot of personal information public and available to everyone, including employers. Courts are beginning to place limits on what information employers can use against employees. For more detailed information about your privacy rights at work visit the website:

www.workplacefairness.org/

Is My Employer Allowed To Search My Belongings Or Me At Work?

It depends. Generally, public employers can only search their employees' persons, desks and property when they have a reasonable suspicion of wrongdoing. Private employers have fewer limitations. If your employer has a policy that states that they may conduct searches of you or your belongings, then they may have the right to do so. However, if they do not have such a policy and workers can prove that there is a "reasonable expectation of privacy" in certain work situations, then it may be illegal for the employer to conduct such searches. In addition, if you have a union contract, the contract may place limits on the employer's ability to search and monitor you at work.

Is My Boss Allowed To Video Or Audiotape Me At Work?

Yes. Employers are allowed to make video or audio recordings of their employees while they are on company property. However, they are *not* allowed to film in places where most people expect privacy such as restrooms, designated breast-feeding areas or changing rooms.

Can My Boss Monitor My Work Phone, Email, Computer Or Car?

Yes. Your employer can legally view, trace and record all data that goes through company-owned property. Many employers keep tabs on telephones, email, computers, postal mail, and company-owned vehicles.

Can My Boss Look At My Social Media (E.G. Facebook, Twitter) Accounts?

Your employer is allowed to look at anything that is publically accessible online. The question of whether or not the employer can use that information against you is still unclear. Your employer **cannot** require you to give her/him your password or “friend” her/him on your personal social media account.

Can My Boss Fire Me For Saying Bad Things About The Company Online?

If a group of two or more co-workers is talking on-line about wanting to improve their wages or working conditions, that is probably protected as “concerted activity” under the National Labor Relations Act. It could be illegal for your boss to fire or punish you for it. However, if you are complaining about the company’s products or your general dislike of a supervisor or coworker, and you show no interest in making things better, you could probably be legally fired for that. Please see *Chapter 12: Organizing to Make Things Better At Work* for more information on concerted activity.

Health Records, Genetic Information And Drug Testing

Many employers will have access to some of your medical information. Your employer generally **can**:

- Ask you to provide a doctor's note or other information about your health if s/he needs it for business reasons such as to give you an accommodation for a disability, sick leave, workers' compensation, health insurance or wellness programs.
- Require you to pass a medical examination after you have been offered the job if everyone must do it and there is a work-related reason for it.
- Require you to take drug tests at any time as long as it is not done in a way that singles people out based on race, age, gender, disability or another protected status.

In general, your employer is **not allowed** to share this information with anyone, discriminate against you based on this information, or request more information than s/he needs. For a more in depth look at this important topic, visit the website www.workplacefairness.org/.

You Have The Right To Defend Your Workplace Rights

Retaliation is any negative action that your employer takes to punish you for standing up for your workplace rights. This could include cutting your hours, changing your shift, giving you worse work to do, or many other actions. **Retaliation is illegal.**

If your employer retaliates against you, you can file a complaint with the Washington State Department of Labor and Industries. Contact information is listed in the *Resources* chapter at the end of this manual.

Whistleblower Protection Laws

A whistleblower is a person who tells someone in authority or the public about dishonest or illegal activities occurring in a government agency, or someone who reports violations of law by a private organization. The misconduct may be fraud, corruption or health and safety violations.

How Do I Report Improper Conduct?

If you are reporting violations of law by a private company, you should find an attorney to assist you with a “qui tam” or a “False Claims Act” lawsuit.

Any Washington State employee may report an improper governmental action through the whistleblower program. This includes temporary employees, classified and exempt civil service employees and elected officials. Whistleblower complaints may be filed anonymously within one year of the act. Anything written by a whistleblower and sent to the state auditor’s office should be marked “confidential”.

A reporting form is available at:

www.sao.wa.gov/en/audits/whistleblower/pages/whistleblower.aspx/

Note: If you are a federal employee, you can file a complaint with the U.S. Office of Special Counsel. A complaint form is here: <http://www.osc.gov/documents/forms/osc11.htm>

More information is available at:

Government Accountability Project

1612 K Street, NW Suite #1100

Washington, D.C. 20006

Phone: 202-457-0034

Website: www.whistleblower.org/

National Whistleblower Center

P.O. Box 25074

Washington, D.C. 20027

Phone: 202-342-1903

Website: www.whistleblowers.org/

In relation to all your rights discussed in this manual, always remember it is very important to document (write down) all conversations with an employer if you have a question or concern. This is for your protection in case you ever have to file a formal complaint, if a union represents you, or if you meet with an attorney.

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You Have The Right To A Safe Workplace

All workers have the right to a safe workplace, free from avoidable dangers that can cause injury or disease. Government agencies and labor unions work to enforce state and federal laws that help make your workplace safe. This chapter provides information on these agencies, and on selected health and safety laws, as well as the procedure for filing a complaint.

Government Agencies

A variety of state and federal laws protect worker health and safety. The following agencies can help if you believe there is a health or safety problem at your workplace:

- **Washington State Department of Labor and Industries (L&I):** L&I is the Washington State agency that deals with workplace rights. Among other things, L&I manages benefits for workers who are injured on the job. (Please see *Chapter 3: Injury On the Job And Workers' Compensation* for more information.) A division within L&I called “DOSH” deals specifically with state health & safety laws.
- **Division of Occupational Safety and Health (DOSH):** DOSH interprets state laws on health and safety in the workplace, and makes sure the public knows about these laws. DOSH is particularly helpful in offering information on core health and safety rules in the workplace, as well as specific health and safety rules

(Keith Weller, USDA-ARS photo library). In response to a complaint,

DOSH representatives may come to a workplace to inspect unsafe working conditions. For example, DOSH inspectors will look for unsafe machinery, electrical equipment, chemicals, or gases.

- The toll-free number for health and safety assistance at L&I and DOSH is **1 (800) 4BE-SAFE**. Information on the complaint procedure is included in this Chapter.
- **Occupational Safety & Health Administration (OSHA):** OSHA is the department of the federal government that creates workplace health and safety rules. It is a good place to turn if Washington State laws do not cover your particular issue. Contact information for OSHA is listed in the *Resources* chapter at the end of this manual.

Employer Responsibilities

Your employer must:

- Provide a safe and healthy workplace and follow all safety and health rules.
- Begin and maintain an accident-prevention program. Both employers and workers must be involved in designing the program. The program should meet the particular needs of your workplace.
- Ban alcohol and narcotics from the workplace.
- Prevent workers from using tools and equipment that are not safe.
- Control chemicals.

- Protect workers from the dangers of "biological agents" such as animals or animal waste, body fluids, biological agents in a medical research lab (like bacteria), and mold or mildew.
- Post a notice of employer responsibility and worker rights (the WISHA poster).
- Provide training about job health and safety.
- Keep records of all job-related accidents.

For detailed information about the law, visit:

www.lni.wa.gov/wisha/rules/corerules/

Employee Responsibilities

You must:

- Read the WISHA poster.
- Follow your employer's safety and health rules and wear or use all required gear and equipment.
- Coordinate and cooperate with other workers in order to avoid accidents.
- Report dangerous conditions to a supervisor or safety committee.
- Report in writing to the Washington State Labor and Industries agency about any dangerous condition that isn't being fixed.
- Report any job-related injuries or illnesses to your employer and promptly seek treatment.
- Cooperate with government inspectors.

Safety Committees And Safety Meetings

If your employer has more than eleven people working at the same time and the same location, it must set up a workplace safety committee. Safety meetings must be held at least monthly and include employee representatives. For rules on what must be covered in the meetings or by the committee, visit: www.lni.wa.gov/wisha/rules/corerules/

General Workplace Requirements

First Aid Kits

All Washington businesses are required by law to have a first aid kit that is easily accessible to all employees at every worksite.

Ergonomics

Ergonomics is the name for the science that studies how people sit, stand or interact with desks or machines. Sitting, standing or stooping for long periods of time can cause serious injury sometimes called “repetitive stress injuries.” For more information on prevention of health problems related to repetitive stress and ergonomics, visit: www.lni.wa.gov/Safety/Topics/Ergonomics/

Hazardous Substances

The Worker Right-to-Know law says that your employer must tell you about dangerous chemicals used in your work area and train you in their proper use. When you start your job and whenever a new hazard comes into your workplace, your employer must offer you detailed information about the

chemicals. For information on Worker Right-to-Know laws, contact DOSH or OSHA.

Heat And Water – Working Outside

From June 1 until September 2 your employer must offer you protection from heat stress. This includes giving you drinking water during the day and having someone who can give first aid on the work site if you get sick because of heat.

Heat And Air Quality – Working Inside

Your employer is required to provide reasonable air quality that doesn't make you sick. Restaurants and warehouses, for example, must be air-conditioned or ventilated to the point that they are safe (usually 90° F or cooler). Your employer must also ensure that chemicals released from new carpeting or other materials in the workplace don't make you sick. If you notice something that you think could be toxic, report it to your employer and DOSH. For more information and what you can do, visit: www.lni.wa.gov/Safety/Topics/AtoZ/IndoorAir/

Transportation

If your employer provides transportation to the job site for you, the vehicle must be safe, insured, and meet government standards. The number of people in a vehicle, often determined by how many seatbelts are available, must be reasonable and safe.

Excessive Overtime

Depending on your industry, your employer may have to pay you extra for overtime hours (see: *Chapter 1: Basic Workplace Rights*). There is no legal limit to how much overtime your

employer can make you work. But, if mandatory overtime is seriously harming your health or safety, you can ask for an investigation by the Department of Labor and Industries (L&I).

Fall Hazards

Washington State requires employers to protect all workers from falls. Your employer must provide training, prevention and equipment based on the work you do. For more information, see:

www.lni.wa.gov/Safety/Topics/AtoZ/fallprotect/

Lock Out/Tag Out Rule

Under the "Lock Out/Tag Out" rule, a "lockout" device, such as a combination lock must be placed on equipment or machinery that could be dangerous if accidentally started up. Your employer should only give the combination to workers that are specially trained to start and stop the machine. An eye-catching warning device, such as a tag should also be put on the machine to show that it may not be operated until the "tag out" device is removed.

Breaks And Meals

You are entitled to regular breaks and meal periods at your workplace. Your employer cannot set unreasonable restrictions on bathroom use.

Occupation-Specific Laws

State laws have specific rules for different types of work. Below are some resources for certain types of work.

Construction Work

Construction sites are dangerous workplaces, so there are lots of rules and regulation to follow. Employees must be properly trained to operate equipment and machinery; equipment must comply with safety standards, often requiring safety guards and warning labels; and proper clothing and protective equipment must be worn and in some cases, provided by the employer.

If you have Internet access, information on health and safety topics for construction sites can be found at:

www.lni.wa.gov/wisha/rules/construction/.

You can also find more information in the unabridged version of the 2014 Washington State Workers' Rights Manual.

Agricultural Work

Agricultural work means farming and ranching. Your employer must make sure that climbing or lifting to plant, maintain or harvest crops, or working with animals is done safely. In addition, there are rules regarding sanitation, safe drinking water, pesticides and insecticides and the availability of medical care.

If you have housing at the farm where you work, your employer also has to make sure that living conditions are safe. There are different sets of rules for working and living conditions. For a review of both sets of rules, please see the unabridged version of the 2014 Washington State Workers' Rights Manual.

If you have internet access you can also see all safety rules here:
www.lni.wa.gov/wisha/rules/agriculture/.

For help with these issues, contact:

The Washington State Department of Agriculture Pesticide
Management Division

Phone - 1 (877) 301-4555

Department of Labor and Industries

Phone - 1-866-219-7321

Restaurant Work

Restaurants contain potential hazards such as hot surfaces, sharp objects, dangerous kitchen equipment, flammable oils and slippery floors. Your employer has to set up an accident prevention program (APP) with employee representatives and follow it to make sure that your working conditions are as safe as possible. Your employer is required to tell you about all potentially dangerous equipment and ensure you are trained and competent before you use the equipment. In some cases, your employer must provide Personal Protective Equipment, such as gloves or masks. Your employer must also do a daily safety check of the work area to make sure there are no new hazards, and must observe you and your coworkers to ensure you are following safety rules.

For more information on the safety and health rules for restaurants and setting up an APP, see:

www.lni.wa.gov/Safety/Topics/AtoZ/Restaurants/

What Should I Do If I Find A Health Or Safety Issue At Work?

Step 1	See, smell, or hear something unsafe.
Step 2	Write down what happened, the time and date, exactly where, and who was involved. Keep this record.
Step 3*	Report the safety hazard to your boss.
Step 4*	If your boss does not fix the problem you can refuse to do the unsafe work, but you must stay at work. If you refuse to do unsafe work, tell your boss that you plan to report the violation.
Step 5	File a complaint with DOSH. * Note, If you are uncomfortable telling your boss directly, you can skip steps 3-4, directly file a complaint with DOSH, and ask to remain anonymous. You can also report it to a labor union or union representative.
Step 6	DOSH could require an inspection of your workplace.
Step 7	DOSH will decide whether or not the problem has to be fixed. You can request that they look over the decision again if you disagree.

The first step is to write down what happened and tell your employer. If you have a safety committee in your workplace, you can also tell the committee. Your employer might simply correct the issue and solve the problem. But if your employer doesn't fix it and you are still concerned about the issue, you

can file a complaint with Washington State's Division of Occupational Safety and Health.

Remember that, generally speaking, you have the right to refuse to do unsafe work, but you should stay at the jobsite and try to find safe work to do until your shift ends or you are asked to leave.

Filing A Complaint

Complaints must be made in writing. You can use a special form available in English or Spanish online, or you can just write and mail a letter explaining who you are and describing the problem.

You can call DOSH for more information about how to make your complaint and about the complaint process at **1 (800) 4BE-SAFE** (interpreter services are available). You can also find information online at:

www.lni.wa.gov/Safety/Basics/Complaint/

Information For Federal Employees

If you are a federal employee, non-federal employee working on federal reservations or military bases, employed on a floating worksite (dry docks, fishing boats or construction barges), or employed by a tribal employer on tribal lands in Washington State, then you should contact the federal agency OSHA.

Phone Number - 1 (800) 321-OSHA [6743]

Web Address - www.osha.gov

Chapter 3: Injury On The Job And Workers' Compensation

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(Amanda Mills, Center for Disease Control)

Introduction

Workers' Compensation

If you are injured at work, or if you develop an occupational (work-related) disease, you can apply for workers' compensation. If you need medical treatment for your injury or illness you may be able to receive money to pay for your treatment. You may also be able to receive money to replace wages you lost if your illness or injury stopped you from being able to work. **All employees have the right to receive workers' compensation, including undocumented workers.**

Washington is a "no-fault state," meaning that a workplace injury can be covered no matter whose "fault" it was.

If your employer tells you not to report your injury to L&I, or tells you to lie and say it didn't happen on the job, you should tell L&I right away at 360-902-5760. This is called "claim suppression" and it is illegal. The Claim Suppression Complaint Form is available on the L&I website: www.lni.wa.gov/.

Help Through the Injured Worker Process

You have the right to be represented by an attorney as you go through the process of applying for Workers' Compensation, but you are not required to have one. You can also call Project HELP at **1-800-255-9752**, or visit them on the web at www.projecthelpwa.com. Project Help is a cooperative effort between the Department of Labor and Industries and the Washington State Labor Council (AFL-CIO), and can help you with your claim. The L&I website also outlines what to do at: www.lni.wa.gov/ClaimsIns/Claims/Guide/phase1.asp/

Workers' Compensation State Fund vs. Self-Insurance Coverage

State Fund

Most Washington employers purchase worker's compensation insurance from a pool called the State Fund. The State Fund is run by the Washington State Department of Labor and Industries (L&I). Contact information for L&I can be found in the *Resources* chapter at the end of this manual.

Self-Insurance Coverage

About one third of workers in Washington work for employers who are self-insured. If you work for a self-insured employer, your rights and benefits do not change, but you must file a claim through your employer. Your employer should have a notice on the safety bulletin board about how to file an accident report for a workplace injury or disease. You may also talk to your supervisor, union representative, or HR manager about how to do it.

L&I's self-insurance section will help you with any disagreements between you and your employer. For more information you can contact L&I's Self-Insurance Section in Olympia at **(360) 902-6901**. There is also an Ombudsman (a representative) appointed to help self-insured injured workers with their workers' compensation, call 1-888-317-0493,

A guide to workers' compensation for employees of self-insured companies can be found on the L&I website at:

www.lni.wa.gov/IPUB/207-085-000.pdf

The rest of this chapter applies to workers covered by the state-fund insurance programs.

What to Do When You Get Injured on the Job or Diagnosed with an Occupational Disease

1. Get First Aid and/or See A Doctor

When you are injured on the job or realize you have an occupational disease you have some rights. You can:

- Go to the doctor, healthcare provider, or emergency room of your choice,
- Request an interpreter if you prefer to speak a language other than English, and
- Refuse to have an employer representative go with you.

2. Report The Injury....

...To Your Doctor

Be sure to tell medical staff, including the doctor, that you were injured or made sick on the job. They will help you file your initial workers' compensation paperwork, or file a claim. Explain to the doctor what happened to cause your injury.

If you cannot work, or can't do all of the things you used to be able to do at work because of your injury, your doctor will also complete an *Activity Prescription Form*. This will tell your employer and L&I how your work must be changed or how long you need to rest.

...To Your Employer

Let your employer know right away that you are injured so s/he knows about your injuries when the L&I paperwork arrives and can help you plan your return to work. If you don't let your employer know about your injury and you need to file a claim later, it may be denied.

...To The Department of Labor and Industries (L&I)

The Report of Industrial Injury or Occupational Disease is an accident report form available at hospitals, clinics or doctors' offices. You complete the worker's portion of this form. Your doctor fills out the medical portion of this form and will send it to L&I.

L&I must receive your accident report within one year of your injury date and within two years from the date of your doctor's diagnosis for a work-related disease.

Once L&I receives your claim, they will assign you a claim manager. If you are more comfortable speaking a language other than English, you have the right to an interpreter at all doctors' appointments and in all meetings with your L&I case manager.

...To Your Union, If You Have One

If you are in a union, let your union representative know that you are injured. Union reps may be able to help with this process and want to be kept informed of all job-related injuries because they will take steps to correct the workplace problem. Your union contract may provide you with additional protection in case of an on-the-job injury.

Status of Claim

Once you file your claim, L&I will review your case, decide to accept or reject your claim, and also decide whether to leave your case open or close it. When your claim is open, you can apply for time-loss (money to replace lost wages), receive medical treatment, apply for payment for permanent disability, and receive help from a vocational counselor to get back to work quickly.

If L&I decides that your injury is not work-related, or if your doctor and L&I decide that your injury won't improve with more medical care, L&I will close your claim. This means you cannot seek more benefits, either financial or medical. You can appeal a decision to close your claim. In some cases, you may also reopen your claim if your injury or illness returns at a later date. If you would like to reopen your claim, speak with your doctor.

If You Do Not Agree With L&I's Decision To Close Your Claim

If there are disagreements about any decision L&I makes about your claim, you, your doctor, or your employer have the right to protest the decision to L&I or appeal the decision directly to the Board of Industrial Insurance Appeals (BIIA). Many claims are denied by L&I the first time, but get approved when appealed – so it is worth filing a protest or appeal to the decision. For more information on how to protest a decision, see:

www.lni.wa.gov/ClaimsIns/Claims/Appeals/

Receiving Medical Care

Free

While your claim is open, you should not have to pay for any medical treatment or service out of your pocket. Once your claim is accepted, L&I will assign you a claim number and mail you a claim card. This works like an insurance card; you show it to any medical provider you visit, and there is no money required from you. If a medical provider charges you for services, contact your case manager right away.

**If you were injured
on the job in
Washington State,
Washington laws
will apply to your
claim no matter
where you live.**

Local

You have the right to visit a medical provider near you, even if you do not live in Washington State. Search for providers near you here:

www.lni.wa.gov/ClaimsIns/Claims/FindaDoc/

Your Choice

For your initial visit, you may choose any doctor or emergency room. After your first medical visit, you must receive all treatment from a doctor in L&I's Medical Provider Network. The L&I website will help you find a provider in this network.

You have the right to change doctors at any time during your ongoing treatment, but you must request a "transfer of care". You can do this online or on paper. Throughout the treatment, you have the right to refuse to allow an L&I claim manager or any employer representative to come into your medical exams with you.

If You Cannot Work: Monetary Compensation (Time-Loss), And Getting Back To Work

If You Cannot Work At All

If your doctor says that you are unable to work due to your injury, L&I may pay for part of your lost wages. After the first three days, L&I will pay time-loss for each day of work you miss, as long as your doctor agrees you should not be working.

More information can be found on the Internet at:

www.lni.wa.gov/ClaimsIns/Claims/Benefits/TimeLoss/.

If You Can Do Some Work

Return to the job and employer where you were injured as soon as it's safe for you to do so. Many workers can return to work gradually, while still receiving medical benefits. L&I also has some programs to help you get back to work and encourage employers to hire you. You should talk with your case manager about these options and visit the L&I homepage to learn more:

www.lni.wa.gov/ClaimsIns/Claims/RTW



(Amanda Mills, Center for Disease Control)

Permanent Disabilities

If your injury or work-related disease caused permanent damage to your body, you may receive a disability award in addition to your regular workers' compensation award. There are two kinds of disability awards for permanent damage: "partial" and "total." The amount you can receive is set by law. **You must request a disability status while your claim is open.**

Partial Permanent Disabilities

This means that you have permanently lost some ability you had before the injury, but you are still able to do some work.

Total Permanent Disabilities

If your injury is so serious that you can never work again, you may be eligible for a life-long pension (income) to make up for the fact that you can no longer earn a living.

Structured Settlement

Some workers who are age 55 or older may qualify for a structured settlement plan. A structured settlement means that you and your employer agree to a total amount of money they will pay you and a payment plan. Once you agree on the amount, they will not owe you any more money even if that amount is less than you would have gotten under the traditional time-loss benefit plan. **During the settlement process you still have the right to future medical benefits, even if you agree to accept a set amount of money for your lost wages.**

For more information about structured settlement call the L&I settlement specialists at **360-902-6101** or go to:

www.lni.wa.gov/ClaimsIns/Claims/Benefits/Settlement/#1

Monitoring the Case

If you need information about your claim call L&I at:

Phone - 1-800-547-8367

TDD/TTY - (360) 902-5797

You can also call **1-800-831-5227** for a fast, computerized update on claim status. You can review your claim on the Claim and Account Center at www.claiminfo.lni.wa.gov.

Retaliation and Discrimination

In retaliation (to get back at you) for filing a claim your employer may not:

- Fire or lay you off.
- Give you a worse job.
- Change your assignment to an undesirable shift.
- Refuse to adjust your job duties to meet the light-duty restrictions ordered by your doctor.
- Deny you a promotion.
- Reduce your wages and/or benefits, or make you suffer other negative treatment because you filed a claim.

**You only have
90 days to
report
discrimination
so don't delay!**

If you think that you are being discriminated against or mistreated for filing a claim, or if you have questions about your employer's actions, call your L&I's investigation program at 1-866-324-3310 or file a Discrimination Complaint form on the L&I website:

www.lni.wa.gov/ClaimsIns/FraudComp/Discrim/

Chapter 4: Social Security For Long-Term Disability, Illness And People In Need

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Social Security

If you become disabled for any reason **and cannot work for at least 12 months**, you may qualify for monthly cash payments and medical disability benefits from the federal Social Security Administration. These programs are called Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI). You must be a US-citizen or documented non-citizen to qualify for SSDI or SSI.

If you are injured on the job, you can apply for Workers' Compensation as well. This is a state program run by the WA State Department of Labor and Industries (L&I). This program is covered in Chapter 3 of this manual.

Social Security Disability Insurance, Supplemental Security Income and Workers' Compensation are all separate. In some cases, you can collect benefits from more than one of these programs at the same time.

What is Social Security Disability Insurance (SSDI)?

SSDI, in most cases, is for people with disabilities who have a work history. You must have worked long enough and paid Social Security taxes. The amount of SSDI you get depends on your past earnings. You do not have to be low income in order to receive SSDI..

What is Supplemental Security Income (SSI)?

SSI is generally for people with disabilities of any age who have low incomes and assets less than \$2,000. Low income people 65 years and older with or without disabilities may also be able to receive SSI benefits. You can get SSI if you have never worked.

Social Security Disability Insurance (SSDI)

How Do I Qualify for SSDI?

You must be “disabled” and not able to work for at least 12 months. "Disability" under Social Security is based on how much you can work. Social Security will generally *not* consider you disabled and you will not qualify for benefits if you are working this calendar year AND your earnings average more than \$1,040 a month (this figure is for 2013; this amount usually increases slightly every year).

You are considered disabled if:

- a. The SSA recognizes your medical condition. See www.ssa.gov/compassionateallowances/index.htm for a list of qualifying medical conditions.
- b. If your medical condition is not on the list you may qualify if:
 - You cannot do the work you did before AND
 - You cannot adjust to other work because of your medical condition(s) AND
 - Your disability has lasted or is expected to last for at least one year or to result in death.

You must meet some minimum work requirements.

- You must have worked recently.
- You must have worked, and paid taxes, for long enough in your life. See the Disability Benefits online handbook for more information on these rules(pdf):
<http://www.ssa.gov/pubs/EN-05-10029.pdf>

How Much Money Will I, Or My Family, Receive?

The amount of money (benefit amount) you will receive depends on your work history and the amount of money you have paid to the Social Security Administration.

Certain members of your family, such as your spouse, minor child, or disabled adult child, may qualify for benefits of their own based on your work, if you qualify for SSDI benefits.

Will I Receive Medical Care?

With SSDI, you will get Medicare coverage automatically after you have received disability benefits for two years. For more information on Medicare, contact the SSA or visit the website:

<http://www.socialsecurity.gov/pgm/medicare.htm>

Can I Go Back To Work?

There are special rules that help you keep your monthly benefits and Medicare while you test your ability to work.

For more information about returning to work see:

www.ssa.gov/dibplan/dwork3.htm

Application Process

You can apply for SSDI by calling your local Social Security Office toll-free at 1 (800) 772-1213, TTY: 1 (800) 325-0778.

The Social Security Administration will send you the papers you need to fill out and sign. If you have Internet access, you can apply online at Social Security's website:

www.ssa.gov/pgm/disability.htm. You can also apply in person at your local Social Security Office: call for locations.

More Information

The Social Security Administration (SSA) website has a lot of helpful information about SSDI:

<http://ssa.gov/pgm/disability.htm>

Documented non-citizens should see the *Supplemental Security Income (SSI) For Non-Citizens information sheet*, at

www.ssa.gov/pubs/11051.html#part1

Supplemental Security Income (SSI)

Supplemental Security Income may be able to help you if you are blind, disabled or 65 years and older, and have little or no income. Disabled or blind children can also receive SSI. SSI provides money to meet basic needs for food, clothing, and shelter. It is not based on your previous work history.

How Do I Qualify For SSI?

- You must be one of the following:
 - a. Over age 65,
 - b. Blind, or
 - c. Disabled.
- You must be a US citizen, permanent resident, or US national who is, in general, living in the US.
- You must also show that you have little-to-no income or other resources to qualify.
- The Social Security Administration (SSA) may also consider your living situation if you live in publicly-run housing like a shelter, halfway house, or other community housing.

How Much Money Will I Receive?

The amount that you receive depends on your living situation, your other income, if you are applying as an individual or a couple and how many children you have. In 2013, the federal SSI benefit for an individual living alone is \$710 per month. For a couple it is \$1,066 per month. It generally takes three to five months to process your Supplemental Security Income application.

The State of Washington also pays an additional small amount to residents. Visit this website to find out more:

www.socialsecurity.gov/ssi/text-benefits-ussi.htm

Will I Get Medical Benefits?

If you are approved for SSI, you will usually be enrolled in Medicaid. For more information on Medicaid, contact the Social Security Administration or visit this website:

www.medicaid.gov/

Application Process

Call the Social Security Office at **1 (800) 772-1213**, or **TTY: 1 (800) 325-0778**. You can also apply online at the Social Security Administration's website: www.socialsecurity.gov or in person at your local Social Security Office. Parents or guardians can usually apply for blind or disabled children under age 18.

What If My Claim Is Denied?

If your claim is denied, appeal! You have **60 days** from the date of the denial notice to appeal.

Social Security often denies your first disability claim. Nationally, about 75% of all applicants are denied when they first apply. But many of these people ultimately get their benefits.

You may want to hire a lawyer who specializes in Social Security disability cases. For information on free or low-cost lawyers, see the list of legal resources in the *Resources* chapter at the end of this manual.

A Summary of Your Rights

- There is no charge to apply for Social Security Disability Insurance or Supplemental Security Income.
- You should apply as soon as possible after you become disabled. Note: there is a five-month waiting period before you can begin to receive benefits.
- You have the right to receive help from the Social Security Administration. If you do not speak English and need an interpreter, the Social Security Administration must provide one free of charge.
- You have the right to see and copy your Social Security file upon request.

- If Social Security denies your application, they must tell you in writing. This notice must explain your appeal rights.
- You have the right to appeal. If you are denied benefits, you have **60 days** from the date of the denial notice to appeal.
- You have the right to a representative or lawyer to help you in your appeal.

Washington State Programs

In addition to the federal programs that are mentioned in this chapter, Washington State also has programs that offer financial help such as food stamps, cash assistance, family assistance and medical assistance. You may be eligible for these even if you are not receiving SSI or SSDI or while your application is being processed. Contact the WA Department of Social and Health Services (DSHS) for information:

Phone: 1-877-501-2233

Olympia headquarters:

1115 Washington Street SE

Olympia, WA 98504

Website: www.dshs.wa.gov

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(Betsy Kozak, U.S. Army Photo)

Introduction

Federal and Washington State laws give many workers the right to take time off from work without fear of losing their jobs when; they are seriously ill or pregnant; to care for a newborn or newly placed child; or to care for an ill family member.

Family and Medical Leave Act (FMLA)

If you work for an employer covered by this law you have the right to:

- 1) Take up to 12 weeks of unpaid, job-protected leave per year for certain family and medical reasons; and
- 2) Return to your job or an equivalent job after taking leave.

Who Is Covered By The Family Medical Leave Act?

Employers

- Local, state, and federal public sector employers
- Private employers who have 50 or more employees for at least 20 workweeks a year. Check with your human resources department or union about whether your workplace meets these requirements.

Employees

You have the right to 12 weeks of unpaid job-protected leave if you:

- 1) Work for a covered employer.
- 2) Have worked for your employer for at least 12 months.

- 3) Have worked at least 1,250 hours (about 25 hours per week) during the 12 months before the start of your leave. For military service-members, both your civilian job hours and your hours of military service count towards your total hours worked.
- 4) Work at a location in the U.S. or in any U.S. territory where your employer has at least 50 workers within a 75-mile radius.

Types Of Leave Under The Family Medical Leave Act

New-child leave: You can take this leave to give birth to and/or care for a newborn child or to care for a newly placed adopted or foster child.

Family-care leave: You can take this leave to care for your spouse, child, or parent, if s/he has a serious health condition.

Medical leave: You can take this leave to take care of yourself while you are recovering from a serious health condition.

If you have earned paid vacation time, your employer may require you to use it for your time off.

Your Benefits While On Leave

Vacation time, sick leave, retirement, and seniority benefits you built up *before* you took your leave generally remain in place. These benefits usually do not continue to build up while you are on unpaid leave.

Once you return to work, your employer must give you any other right, benefit, or position that you would have had if you had not taken the leave.

Health Insurance: If you had health insurance paid by your employer before you took leave, your employer must maintain it under the same terms and conditions as if you were still working. If your leave lasts longer than 12 weeks, you can continue paying the insurance company directly for your benefits under COBRA. More information on insurance coverage can be found through the Washington State Insurance Commissioner's Office at www.insurance.wa.gov, or by calling toll-free, 1 (800) 562-6900.

Can My Employer Ever Refuse To Give Me My Job Back When I Return From FMLA Leave?

Yes, but only if ALL three of the following circumstances exist:

- 1) You returning to your job would cause extreme economic hardship for the employer; AND
- 2) You are considered a “key” employee; AND
- 3) Your health care coverage was maintained throughout your leave.

A key employee is a salaried employee who is paid among the highest 10% of employees within 75 miles of the work site. If your employer believes that s/he may deny you your job back, s/he must give you written notice when you request your leave or at the start of your leave. The written notice must include the reasons for denying you your job back and give you a reasonable chance to return to work. If you continue to take leave after the notice, you can still request your job back at the end of the leave period, and your employer must decide again whether your reinstatement would cause extreme economic hardship to the business.

For more information visit: www.dol.gov/whd/fmla/

The Washington State Family Care Act

The Washington State Family Care Act allows all employees to use any *available* sick leave, vacation time, or other paid time off to care for a family member. An employer cannot punish you for taking leave under this law. As long as you are qualified to use paid leave for your own illness, you can also use it for a family member. In certain cases, the law also gives additional time off for pregnancy and parenting over and above what the FMLA allows.

You can use your paid leave to care for your:

- **Child** (under age 18) when he or she is sick or needs medical care.
- **Spouse, registered domestic partner, parent, parent-in-law, or grandparent**, who has a *serious* or emergency health condition.
- **Disabled adult son or daughter** who is not able to take care of him/herself.

For more information, see:

www.lni.wa.gov/WorkplaceRights/LeaveBenefits/FamilyCare/LawsPolicies/FamilyLeave/

Pregnancy and Parental Leave

Federal and state laws protect new parents' rights to take time off to care for a newly born or newly adopted or fostered child. Pregnancy, childbirth, and related medical conditions must be treated in the same way as other temporary illnesses or conditions.

It is illegal for your employer to discriminate against you because you are pregnant! For more information on pregnancy discrimination, see *Chapter 6: Discrimination*

Does My Parental Leave Have To Be Paid?

No. However, if your employer offers paid time off for other illnesses or short-term disabilities, they must allow you to use that time for pregnancy or pregnancy-related conditions.

Types Of Parental Leave

Below is a description of types of leave and the types of workplaces that determine how much time you can take off.

Fewer than Eight Employees OR the Business is a Religious Non-Profit Organization

You are not guaranteed a job when you are able to return to work.

Eight or More Employees

Under a Washington State Human Rights Commission (WSHRC) regulation, your employer has to give you time off while you are sick or temporarily disabled due to pregnancy-related conditions or childbirth. S/he must **treat you the same as other workers on leave for sickness or temporary**

disabilities. Depending on your employer's policy, this may or may not be paid. Your employer is required to give you either your old job back or a similar position after your leave is over.

Your healthcare provider, depending on your condition, determines the amount of pregnancy disability leave you can take. **WSHRC leave is not for placement of an adopted or fostered child, or to care for a child; it can only be taken for the pregnant person's health-related reasons.**

50 or More Employees

You are covered by the Family Medical Leave Act and the WSHRC disability regulation described above. Additionally, you are covered by the **Washington State Family Leave Act (FLA)**. The FLA is similar to the FMLA. Under FLA, workers who take leave from work for childbirth or pregnancy-related conditions, or parents of newly adopted or foster children *can take additional unpaid time off* over and beyond the 12 weeks provided under FMLA. Workers who qualify for FMLA also qualify for FLA.

Frequently Asked Questions About Parental Leave¹

Can I Be Laid Off Or Fired While Pregnant Or On Maternity Leave?

Not because of your pregnancy or related medical leave. However, your employer could fire you for other reasons.

¹ The following questions and answers are adapted from information provided on the Washington State Human Rights Commission's website. The original can be found here: www.hum.wa.gov/

At What Time In The Pregnancy Do I Have To Stop Working?

You and your medical provider decide when you must stop working. There is no standard time when a pregnant employee needs to stop working.

Does My Employer Need To Provide Health Insurance Coverage For Pregnancy, Childbirth And Related Medical Conditions?

If your employer offers health insurance for other temporary medical conditions, then s/he needs to provide insurance that covers pregnancy. If your employer doesn't provide health insurance generally, s/he is not required to do so for pregnancy.

Can I Expect To Have My Job Duties Altered To Accommodate My Medical Condition Because I Am Pregnant?

Your employer should allow for minor job changes to reasonably accommodate any medical condition, including pregnancy. For more information on reasonable accommodation for disability see *Chapter 6: Discrimination*.

Can My Employer Decrease My Work Hours Because I Am Pregnant?

An employer must treat a woman who is pregnant the same as any other employee. Your employer must have a business reason for changing your work schedule.

Other Types Of Leave

Paid Sick Leave

Employers are generally not required to give workers paid sick leave in Washington State. However, some cities, including Seattle, have passed paid sick leave laws that do require employers in those cities to give workers paid time off when they are sick. Check to see if any new laws have been passed in your city.

The Seattle Paid Sick/Safe Time Ordinance

All full-time, part-time and temporary employees working in Seattle for an employer with at least four full-time equivalent employees have a right to paid time off to care for themselves or a family member in illness, to deal with the aftermath of domestic violence, or if a public official has closed their workplace or their child's school for a safety emergency (e.g. flu outbreak).

During the time-off, you must be paid at the same hourly rate with the same benefits, as you would have been if you were working. If you are gone for more than three days in a row, then your employer could ask you to show a note from your doctor.

When Can I Use Seattle Paid Sick And Safe Time?

You can start taking paid sick and safe time after you have worked for your employer for at least six months. The number of hours you can take depends on how big the company is that you work for and how many hours you work.

Seattle Paid Sick and Safe Time

	Tier 1	Tier 2	Tier 3
How many employees?	5-49 Full-time equivalent employees (FTE)	50-249 FTE	250+ FTE
How fast do I earn hours?	1 hour per 40 worked	1 hour per 40 worked	1 hour per 30 worked
How many hours can I earn per year?	40 hours	56 hours	72 hours, can use and carry over 108 hours per calendar year

For more information or to file a complaint, contact:

Seattle Office for Civil Rights

Web Address - www.seattle.gov/civilrights/SickLeave.htm

E-mail - psstquestions@seattle.gov

Phone - **206-684-4500.**

Domestic Violence Leave

Washington State law allows all employees to take (paid or unpaid) leave to deal with issues of domestic violence, sexual assault, or stalking for themselves or family members. You can take time off for:

- Law-enforcement assistance.
- Medical treatment or counseling at a domestic violence shelter or crisis program.
- Relocation and safety issues.

You must give notice to your employer as soon as possible if you need this leave. When you are requesting leave for domestic violence, your employer may ask you to prove that either you or a family member is a victim of domestic violence, sexual assault, or stalking. Your employer must keep this information confidential.

For more information visit:

www.lni.wa.gov/WorkplaceRights/LeaveBenefits/FamilyCare/DomViolence/

What To Do If You Think Your Rights Have Been Denied

- It is illegal for an employer to interfere with or refuse workers their rights to take leave or return to work after taking leave.
- It is illegal for an employer to discriminate or retaliate against (punish) any worker for taking leave, requesting to return to work after taking leave, or filing a complaint about violations of the leave laws.
- It is illegal for an employer to use an employee's use of protected medical leave as a "negative factor" in his or her decision to discipline you, demote you, lay you off, or terminate your employment or in any other employment evaluation.
- The Washington Law Against Discrimination (state law) and Title VII of the Civil Rights Act of 1964 (federal law) make it illegal for your employer to discriminate against you (treat you worse) because of

pregnancy or pregnancy disability. The state law applies to employers with eight or more employees. The federal law applies to employers with 15 or more employees.

If you feel like your rights are being violated – you can go to a government agency for help and file a claim. Or you can contact a lawyer and, in some cases, take your employer directly to court.

Where To File A Claim

Contact information for these organizations can be found in the Resources chapter of this manual.

US Department of Labor

- **The Family Medical Leave Act**

WA State Department of Labor and Industries

- **Washington State Family Leave Act**
- **Domestic Violence Leave**
- **Washington Family Care**

Equal Employment Opportunity Commission (EEOC)

- **Pregnancy Discrimination**

WA State Human Rights Commission

- **Pregnancy Discrimination**

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(Amanda Mills, Center for Disease Control)

Introduction

There are federal, Washington State and local laws that protect you from discrimination at work. "Discrimination" means treating certain people better or worse than others because of a particular trait. It is generally against the law for your employer to discriminate against you because of your:

<ul style="list-style-type: none">▪ Age▪ Ancestry▪ Citizenship status (if you have the legal documentation to work in the USA)▪ Color▪ Creed▪ Disability▪ Gender Identity▪ Genetic Information▪ Marital Status	<ul style="list-style-type: none">▪ Honorably Discharged Veteran/Military Status▪ National Origin▪ Political Ideology▪ Race▪ Religion▪ Sex (including pregnancy)▪ Sexual Orientation▪ Union Membership or Activity
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When Is Discrimination Illegal?

It is illegal to discriminate in any area of employment, including:

- Job advertisements and applications
- Job referrals
- Recruitment
- Hiring and firing
- Wages
- Fringe benefits (for example, daycare or transportation services provided by your work)
- Transfer, promotion, layoff, or recall
- Retirement plans and disability leave
- Drug and other medical testing
- Use of company facilities
- Training and apprenticeship programs
- Tasks you are given
- Any other terms or conditions of employment



Types of Discrimination

There are many different federal, state and local laws that make discrimination illegal. For more complete information about what forms of discrimination are illegal under which laws, please see this chapter in the complete, unabridged version of this manual. You can download it for free online at:
<http://georgetown.southseattle.edu/lerc/>

Race

An employer cannot discriminate against or harass you because of your race or ethnicity. Ethnic slurs, racial "jokes," insulting comments and/or other verbal or physical actions based on race and/or color may be illegal if they are severe and ongoing and/or are part of a pattern of discriminatory actions.

Also, your employer cannot hire, fire, or promote based on "stereotypes" (an overly simple idea held by one person or group about another). S/he cannot make assumptions about your personality or what you can do based on your race. In addition, employers cannot decide not to hire you because you are married to or associated with someone of a certain race. Your employer also cannot discriminate against you because you go to schools or places of worship associated with a particular race.

Citizenship Status Or National Origin

An employer cannot discriminate against you or harass you because you or your family are from another country; you have a name or accent associated with another country; you participate in customs associated with people from another

country; or you are married to or spend time with people from another country.

A rule requiring that you speak only English on the job might be against the law, unless your employer shows that the rule is necessary for business reasons. Your employer must let you speak other languages during non-work time, such as during lunch and breaks.

If you are an immigrant with documentation to work legally in the U.S., an employer generally may not discriminate against you for not being a citizen.

Right Against Document Abuse: Document abuse is when an employer requires you to present specific identification documents to prove that you can work, instead of allowing you to choose which documents to show them. As long as the documents you show meet the legal requirements, you have the right to choose which ones to use. It is also illegal for your employer to make you show more documents than the I-9 process requires. For example, if you show your employer your Permanent Resident Card, your employer can't make you also show your birth certificate. For a list of the documents that will satisfy the I-9 requirements, see the last page on this link: <http://www.uscis.gov/files/form/i-9.pdf>.

Right Against Nationality or Citizenship Discrimination: It is discrimination if your employer says that certain workers need to prove that they are legally allowed to work when others do not need to prove anything. For example, if your employer requires workers of Chinese descent to provide documentation but does not require workers of German descent to show any papers, this is discrimination, probably both on the basis of race

and national origin. Unfortunately, this does not protect undocumented workers.

Religion

An employer cannot discriminate against you or harass you because of your religion. You should not be required to participate in a religious activity to keep your job, nor should you be barred from participating in a religious activity.

Your employer cannot hire, fire, promote, or demote you based on stereotypes about you and what you can do based on your religion, or the religion of people you associate with.

Your employer must make "reasonable accommodations" for your religion. This means your employer may be required to make changes that will let you do your job and still allow you to adhere to your religious practices, unless it would make it difficult for your employer to do business.

Sex, Gender and Pregnancy

It is illegal for an employer to discriminate against you or harass you because of your sex or gender. There are a few different categories of gender discrimination in the workplace.

Discrimination in Hiring, Promotions, and Wages

It is against the law to discriminate on the basis of sex in the payment of wages or benefits where men and women perform work of similar skill, effort, and responsibility for the same employer under similar working conditions.

Gender discrimination also includes discriminating against you based on stereotypes about your responsibilities as a mother or father.

Sexual Harassment

There are two types of illegal sexual harassment: **hostile work environment** and **quid pro quo** harassment.

A **hostile work environment** is when the workplace is made difficult or unsafe for you to do your job because of your gender. This includes directing unwelcome sexual word or actions at you. It is illegal harassment if these actions are severe and ongoing and/or are part of a pattern of other discriminatory actions.

Quid pro quo sexual harassment is when someone from work who has higher status than you (like a supervisor) asks you for sexual favors in return for better treatment at work, or to avoid worse treatment. This may be harassment, even if you agree to it.

Pregnancy and Pregnancy-Related Conditions

Pregnancy, childbirth, and related medical conditions must be treated in the same way as other temporary illnesses or conditions. Employers can't make choices about hiring, firing, promotion, or demotion based on stereotypes of pregnant women, not even in an effort to protect pregnant women from the hazards of the job. The only exception is if an employer can demonstrate business necessity. For information on leave from work for pregnancy, please see *Chapter 5: Taking Time Off From Work*.

Sexual Orientation and Gender Identity

In Washington, it is illegal for your employer to discriminate against you or harass you in any way because of your perceived or actual sexual orientation, gender identity, or if you are

transgender. Employers can't make choices about hiring, firing, promotion, or demotion based on sexual orientation and gender identity.

Age (40+)

If you are over 39 years old, an employer cannot discriminate against you or harass you because of your age.

It is illegal to:

- Use your age to make choices about hiring, firing, promoting, and demoting
- Give age preferences/limits in job notices and ads. Age limits are only allowed in limited situations
- Discriminate based on age in apprenticeship programs
- Give older employees fewer or worse benefits than younger employees.

Disability Discrimination

An employer cannot discriminate against you or harass you because of your disability or medical condition or because of a belief that you have a disability or medical condition. Use of a trained guide dog or service animal is also protected under Washington State law.

If you have a disability, the employer has to make *reasonable accommodations* for you to work so long as you can do the essential parts of your job with these accommodations. This means working out a system that lets you do the job just as other employees do, or coming up with different tasks that you

are able to perform. For information on taking leave for disability see *Chapter 5: Taking Time Off From Work*.

Your prospective employer cannot ask you to take a physical or medical test before you have been offered a job. Once you have been offered a job, your employer can ask you to take a physical or medical test, if all other workers doing similar tasks have to take it as well (you aren't being singled out because you have a disability, or your employer *thinks* you have a disability) and the test is really necessary to do the job. Your employer cannot discriminate against you because of genetic information that suggests you are more likely to get a disease.

Lifestyle Discrimination

Right now, there is some debate about whether employers can make decisions about hiring, promotions, insurance rates, etc. based on an employee's lifestyle. For instance, employers have discriminated against people who smoke cigarettes, eat certain foods, or drink alcohol in their free time. It is not clear whether this is legal or not.

The Americans with Disabilities Act or the Washington State Human Rights Commission might protect you from this type of discrimination. Laws against disability discrimination may protect some people who have medical issues such as obesity or high cholesterol from employers who discriminate against them.

Union and Concerted Activity

Under the National Labor Relations Act, it is illegal for your employer to discriminate against you because you are in a union, because you support a union, or because you are joining with your coworkers to improve your working conditions, even if you are not in a union. Please see Chapter 12 for more information.



(Master Sgt. Lee Osberry, U.S. Air Force Photo)

Criminal Background

Beginning November 1, 2013, it is illegal for most employers in Seattle to advertise jobs that keep out applicants with a criminal history, ask criminal history questions or perform criminal background checks during the initial part of the hiring process. If you have already been hired and your employer then performs a background check s/he cannot take any actions against you (fire, demote, etc.) because of your criminal background unless s/he allows you to explain or correct the criminal history information, and s/he can prove that there is a good business reason for their action. There are exceptions when the job would place you in charge of children or vulnerable adults. For more information on this new law, contact the Seattle Office for Civil Rights:
www.seattle.gov/civilrights/criminalrecords.htm

What If I Have Been Discriminated Against?

If you think your rights have been violated, keep track of what happened and when!

Step 1: Report it to your employer. Unless your employer is the one who is harassing you, you must report harassment to your employer and give her/him a chance to fix the problem before filing a legal complaint. Many workplaces have a person who is assigned to handle these sorts of issues, sometimes called an “EEO Officer” or Ombudsman. If you are a union member, you can report the harassment to your union representative or shop steward.

Step 2: Report it to a government agency. Any worker who believes that his or her employment rights have been violated may file a charge of discrimination.

If you think you have been illegally discriminated against, contact a government agency as soon as possible. Under most discrimination laws, you have between 6 months to one year after the act of discrimination to file a claim.

If I Report Discrimination, Can My Employer Fire Me?

It is against federal, state and local laws for your employer to retaliate against you for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices! Retaliation means punishing someone because s/he has reported (or helped report) a violation to either the employer or the government, or cooperated with an investigation. If your employer fires, gives

you a worse job, fails to promote you, or takes other negative action towards you that affects your job, it may be illegal retaliation. It is also illegal if your employer encourages or allows coworkers to retaliate against you.

Where Do I File A Claim?

You can file a discrimination claim with the local, state or federal agencies described below. Before filing a complaint, you may want to check with each of the federal, state, and local agencies to see how quickly they can process your claim and what help they can give. Remember that not all of the agencies provide the same solutions, or cover the same laws. Knowing what an agency can offer may help you determine which one is best for your needs. Getting advice from a lawyer about your options may also be helpful.

To protect your right to go to court, you should always file a complaint with the federal EEOC or the Washington State Human Rights Commission, even if you choose to also file with the city or county.

For discrimination based on union activity or support, file a complaint with the National Labor Relations Board. See Chapter 12 for more information.

What If I Am A Public Employee?

If you are a public employee, you must first file a complaint with the branch of government that employs you. For example, if you are an employee of the City of Seattle, you cannot file a complaint against the City at the King County Office of Civil Rights Enforcement; you must file with the Seattle Office for Civil Rights. Similarly, if you are a federal employee, you must

file with the EEOC, not with the Washington State Commission for Human Rights.

File under State Law

Washington State Human Rights Commission (WSHRC)

Location	Phone Number	Address
Olympia	(360) 753-6770 Toll-Free: 1 (800) 233-3247 TTY: 1 (800) 300-7525	711 S. Capitol Way, Suite 402 Olympia, WA 98504-2490
Spokane	(509) 568-3196	1330 N. Washington St., Suite 2460 Spokane, WA 99201
Yakima	(509) 494-0347	15 West Yakima Ave, Suite 100 Yakima, WA 98920
Vancouver	N/A	312 SE Stone Mill Drive, Bldg. 120 Vancouver, WA 98684

File Under Federal Law

The US Equal Employment Opportunity Commission (EEOC)

Phone Numbers – 1(800) 669-4000 and 1(800) 669-6820

Address - Federal Office Building 909 1st Ave, Suite 400, Seattle, WA 98104-1061

Web Address - <http://www.eeoc.gov/>

The Office of Special Counsel for Immigration-Related Unfair Employment Practices

Phone Numbers – (202) 616-5594, 1 (800) 255-7688, TTY: 1 (800) 237-2515

Address – U.S. Department of Justice, Civil Rights Division, 950 Pennsylvania Ave NW, Washington DC 20530

Web Address – <http://www.justice.gov/crt/about/osc/>

File Under Local Law

Seattle Office of Civil Rights

Phone Numbers – (206) 684-4500, TTY: (253) 591-5153

Address - Central Building 810 3rd Ave, Suite 750, Seattle, WA 98104

Web Address - www.seattle.gov/civilrights

King County Office of Civil Rights

Phone Numbers – 206-263-2446, TTY Relay: 711

Address - Chinook Building, 401 Fifth Avenue, Suite 215, Seattle, WA 98104

Web Address –

www.kingcounty.gov/exec/CivilRights/FileComplaint.aspx

Tacoma Human Rights and Human Services Department

Phone Numbers – (253) 591-5151, TTY: (253) 591-5153

Address – 747 Market St, Room 836, Tacoma, WA 98402-3779

Web Address – <http://www.cityoftacoma.org/>

Spokane Human Rights Commission

Phone – (509) 625-6742

Address – 808 W Spokane Falls Blvd, 5th floor, Spokane, WA 99201

Web Address - <http://www.spokanecity.org/>

Chapter 7: Unemployment

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Did My Boss Have The Right To Fire Me?

If you've been fired, first check if it is for a legal reason. If you are an "at-will" employee, your employer can fire you for almost any, or no reason at all. Most non-union private sector workers are employed at-will; however, many public sector and most union workers have the right to keep their jobs, unless their employer has followed certain procedures and/or can show "just cause" for termination. This means that your boss would need a good reason to fire you. If you are in a union, check with your union representative about the process for discipline and dismissal. If you work in the public sector (that is, you work for a government agency), check with an attorney or your employer's human resources department about the rules for dismissal. Most public sector workers have protections found in federal, state, and local laws that establish procedures for job dismissal.

Whether you are employed "at-will" or not, you cannot be fired for **discriminatory reasons, retaliation for whistle blowing or filing a formal claim defending your workplace rights**, or for **concerted activity**. This means, in general, it is illegal to fire you:

- For organizing with one or more workers to try to improve working conditions, whether in person or online.
- For joining or forming a union with your co-workers, or for union membership or support.
- For filing a health and safety or other official complaint or advocating for your other workplace rights.

- In Washington State because of your age, ancestry, citizenship status (if you are legally allowed to work in the United States), color, creed, disability, gender identity, genetic information, military status, national origin, political ideology, race, religion, sex, pregnancy, or sexual orientation.
- For refusing to give your employer your username and/or password to social media sites.

There are some important exceptions to these rules. Organizing and forming a union are **not** protected rights for all farm workers, domestic workers, independent contractors, supervisors (if they have the power to hire and fire employees), and confidential workers.

If you think your employer discriminated against you when firing you, you should file a complaint as soon as possible. Please see *Chapter 6: Discrimination* for information on filing a complaint.

Last Check From Your Employer

Your employer must pay you for all unpaid work hours in your last paycheck on your next regularly scheduled payday. Your employer **cannot** withhold your paycheck, for example, until you turn in your keys or uniform. If your employer does not pay you for any hours that you have worked, s/he is breaking the law by committing wage theft. Please see *Chapter 1: Basic Workplace Rights* for more information on wage theft.

Unemployment Insurance (UI)

Unemployment Insurance (UI) is a program managed by the WA State Employment Security Department (ESD) that gives payments to qualified people who lose their jobs through no fault of their own. These payments should help you pay your bills until you find a new job. To receive UI payments, you must file a weekly claim. For detailed information on Unemployment Insurance, read on and visit the Washington State Employment Security Department's homepage: www.esd.wa.gov/uibenefits/.

Qualifying For Unemployment Insurance Benefits

Generally, you qualify for unemployment benefits if:

- You lose your job through no fault of your own.
- You worked at least 680 hours (about 1/3 of a year, full time) during the previous year.
- You have documentation that allows you to work legally in the USA.
- You were laid off or your hours were reduced due to lack of work.
- You are physically and mentally able to work.
- You are available for and actively seeking a new job,

Special Circumstances

Special circumstances may also qualify a person for unemployment insurance benefits based on other factors. These include:

- Domestic violence or stalking victims who voluntarily leave work to protect themselves or their families. More information can be found online at www.esd.wa.gov/uibenefits/specialservices/domesticviolence/domestic-violence.php.
- In some cases, people who voluntarily leave their jobs because their spouses are transferred. You must work as long as you can before your spouse is transferred.
- Union workers who are not working because of a lockout during contract negotiations.

Who Does Not Qualify For UI Benefits?

People who were working as the following are probably not eligible for benefits:

- Independent contractors (you may be able to opt-in).
- Independent salespeople who work on commission away from their employer's office location.
- School employees in between terms.
- Union members that are on strike, or union members who are honoring another union's strike.
- Elected government officials.
- Church employees.
- Appraisers.

- Amateur sports officials, like umpires and referees.
- Work-study students.
- Licensed real-estate agents, brokers and investment company agents.
- Travel agents paid on commission.

What If I Quit My Job?

If you quit your job, you may under certain circumstances still be able to receive unemployment insurance. If you had "good cause," that is, a reason to quit that is recognized by law, you may qualify, however, the circumstances must have been extremely difficult. For example, if you quit work because your working conditions were beyond what any reasonable person would tolerate, it may be considered a good cause. If possible, before you quit, talk to an attorney, your union representative, or the ESD about whether your reason for quitting might qualify as good cause. There is also a list of "good-cause" reasons in the Handbook for Unemployed workers from the Washington State Employment Security Department (ESD). Find the handbook on the ESD homepage: www.esd.wa.gov/

Applying For Unemployment Insurance Benefits

How Do I Apply?

You should apply for UI as soon as you are laid off or your hours are reduced. You can apply by calling the Unemployment Claims Tele-Center at **1 (800) 318-6022** (TTY 800-365-8969). Instructions will be available in many different languages.

You can also apply for benefits online at www.esd.wa.gov. If you do not have access to a computer or telephone, you can use the telephones and computers available at WorkSource Offices (see below for more information).

For every week that you claim benefits, you must apply for at least three jobs or attend one WorkSource workshop and keep a record of it.

How Much Money Will I Receive?

The amount you are eligible to receive does not depend on financial need. It depends on your previous earnings. You can ask for a written estimate of what your benefits might be by calling the Unemployment Claims Tele-Center at **1 (800) 318-6022**.

There is also an online calculator tool that you can use to calculate your possible benefits at:
www.esd.wa.gov/uibenefits/benefitcheck/how-much.php.

Unemployment benefits are considered taxable income. For information on paying taxes on unemployment benefits see:
www.esd.wa.gov/uibenefits/faq/irs-info.php

Disagreements And Problems

What If My Former Employer And I Disagree About How The Employment Relationship Ended?

If there is a disagreement about whether or not you qualify for unemployment insurance, the ESD gets information from both you and your former employer about what happened when your job ended and decides whether you qualify. Because the rules about eligibility are complicated, you should contact the Unemployment Claims Tele-Center at **1 (800) 318-6022** about your specific situation.

If you disagree with any decision made by the ESD related to your unemployment benefits, you have the right to have the decision checked for fairness. This is called *filing an appeal*. You appeal by writing a letter to the ESD telling them you would like to appeal.

Make sure you continue to file weekly claims during your appeal! If you win your appeal, you will only be paid for the weeks that you filed a claim.

You can also contact an attorney for help or the Unemployment Law Project if you are low-income and your claim is denied.

The Unemployment Law Project – (for Denied Claims)

The Seattle office contact information is listed below, but they will help anyone in Washington State.

Unemployment Law Project Seattle Office

Phone - (206) 441-9178 or

Toll-free - 1(888) 441-9178

Web Address - <http://unemploymentlawproject.org/index.html>.

Dislocated Workers And Retraining

If you lose your job, there are programs that can help you learn new skills to enter a different field. These programs may include paid or unpaid training for a new job, financial help with relocation to an area where there are more jobs, and assistance in your job search.

WorkSource

Depending on the type of job you had or where you live, resources for people who are searching for a new job will be different. After you apply for unemployment benefits, one of the first places you should turn when searching for a new job or additional training is WorkSource. WorkSource has many offices all around the state and can assist you with your job search and help you understand and apply for retraining programs.

For information on WorkSource services and office locations visit the WorkSource website:

<https://fortress.wa.gov/esd/worksource/> or call the WorkSource Help Desk at **(360) 407-1389**.

Additional Resources

Employment Security Department (ESD)

The ESD has a more detailed FAQ sheet and many other tools to help you estimate eligibility, benefits and file claims online. Visit the ESD on the web at: www.esd.wa.gov. You can also contact the ESD by phone at 1-800-318-6022.

Farm Worker Job Training

The Opportunities Industrialization Center (OIC) offers services to help eligible farm workers in Moses Lake, Mount Vernon, Pasco, Sunnyside, Wenatchee and Yakima develop skills, or train for permanent year-round employment outside agriculture. This program also provides educational services for preschool-aged children. For more information contact the Yakima office or visit the website to find more office locations and contact information.

Yakima OIC

Phone - (509) 248-6751

Address - 815 Fruitvale Blvd., Yakima, WA 98902

Web Address - www.yvoic.org.

Washington State Labor Council Dislocated Workers Program

The Washington State Labor Council has a dislocated workers program that operates during plant closures to make sure that the affected workers have access to the best job re-training and re-employment program opportunities available. Assistance with applying for unemployment and other benefits for working families is also available.

WSLC's Dislocated Workers Program

Phone - 360-357-8736

Web Address - www.wslc.org/services/dislocated.htm

Chapter 8: Young Workers, New Jobs

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This section will give you a better idea of what employers can and cannot ask you to do because of your age or student status. It also includes options for career education, and what you should look out for when you are beginning work for the first time (regardless of age), or when you re-enter the workforce after not having worked for a while.

Teen Workers

Age, Wage and Hours

How Old Do I Have To Be To Work?

In Washington State, the minimum age for teen workers is 14 years old. There are a few exceptions for some agricultural work or when a teen is working for a business *entirely* owned by their parent or guardian.

In order to hire a worker under the age of 18, your employer must get a permit from a state agency. Your employer must also have authorization from your parent and/or your school.

What Is The Minimum Wage For Minors?

The minimum wage in Washington State for 16 and 17 year-old workers is the same as for adults — \$9.32 per hour in 2014. Teens under age 16 must be paid at least 85 percent of the state minimum wage - \$7.92 in 2014.

Exceptions:

- Teens who work on farms owned by their immediate family members or guardians can be paid less than the minimum wage.

- Teen farm workers who do not live on the farm, harvest crops by hand, get paid per piece, and have worked in agriculture for less than 13 weeks during the last calendar year can be paid less than minimum wage.

Breaks For Teens

All 14 and 15 year-old non-agricultural workers have the right to a 30-minute, uninterrupted meal break for every four hours they work each day. They must also have a paid rest break of at least 10 minutes for every two hours worked.

All 16 and 17 year-old non-agricultural workers and all agricultural workers under 18 have the same rights as adult workers. See Chapter 1 for more information.

When Are Teens Allowed To Work?

Most teens under 18 may not work during school hours. In addition to that, there are limits to how many hours and how late at night teens may work during non-school hours. How much you can work depends on your age, the type of work you are doing and whether it is during a school break or during a school-week.

For teens working in non-agricultural work (not farm-work) see: www.lni.wa.gov/WorkplaceRights/TeenWorkers/Hours/

For teens working in agriculture see: www.lni.wa.gov/WorkplaceRights/TeenWorkers/Agri/Hours/

Safety For Teens on the Job

The same safety and health laws that protect adult workers cover teens. For a detailed look at those laws, see Chapter 2: Health And Safety.

In addition, teens cannot be asked to perform work that could be dangerous for them such as driving vehicles, being exposed to dangerous chemicals, working high above the ground, using machines that could injure them, or working with explosives.

You can find complete lists of tasks that teens cannot perform online. **For teens in non-agricultural jobs:**

www.lni.wa.gov/WorkplaceRights/TeenWorkers/Prohibited/default.asp

For teens in agricultural jobs:

www.lni.wa.gov/WorkplaceRights/TeenWorkers/Agri/Prohibited/default.asp

Where to Go for Help

If you believe that your rights are being violated, the Washington State Department of Labor & Industries (L&I) is a place to get help.

[WA State Department of Labor and Industries \(L&I\)](#)
[Employment Standards Office](#)

Phone - 1 (866) 219-7321.

For more information on Teen Workers, go to www.teensafety.lni.wa.gov/. If there is a union in your workplace, you will have additional benefits and access to help through your collective bargaining contract and union representatives. Be sure you have a copy of your collective bargaining contract and know whom to contact if you need help.

Internships

Internships can be paid or unpaid, depending on the company. Your internship provider has to provide a safe working environment for you and follow all health and safety laws. For more information on these laws, see Chapter 2..

Internships At a For-Profit Business

Even if you receive school credit, an internship at a for-profit business can only be unpaid if **all** of the following six standards are met:

- 1) The internship should be mostly educational. It can include some actual work experience, but you should not be doing routine business tasks all the time. An internship should help you develop a range of skills that could help you in a number of different jobs.
- 2) The internship must primarily benefit you, the intern.
- 3) You cannot be hired *instead of* regular workers. This means, that if the employer would have paid someone else to do the tasks that you are doing, then you should probably be paid as a legal employee.
- 4) The employer should not directly benefit from your work.
- 5) You are not guaranteed a job at the end of the internship. If there is an understanding that you will probably be hired at the end of the internship, then you should be paid like a regular employee from the outset.
- 6) You and the internship provider must both know and agree that the internship will be unpaid.

If your internship does not meet these guidelines, then you may be an employee. As an employee, you should get at least minimum wage and overtime pay.

Note: It is illegal for a for-profit, private sector business to have unpaid *volunteers*.

For help getting paid for your work, you can contact the Department of Labor's Wage and Hour Division at **1-866-487-9243**. You may be able to get paid for past work even if you finished the internship or got school/college credit for the internship.

Internships at Non-Profit Organizations

Federal law allows unpaid internships at non-profit businesses (such as schools, churches, and government organizations). In this case, you are a volunteer and you do not have to be paid minimum wage or overtime.

Contact Information for Internship Questions

You can contact the United States Department of Labor for more information about paid and unpaid internships.

Seattle District Office

Address - 300 Fifth Avenue, Suite 1130, Seattle, WA 98104

Phone - (206) 398-8039

Portland District Office

If you are from Wahkiakum, Cowlitz, Clark, Skamania and Klickitat counties, you should contact the Portland WHD District office.

Address - 620 SW Main Street, Room 423, Portland, OR 97205

Phone - (503) 326-3057

Apprenticeship

Apprenticeship is an option for those who are at least 16, have finished high school or their GED, are drug-free (you can be tested), and would like to learn a skilled trade while getting paid. Apprenticeship programs in Washington State usually take 1-5 years of mostly on-the-job training. Apprentices also get classroom instruction.

There are different requirements for apprenticeship programs in different trades, such as electrical or plumbing work. Getting in to an apprenticeship program can be competitive. When you complete an apprenticeship program you become a “journey worker,” certified (and usually licensed) as an expert in your field.

Benefits of Apprenticeship

Help with the cost of college: Some apprenticeship programs help you pay for classes at technical colleges, and may let you earn credit towards an Associate’s degree in addition to your license in the trade.

Excellent training and chances at getting work: Established training programs are recognized as producing highly skilled workers who are sought after by employers. Some apprenticeships (especially union apprenticeships) also offer job placement services through their “hiring halls.”

Guaranteed pay raises: As an apprentice your pay is an increasing percentage of a journey worker’s pay. Especially in union apprenticeships, these are living wage jobs so, even if you are only getting a percentage on the journey rate, you are likely to make a decent living.

VA educational benefits: Veterans might be able to enjoy VA educational benefits during their apprenticeships.

Work on federal projects: Being a registered apprentice will allow you to work on state and federally funded projects. Typically, such projects offer a higher rate of pay than privately funded, non-union projects.

Apprentice Health and Safety

Whether you are injured during on-the-job training or in the classroom or lab, your medical expenses and wages will be covered by insurance.

For any injury, tell your supervisor or instructor right away and seek medical attention.

For more information on the process to get your medical costs and lost wages covered, see Chapter 3 and ask your instructor

or program coordinator. For more information on the health and safety laws that cover all workplaces see Chapter 2.

An injury should be reported within one year for you to receive benefits. An occupational illness should be reported within two years of the start of the illness.

Contact Information for Washington State Apprenticeships

Phone - (360)-902-5320/5323/5324

Web Address - www.lni.wa.gov/tradeslicensing/apprenticeship/

University and College Student Workers

Federal Work-Study Programs

Some student workers may qualify for Work-Study programs. These programs are funded by the state and federal governments and pay part of a student worker's wages.

Am I Eligible?

- Work study is for low-to-middle income students. You must show that you need financial aid to attend college.
- You must have the documentation to work legally in the U.S.
- If you are male, you must be registered with Selective Service.
- You must have a high school diploma or recognized equivalent (GED).
- You must be enrolled in a registered college at least half time, be working towards a degree or certificate, and show that you are making satisfactory academic progress.
- You cannot be in default on a federal student-loan or owe money on a federal student grant.
- You may not work for an employer that is involved in politics.
- You cannot work for a company that you own (or even partly own), and you cannot work for a company if the person who will verify your hours is part of your family.

For the Washington State program, all the above are true, plus:

- You cannot be studying towards a theology or religion degree. You also may not work for any employer that is connected with a religion, though some hospitals are exceptions.
- You must be a resident of Washington State.

To apply, you must fill out the Free Application for Federal Student Aid (FAFSA) online at www.fafsa.ed.gov. After you submit your FAFSA application, you will automatically be considered for both the Federal and Washington State programs. If you get a work-study award, you will have to find a job on your own with an employer who has applied to the program for funding. Your college will probably have placement services to help you. As a work-study employee, you have all the same rights as a regular employee, for instance, the right to be paid minimum wage. See Chapter 1 for more information about basic workplace rights.

For More Information On The Federal Work-Study Program

Federal Student Aid Information Center

Phone - (800) 433-3243 or (800) 4FED-AID

Web Address - <http://studentaid.ed.gov/types/work-study/>

Your college's student employment office or career center will also be an important contact for the Federal Work Study Program.

More Information On The Washington State Work Study Program

You can find the Washington SWS program handbook at:
www.wsac.wa.gov/PayingForCollege/StateAid/WorkStudy

The Washington State Student Achievement Council is in charge of the criteria for the Washington Work Study Program. You can contact them at:

Phone - (360) 753-7800

Web Address - www.wsac.wa.gov/

International Student Workers

On-Campus Employment

Students in the U.S. who hold F-1 visas can qualify to work certain on-campus jobs that serve students like campus bookstores or cafeterias. After one school year, you can work in an off-campus location that is connected to the school in some way such as a research lab. International students can work on-campus for 20 hours per week while school is in session and 40 hours per week during breaks. You do not have to get a separate work authorization for on-campus employment if you have an F-1 visa.

You can find more information about student immigration on the US Immigrations and Customs Enforcement website at <http://www.ice.gov/sevis/students/>.

Curricular or Optional Practical Training (CPT Vs. OPT)

CPT and OPT are both ways for international students to gain work experience in the United States. These programs require you to have finished one year at the college you are going to graduate from, and require that your job relates to your major.

You may be paid for CPT and OPT, and you can work during the school year. For more information on these programs and the differences between them visit:

www.ice.gov/sevis/practical-training/

STEM Extension

If you participated in an OPT, you may be able to get a one-time STEM Extension of 17 months if your major and job are related to Science, Technology, Engineering, or Math, and your employer uses E-Verify. Apply for the extension before your OPT runs out.

Work At An International Organization

You are allowed to work as an intern at an international organization that has been approved by US Citizenship and Immigration Services (USCIS) as long as you have F-1 status and you are living in the US. You can find more about the International Organization Internship Program online at http://www.ice.gov/sevis/f_1_employment.htm.

Exception For Severe Economic Hardship

International F-1 students who experience unexpected economic hardship may work off-campus in a job unrelated to their field. To qualify for this, you must be doing well in school and prove to USCIS that on-campus employment isn't enough to meet your financial needs.

Undocumented Young and Student Workers

Can I Work In The United States?

Without a work permit, it is not legal for an employer to hire you. If you do work in the US, you are entitled to earn minimum wage and are covered by most other rights covered in this manual. Please see *Chapter 10: Undocumented Workers* for more information.

How Do I Get Authorized To Work In The United States?

As of June 2012, it is possible for undocumented students to get Deferred Action for Childhood Arrivals (DACA) and Employment Authorization Document (EAD) from the U.S. government, which allows you to work in the United States for two years.

Eligibility:

- You must have been under age 31 on June 15, 2012; and,
- You must have come to the United States before age 16 (and you must still be in the US when you apply for your EAD); and,
- You must have lived in the US continuously since on or before June 15, 2007; and,
- You must not have a criminal record of a felony or a significant misdemeanor, or more than three misdemeanors; and,

- You must be in school, graduated from high school, have a GED, or have been honorably discharged from the US Coast Guard or military.
- If the government has never asked you to leave the country: you must be at least 15 years old to apply for the Deferred Action and EAD.
- If you have been asked to leave, or are in the process of being asked to leave the US: you can be younger than 15 to apply.

The total cost of the application is \$465. If you need help paying the fee, you can find support at <http://21progress.org/>. Find more information on the “Consideration of Deferred Action for Childhood Arrivals” here: www.uscis.gov/portal/site/uscis.

Resources

For a full fact sheet on undocumented student workers, you can check the Educators for Fair Consideration’s “How to Support College-Bound Undocumented Students: Advice for Parents” booklet at http://e4fc.org/images/E4FC_ParentGuide.pdf.

Chapter 9: Am I An Employee?

Independent Contractors, Household Workers, Day Laborers and Under-The-Table Workers

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(Dawn Arlotta/Cade Martin, Center for Disease Control)

Other chapters in this manual have outlined many rights that employees have at work. Unfortunately, there are some types of workers that do not have those same rights and protections. In order to be covered under most labor and employment laws, like the National Labor Relations Act, you must be an employee. If you are an employee but are told by your employer that you are not, this is called “misclassification.” This section contains information on misclassification. It also includes information on the rights of household workers, day laborers and under-the-table workers.

Am I An Employee Or An Independent Contractor?

Misclassification of workers is illegal under federal and state law. Employers who know they are misclassifying someone may be doing so to avoid paying taxes and other costs or paperwork associated with having employees. These businesses incorrectly call their workers "independent contractors." It is not the kind of work you do, but the relationship you have with your employer that determines whether or not you are an independent contractor. Just because your boss calls you an independent contractor does not necessarily make you one!

Independent Contractors

An independent contractor is a person who sells his/her services directly to the general public or companies rather than working for someone else. Independent contractors are responsible for registering and licensing their businesses (if necessary), tracking their own expenses, and filing taxes on their own.

Advantages Of Being An Employee

Employees:

- May be able to collect wages for missed work and get medical bills paid through workers' compensation if they are injured on the job (see Chapter 3).
- May be able to receive unemployment money if they lose their job or have hours cut (See Chapter 7).
- Must be paid at least the hourly minimum wage (\$9.32 per hour in 2014 in Washington).
- Usually earn overtime if they work more than 40 hours a week (See Chapter 1).
- Pay less Medicare and Social Security taxes.
- In most industries, have the right to form a union and bargain for better pay and benefits (See Chapter 12).
- Are protected against discrimination from employers (See Chapter 6).
- Have the right to take time off from work to care for a family member (See Chapter 5).
- Are protected from bad treatment (retaliation) for exercising their rights (See Chapter 1).
- Generally do not pay for costs needed to do the job, like permits or uniforms.
- Would be better able to prove they have been working if a new immigration law were to require proof from workers applying for legal status.

Advantages Of Being An "Independent Contractor"

- You don't have to work for only one company.
- You have more control over when and where you work, as long as you complete the work you said you would do.
- You might not need to show immigration documents to get a job.
- You have the opportunity to earn a greater degree of profit from your work. In some cases, you might earn more than someone who is an employee. The high-tech industry is one area in which this might occur.

How Do I Know If I Am an Employee?

Below are some questions to help determine if you are an employee. You don't have to answer "yes" to all of the questions to be considered an employee. However, if you answer "yes" to many or most of these questions, you may have been misclassified as an independent contractor.

- 1) Does your employer tell you when, how, where, and with whom to do your work? Does s/he keep records like timesheets about your hours of work?
- 2) Does your employer train you to do the work and/or provide you with the tools and materials you need?
- 3) Are you dependent on your employer to give you work in order to make any money?
- 4) Are you paid a regular hourly, weekly or monthly wage and/or get benefits like paid sick leave and health insurance from your employer?

- 5) Is the work that you do an essential (meaning, core or primary) part of the business that your employer does?
- 6) Do you have a steady and ongoing working relationship with your employer that will continue into the future?
- 7) Did you and/or your employer believe you were an employee when you entered into the working relationship?
- 8) Is your job one where no special skills, education or licenses are required for you to perform the work?

I Think I Have Been Misclassified. What now?

What you do next depends on what you want to happen. It is important to note that it is possible for you to be classified as an employee under one set of laws, and as an independent contractor under another set of laws while doing exactly the same work. Read on for some options, and get legal advice from a lawyer about your specific situation. If you can't afford a lawyer contact one of the free or reduced-price legal services listed in the Resources chapter at the end of this book.

If You Still Have Your Job, And Would Like To Be Reclassified:

If you think that you have been misclassified by mistake, it may be worthwhile to speak with your employer about it and request that you be reclassified as an employee. If there are other employees in a similar situation, go together to talk to your employer. This gives you more protection.

If You Would Like To Get Government Benefits:

If you believe you have been misclassified and want to get unemployment benefits, worker's compensation after being injured at work, wages that weren't paid or money for job-related expenses, or if you want to make sure your employer pays the rights taxes, you can file claims or complaints at the appropriate agency.

Unemployment claims: Washington State Employment Security Department, 1800-318-6022

Workers' Compensation and Lost Wages: Washington State Department of Labor & Industries, 1800-547-8367

Employer Taxes: Internal Revenue Service, 1 (800) 829-3676. Ask about filing an SS-8 form.

Household Workers

Household or domestic workers are people who work in their employer's home like house-cleaners and child-care providers. They are frequently paid under-the-table and don't have many of the rights that other employees have. The questions and answers in this section are adapted from a publication by Legal Voice. Find the original online at www.legalvoice.org.

Do Household Workers Have A Right To Be Paid Minimum Wage In Washington?

Most household workers do have the right to be paid at least the minimum wage unless you work for an employer only once or once in a while, or if you live where you work.

Taking Breaks and Taking Time Off

Washington law says that household workers do not have the right to rest breaks during work.

Also, for most household workers, your employer is allowed to fire you if you do not come to work, even if you are sick or just had a baby.

Safety and Injury on the Job

As a household worker, your employer is required to provide safe working conditions for you, for instance, cleaning materials that are as safe as possible. However, most household workers will not be able to get workers' compensation if injured at work. You should still let your employer know when you are injured and ask for help.

If the employer does not agree to help you, you have the right to sue your employer for money to help you pay your medical bills and other damages. If that amount is less than \$5,000, you can take your employer to small claims court. There is information on how to go to small claims court (in Spanish as well) at www.washingtonlawhelp.org.

If I Break Something In A Home Where I Am Working, Can The Employer Take Money For The Damage Out Of My Pay?

In most cases no. Except in very limited circumstances, your employer cannot take the cost of the broken item out of your paycheck. However, they can try and take you to court to pay for the item, and/or fire you.

Where To Go For Help: Organizing With Other Workers

Household workers who are employed by a person or family in a private home can come together with other workers to help each other, but do not have the right to collective bargaining. In other words, your employer is not required to negotiate and sign a contract. In Seattle, some domestic workers who cannot form official unions have joined together to find work and help protect each other as part of the workers center, Casa Latina. <http://casa-latina.org/>.

Cleaners or providers of other household services who work for a business, not a private family, probably *do* have the right to form a labor union (see Chapter 12).

What Can I Do If My Employer Is Breaking The Law?

You can file a workplace rights complaint with the Washington State Department of Labor and Industries. Contact information can be found in the Resources chapter.

Day Laborers

Day laborers do temporary jobs, often in construction, landscaping and manufacturing. They are frequently paid off the books and misclassified as independent contractors. The following section is for day laborers who are true employees, even if they are misclassified as independent contractors.

Does My Employer Have To Pay Me Minimum Wage And Overtime?

Day laborers have a right to be paid at least the minimum wage (\$9.32 an hour in 2014 in Washington State) and the right to be paid overtime (time and a half) for every hour worked over 40 in

a week for a single employer, whether that employer is an individual or an agency.

Does My Employer Have To Pay Me For Waiting And Transportation Time?

You do not have to be paid for the time it takes to get to work, unless you are working along the way to a job site, or are being taken to a different site for the same employer. If you are free to leave the job site, then you do not have to be paid for any time that you spend waiting to be given something to do. However, if your employer says that you have to report at a certain time you should be paid starting at that time whether the work has begun or not.

Can My Employer Take Money Out Of My Paycheck?

If your employer offers you something that you are free to accept or not (like meals or transportation), and it is clear that you are expected to pay for it, your employer can take money out of your pay as long as your wage does not fall below the minimum wage and you have agreed to it in advance. If you are not allowed to arrange for your own transportation or meals, and it is for your boss' benefit or your boss is making money off the arrangement, then you should not have to pay.

If your employer takes pay away and that results in you being paid below the minimum wage or not being paid at all, that is considered wage-theft and you should contact an attorney or Casa Latina (206) 956-0779 for help.

Uniforms and Equipment – In most cases, your employer cannot take money out of your paycheck for a uniform, tools, safety equipment or other materials that you need to do your job.

Property Damage – Except in limited circumstances, your employer cannot take money directly out of your paycheck to pay for any damages to their property, even if it was your fault. However, they may ask you to pay for the item or take you to court to force you to pay for it.

Day Labor Agency Fees for Cashing Paychecks – This is not allowed if the fee would lower your payment to below the minimum hourly wage. It is also not allowed if the employer benefits financially from these fees or if it is not mostly for your benefit. It is allowed if the employer does *not* benefit financially and the arrangement *is* mostly for your benefit *and* there is an agreement in advance and in writing.

Safety and Injury on the Job

Health and safety laws protect *all workers* regardless of their immigration status or classification as an independent contractor. You are allowed to refuse unreasonably dangerous work and not lose your job. You also have the right to file a health and safety complaint with the WA State Department of Labor and Industries (L&I). You can call them toll-free at 1 (800) 423-7233. Interpreter services are available.

If you are injured on the job, your employer is responsible for covering the cost of your medical treatment. You may qualify for workers' compensation, no matter what your immigration status is. For more information on collecting workers' compensation see Chapter 3.

Where to Go for Help: Organizing with Other Workers

Day labor centers, such as Casa Latina in Seattle, are located around the country and address issues such as wage theft and provide a safe space for workers to gather and look for work.

They provide dispatch services where people looking for workers call in advance to hire someone and then the worker is sent out from the center to do the work. They also set minimum pay rates for workers sent out from the day labor center that may be above minimum wage

For more information on the rights of day laborers and what you can do to protect yourself, visit the website of the National Day Laborers Organizing Network: <http://ndlon.org/en/>. Workplacefairness.org also has a good section on the rights of day laborers: www.workplacefairness.org/daylaborers

Under-The-Table Workers

Under-the-table work is all paid work that is not reported to the state or federal government. Under-the-table workers are generally paid in cash or through a personal check. Usually, you do not sign a written contract with your employer. It is generally illegal for an employer to hire you under-the-table.

Your Rights as an Under-the-Table Worker

As an under-the-table worker, you are entitled to the same rights and benefits as other workers, but it may be difficult to prove that you worked for a particular employer. S/he may deny that you ever worked for him/her, or say that you were an “independent contractor.”

A verbal contract is an agreement that is not written down, but workers and employers are still required to follow it. It is best to get everything in writing to protect yourself.

Employees who work under-the-table have the right to be paid minimum wage (\$9.32/hour in Washington State in 2014) and

usually overtime. Keep track of the hours and days that you work and all the information you can gather about the person or company you worked for.

Your employer is responsible for providing a safe workplace for all workers, even those getting paid under-the-table. For more information on your rights to a safe workplace and on reporting an unsafe workplace, see Chapter 2. Under-the-table employees, even undocumented workers, have the right to workers' compensation if injured on the job (see Chapter 3).

Need More Help?

If you need help understanding or claiming these rights, you should contact one of the free or reduced-price legal services listed in the Resources chapter at the end of this book.

You can also contact a community organization, such as Casa Latina (<http://casa-latina.org/>), that helps under-the-table workers and undocumented workers.

For more information on your rights as an undocumented worker, see Chapter 10.

Chapter 10: Undocumented Workers

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Your Rights As An Undocumented Worker

Being undocumented does not mean that you have no rights at work! It's important for immigrants to know about workplace rights regardless of documentation status.

NOTE: The information in this manual is up-to-date as of January 2014. Please be aware that immigration law is changing rapidly, so you may want to double-check the accuracy of the information provided here.

You Have the Right to be Paid Minimum Wage

Undocumented workers have the same wage, hour, breaks and unpaid leave rights as other workers. An employer cannot refuse to pay you by saying that you should not have been working in the first place because you have no papers. If your employer does not pay you for all the hours that you have worked, does not give you rest breaks, or does not pay you minimum wage or overtime, that is wage theft and it is illegal. For more information on these rights and how to file a complaint, please see *Chapter 1: Basic Workplace Rights*.

You Have the Right to a Healthy and Safe Work Environment

Health and safety laws protect **all workers** regardless of their immigration status. You have the right to file a health and safety complaint with the WA State Department of Labor and Industries (L&I). For information on your health and safety rights and how to file a complaint see *Chapter 2: Health And Safety*.

You Have the Right to Receive Workers' Compensation if You Are Injured at Work

All workers, including undocumented workers, can qualify for workers' compensation benefits if they are injured on the job, or become sick because of their job. Workers' compensation covers the cost of medical treatment, and in some cases lost wages. For more information on workers' compensation and how to apply, see *Chapter 3: Injury On The Job And Workers' Compensation*.

Most Workers Have the Right to Organize with Coworkers

The National Labor Relations Act (NLRA) protects most workers' right to organize a union and collectively bargain with employers. This law covers undocumented workers as well. It also protects your job if you make a "group effort" to improve working conditions even if you don't have a union.

It is against the law for an employer or supervisor to discriminate against you for trying to organize with your co-workers. This law does not protect farm workers, domestic service workers, federal employees, independent contractors, supervisors, and confidential employees. For more information on your right to organize, see *Chapter 12: Organizing to Make Things Better at Work*.

Discrimination and Retaliation

It is illegal for your employer to hire you if you are undocumented, and s/he can refuse to hire you, or can fire you because you are undocumented. Once you have a job, however, you do have some protections. Your employer cannot discriminate against you based on race, sex, pregnancy, national

origin, sexual orientation, gender identification, religion, age, disability or several other traits. For more information, please see *Chapter 6: Discrimination*.

Right Against Retaliation and Illegal Firing: Retaliation means that your employer fires you, gives you a worse job, or reports you to Immigration and Customs Enforcement (ICE) because you filed a complaint to the government about your working conditions. It is also retaliation when your employer *threatens* to fire you, give you a worse job, or report you to keep you from filing your complaint. **Retaliation is against the law.** If an employer retaliates you against, you should seek help from a lawyer.

Unemployment Insurance, Social Security Disability Insurance (SSDI) and/or Supplemental Security Income (SSI)

If you are undocumented, you **cannot** collect unemployment insurance, Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI). However, if you qualify to work under Deferred Action for Childhood Arrivals (DACA), you *may* be eligible for unemployment insurance. See the section *Undocumented Young And Student Workers* below for more information on DACA.



Filing A Workplace Rights Complaint

If any of your workplace rights have been violated, you can file a complaint with a government agency. See the chapters that cover the specific workplace right that has been violated for more information on how to file a complaint. If you choose to file a workplace rights complaint with any of the agencies that are described in this manual, there are some things you should keep in mind.

Risks of Filing a Complaint - ICE

The greatest risk in filing a complaint as an undocumented worker is that your employer may illegally "retaliate" against you by reporting you to ICE. Generally, it is ICE's policy that if you are involved in a labor dispute, they will not get involved. For example, if you complain about unpaid wages and an employer retaliates against you by threatening to fire you and you file a complaint with the Department of Labor (DOL), ICE says that they will not get involved.

Government agencies that enforce workplace rights generally should not ask about your immigration status. If they do, you do not have to answer before speaking with an attorney or legal representative!

If ICE does follow up, they could try to deport you. Worse, if you used fake papers when you applied for your job, you may be charged in court, fined, deported, and/or prevented from ever returning to live and work in the U.S. These penalties may

apply even if you are married to a U.S. citizen, have U.S. citizen children, or have lived in the U.S. for many years.

Ways To Protect Yourself

Whether or not you choose to file a complaint or a workers' compensation claim, here are some ways you can protect yourself:

- **Consider applying for a U Visa if you are filing a complaint.** A U Visa gives you *temporary* legal status if you have been a victim of a crime. If you get a U Visa, you will not be deported during the time that it takes to resolve your case; you may also be able to file for permanent residency after a certain amount of time. If you think you have been the victim of a crime, then contact the National Employment Law Project (NELP) or a legal service listed in the *Resources* chapter at the end of this manual for help with getting a U Visa.
- If ICE gets involved, request that they use prosecutorial discretion. ICE can choose not to pursue your case if you are trying to assert your workplace or other rights. By asking ICE to use prosecutorial discretion, you are asking them to not deport you while your claim is pending. This does not mean that you are legally allowed to work, it only means that ICE may decide to stop investigating your immigration status while your workplace claim is ongoing. You should talk with an attorney and ask about requesting prosecutorial discretion.

- Look for help from a community group that helps workers or immigrants. One example is Casa Latina in Seattle; contact them at (206) 956-0779.
- Keep records and collect information about your work and employer. If your employer does not give you records of your hours, or you think that the records are wrong, write down the correct information yourself and include as much information as you can about your employer. This includes his/her full name, contact information, and any other information that will assist in tracking down your employer.
- Seek help. If you have a union, talk to your union representative. Also, seriously consider finding an attorney who specializes in this field (workplace legal issues for immigrants), or seek help from a community legal aid group such as NELP, or the Northwest Immigrant Rights Project (NWIRP) (Contact information located in the Resources Chapter at the end of this manual).
- Don't discuss your immigration status with anyone until you seek legal help.
- Don't re-submit your immigration papers to your boss. Since your boss should have checked your immigration papers at the time you were hired, you should not be required to show them again, unless there is a good reason. Again, you should seek legal assistance if you are faced with this situation.
- Remember - there is strength in numbers. If your boss is denying your rights as a worker, it is very likely that

you are not alone. It is always best for you and at least one other co-worker (preferably a group of you) to come together to complain. That way you can support each other and you are more protected by the law. This is called the right to “protected, concerted activity” under federal labor law. Please see *Chapter 12: Organizing to Make Things Better At Work* for more information.

Important Note: Currently, in most situations, a government agency should enforce your workplace rights without considering your immigration status. However, if you are undocumented, there is some risk. It is very important to seek legal help from a specialist, meaning an attorney or a community group with experience helping immigrant workers with labor- and employment-related issues. *If you hire an attorney to represent you, allow your attorney to speak for you and do not communicate directly with your employer or with government officials.*



Undocumented Young and Student Workers

Deferred Action for Childhood Arrivals (DACA)

As of June 2012, it is possible for undocumented students to get Deferred Action for Childhood Arrivals (DACA) and an Employment Authorization Document (EAD) from the US government, which allows you to work in the United States for two years. To apply for Deferred Action and EAD, you have to meet some requirements:

- You must have been under age 31 on June 15, 2012; and,
- You must have come to the United States before age 16 (and you must still be in the US when you apply for your EAD); and,
- You have lived in the US continuously since on or before June 15, 2007; and,
- You cannot have committed a felony or a significant misdemeanor, or more than three misdemeanors; and,
- You are in school, graduated from high school, have a GED, or were honorably discharged from the US Coast Guard or military.

If you meet all of these requirements, you can apply for Deferred Action. Depending on your situation, though, there is an age limit on when you can apply.

If the government...

- has *never* asked you to leave the country: you must be at least 15 years old to apply for the Deferred Action and EAD.
- *has* asked you to leave in the past, or you are in the process of being asked to leave now: you can be younger than 15 to apply.

In both situations, you must have been younger than 31 years old on June 15, 2012.

If you need help applying or paying the fee to apply, you can find support at the organization 21 Progress online at: <http://21progress.org/>, or call: (206) 829-8382 Find more information on the “Consideration of Deferred Action for Childhood Arrivals” here: www.uscis.gov/portal/site/uscis

The Federal Dream Act

Note: As of 2013, the federal Dream Act has not been passed. If the Dream Act were passed, undocumented students between the ages of 12-35 who meet basic requirements might get six years of legal status to either serve in the US military for two years or finish two years of college.

During those six years you would be able to get a driver’s license (which undocumented immigrants can do in Washington State already), get federal work-study funding, and have most rights that other legal citizens have. Washington State is also considering a Dream Act that would allow undocumented students to receive State-funded financial aid to attend college. Stay informed about government action on the Dream Act and take steps to help support passage of this proposed law. A good resource is the National Immigration Law Center website at <http://nilc.org/>.

E-Verify and Social Security No-Match Letter

E-Verify

E-verify is an internet-based program run by the government that compares information from the I-9 form that you complete when you get a job to government information to determine whether you are eligible to work. If there is a mismatch, the employer is notified. Your employer can only use E-Verify once they have hired you; your employer cannot use E-Verify on job applicants that they have not yet hired or in a discriminatory way.

What Is A Tentative Non-Confirmation (TNC)?

When there is a mismatch between the information you give your employer on your I-9 form, the government will issue what is called a “tentative non-confirmation” (TNC). A TNC does not necessarily mean that you are not authorized to work in the United States; it only means that there is a mismatch in information. For more information on E-Verify visit the U.S. Citizenship and Immigration Services homepage:
<http://www.uscis.gov/>

What Do I Do If I Get A TNC?

If you get a TNC, you have the right to either *contest* or *not contest* the TNC.

If you choose not to contest the TNC: you should tell your employer and then your employer may fire you. You do not have to do anything else to respond to the mismatch.

If you choose to contest the TNC: you should tell your employer that you would like to contest the TNC and they will give you written information on how to do it. The government will make a final decision on your case. If E-Verify still says there is a mismatch in their final decision, then your employer can choose to fire you.

It is against the law for your employer to fire you or otherwise change your working conditions (for example, lower your hours or pay) because you are choosing to contest the TNC.

Will E-Verify Report Me To ICE?

The Department of Homeland Security (DHS) in partnership with the Social Security Administration runs e-Verify. ICE is also part of DHS. Workers are at risk of being reported to ICE because E-Verify is connected to DHS.

Social Security Administration (SSA) No-Match Letter

A Social Security Administration no-match letter tells an employer that s/he has submitted forms that contain names and Social Security numbers that do not match SSA records. The letter provides the names and/or Social Security numbers that do not match. SSA no-match letters are intended **ONLY** to help the SSA make sure its records and database are correct and that the SSA has the right earnings record for each employee.

A no-match letter by itself does not tell your employer that you are not authorized to work and s/he is not required to ask employees listed on the letter to bring in their Social Security cards or other immigration-related documentation. We encourage you to contact a lawyer if this happens to you.

ICE and the Police

What To Do If Immigration Comes To Your Workplace

Immigration officers are not allowed to enter your workplace — whether it is a factory, store, farm, or orchard — without permission from the owner/manager or if they have a warrant. If an officer does get permission, the officer can ask you questions about your immigration status.

- **You have the right to keep silent. You don't even have to tell the agent your name.**
- You have the right to talk to a lawyer before you answer any questions. You can tell the officer, "I wish to talk to a lawyer," in answer to any question the officer asks you.
- If you chose to hire an attorney, speak only through your attorney.
- Do *not* tell the immigration officer where you were born or your immigration status.
- Do not show the officer your papers or any immigration documents. If the officer asks you for your papers, tell the officer, "Please speak to my lawyer."

If You Are Approached By The Police On A Street Corner While Waiting For Work

The police often approach day laborers while they are gathering for work on street corners. In some places, day laborers and organizers have formed a respectful relationship with the police.

If you can, work with a trusted community group or worker center to learn about your rights and to make a plan of action for dealing with the police.

City of Seattle Police Officers are not supposed to ask you about your immigration status. If they do, you do not have to answer.

If You Are Approached By The Police:

- The most important thing to remember is to **stay calm and do not run** because you may not be in any trouble. Running may give the police a reason to hold you.
- Never give a police officer false identification or immigration-related documents.
- Regardless of your immigration status, you have the right to not answer the police officer's questions. However, refusing to speak with the police can make them suspicious.
- You should ask if you are free to leave. If the officer answers, "yes," then you should walk away from the street corner.

Can The Police Issue A Ticket Or Arrest Me For Looking For Work On A Street Corner Or Other Public Space?

Most likely, yes. Many cities have laws that forbid loitering and blocking traffic. Some of these laws make it illegal to look for work in particular places. Day labor organizers in some neighborhoods have worked successfully with the local police to discuss where workers can wait to get work or a way to address traffic or other neighborhood concerns other than ticketing workers.

What Should I Do If The Police Issue A Ticket Or Arrest Me?

You should remain silent and say, **"I am asserting my right to remain silent. I would like to speak to an attorney. I do not consent to a search."** Once the ticket is issued or you have been arrested, do not argue with the officer. The police can and will use anything you say against you. Carry a card that states your wish to exercise your right to remain silent. If the police start asking you questions, present this card to the police and remain silent.

If possible, carry the name and contact information for an attorney or community group who can give you advice in case you are arrested.

Chapter 11: Military Service Members And Families

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(Senior Airman Brittany Paerschke-O'Brien, U.S. Air Force Photo)

Introduction

Veterans, current military service members, and their families confront employment challenges in their civilian jobs that are unique to the Armed Forces. Support services are available for those who require assistance. In this section you will find employment rights, emergency contact information, and resources to assist you with your civilian job.

The Veterans Crisis Line

1-800-273-8255 and Press 1

The Veterans Crisis Line connects Veterans in crisis and their families and friends with qualified, caring Department of Veterans Affairs responders through a confidential toll-free hotline, online chat, or text. Veterans and their loved ones can call 1-800-273-8255 and Press 1, chat online, or send a text message to 838255 to receive confidential support 24 hours a day, 7 days a week, 365 days a year. Support for deaf and hard of hearing individuals is available at TTY 1-800-799-4889

More information about support services can be found at the end of this chapter.



(Senior Airman Kayla Newman, U.S. Air Force Photo)

Your Civilian Job Rights

As a veteran or service member of the Armed Forces, you have employment rights under federal law that protect your civilian job when you report for duty and when you return. The following section outlines how these laws help veterans, service members, and their families.

Uniformed Services Employment and Reemployment Rights Act (USERRA)

If you leave your civilian job for military service, your job is protected under the federal Uniformed Services Employment and Reemployment Rights Act (USERRA.) In general, USERRA guarantees that after you return from service, you will get your old job back. You are entitled to the same rights and seniority-based benefits that you would have gotten if you had been working at your civilian job that whole time. USERRA also protects you from discrimination from your employer because of your past, present, or future military service. USERRA applies to voluntary as well as involuntary service of all kinds, in peacetime as well as in wartime.

What Am I Entitled To Upon Re-Employment?

- Prompt reinstatement, which is generally a matter of days, not weeks, this will depend on the length of your service.
- Seniority-based rights and benefits.
- Training or retraining and other accommodations. This would also apply in case of a long period of absence or a disability.

- If you served between 30 days and six months in the uniformed services, you cannot be fired without cause for six months following reemployment. If you served 181 days or more in the uniformed services, you cannot be fired without cause for one year following reemployment.

Do I Have The Right To Health Care Benefits And Pension From My Employer During Military Service?

Yes. You have the right to continue your health benefits for you and your dependents for up to 24 months. If you had a pension, your employer is also required to continue to make contributions while you are deployed.

Other Benefits:

You must be treated as if you are on a leave of absence from work. While you are away, you are entitled to any rights and benefits that are available to workers on non-military leaves of absence, whether paid or unpaid.

If your employer's treatment of people on leave of absence varies depending on the kind of leave (e.g., jury duty, educational, etc.), the comparison should be made with your employer's most generous form of leave.

Can I Be Required To Use My Earned Vacation While Performing Military Service?

No. You are entitled to earned vacation or leave in addition to time off to perform military service.

Is There Someone I Can Talk To If I Think My Employer Is Violating My USERRA Rights?

Yes. You may file a complaint with the Veterans' Employment and Training Service (VETS). The VETS staff helps veterans and service members with their civilian jobs problems related to military service. For more information, contact:

Veterans' Employment and Training Service

U. S. Department of Labor

1111 3rd Ave Ste 900

Seattle WA 98101-3112

1-866-4-USA-DOL

www.dol.gov/vets

Disability Accommodations

If you become disabled or seriously injured while serving in the military, your employer has to make reasonable efforts to accommodate your disability. This could include placing you in a new job position within the same company or changing your old job. For example, if you break your leg during annual training, your employer has to make reasonable efforts to accommodate the broken leg, or place you in another position until the leg has healed. For more information on disability accommodations, see *Chapter 6: Discrimination*.

If you become disabled during service, you may also be eligible for vocational rehabilitation, re-training, and re-employment benefits through the federal U.S. Department of Veterans Affairs. You can call their toll-free number at **1 (800) 827-1000** or visit the website for more information: <http://www.va.gov/>

Leave from Employment.

Short-Term Leave For Service Members

Upon deployment, you are entitled to all the same rights and benefits you would have had if you were continuously employed, this includes the right to take leave from work. Both your military service and your civilian job hours count towards your total hours worked to meet any minimums required to trigger your leave rights under federal and state law. For more information on Family Medical Leave see *Chapter 5*.

Long-Term Leave and Disability Benefits For Service Members

If you are unable to return to work because of a serious injury or disability you may qualify for social security disability benefits. To qualify for social security benefits you must be unable to work because of your medical condition, but your injury need not have occurred during military service. For more information see *Chapter 4: Social Security For Long-Term Disability And Illness*.

In addition to the regular federal disability leave, military disability is paid to veterans who are partially or fully disabled as a result of their military service. A disability can apply to mental health conditions, such as posttraumatic stress syndrome (PTSD) as well as physical conditions, such as a chronic knee condition. The amount of money you receive is determined by the severity of your disability and whether you have children or other dependents. For more information visit:

<http://www.benefits.va.gov/COMPENSATION/types-disability.asp>

Benefits for Military Families, Spouses, Children, and Caretakers

When a person enlists in the military, his/her family is also affected. If you are the spouse, domestic partner, parent, child or caretaker of a service member, you have rights to help you manage the responsibilities of being part of a military family.

Military Family Leave Under The Family And Medical Leave Act (FMLA)

If you are the spouse, parent, son, daughter, domestic partner, or next-of-kin of a covered service member on active duty you may be entitled to “military caregiver leave” under the Family and Medical Leave Act. Under this act, you may be able to take between 12 and 26 workweeks of unpaid, job-protected leave for the following situations:

- Care of an injured service member
- Short notice deployment
- Military events and related activities
- Childcare and related activities
- Care of the service member’s parent
- Financial and legal arrangements
- Counseling
- Rest and recuperation
- Post-deployment activities

For more information see the “Employees Guide to Military Family Leave” (PDF)

www.dol.gov/whd/fmla/2013rule/FMLA_Military_Guide_ENGLISH.pdf

Or call the Department of Labor and request this pamphlet at **1-866-4-USA-DOL**

For general information about the Family Medical Leave Act, see *Chapter 5: Taking Time Off From Work*.

The Washington State Military Family Leave Act (MFLA)

The Washington MFLA is different than the federal FMLA and gives spouses and registered domestic partners of service members the right to take time off work to spend with their partners before deployment. If you work an average of 20 hours a week or more and you are the spouse or registered domestic partner of a service member, you may take up to fifteen days of unpaid leave from work right before deployment or when your spouse is on leave from deployment for personal time. Spouses of both the Regular Armed Forces and the National Guard or Reserves are eligible.

For more information on the MFLA see:

www.lni.wa.gov/WorkplaceRights/files/FamilyLeave/LeaveforMilitarySpouses.pdf

Information for Military Families

For more information on programs that support military families, including information on finding a new job if your family is transferred, changing schools for your children, health care, financial assistance and more, visit the homepage of the National Military Family Association:

<http://www.militaryfamily.org/>

Work Restoration Programs

There are a number of programs for veterans that can assist you in gaining the education, experience and skills you need to be competitive on the civilian job market.

Support For College Education - The GI-Bill

The GI Bill provides financial support for education and housing to honorably discharged veterans. Potential benefits include tuition and fees for public in-state colleges, housing and supplies supplements. For more information on the GI-Bill, see <http://gibill.va.gov/>.

Compensated Work Therapy Programs (CWT)

The Department of Veteran Affairs offers vocational rehabilitation through their Compensated Work Therapy (CWT) programs. These programs support veterans who have physical and mental disabilities to find opportunities for competitive jobs. CWT rehabilitation plans are individually developed for each veteran.

For information on CWT programs, contact Veteran Services at:

Veteran Services

National CWT Program Specialist

Phone - (800) 929-7690 ext. 5335

Web Address - www.va.gov/health/cwt



(Tech. Sgt. Rob Hazlet, U.S. Air Force Photo)

Resources

G.I. Rights Hotline

The GI Rights Hotline provides accurate, helpful counseling and information on military discharges, AWOL and UA (Unexcused Absence), and GI Rights.

Phone - 1-877-447-4487

Web Address - www.girightshotline.org/en/

Washington State Department of Veterans Affairs (WDVA)

The Washington State Department of Veterans Affairs (WDVA) is a full-service state agency that assists veterans, their family members and survivors. The Department aggressively pursues all federal and state benefits on their behalf. WDVA provides employment-related assistance to veterans and other eligible persons, including job counseling, job search assistance, job referral and placement.

WDVA Full Service Centers

Seattle Service (Call) Center

418 2nd Ave Extension South
Seattle, WA 98104
(877) 904-VETS (8387)

Seattle Regional Office

Jackson Federal Building
915 2nd Avenue
Seattle, WA 98174

Olympia Service Center

1102 Quince St SE
P.O. Box 41155
Olympia, WA 98504-1105

If you do not live in Olympia or Seattle, you can call the statewide assistance phone number to find the veterans service provider in your area. Statewide Assistance: **1-800-562-2308**

US Department of Veteran Affairs

USDVA provides benefits such as employment-related assistance and health services to veterans.

Benefits

Phone Number – 1 (800) 827-1000

Web Address – www.benefits.va.gov/compensation/

Mental Health

Phone Number – 1 (877) 424-3838

Web Address – www.mentalhealth.va.gov/

Compensated Work Therapy

Web Address – www.va.gov/health/cwt

Veterans' Employment and Training Service

The Veterans' Employment and Training Service (VETS) staff provides technical assistance to veterans who experience problems between their military commitments and civilian jobs. VETS staff also assists employers by providing information about the USERRA law, explaining employer and employee responsibilities as well as reviewing military leave policies.

Phone Number – (360) 570-6970

Address – U.S. Department of Labor, Veterans Employment and Training Service, P.O. Box 13139, Olympia, WA 98508

Web Address – <http://www.dol.gov/vets/>

Chapter 12: Organizing to Make Things Better At Work

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A Voice on the Job Leads to a Better Job

When working people stand together they are more likely to win improvements and be better protected in the process. Having a legally established union means that the employer is **REQUIRED** to negotiate a written agreement about the terms and conditions of your job – that includes wages, benefits, and much more. But even without a union, when working people act together they can build the power they need to have a collective voice on the job.

This chapter includes some of the rights that workers have when they come together to improve their workplace.

You Have The Right To Engage In Concerted Activity

The National Labor Relations Act protects the basic right to take action with coworkers to improve wages and working conditions in the private sector. This is called “concerted activity”. Concerted activity means that you are speaking with or on behalf of yourself and your coworkers to improve your working conditions. Being protected means that any punishment for your activity, including being fired, is illegal.

You Have the Right to Form a Union – Private Sector

The National Labor Relations Act protects most private sector workers’ right to organize a union and collectively bargain with their employers. It is illegal for your boss to retaliate against (punish) you for protected, concerted activity.

As a worker covered by the National Labor Relations Act, you have the right to:

- Talk about a union during breaks, or before or after work, but usually not during work time.
- Distribute union literature to your coworkers. You can do this on your own time in non-working areas (for example the cafeteria or parking lot).
- Attend union meetings.
- Encourage your coworkers to form a union.
- Wear union buttons, t-shirts, stickers, hats and other union items on the job as long as your dress code does not prohibit those kinds of things generally. If you are allowed to wear a Sierra Club or Rotary Club button at work, you should be allowed to wear a union button.

It is against the law for your employer to:

- Threaten to fire you for supporting the union.
- Spy on you to find out about your union activity.
- Discriminate against you (treat you worse) when it comes to hiring, promotion, layoffs, benefits or other working conditions because you support the union.
- Make threats or promises because of union activity. An example of an illegal threat is saying that the workplace will close if workers form a union. An example of a promise is that if workers' reject the union, the employer will raise wages.

Who Is Not Covered By The National Labor Relations Act?

The National Labor Relations Act does not apply to farm workers, domestic workers, public sector workers (state, county, municipal, and federal employees), *true* independent contractors (see *Chapter 9: Am I an Employee?*), supervisors or managers who can hire or fire people, and confidential employees.

Workers in the railroad or airline industries are covered by the Railway Labor Act. For more information go to the website of the National Mediation Board: www.nmb.gov/

Public Sector Workers

Most public sector workers **do** have the right to form unions but they are protected under different, but similar, laws to the NLRA:

Public sector workers in Washington State: the Public Employment Relations Commission www.perc.wa.gov.

Federal workers: Federal Labor Relations Authority www.flra.gov.



What is a Union?

A union is a democratic organization of workers who join together to improve the terms and conditions of their employment by bargaining collectively (together) with their employer.

Union Members Have...

- **The right to collectively bargain** a contract guaranteeing the terms and conditions of employment.
- **The right to vote** for some union leadership positions, on contracts, and for a strike.
- **Constitutions and bylaws** that explain how the union will work.
- **Elected officers.**
- **To make a financial contribution:** In most cases, everyone who benefits from a union contract puts in money to cover costs like professional staff, legal advisors, etc. For union members, this is called “dues,” but there are other terms for fees like these for people who are covered under the contract but do not want to be union members.
- **The opportunity to be part of a larger labor organization** like a county, regional, state, or national, or international labor federation that works on behalf of all working people in the area or community.

Why Have a Union?

The largest benefit to having a union is the opportunity to have a voice on the job. Because they are able to bargain contracts (called collective bargaining agreements) that are legally binding to both the employer and the employee, union members usually earn more than non-union workers doing similar work. Union members also are more likely to have employer-provided healthcare, pensions, and job security.

At-Will Versus Just Cause Employment

In Washington State, like in most states, workers who are not covered by a union contract are considered to be "at-will" employees. Your employer can hire and fire you when s/he wishes for any reason or no reason at all. The exception here is that you cannot be hired or fired for discriminatory reasons (race, sex, national origin, etc.), in retaliation for defending your workplace rights, or for a limited set of other prohibited reasons (like whistleblowing).

A union changes the at-will employment status for most workers. This means that an employer must prove that they have "just cause" (good reason) to fire you, suspend you, or otherwise punish you for misconduct.

I Want a Union! Your Basic Rights While Union Organizing

A union organizing campaign is complex. Before beginning you should seek out resources and people who can help you. See the end of this chapter for some ideas on where to start. Before starting a campaign you should consider the following things:

Who Will Be A Part Of Your Union?

Ideally, you should be in a union with workers who do similar work to you and/or work at the same place. The contract your union bargains will apply to that specific group of workers, called a “bargaining unit.”

Who Can Help You?

First and foremost, you should think about your relationships at work. Getting to know what’s important to your co-workers and what they want to do to make things better will form the basis of your campaign! If you would like outside help or professional advice about your organizing campaign you can contact staff from a local union office at any point. Union staff can provide resources, guidance, legal support and strategic advice. A good place to go for help is the Washington State Labor Council. They can direct you to a union that could help you in your effort. Their contact information can be found in the *Labor Organizations* section at the end of this chapter.

Tip: The bigger and better organized your group is, the less likely it is that someone from management will deny you your rights!

Employer Resistance

Most employers mount anti-union campaigns. Before starting a campaign, you should learn about your rights to form a union and make sure everyone understands that they are legally protected. You should also learn about common anti-union activities by employers. Learning about other campaigns and talking to union organizers can give you a good idea of what to expect. Not only should you expect your employer to fight the organizing drive, it is possible that some of your coworkers won't want a union either.

Common Actions Employers Take When Employees Form a Union: Legal and Illegal

LEGAL

- Call a meeting that everyone has to attend on work time to make arguments about why having a union would be bad for the company and the workers. This is called a “captive audience meeting.” This is *not* allowed on union election day or the day before.
- Call individual meetings with workers, especially those that they think might be scared or willing to resist a union. These are called “one-on-one” meetings. This is *not* allowed on union election day or the day before.
- Hire a consultant to help run a campaign against the union.

Tip: It is best to consult a union organizer or the NLRB for information on what is legal when employees try to form a union!

ILLEGAL

- Punish workers for trying to form a union, as long as organizing activities are off-the-clock.
- Threaten to close the company if workers form a union, or promise to improve working conditions if workers reject a union.
- Spy on workers to monitor or discourage union activities

Getting Recognition Of Your Union

Union Authorization Cards

You need signed “union authorization cards” or a petition from at least 30% of the workers in the bargaining unit before you can take a vote. Although 30% is the legal minimum, to be confident that you will win it is smart to have at least 65% of workers sign before you proceed to the next step: demanding recognition.

Demanding Recognition Of Your Union - Elections

Once you have a significant majority of the people in your workplace in favor of your union, you can ask the employer directly to recognize the union, or you can ask the National Labor Relations Board (or the Public Employment Relations Commission in the public sector) to hold a secret ballot election for you and your co-workers to vote on whether to have a union. **Very Important!** While you are organizing, *do not give management a reason to fire you!* Be sure to show up on time, follow the instructions you are given, etc. An employer can *legally* fire someone for poor job performance even during a union organizing campaign.

What Do I Do If My Boss Does Not Respect My Rights?

Let your employer know that **the law protects your right to organize**. If someone in management questions you about your union activity, make a note of the date, who spoke to you, and what was said. Tell other workers who are helping build the union, or professional union staff about what happened immediately!

You do not have any legal obligation to tell the employer about your organizing activities.

If your employer threatens you because you will not discuss your organizing, they are breaking the law and you can file an Unfair Labor Practice charge against them.

For further assistance on the rules related to forming a union and on filing an Unfair Labor Practice (ULP) charge, you may contact the:

National Labor Relations Board Regional Office (for private sector employees):

Address - 915 2nd Ave Room 2948, Seattle WA 98174

Phone - (206) 220-6300, TTY - (206) 220-6292

Web Address - www.nlrb.gov/region/seattle

Public Employment Relations Commission (for public employees)

Phone Number - (360) 570-7300

Address - 9757 Juanita Drive NE, Suite 201, Kirkland, WA 98304

Web Address - www.perc.wa.gov

Rights and Responsibilities of Union Members

Once you have a union, you are entitled to many rights you would not otherwise have in the workplace.

The Right to Representation - Weingarten Rights

The National Labor Relations Act (NLRA) gives unionized workers the right to representation and assistance from union representatives during an "investigative interview" by a manager or supervisor that could result in discipline – in other words, you are called in to discuss whether you have done something wrong on the job. This is what is known as your Weingarten Rights.

If you think that your manager is asking you to meet about something that could lead to discipline you have a right to have your shop steward or other union representative advise and assist you during this conversation.

If your employer denies the request for union representation and questions you anyway, you can refuse to answer any questions until you have a representative with you. However, you should not leave the meeting until your employer says you can!

Collective Bargaining

Collective bargaining is the process by which union representatives negotiate contracts with employers to decide on the terms of employment, including pay, benefits, hours, leave, health and safety policies, and more. Both your union and the

employer are legally required to bargain in “good-faith,” that is, make a serious effort to reach an agreement.

A team of people who might be appointed or elected will negotiate your contract. If you have joined a larger union you will likely have a professional staff person or union officer with you as well. After both sides agree to a contract, it is presented to the members of your union for a vote to either accept or reject it – majority rule. If it is rejected, then both sides have to negotiate some more. If it is approved, it takes effect. A union contract can last for any length of time, but most run from 2-4 years.

Union Dues

Union dues are a way for your union to have money to operate. Dues are either a percentage of your income or a flat rate. Dues pay for many different things including bargaining, organizing, staff salaries, strike-funds and contributions to community causes. In most cases, union dues cannot be spent on political activities. Many unions have separate political action committees (PACs) that union members make voluntary contributions to.

In most cases, there is an option for someone who is covered under a union contract but does not want to be a union member. They are often required to pay a fee, which is a percentage of full dues, to cover the cost of representing them. This is often called an “agency fee” or “fair share.” However, if you aren’t a full union member, you probably don’t have the right to vote on union matters.

Duty Of Fair Representation

Under the National Labor Relations Act, every union has the legal obligation to fairly represent all workers that are in the collective bargaining unit. Your union cannot discriminate against a worker because of his/her race, gender, sexuality, age, nationality, immigration status, disability or their status as a dues paying member, non-member, or agency fee payer.

Can We Go On Strike?

The National Labor Relations Act protects your right to strike in some situations. Determining whether or not a strike is legal and what protections you have will depend on the reason for the strike, how the workers behave, how the employer behaves, the type of work place, and other factors.

For more information about which strikes are protected please visit the National Labor Relations Board website:

www.nlrb.gov/strikes

For public sector employees (federal, state, city, etc), or workers in the transportation industry covered under the Railway Labor Act, the right to strike is more limited. Washington State law explicitly bars most state, municipal, and county workers from striking, although public school teachers' right to strike is unclear. Strikes by federal workers are generally illegal. When strikes are illegal, however, other types of concerted action by workers may be permitted.

Alternative Approaches to Traditional Organizing

Some workers, including agricultural workers, domestic workers, and independent contractors do not have the right to collective bargaining under the law, but they can still organize to improve their working conditions. They can form workers' organizations that look out for their wellbeing.

The steps for forming a workers' organization that represents your interests are the same whether or not you have the legal rights to collective bargaining.

- Identify the issues that workers care about and the changes they want to make.
- Build leadership committees that take responsibility for communicating with workers throughout the workplace.
- Find allies in the community – in unions, in community organizations, in education, etc. – that understand how improving your working conditions makes a positive contribution to the larger community.
- Use collective action to make sure that the employer is following all of the laws that protect workers even if they don't have a union.
- Find a funding source, like grants from non-profit organizations or individual contributions (like dues from members), to help you maintain a strong organization.

- Develop productive ways to talk to your employer about job issues. This might include a labor-management committee.
- Protect each other if the employer tries to divide you.
- Keep good records about what is happening on the job, and celebrate your victories!

Labor Organizations

If you are interested in organizing to make things better at work, here are a few organizations that can help you get started.

Washington State Labor Council, AFL-CIO

You can visit the **Washington State Labor Council's** website to find a list of unions, news about the labor movement, or contact them for support. They are the largest labor organization in the state. The WSLC's core programs are legislative advocacy, political action, communications and media relations, and assistance with organizing campaigns.

Address - 314 First Avenue West, Seattle, WA 98119

Phone - (206) 281-8901, or 1-800-542-0904

Web Address - www.wslc.org

Casa Latina

Casa Latina empowers Seattle's Latino immigrants by providing them with educational and economic opportunities, giving people the tools they need to work, live, support their families and contribute to the Seattle community. <http://casa-latina.org/>

WA Building and Construction Trades Council

The Washington Building and Construction Trades Council unites several building and construction trade unions. Their website is www.wabuildingtrades.org

The Washington State Labor Education and Research Center, South Seattle Community College

If you need education on your rights or how to develop the skills you need to organize, contact the Labor Center – <http://georgetown.southseattle.edu/lerc/>.

Resources

For a more complete list of resources, see the full version of the 2014 Washington State Workers Rights Manual. View it online at:

<http://georgetown.southseattle.edu/lerc/>

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Washington State Labor Education and Research Center

If you have questions about where to get a copy of this manual, please contact us at the Washington State Labor Education and Research Center at South Seattle Community College.

Phone Number – (206) 934-6859

Address – 6737 Corson Avenue South, Seattle, WA 98108

Web Address - <http://georgetown.southseattle.edu/lerc/>

Washington State Department of Labor and Industries (L&I)

Web Address – www.lni.wa.gov/

Phone Numbers -

- **Claims:** 1 (800) 547-8367
- **Switchboard:** (360) 902-5800
- **Employment Standards Office:** 1 (866) 219-7321
- **For Reporting Job Injuries:** 1 (800) 423-7233 (1-800-4BESAFE)
- **For Employees of Self-Insured Employers:** 1 (360) 902-6901
- **Division of Occupational Safety and Health (DOSH):** (360) 902 - 5494

Local Offices - L&I has local offices in many cities and towns in Washington. To find the office closest to you, call the switchboard above or look on their homepage.

Government Resources

Federal Labor Relations Authority

The Federal Labor Relations Authority is responsible for handling some unfair labor practice cases and collective bargaining cases for federal employees.

Phone Number – (202) 218-7770

Address – 1400 K Street NW, Washington DC, 20424

Web address - www.flra.gov/

National Labor Relations Board

The National Labor Relations Board is responsible for safe guarding workers' rights to organize, oversees union elections in the private sector, handles claims between employers and labor unions and claims regarding a member's right to fair representation by his/her labor union.

Phone Numbers – Phone: (206) 220-6300, TTY: (206) 220-6292

Address – Seattle Regional Office: 915 2nd Ave, Room 3948, Seattle, WA 98174

Web Address – www.nlr.gov

Occupational Safety and Health Administration (OSHA)

Oversees health and safety issues for federal employees, non-federal employees working on federal reservations or military bases, employees on a floating worksite (dry

docks, fishing boats, or construction barges), or employees of a tribal employer on tribal lands in Washington State.

Phone Number - 1 (800) 321-OSHA (6743)

TTY - 1 (877) 889-5627

Regional - (206) 757-6700

Address - 300 Fifth Ave, Suite 1280, Seattle, WA 98104

Web Address - www.osha.gov

Public Employment Relations Commission (PERC)

PERC handles labor-management disputes for workers in the public sector i.e. city, county, or state employees.

Phone Number – (360) 570-7300

Address – 9757 Juanita Drive NE, Suite 201, Kirkland, WA 98304

Web Address – www.perc.wa.gov

US Department of Labor (DOL)

The DOL enforces federal wage and hour laws and policies.

Web Address - www.wagehour.dol.gov

Phone Number - (206) 398-8039

Address - 1111 3rd Ave Suite 755, Seattle, WA 98101

The US Equal Employment Opportunity Commission (EEOC)

The US Equal Employment Opportunity Commission handles discrimination cases in the United States if contacted within 300 days of the discrimination

Phone Numbers – 1 (800) 669-4000, or 1 (800) 669-6820

Address - Federal Office Building 909 1st Ave, Suite 400, Seattle, WA 98104

Web Address- www.eeoc.gov/

Washington State Human Rights Commission (WSHRC)

Web Address – www.hum.wa.gov/

Location	Phone Number	Address
Olympia	(360) 753-6770 Toll-Free: 1 (800) 233-3247 TTY: 1 (800) 300-7525	711 S. Capitol Way, Suite 402 Olympia, WA 98504
Spokane (Eastern Washington)	(509) 568-3196	1330 N. Washington St., Suite 2460 Spokane, WA 99201
Yakima (Central Washington)	(509) 494-0347	15 West Yakima Ave, Suite 100 Yakima, WA 98920
Vancouver	Contact Olympia office to schedule an appointment	312 SE Stone Mill Drive, Bldg. 120 Vancouver, WA 98684

Legal Resources

Coordinated Legal Education, Advice and Referral System (CLEAR)

CLEAR is the Northwest Justice Project's toll-free telephone service for eligible low-income people to obtain free legal assistance with non-criminal legal problems.

Interpreter services are available free of charge. If you need a lawyer to go with you to court, the person you speak to will try to refer you to a lawyer in your community.

Website: www.nwjustice.org/clear-online

Phone: **1 (888) 201-1014** weekdays from 9:10 am until 12:25 pm

CLEAR*Sr

If you are 60 years or over, you may call CLEAR*Sr at **1 (888) 387-7111**, TTY: **1 (888) 201-9737**. You can call CLEAR*Sr regardless of your income.

Washington State Bar Association's Moderate Means Program

The Moderate Means Program connects people whose income is within 200–400% of the Federal Poverty Level (47,000-94,000/year for a family of four in 2013) to lawyers who offer legal help at reduced fees.

Website: www.moderatemeanswa.org/

Phone: 1-855-741-6930

Northwest Immigrant Rights Project

Northwest Immigrant Rights Project provides direct legal assistance to low-income immigrants.

Web Address – www.nwirp.org/

Western

Washington/Seattle

Phone: (206) 587-4009

Toll Free: 800.445.5771

Wenatchee Office

Phone: (509) 570-0054

Toll Free: 866.271.2084

Tacoma Office

Phone: (253) 383-0519\

Eastern/Central

Washington

Phone: (509) 854-2100

Toll Free: 888.756.3641

Moses Lake Office

Phone: (509) 765-9712

National Employment Law Project

National Employment Law Program provides information about upcoming legislation, to protect workers' rights.

Phone Number – (206) 324-4000

Address – 1225 S. Weller, Suite 205, Seattle, WA 98144

Web Address – www.nelp.org/

Washington WorkSource

WorkSource Centers provide a wide range of employment and training-related services, including job referral and placement; referral to training and other community services; translation services; information on the fastest growing jobs and wages; free use of computers, copiers, phones, faxes and other career resources; and access to Unemployment Insurance.

Phone - (360) 407-1389

Unemployment Insurance Claims TeleCenter - (800) 318-6022

Web Address - www.go2worksource.com

Labor and Industries: Initiative 1433

An Overview of the New Minimum Wage and Paid Sick Leave Requirements

Changes to the state minimum wage

The minimum wage will be \$11 per hour in 2017

- The minimum wage applies to all jobs, including agriculture.
- Employers must pay employees age 16 and older at least \$11 per hour in 2017. [WAC 296-126-020](http://app.leg.wa.gov/WAC/296-126-020)(app.leg.wa.gov).
- Employers are allowed to pay 85 percent of the minimum wage to employees under age 16. [WAC 296-126-020](http://app.leg.wa.gov/WAC/296-126-020) (app.leg.wa.gov). For 2017, this rate is \$9.35 per hour.
- Seattle, Tacoma, and the City of SeaTac currently have higher minimum wage rates. The local rate applies if it is higher than the state minimum wage rate.
- The initiative does not change overtime pay requirements.

The initiative sets future minimum wage rates

- The minimum wage will increase annually over the next four years: \$11 in 2017, \$11.50 in 2018, \$12 in 2019, and \$13.50 in 2020.
- Starting Jan. 1, 2021, minimum wage increases will be calculated by L&I using a formula tied to the rate of inflation (based on the [Consumer Price Index for Urban Wage Earners and Clerical Workers - CPI-W](#)(data.bls.gov)).

The initiative contains important language regarding tips and service charges

The initiative states that an employer must pay to its employees:

- All tips and gratuities; and
- All service charges as defined under [RCW 49.46.160](http://app.leg.wa.gov) (app.leg.wa.gov), except those that are itemized as not being payable to the employee or employees servicing the customer.
- Tips and service charges paid to an employee may not offset the state minimum wage requirement.

Paid sick leave requirements

Starting **January 1, 2018**, employers in Washington will be required to provide their employees with paid sick leave.

Accrual

- Paid sick leave shall accrue at a minimum rate of one hour of paid sick leave for every 40 hours worked as an employee.
- An employee is entitled to use accrued paid sick leave beginning on the 90th calendar day after the start of employment.
- Unused paid sick leave of 40 hours or less must be carried over to the following year.
- Employers are allowed to provide employees with more generous carry over and accrual policies.

Usage

- Employees may use paid sick leave to care for themselves or a family member.
- An employee may use paid sick leave when the employee's work or the employee's child's school or place of care has been closed by order of a public official for any health-related reason.
- An employee may use paid sick leave for absences that qualify for leave under the state's [Domestic Violence Leave Act](#).
- Employers are not prevented from allowing employees to use paid sick leave for additional purposes.

Rulemaking for paid sick leave

- In 2017, L&I will develop rules to enforce this new requirement. The rules will include procedures for notification to employees and reporting regarding sick leave, and protecting employees from retaliation for the lawful use of sick leave.
- The rulemaking process will include opportunities for public comment, including public hearings.
- Interested parties can sign up for updates on the [Employment Standards' listserv](#).

Questions?

People with questions can contact the Employment Standards Program at L&I by phone (**1-866-219-7321**) or email (esgeneral@lni.wa.gov).

Content comes from the Labor and Industries website:

<http://www.lni.wa.gov/WorkplaceRights/Wages/Minimum/1443.asp>

Worker Rights Complaint Form Instructions

What types of worker rights complaints can L&I accept?

L&I accepts complaints on the *Worker Rights Complaint Form* for...

In Section C of the form:

- Unpaid minimum wages, overtime, final pay, or hours worked.
- Payroll deductions you did not agree to, not including deductions for required taxes.

In Section D of the form:

- Meal or rest periods not given.
- Violations of child labor laws.
- RN or LPN overtime law not followed.

! **IMPORTANT:** *If we find that your employer owes you money, we cannot guarantee that we will be able to collect it for you. Also, you have **three years** from the payday your wages were due to file your complaint. Please keep this in mind when you decide to file your complaint with us.*

On separate complaint forms, L&I also accepts the following complaints...

Prevailing Wage Complaint form # F-700-146-000 for prevailing wage violations.

Protected Leave Complaint form # F-700-144-000 for family leave, family care, leave for victims of domestic violence, sexual assault or stalking, spouse military leave, leave for voluntary firefighters on the scene.

See L&I Workplace Rights website for filing the various workplace rights complaints:

www.Lni.wa.gov/WorkplaceRights/. See the section titled: "Complaints/Discrimination"

We do **not** accept wage complaints against...

- A business in which you are a part owner (including family-owned).
- A business that owes money to a company you own.
- Employers who have filed for bankruptcy. (You may file a "Proof of Claim" with the US Bankruptcy Court.)

Or when it's about:

- Unpaid vacation or sick leave, holiday pay, severance pay, or reimbursement for expenses, including fuel.
- If you are claiming wages for hours worked out-of-state for a non-Washington employer.
- Bank fees you paid because your employer's check bounced.
- A case you have already filed in court.

How to file your wage complaint:

- Complete and sign the attached form. Use a sheet of paper if you need more space to explain your complaint.
- Attach any information or records, such as time sheets or cards, calendars, or any personal records you have that show the days and hours you worked and what tasks you did. **This is very important to help us understand your complaint.**
- Mail or bring the form and records to the L&I office in the county where the business is located. (See back of sheet.)

! **IMPORTANT:** *If you are moving, have a new telephone number, or are hiring an attorney, let us know right away. Call the local office where you filed your complaint, or 1-866-219-7321. If we can't contact you, this may delay the investigation or prevent us from being able to help you.*

If we can accept your complaint, we will:

- Assign an Industrial Relations Agent to investigate your complaint. In most cases, L&I must tell your employer that you filed a complaint and send a copy of your complaint to the employer.
- Make a decision on your complaint within 60 days, OR, if we have good cause, notify you that we require more time.

! **IMPORTANT:** *If we cannot take your complaint, you have the right to either contact a private attorney OR file suit in Small Claims Court for up to \$5000. www.courts.wa.gov/newsinfo/resources/brochure_scc/smallclaims.doc*

Where to file your complaint.

In person:

Bring your completed form to the L&I office located in the same county where your employer's business is:

Or

By mail:

Mail the original of your completed form to the L&I office located in the same county your employer's business is. Write on the envelope: *Industrial Relations Agent, Dept. of Labor & Industries*, then the address of the office you selected.

L&I Offices in Washington

County where you worked.	Use this L&I office(s).	Address	Phone number
Island San Juan Skagit Whatcom	Mount Vernon Bellingham	525 East College Way, Suite H Mount Vernon, WA 98273-5500 1720 Ellis Street, Suite 200 Bellingham, WA 98225-4647	360-416-3000 360-647-7300
Snohomish	Everett	729 – 100th Street S.E. Everett, WA 98208-3727	425-290-1300
King	Seattle Bellevue Tukwila	315 5th Avenue S., Suite 200 Seattle, WA 98104-2607 616 120th Avenue N.E., Suite C-201 Bellevue, WA 98005-3037 Or: 12806 Gateway Drive S, Tukwila, WA 98168-3346	206-515-2800 425-990-1400 206-835-1000
Pierce	Tacoma	950 Broadway, Suite 200 Tacoma, WA 98402-4453	253-596-3945
Clallam Jefferson Kitsap	Bremerton Port Angeles	500 Pacific Avenue, Suite 400 Bremerton, WA 98337-1943 1605 East Front Street, Suite C Port Angeles, WA 98362-4628	360-415-4000 360-417-2700
Grays Harbor Lewis Mason Thurston Pacific*	Olympia Aberdeen	Or: P.O. Box 44510, Olympia, WA 98504-4510 7273 Linderson Way S.W., Tumwater, WA 98501 Or: 415 Wishkah Street, Suite 1-B, Aberdeen, WA 98520-0013	360-902-5313 360-533-8200
Clark Klickitat Skamania	Vancouver	312 S.E. Stonemill Drive, Suite 120 Vancouver, WA 98684-6982	360-896-2300
Cowlitz Pacific* Wahkiakum	Kelso	711 Vine Street Kelso, WA 98626-2650	360-575-6900
Adams* Grant* (South of I-90) Kittitas Yakima	Yakima	15 West Yakima Avenue, Suite 100 Yakima, WA 98902-3480	509-454-3700
Benton Columbia Franklin Walla Walla	Kennewick	4310 West 24th Avenue Kennewick, WA 99338-1992	509-735-0100
Chelan Douglas Grant* (North of I-90) Okanogan	East Wenatchee Moses Lake	519 Grant Road East Wenatchee, WA 98802-5459 3001 West Broadway Avenue Moses Lake, WA 98837-2907	509-886-6500 509-764-6900
Adams* (S.E.) Asotin Ferry Garfield Lincoln Pend Oreille Spokane Stevens Whitman	Spokane Pullman	901 North Monroe Street, Suite 100 Spokane, WA 99201-2149 P. O. Box 847, Pullman, WA 99163-0847 1250 Bishop Blvd. S.E., Suite G, Pullman WA 99163	509-324-2600 509-334-5296



Employment Standards Program
Department of Labor & Industries
PO Box 44510
Olympia WA 98504-4510
360-902-5316 or 1-866-219-7321

Worker Rights Complaint

For L&I use only

WA Unified Business Identifier (UBI):

ESCH #:

NAICS #:

/

A: Worker Information

Language preference (check one) <input type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Russian <input type="checkbox"/> Korean <input type="checkbox"/> Chinese <input type="checkbox"/> Vietnamese <input type="checkbox"/> Laotian <input type="checkbox"/> Cambodian <input type="checkbox"/> Other _____			
Your name (last, first, middle initial) <input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms.		Social Security #	Home phone #
Home address		Complaint is for this period of time: From: _____ To: _____	Your pay rate \$ _____
City	State	Zip	Date you began work with this employer: _____
E-mail address		Are you still employed w/this company: <input type="checkbox"/> Yes <input type="checkbox"/> No	If not still employed with this company, what was your last day? _____ Reason for leaving job: <input type="checkbox"/> Fired <input type="checkbox"/> Quit <input type="checkbox"/> Laid off <input type="checkbox"/> Don't know
What kind of work did you do?			

B: Employer Information

Name of company		Name of company owner, manager, or supervisor	
Company mailing address		Company phone #	Cell phone #
City	State	Zip	FAX #
Address where you worked if not at the above address		E-mail, if known	
Type of company (For example: construction, restaurant, janitorial.)		City	
State	Zip	Has the company filed for bankruptcy? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know	Is the company still in business? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know

C: Wage Complaint Information (Skip to Section D if your complaint is *not* about wages.)

! Important: If you or your attorney have already filed a complaint about these wages in court, we **cannot** accept your claim.

What type of complaint are you filing? (You may check more than one box below.) <input type="checkbox"/> Final wages not paid <input type="checkbox"/> Hours worked not paid <input type="checkbox"/> Minimum wage not paid <input type="checkbox"/> Overtime not paid <input type="checkbox"/> Money taken out of my paycheck (not taxes) without my permission* <input type="checkbox"/> Willful failure to pay agreed wages <input type="checkbox"/> Paid with NSF check (bounced check). <i>* If you had a written agreement with your employer to deduct wages from your paycheck that wasn't followed correctly, we will need a copy.</i>		Tell us in detail why you are filing this complaint. You may attach additional sheets if you need more room. <i>If you have copies of any records that will help us understand your complaint, please attach them to this form.</i>	
What wages do you believe are owed to you?			
Rate of pay per:	Hour Day Week Month	Other rate of pay per:	Piece rate Commission Sq ft Flat rate Other (Specify)
\$	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	\$	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Wages owed:	From: _____ To: _____	For how many hours?	Partial payment received? \$ _____
What pay is owed to you before taxes? \$ _____			
Reason employer gave for not paying you:			

D: Non-Wage Complaint Information

E: If we cannot reach you...

For more information about your workplace rights and responsibilities in Washington, go to:
www.WorkplaceRights.Lni.wa.gov

U. S. Department of Labor
Occupational Safety and Health Administration
Notice of Alleged Safety or Health Hazards

For the General Public:

This form is provided for the assistance of any complainant and is not intended to constitute the exclusive means by which a complaint may be registered with the U.S. Department of Labor.

Sec 8(f)(1) of the Williams-Steiger Occupational Safety and Health Act, 29 U.S.C. 651, provides as follows: Any employees or representative of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of employees, and a copy shall be provided the employer or his agent no later than at the time of inspection, except that, upon request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to subsection (g) of this section. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable to determine if such violation or danger exists. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists, he shall notify the employees or representative of the employees in writing of such determination.

NOTE: Section 11(c) of the Act provides explicit protection for employees exercising their rights, including making safety and health complaints.

For Federal Employees:

This report format is provided to assist Federal employees or authorized representatives in registering a report of unsafe or unhealthful working conditions with the U.S. Department of Labor.

The Secretary of Labor may conduct unannounced inspection of agency workplaces when deemed necessary if an agency does not have occupational safety and health committees established in accordance with Subpart F, 29 CFR 1960; or in response to the reports of unsafe or unhealthful working conditions upon request of such agency committees under Sec. 1-3, Executive Order 12196; or in the case of a report of imminent danger when such a committee has not responded to the report as required in Sec. 1-201(h).

INSTRUCTIONS:

Open the form and complete the front page as accurately and completely as possible. Describe each hazard you think exists in as much detail as you can. If the hazards described in your complaint are not all in the same area, please identify where each hazard can be found at the worksite. If there is any particular evidence that supports your suspicion that a hazard exists (for instance, a recent accident or physical symptoms of employees at your site) include the information in your description. If you need more space than is provided on the form, continue on any other sheet of paper.

After you have completed the form, return it to your local OSHA office.

NOTE: It is unlawful to make any false statement, representation or certification in any document filed pursuant to the Occupational Safety and Health Act of 1970. Violations can be punished by a fine of not more than \$10,000. or by imprisonment of not more than six months, or by both. (Section 17(g))

Public reporting burden for this voluntary collection of information is estimated to vary from 15 to 25 minutes per response with an average of 17 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An Agency may not conduct or sponsor, and persons are not required to respond to the collection of information unless it displays a valid OMB Control Number. Send comment regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Directorate of Enforcement Programs, Department of Labor, Room N-3119, 200 Constitution Ave., NW, Washington, DC; 20210.

OMB Approval# 1218-0064; Expires: 08-31-2017

Do not send the completed form to this Office.

U. S. Department of Labor
Occupational Safety and Health Administration
Notice of Alleged Safety or Health Hazards

		Complaint Number			
Establishment Name					
Site Address					
		Site Phone		Site FAX	
Mailing Address					
		Mail Phone		Mail FAX	
Management Official				Telephone	
Type of Business					
HAZARD DESCRIPTION/LOCATION. Describe briefly the hazard(s) which you believe exist. Include the approximate number of employees exposed to or threatened by each hazard. Specify the particular building or worksite where the alleged violation exists.					
Has this condition been brought to the attention of:		<input type="checkbox"/> Employer <input type="checkbox"/> Other Government Agency(specify)			
Please Indicate Your Desire:		<input type="checkbox"/> Do NOT reveal my name to my Employer <input type="checkbox"/> My name may be revealed to the Employer			
The Undersigned believes that a violation of an Occupational Safety or Health standard exists which is a job safety or health hazard at the establishment named on this form.		(Mark "X" in ONE box) <input type="checkbox"/> Former Employee <input type="checkbox"/> Current Employee <input type="checkbox"/> Federal Safety and Health Committee <input type="checkbox"/> Representative of Employees <input type="checkbox"/> Other (specify) _____			
Complainant Name				Telephone	
Address(Street, City, State, Zip)					
Signature				Date	
If you are an authorized representative of employees affected by this complaint, please state the name of the organization that you represent and your title:					
Organization Name: Your Title:					



Washington State Department of
Labor & Industries

Insurance Services Administration
PO Box 44291
Olympia WA 98504-4291

**Preferred Worker Expense Reimbursement
Application for Employers
(Tools and Clothing)**

*Apply separately for **wage** reimbursement*

*For workers granted preferred worker status on or after January 1,
2016*

Employer Business Name	Preferred Worker Name
L&I Account Number	L&I Claim Number
Mail Reimbursement To Mailing Address	Job Description Before Injury <i>Example: Warehouse Worker – produce packing</i>
	Preferred Worker Job Description <i>Example: Inventory Control Clerk</i>
City State Zip Code	

Information we need to calculate your tools and/ or clothing reimbursement:

- We will reimbursement if this purchase was **required** to make it possible for this worker to perform work.

Date Purchased:	Description of Item:	Reimbursement Amount Requested	L&I Use Only
		\$	
		\$	
		\$	
		\$	
Total Reimbursement You're Requesting		\$	

Explain why the approved work required this purchase:

Please Sign Below:

I certify that the information provided on this request is true and accurate.

Signature:	Printed Name and Title:
Signature Date (mm/dd/yyyy):	Phone Number in Case We Need to Contact You:

Fax to: 360-902-6100 (Or mail to the address above)

Questions? Call 1-866-406-2482 or toll-free **360-902-4411**

List of required attachments on page 2

Expense reimbursement: What does it cover?

L&I's Preferred Worker program may pay for the following, if because of the injured worker's unique needs, the employer must make a purchase so the worker can perform the work. It can't be a cost the employer incurs when hiring other workers to do the same work.

Tools or Equipment <i>Example: Special wrench or keyboard tray</i>	Up to \$2,500 per claim
Clothing <i>Example: Steel-Toed Boots</i>	Up to \$400 per claim

To be eligible for this program, the employer must:

- Have an L&I-approved [Preferred Worker Request](#).
- Be paying workers' compensation premiums to L&I, if a State Fund employer. (A self-insured employer is eligible only if employing a worker certified under a State Fund claim.)
- Continue any health care benefits the worker had, unless these benefits are inconsistent with the employer's current benefit program for workers.
- Apply *within one year* of incurring the eligible expenses.

Required Attachment for This Form:

Important: Write the L&I claim number on each attached page.

- Dated, itemized receipts for the goods or services you purchased.

Instructions for sending this application to L&I:

- Print your completed form.
- Sign.
- Gather required documentation. *Write the claim number on each page.*
- Fax form and documentation to 360-902-6100 or mail to address on page 1.

Questions? Call toll-free 1-866-406-2482 or 360-902-4411

Workers: Activity coaching can help you get back to doing what you love

A treatment program to increase activity through the Progressive Goal Attainment Program (PGAP®)



Have you found yourself unable to return to your normal activities and enjoyment of life following an injury or illness? Working with an Activity Coach will help you regain control of your life and increase your participation in your daily activities.

You will continue your other medical treatment while working with the Activity Coaching program.

How can Activity Coaching help you?

Working with an Activity Coach will help you:

- Increase quality of life.
- Resume activities that once gave your life a sense of meaning and purpose.
- Help you recover from your injury or illness.
- Return to work.

Getting started

In your first session, you will meet for 90 minutes with a professional who has received special training through the Progressive Goal Attainment Program (PGAP®). Your coach will ask you to:

- Discuss your injury.
- Complete five one-page questionnaires.
- Watch a video presentation.

You will receive a workbook containing the information and activity logs you will use each week.

How long will the program last?

You will meet weekly with your Activity Coach for one hour and will receive a maximum of 10 coaching sessions. In addition to your initial 90-minute meeting, mid-term assessments of your progress can also last up to 90 minutes.

Commitment is the key

You will be involved in all aspects of activity planning. Your coach will never ask you to engage in any activity before you are ready for it.

What if you can't keep an appointment?

Call your activity coach right away. If you miss an appointment and do not call, you may not receive any more coaching sessions.

Feedback from Activity Coaching Program participants

"This program has given me the tools to live a better life, dealing with my pain. I feel more in control of my injury now." — Tammy L.

"It's a program where you have someone on your side, cheering you on and helping to build your self-esteem. It has helped me get my life back." — Amanda K.

Questions?

Contact the Activity Coaching Program at 360-902-6261 or ActivityCoaching@Lni.wa.gov.



Upon request, foreign language support and formats for persons with disabilities are available. Call 1-800-547-8367. TDD users, call 360-902-5797. L&I is an equal opportunity employer.

WHO WE ARE

The Pacific Northwest OSHA Education Center

safe workplaces, sustainable communities

WHO WE ARE

The Pacific Northwest OSHA Education Center has provided the highest quality safety and health training to individuals in Washington, Oregon, Idaho, and Alaska since 1995, and is the only OSHA-authorized training center in Region 10. Our expert instructors provide engaging standards-based, OSHA-authorized training designed to reduce and prevent workplace injuries and illnesses. Students gain skills and competence in OSHA policies and procedures, and best practices for safety and health in their workplace.

WHAT WE DO

The Pacific Northwest OSHA Education Center offers:

- 38 Core OSHA Courses
- 7 Safety and Health Certificate Programs
- 29 Expert Instructors

We offer courses for workers in maritime, construction, and general industry, as well as courses on ergonomics, hazardous materials, emergency preparedness and much more.

WHY WE DO IT

173,200 WORKERS

reported non-fatal occupational injuries and illnesses in WA, OR, and AK in 2016 (data not available for ID) ¹



\$55 BILLION

annual cost paid by US employers for direct workers' compensation costs for the most disabling workplace injuries and illness in 2011. ²



215 WORKERS

died in 2016 on the job in WA, OR, ID, and AK. Most, if not all, of these deaths were preventable. ¹



\$250 BILLION

total cost of occupational injuries and illnesses in US annually. ³

\$\$\$\$\$\$

The Heart Beat of Health and Safety with Rick & Don

Our new monthly podcast, featuring safety experts Rick Gleason and Don King, covers everything from health and safety myths to musculo-skeletal injuries through interviews with other leading safety professionals. Subscribe to our monthly OSHA newsletter to catch all the podcasts! More Information at: osha.washington.edu/pages/heartbeat-health-safety



Don King and Rick Gleason, hosts of the Heartbeat of Health and Safety

SOURCES

1. Injuries, Illnesses, and Fatalities Databases. Bureau of Labor Statistics. <http://www.bls.gov/iif/data.htm>. Accessed January 2018 (private industry).
2. 2013 Liberty Mutual Workplace Safety Index (PDF). Liberty Mutual Insurance Company, (2013).
3. J. Paul Leigh, Economic Burden of Occupational Injury and Illness in the United States." Milbank Quarterly, Vol. 89, Issue 4, p. 728 (Dec. 2011).



Students receiving a live fall protection demonstration out our 2015 National Safety Stand-Down event.



The excited winners of safety jeopardy at a Portland, OR course.



A new group of general industry outreach trainers complete a 501 course in Anchorage

Illustrations

*ladder accident: jeremy/iStock/Thinkstock
group of people: piart/iStock/Thinkstock
leg & arm injury: jeremy/iStock/Thinkstock
chair: Mike Elliott/iStock/Thinkstock*

Photos

*Front, top to bottom: bpperri/iStock/Thinkstock, Jill Tepe
Above, top to bottom: Nancy Simcox, Troy Corbin, Joe Teeple*

WHO WE SERVE

We proudly serve individuals in our classrooms, at conferences, and on-site during customized trainings, making our courses easily accessible to all individuals across Region 10. Boeing, Seattle Fire Department, Puget Sound Naval Shipyard & Intermediate Maintenance Facility, and the Washington State Department of Transportation are just a few examples of organizations who have sent employees to our courses, or benefited from on-site customized training.

WHY TRAIN WITH US?

HIGHEST QUALITY

As the only OSHA-authorized training center in the region, we offer the highest quality safety and health training. In addition to standard safety and health training, The Pacific Northwest OSHA Education Center offers individuals the opportunity to advance their careers by becoming OSHA-authorized Outreach Trainers, or by earning one of our 7 Safety and Health Certificates.

TOP-NOTCH INSTRUCTORS

Our expert instructors are passionate safety professionals, with years of work and teaching experience in a variety of industries. They ensure students gain key competence and skills about workplace safety and health, in a fun and engaging classroom environment.

ENDLESS TRAINING OPPORTUNITIES

Our 38 core courses are offered in 6 classroom locations in Seattle, Portland, Boise, Spokane, Post Falls, and Anchorage, as well as on-site for customized training at workplaces across the region. Special courses are offered at various Safety conferences and special events across the Northwest, and even more are available to students online.

Now that you're ready to enroll, what's next?

Get all of the details online. Visit our website for dates, times, and locations. With easy online registration you'll be enrolled in minutes at osha.washington.edu

We're happy to help!

Contact our Staff.

Pacific Northwest OSHA Education Center
206-685-3089 or 800-326-7568
ce@uw.edu



osha.washington.edu



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CONTINUING EDUCATION PROGRAMS

DEPARTMENT OF ENVIRONMENTAL AND OCCUPATIONAL HEALTH SCIENCES



SCHOOL OF PUBLIC HEALTH • UNIVERSITY of WASHINGTON

Health & Safety Awareness for Working Teens

Washington's Health & Safety resource for working teens, their parents, educators, and employers.



HEALTH & SAFETY CURRICULUM SETS



Wood Shop Safety



Agricultural Industry



OSHA's 11
OSHA 10hr General
Industry Training for
Young Workers



Culinary Industry



General Industry

DISCRIMINATION & SEXUAL HARASSMENT

Teens in their first jobs are a particularly vulnerable worker population and may be more prone to discriminatory or predatory behavior. The laws that deal with discrimination and sexual harassment in the workplace are enforced by a federal agency called the Equal Employment Opportunity Commission (EEOC). HSAWT provides links to resources and guidelines on sexual harassment and discrimination.



RULES, RIGHTS, AND REGULATIONS

There are many rules and regulations in place in Washington State to help protect workers of all ages. These regulations will differ depending on the worker's age and whether the nature of the work is agricultural or non-agricultural.

Young workers can visit HSAWT to find out about their employee rights and how to handle violations.



ENVIRONMENTAL AND OCCUPATIONAL HEALTH SCIENCES

UNIVERSITY of WASHINGTON

School of Public Health





CUSTOMIZED ON-SITE TRAINING

safe workplaces, sustainable communities

High quality training is a critical part of any occupational health and safety program. At the Pacific Northwest OSHA Education Center we understand that safety concerns and effective solutions vary across different industries and workplaces. We're happy to work with you to create a training experience that best serves you and your employees. No matter what industry you're in, we can tailor an OSHA-authorized safety and health training to your site's specific needs.

BENEFITS OF CUSTOMIZED ON-SITE TRAINING

- Save on travel costs by receiving safety training in a location convenient for your employees
- Learn from OSHA-authorized instructors who are recognized industry professionals with in depth knowledge and experience in the field of workplace health and safety
- Increase employees' skills and confidence in preventing workplace injuries and illnesses
- Establish a safety culture and demonstrate the value of your employees
- Build a stronger safety program by establishing consistent competencies and expectations across all levels of your organization
- Earn CEU credits
- Engage in open discussions and interactive activities with instructor and co-workers about site-specific safety challenges and practical solutions
- Reduce workers' compensation costs and understand state and federal safety and health regulations

MORE INFORMATION

For more information about customized on-site training, or to obtain a proposal, please contact the Pacific Northwest OSHA Education Center:

Phone: 206-685-3089

E-mail: ce@uw.edu

Web: osha.washington.edu

POPULAR COURSES

- **OSHA #510:** Standards for the Construction Industry
- **OSHA #511:** Standards for General Industry
- **OSHA #521:** Guide to Industrial Hygiene
- **OSHA #2045:** Machinery and Machine Guarding Standards
- **OSHA #2264:** Permit-Required Confined Space Entry
- **OSHA #5410:** Standards for the Maritime Industry
- **OSHA #6000:** Collateral Duty Course for Federal Agencies
- **OSHA #7115:** Lockout Tag Out
- **OSHA #7405:** Fall Hazard Awareness for the Construction Industry
- **OSHA #7505:** Introduction to Incident (Accident) Investigation
- **NIOSH-approved Spirometry** 2-day Initial Training and 1-day Refresher Training (non-OSHA)
- **First Aid/CPR**

Course descriptions can be found online at osha.washington.edu.



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PACIFIC NORTHWEST OSHA EDUCATION CENTER



CONTINUING EDUCATION PROGRAMS
**PACIFIC NORTHWEST
OSHA EDUCATION CENTER**

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CONSTRUCTION SAFETY AND HEALTH SPECIALIST CERTIFICATE PROGRAM

The Pacific Northwest OSHA Education Center has provided high quality training to individuals in Washington, Oregon, Idaho, and Alaska since 1995 as the only Education Center in OSHA's Region 10. Our expert instructors provide engaging standards-based, OSHA-authorized training designed to reduce and prevent workplace injuries and illnesses. Students gain skills and competence in OSHA policies and procedures and best practices for safety and health in their workplace.

Our certificate programs are designed to provide comprehensive occupational safety and health training for individuals looking for a solid grounding in OSHA standards and complex occupational health issues that confront businesses today. Companies that employ certificate graduates obtain safety specialists who understand accident prevention techniques and who provide a cost-effective answers to regulatory requirements. Each certificate's core courses provide the fundamentals of occupational safety and health regulations. Elective courses enable students to design a program that addresses the special needs of their workplace.

The Construction Safety and Health Specialist Certificate program focuses on construction industry regulations, and is designed for advanced Safety and Health professionals. Graduates of this program become authorized OSHA Outreach Trainers for the OSHA 10- and 30-hour Construction Safety courses.

BENEFITS OF EARNING A SAFETY AND HEALTH CERTIFICATE FROM THE PACIFIC NORTHWEST OSHA EDUCATION CENTER

- ✓ Advance your career with marketable skills and knowledge
- ✓ Create a safer workplace environment for yourself, your employees, and your co-workers
- ✓ Elect courses that fit the needs of your workplace
- ✓ Gain confidence and knowledge about OSHA standards and best practices from the only OSHA-authorized training center in the region
- ✓ Apply your previously completed OSHA courses towards certificate completion, and receive discounts on any courses taken after graduation

CERTIFICATE PROGRAM PREREQUISITES

At least 5 years of construction industry safety and health experience.

HOW TO APPLY

Visit osha.washington.edu/certificate-programs

Applicants must fill out the prerequisite verification form, available for download on our website, and pay the \$95 non-refundable application fee.

INFORMATION

206-543-1069

Please visit

osha.washington.edu

Photo: Adobe Stock VTT Studio

See reverse side for required courses





CONSTRUCTION SAFETY AND HEALTH SPECIALIST CERTIFICATE PROGRAM

REQUIRED COURSES

OSHA 510: Occupational Safety and Health Standards
for the Construction Industry

OSHA 500: Trainer Course in Occupational Safety and Health Standards for the
Construction Industry

OSHA 521: Guide to Industrial Hygiene

OSHA 3015: Excavation, Trenching & Soil Mechanics

OSHA 3115: Fall Protection

ELECTIVE COURSES

You are required to take 1 of the following

OSHA 2264: Permit-Required Confined Space Entry

OSHA 3095: Electrical Standards

OSHA 2055: Cranes in Construction

Visit osha.washington.edu/osha to find upcoming course dates in your location.
Courses can be taken in any order with the exception of OSHA 510 as a
prerequisite for OSHA 500.



osha.washington.edu



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CONSTRUCTION INDUSTRY OUTREACH "TRAIN-THE-TRAINER" PROGRAM

The Pacific Northwest OSHA Education Center has provided high quality training to individuals in Washington, Oregon, Idaho, and Alaska since 1995 as the only Education Center in OSHA's Region 10. Our expert instructors provide engaging standards-based, OSHA-authorized training designed to reduce and prevent workplace injuries and illnesses. Students gain skills and competence in OSHA policies and procedures and best practices for safety and health in their workplace.

PREREQUISITES

5 years of safety and health experience in the construction industry.

REGISTRATION

To register for OSHA 510 or OSHA 500 visit osha.washington.edu

Individuals who wish to register for OSHA 500 must complete a prerequisite verification form showing their industry experience and completion of OSHA 510. Prerequisite verification forms can be downloaded and submitted for approval on our website.

INFORMATION

206-543-1069

Please visit osha.washington.edu

We are proud to offer Outreach "Train-the-Trainer" programs, which allow experienced individuals to become OSHA-authorized outreach trainers. Students who successfully complete the OSHA 500: Trainer Course in Occupational Safety and Health Standards for the Construction Industry are authorized to teach OSHA 10- and 30-hour construction courses. Outreach trainers are a valuable asset to any workplace and have a leg up in the job market. As an OSHA-authorized outreach trainer you may tailor courses to the specific needs of a company or worker group, and can provide your trainees with OSHA 10- and 30-hour cards.

REQUIRED COURSES

OSHA 510: Occupational Safety and Health Standards for the Construction Industry

This course covers OSHA Standards, policies, and procedures for the construction industry. Emphasis is placed on areas that are the most hazardous, using OSHA standards as a guide. Upon successful completion of the course, students will be able to locate the correct OSHA standards in 29 CFR 1926, identify common causes of accidents and fatalities in hazardous areas of construction, and identify abatement techniques for such hazards.

OSHA 500: Trainer Course in Occupational Safety and Health Standards for the Construction Industry

Students who successfully complete this course will be authorized to conduct the 10- and 30-hour voluntary compliance courses in construction safety and health outreach programs. **Prerequisites:** 5 years of construction safety and health experience in the construction industry and successful completion of OSHA 510.



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SAFETY & HEALTH LEADERSHIP CERTIFICATE: CONSTRUCTION

*No experience
required*

The Pacific Northwest OSHA Education Center has provided high quality training to individuals in Washington, Oregon, Idaho, and Alaska since 1995 as the only Education Center in OSHA's Region 10. Our expert instructors provide engaging standards-based, OSHA-authorized training designed to reduce and prevent workplace injuries and illnesses. Students gain skills and competence in OSHA policies and procedures and best practices for safety and health in their workplace.

Our certificate programs are designed to provide comprehensive occupational safety and health training for individuals looking for a solid grounding in OSHA standards and complex occupational health issues that confront businesses today. Companies that employ certificate graduates obtain safety specialists who understand accident prevention techniques and who provide a cost-effective answers to regulatory requirements. Each certificate's core courses provide the fundamentals of occupational safety and health regulations. Elective courses enable students to design a program that addresses the special needs of their workplace.

Are you new to the field of safety and health? This certificate program is for you!

The Safety and Health Leadership program is intended for those with supervisory or leadership responsibilities in the construction industry, and those who wish to gain skills and knowledge in the area of construction safety and health. The program provides general information on the health and safety regulatory framework in construction, and gives students a baseline knowl-edge of OSHA policies and best practices. *No experience is required.*

BENEFITS OF EARNING A SAFETY AND HEALTH CERTIFICATE FROM THE PACIFIC NORTHWEST OSHA EDUCATION CENTER

- ✓ Advance your career with marketable skills and knowledge
- ✓ Create a safer workplace environment for yourself, your employees, and your co-workers
- ✓ Elect courses that fit the needs of your workplace
- ✓ Gain confidence and knowledge about OSHA standards and best practices from the only OSHA-authorized training center in the region
- ✓ Apply your previously completed OSHA courses towards certificate completion, and receive discounts on any courses taken after graduation

See reverse side for required courses

HOW TO APPLY

No prerequisites are required for this program. Simply visit osha.washington.edu/certificate-programs and pay your \$95 application fee to get started.

INFORMATION

206-543-1069
ce@uw.edu
osha.washington.edu

Photo: AdobeStock_Minerva Studio





SAFETY & HEALTH LEADERSHIP CERTIFICATE: CONSTRUCTION

REQUIRED COURSES

OSHA 510: Occupational Safety and Health Standards for the Construction Industry

OSHA 521: Guide to Industrial Hygiene

OSHA 7500: Introduction to Safety and Health Management

OSHA 7845: Recordkeeping Rule Seminar

SUPER: Supervisory Safety and Health Duties

ELECTIVE COURSES

You are required to take one of the following

OSHA 7505: Introduction to Incident (Accident) Investigation

First Aid CPR - Red Cross First Aid/CPR Card

Visit osha.washington.edu/osha to see course dates in your location. Courses can be taken in any order.



osha.washington.edu



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OSHA 7405: FALL HAZARD AWARENESS TRAINING FOR THE CONSTRUCTION INDUSTRY

OSHA-authorized training in Spanish

We are excited to provide OSHA-authorized, accessible, culturally appropriate training for your Spanish speaking employees, in an effort to create safe and healthy workplaces for all workers in the Pacific Northwest.

OSHA 7405: Fall Hazard Awareness for the Construction Industry

OSHA 7405 covers the identification, evaluation, prevention and control of fall hazards in the construction industry. This course focuses on falls to a lower level resulting from slips and trips.

Course topics include identifying, analyzing, and preventing fall hazards utilizing OSHA Fall Protection Standards. At the conclusion of the course, students will have an awareness level of identifying fall hazards and methods to control and abate the hazards.

WHY DO MY SPANISH SPEAKING EMPLOYEES NEED SPECIAL TRAINING?



>2 Million

Latino construction workers were estimated to be foreign-born as of 2008.¹



1 Million

Latino construction workers are estimated to only speak Spanish.² Many more have basic English understanding, but not of technical terms used in construction.³



30%

Latino construction workers are 30% more likely than white non-Latino workers to have medical conditions due to work-related injuries, and those injuries are likely to be more severe.⁴



Hazard>Training

Latino workers are more likely to perform more hazardous construction jobs with less on-the-job training.⁵ Of those that do receive training, many are not receiving appropriate and complete training due to language and literacy barriers.⁶

INFORMATION

Pacific Northwest OSHA
Education Center
osha.washington.edu
ce@uw.edu
206-685-3089

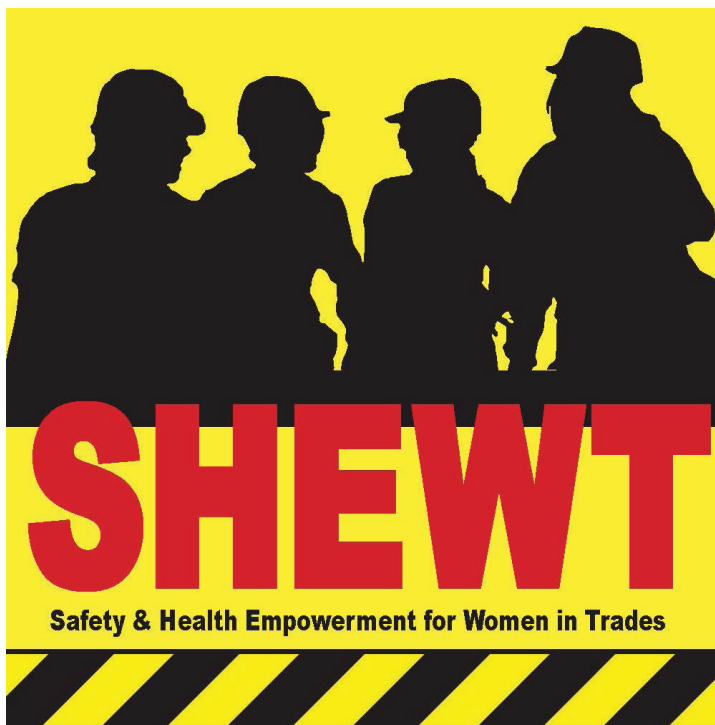
Photo: diego cervo/iStock/Thinkstock

SOURCES

- 1.Center for Construction Research and Training, 2009.
- 2.Brunette, M.J., 2004. Construction safety research in the United States: targeting the Hispanic workforce. Injury Prevention 10 (4), 244e248.
- 3.Nash, J., "Construction Safety: Best Practices in Training Hispanic Workers." Occupational Hazards Cleveland, Feb 2004, Vol. 66, Iss 2, p. 35-38.
- 4.Dong XS, Wang X, Daw C, CPWR Data Center. 2010a. Fatal and nonfatal injuries among Hispanic construction workers. CPWR Data Brief 2(2):1-19. http://www.cpwr.com/sites/default/files/publications/Hispanic_Data_Brief3.pdf
- 5.Dong X, Platner JW: Occupational fatalities of Hispanic construction workers from 1992 to 2000. 2004. Am J Ind Med 45:45- 54
- 6.McGlothlin J, Hubbard B, Aghazadeh F, Hubbard S. 2009. Ergonomics. Case study: safety-training issues for Hispanic construction workers. J Occup Environ Hyg 2009, 6:D45-50.



CONTINUING EDUCATION PROGRAMS
PACIFIC NORTHWEST OSHA EDUCATION CENTER



STUDY ON HEALTH AND SAFETY FOR WOMEN CONSTRUCTION WORKERS

Summary of Findings

This fact sheet presents findings from the Safety and Health Empowerment for Women in Trades (SHEWT) study, a collaboration between the University of Washington and Washington Women in Trades. The study used focus groups and surveys with women and men working in the trades in Washington State to better understand the health and safety risks affecting tradeswomen at work. Below are the top risks identified by 25 focus group participants and key survey results.

Common Themes Raised in Focus Groups

Health & Injury Risks

- Dangerous work environment
- Inadequate bathrooms
- Chronic injuries

Social/Stress Risks

- Coworker acceptance of risk
- Hazing
- Job insecurity
- Management prioritizing production over safety
- No paid sick leave
- Macho culture

Women-Specific Risks

- Inadequate PPE
- Physical limitations
- Sexual harassment
- Gender discrimination and unequal training
- Overcompensation due to constantly proving self
- Tokenism
- Poor work/life balance
- Fear of layoff for reporting safety concerns
- Lack of support

What Workers Had to Say

"I think that just being a woman you have a lot of pressure to do things that are not the healthiest to keep up with the young 27-year-old guys."

—Journeywoman laborer

"It's always hard to break into a group. And there's a certain amount of...hazing, just pulling tricks on the new person that happens."

—Journeyman carpenter

"You just gotta be mindful about [electricity]. It doesn't care what gender you are."

—Journeywoman electrician

"It's almost like you have to prove—as a woman—you have to prove yourself 10 fold before somebody will actually give you the respect."

—Journeywoman laborer

"I think I've had guys purposely tell me something that wasn't true, which could have jeopardized my safety. So I guess, sabotage is sometimes a threat...It falls back into the hostile work environment of the guys who don't want you there. And therefore they'll set you up to fail."

—Journeywoman electrician

"And if you ask for that [handwashing station], which you're also entitled to, you're on that layoff next week too."

—Journeywoman electrician

"I think the trades is a white man's industry. And so there's a comfort level with white men to be with white men and to put white men under their wings. And so I think women and people of color and other minorities are at a disadvantage."

—Retired electrician

Survey Results

- Almost 300 workers completed surveys about health and safety hazards in the workplace
- Demographics: 68% women, 32% men; 43% apprentice, 57% journey level. The top trades represented were: laborers, electricians, pipe trades, and carpenters
- Women reported higher levels of perceived stress compared to men
- More than half of women reported pushing themselves past their physical comfort at least half of the time to get the job done
- Almost half of women felt discriminated against at work due to their gender
- Women were more likely than men to report at least one injury at work in the past year
- Of those respondents who were injured in the past year, women were more likely than men to not report their injury due to fear of layoff
- Women were more likely than men to report PPE not fitting properly. Of women who did not feel comfortable asking for better PPE, more than half listed “fear of being labeled complainer by coworkers” or “fear of layoff” as the primary reason

► **Compared to men, women in our survey had a higher risk of being injured at work in the past year and a higher risk of reporting high levels of stress.**

- Data supports the idea that apprentices experience higher levels of stress than those who have finished their apprenticeship
- For women, overcompensation and gender discrimination were associated with being injured at work in the past year
- For women, reporting high stress was associated with age discrimination, poor work/life balance, and financial hardship
- Women who received high levels of support from their coworkers and supervisor showed a lower risk of stress

Survey Short Answer Themes

Top Problems for Women

Sexist stereotypes
Physical limitations
Discrimination
Harassment
Under-representation
Having to prove selves
No respect
Poor work/life balance
Poor training
Inadequate PPE/tools
Women who set bad example

Solutions

More women
Education
Improved training
Treat women and men equal
Don't know
Mentoring
Women carry selves

Other Experiences

Variability in jobsites
Women feel accepted
Job insecurity
Inadequate supervision
Love work

“I have been doing this a long time. It has gotten better but so much of the stress is covert, hard to pin down. The harassment never really stops; you learn to ignore it. They will take the first opportunity available to replace you. Men don't want us there so it is a constant, unstated hostile environment.”

—Journeywoman electrician

“Point blank, we are not as strong as men. I have to work twice as hard as a man to do the same job. It is not their fault, and I don't let it hold me back.”

—Journeywoman laborer

I believe the biggest problem we face is still just proving that we can perform the work as well as other men. I feel I should just be able to walk onto a jobsite and have the confidence of my male coworkers and supervisors, but I have not had that experience in this job.”

—Journeywoman laborer

“We need to continue to educate both sexes in communication and not single out women as the weaker link... Everyone needs to be taught it's ok to say ‘no this doesn't feel right or safe.’

—Journeywoman electrician

“It would be ideal to have a mentoring program for women as an apprentice in the particular trade she is in to help understand the construction industry.”

—Journeywoman ironworker
