

FILED
SUPREME COURT
STATE OF WASHINGTON
12/21/2020 3:20 PM
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No. 99032-8

SUPREME COURT
STATE OF WASHINGTON

DEPARTMENT OF LABOR AND
INDUSTRIES,

Appellant,

v.

LABORWORKS INDUSTRIAL
STAFFING SPECIALISTS, INC.,

Respondent.

STATEMENT OF
ADDITIONAL
AUTHORITIES

The Department of Labor and Industries submits the authority listed below in support of the following issue on appeal.

Should a staffing agency that knows about a hazardous work condition, has control over a temporary worker, and has a permanent relationship with the worker be deemed an “employer” under WISHA, requiring compliance with worker-safety laws?

Martinez-Cuevas v. DeRuyter Bros. Dairy, Inc., 475 P.3d 164, 171 (Wash. 2020) (Article II, section 35 mandates legislative action and constitutes a fundamental right of Washington workers to health and safety protection,” and the provision “*requires* the legislature to pass appropriate laws for the protection of workers.”).

RESPECTFULLY SUBMITTED this 21st day of December, 2020.

ROBERT W. FERGUSON
Attorney General



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No. 99032-8

**SUPREME COURT
STATE OF WASHINGTON**

DEP'T OF LABOR & INDUS.,

Petitioner,

v.

LABORWORKS INDUS. STAFFING
SPECIALISTS, INC.,

Respondent.

CERTIFICATE OF
SERVICE

The undersigned, under penalty of perjury pursuant to the laws of the State of Washington, declares that on the below date, she caused to be served the Department of Labor & Industries' Statement of Additional Authorities and this Certificate of Service in the below described manner:

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Susan L. Carlson
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Washington State Supreme Court

E-Mail via Washington State Appellate Courts Portal:

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National Employment Law Project

DATED this 21st day of December, 2020.

A handwritten signature in black ink, appearing to read "Shana Pacarro-Muller". The signature is written in a cursive style with a large initial 'S'.

SHANA PACARRO-MULLER
Legal Assistant

WASHINGTON ST. ATTORNEY GENERAL - LABOR & INDUSTRIES DIVISION - SEATTLE

December 21, 2020 - 3:20 PM

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Appellate Court Case Number: 99032-8
Appellate Court Case Title: Department of Labor and Industries v. Laborworks Industrial Staffing Specialists, Inc.

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