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Case No. 96781-4

SUPREME COURT OF THE STATE OF WASHINGTON

**AMERICAN HOTEL & LODGING ASSOCIATION, SEATTLE
HOTEL ASSOCIATION, and WASHINGTON HOSPITALITY
ASSOCIATION,**

Respondents/Plaintiffs,

v.

CITY OF SEATTLE,

Appellant/Defendant,

and

UNITE HERE! LOCAL 8 and SEATTLE PROTECTS WOMEN,

Appellants/Intervenor Defendants.

**AMICUS BRIEF OF LEGAL VOICE
IN SUPPORT OF APPELLANTS/INTERVENOR-DEFENDANTS
UNITE HERE! LOCAL 8 AND SEATTLE PROTECTS WOMEN,
AND APPELLANT/DEFENDANT CITY OF SEATTLE**

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I. INTRODUCTION AND INTEREST OF AMICUS CURIAE

A law setting minimum standards that govern the overall health, safety, and employment of hotel employees indeed comprises a single, unified subject. Amicus Legal Voice agrees with Appellants UNITE HERE! Local 8, Seattle Protects Women, and the City of Seattle that the Court of Appeals made multiple errors in its narrow interpretation and application of the single subject rule when reviewing Initiative 124 (I-124), which passed overwhelmingly with 76.59 percent of the vote in November 2016. This Court should reverse the Court of Appeals decision that attempts to artificially characterize I-124 as a disconnected set of five parts that are unrelated to each other.¹

Legal Voice seeks to supplement Appellants' arguments by providing further analysis highlighting the fundamental and intuitive relationship between the sexual harassment provision in Part I of I-124 and the other provisions of the Initiative. In particular, this brief will focus on the relationship between the sexual harassment section in Part I and the job

¹ *Am. Hotel & Lodging Ass'n v. City of Seattle*, 6 Wn. App. 2d 928, 945 (2018) (hereinafter referred to as "*Am. Hotel*"). The Court of Appeals concludes that the five parts may be germane to the general title of health, safety and labor standards, but they are not germane to each other. Further, the court mistakenly asserts that the five parts must be necessary to implement one another. This error of the Court of Appeals is addressed by Appellants UNITE HERE! Local 8 in their brief, Supplemental Brief for Appellants Local 8 at 11-12, as well as by the City of Seattle in their brief, Supplemental Brief for Petitioner City of Seattle at 11-12, and therefore will not be addressed in this brief.

security provision in Part IV because the Court of Appeals views those two provisions as epitomizing how the Initiative's provisions are not germane to each other.² To the contrary, these two provisions are integrally related, particularly in the lives of low-wage women hotel workers, as this brief demonstrates.

This brief first grounds this argument in a demographic examination of housekeepers, a workforce that is largely comprised of women, people of color, and low-income individuals, who are vulnerable to exploitation and harassment. Next, the brief examines the market forces and management practices over the past decade that have resulted in housekeepers being treated as disposable labor, and in hotel workplaces that are ripe for sexual harassment, retaliation, and health and safety violations. Finally, Legal Voice refutes the Court of Appeals' conclusion that it found no Washington State policy precedents that link the standards articulated in the five parts of I-124 together.³ In fact, there are a number of such policy examples from Washington State centered on low-wage workers that connect the labor standards described in I-124.

As set forth in the accompanying Motion for Leave to File Amicus

² *Am. Hotel*, 6 Wn. App. 2d at 944.

³ *Id.* at 947.

Brief, Legal Voice is a nonprofit organization with a longstanding commitment to supporting women’s economic empowerment and elevating the voices of sexual harassment and assault survivors. Legal Voice has a particular focus on the well-being of women of color and immigrants given the structural inequities that continue to persist for people with multiple marginalized identities.

II. STATEMENT OF THE CASE

Legal Voice adopts the facts as stated in Appellants’ briefs. In addition, Legal Voice notes that I-124’s provisions protecting hotel workers have a particular focus on hotel housekeepers because of their heightened health and safety vulnerabilities.⁴

⁴ For example, the provisions protecting workers from guest harassment focus on housekeepers, as indicated by the required notice on the back of every guest room door, that reads, “The Law Protects Hotel Housekeepers and Other Employees From Violent Assault and Sexual Harassment.” Seattle Municipal Code (“SMC”) 14.25.050. Another provision provides panic buttons “to each hotel employee assigned to work in a guest room without other employees present,” referring by implication to housekeepers. SMC 14.25.030. In addition, the provision that seeks to reduce inhumane workloads addresses housekeepers exclusively. Finally, the provision that protects employees from chemical hazards by implication focuses on housekeepers given all the chemical agents they use in their room cleaning work. SMC 14.25.100, SMC 14.25.090.

III. ARGUMENT

A. The Court cannot determine whether the parts of I-124 are germane to one another without an understanding of the housekeeper workforce and industry practices.

The Court of Appeals' opinion hinges on the unrealistic perception that I-124 comprises a set of discrete employment policies that neither connect with one another nor produce any cumulative effect on hotel housekeepers' overall well-being.⁵ To the contrary, I-124's comprehensive approach is both intentional and reflects the real underlying factors impacting housekeepers' working lives. These include the unique demographic composition of housekeepers, recent market forces, and hotel management practices that, combined, force housekeepers to work in conditions that threaten their health and safety and devalue their labor.

1. The demographics of housekeepers and their intersectional identities as women of color increase their vulnerability to exploitation.

Nationwide, housekeepers comprise the single largest occupation

⁵ *Am. Hotel*, 6 Wn. App. 2d at 941-942 (“...I-124, by its own language, identifies at least four distinct and separate purposes. Part 1 is intended to protect certain hotel employees from violent assault and sexual harassment. SMC 14.25.020. Part 2 is intended to protect hotel employees from on-the-job injuries arising out of heavy lifting, repetitive tasks, and chemical exposure. SMC 14.25.070. Part 3 is intended to improve hotel workers' access to affordable medical care. SMC 14.25.110. And Part 4 is intended to provide job security to low-income hotel workers when there is a change in hotel ownership. SMC 14.25.130.”).

within the hotel industry.⁶ They are overwhelmingly women, both nationally and locally: across the US hotel industry, housekeepers are 90% women, and in Seattle, hotel housekeepers are 80% women.⁷ Of this number, approximately 70% are people of color, with 49.3% identifying as Hispanic, 16.1% as African American, and 4.5% as Asian.⁸ In contrast, people of color comprise 36% of the workforce nationally.⁹ In addition, housekeeping and house cleaning are the top occupation of immigrant women workers.¹⁰ In Seattle specifically, 56% of hotel workers are immigrants, while immigrants comprise only 17% of Washington State

⁶ Susan Buchanan et al., *Occupational Injury Disparities in the U.S. Hotel Industry*, 53 Am. J. Indus. Med. 116, 117 (2010), available at https://deohs.washington.edu/sites/default/files/seminar-envhlth/speaker_pdfs/Arti_Buchanan.pdf. The U.S. Bureau of Labor Statistics technically categorizes housekeepers under the category “Maids and Housekeeping Cleaners” and defines them as performing “...cleaning duties that may include making beds, replenishing linens, cleaning rooms, halls, and vacuuming.” U.S. Bureau of Labor Statistics, *Occupational Employment Statistics, Maids and Housekeeping Cleaners*, available at <https://www.bls.gov/oes/2017/may/oes372012.htm> (last modified March 30, 2018).

⁷ U.S. Bureau of Labor Statistics, *Labor Force Statistics from the Current Population Survey*, <https://www.bls.gov/cps/cpsaat11.htm> (last modified Jan. 18, 2019).

⁸ *Id.*

⁹ Crosby Burns et al., *The State of Diversity in Today’s Workforce 2* (Center for American Progress, July 2012), available at https://cdn.americanprogress.org/wp-content/uploads/issues/2012/07/pdf/diversity_brief.pdf.

¹⁰ American Immigration Council, *The Impact of Immigrant Women on America’s Workforce 6* (March 2017), available at https://www.americanimmigrationcouncil.org/sites/default/files/research/the_impact_of_immigrant_women_on_americas_labor_force.pdf.

workers overall.¹¹

Hotel workers, maids, and housekeepers are among the ten lowest-wage occupations in the U.S.¹² With average wages of \$11.74 an hour (\$24,420 a year),¹³ these positions are classified as among the working poor, which researchers have defined as a single person that earns roughly \$25,000 a year.¹⁴ Moreover, this hourly wage is well below a living wage for a single person in Seattle/King County, which is \$15.92 an hour.¹⁵

These demographics situate hotel housekeepers at the intersection of marginal identities—as women of color, immigrant women, and low-

¹¹ Howard Greenwich et al., *Our Pain Their Gain: The Hidden Cost of Profitability in Seattle Hotels* 7 (Puget Sound Sage, April 2012) available at <https://www.forworkingfamilies.org/sites/default/files/publications/Our%20Pain%20Their%20Gain%20-%20Final.pdf>; American Immigration Council, *Immigrants in Washington* 2 (October 2017), available at <https://www.americanimmigrationcouncil.org/research/immigrants-in-washington>.

¹² Fatima Goss Graves et al., *[R]eality Check: Seventeen Million Reasons Low-wage Workers Need Strong Protections from Harassment* (National Women’s Law Center, 2014), available at https://www.nwlc.org/sites/default/files/pdfs/final_nwlc_vancereport2014.pdf.

¹³ U.S. Bureau of Labor Statistics, *supra* note 6.

¹⁴ The term “working poor” has been defined by researchers as measured most accurately at 200% of the Federal Poverty Level (FPL). At 200% of the FPL, a single person earns \$25,000 per year. PolicyLink, *An Overview of America’s Working Poor*, <https://www.policylink.org/data-in-action/overview-america-working-poor> (last visited July 25, 2019).

¹⁵ Amy K. Glasmeier, *Living Wage Calculation for King County, Washington*, Massachusetts Institute of Technology, <http://livingwage.mit.edu/counties/53033> (last visited July 12, 2019).

income women—and make them especially vulnerable to workplace harassment, discrimination, and other labor abuses. This picture of heightened exploitation for women of color and others with multiple marginal identities is explained by intersectionality theory and several related studies.¹⁶ Relevant to I-124, policy solutions addressing the needs of workers with multiple marginal identities must be comprehensive to address the systemic inequities that these workers face, as I-124 notably acknowledges in its text.¹⁷ In other words, the mere fact that housekeepers

¹⁶ Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics*, 1989 U. Chi. Legal F., 131, 139 (1989), available at <http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8>; Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 Stanford L. Rev. 1241 (1991), available at https://alexys.asian.lsa.umich.edu/courses/readings/Crenshaw_Mapping%20the%20Margins.pdf (explaining intersectionality theory by its pioneering author, and the heightened likelihood of discrimination and racial disparities among women of color with multiple intersecting marginal identities, such as African American women, Latinx lesbian women, etc.); Jennifer L. Berdahl and Celia Moore, *Workplace Harassment: Double Jeopardy for Minority Women*, 91 Journal of Applied Psychology 426, 431 (2006), available at <https://pdfs.semanticscholar.org/e5cd/8934b5d10b331560b24bcc3d7dc3c4a4818d.pdf> (establishing that women of color are significantly more likely to experience harassment than white women or men of color); Nancy López and Vivian L. Gadsden, *Health Inequities, Social Determinants, and Intersectionality* (National Academy of Medicine, discussion paper, December 5, 2016), available at <https://nam.edu/wp-content/uploads/2016/12/Health-Inequities-Social-Determinants-and-Intersectionality.pdf> (applying intersectionality theory to study of health disparities to “excavate the ways in which a person’s multiple identities and social positions are embedded within systems of inequality.”).

¹⁷ “As a vast majority of Seattle hotel employees are women, immigrants, and people of color, these hazards and instabilities within the hospitality industry exacerbate existing structural inequities experienced by these groups.” Part I, I-124; SMC 14.25.110.

have multiple, marginal identities means that policies aimed at supporting them—like I-124—must be developed with an intersectional approach and holistic goals.

2. Hotel management practices over the past decade reflect hotel owners’ treatment of housekeepers as disposable and threaten housekeepers’ health and safety.

The hotel industry is experiencing record growth and tremendous profits after recovering from a severe dip during the 2007-2009 Great Recession, yet the boom has not resulted in better working conditions for hotel housekeepers even though they represent the largest group of workers in the industry.¹⁸ The industry nationwide was projected to hit a record-breaking \$170 billion in gross bookings in 2018.¹⁹ The Seattle hotel market in particular ranks among the 25 largest in the country and represents a local industry with robust historic growth due to business travel by the

¹⁸ After the 2008 recession, hotel revenue per available room dropped ten dollars each along with a 74 percent drop in stock market value. Seth Borko, *10 Years Later: How the Travel Industry Came Back From the Financial Crisis*, Skift, September 14, 2018, available at <https://skift.com/2018/09/14/10-years-later-how-the-travel-industry-came-back-from-the-financial-crisis/>; additionally, the hotel industry was listed among the top ten industries hit hardest by the recession. Daniel Bukszpan, *Industries Hit Hardest by the Recession*, CNBC, June 1, 2012, available at <https://www.cnbc.com/2012/06/01/Industries-Hit-Hardest-by-the-Recession.html>.

¹⁹ Deloitte Center for Industry Insights, *2018 Travel and Hospitality Industry Outlook 5* (2018), available at <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/consumer-business/us-cb-2018-travel-hospitality-industry-outlook.pdf>.

technology and aerospace industries, as well as increased general tourism.²⁰

Unfortunately, a large part of the growth and profitability of the industry directly correlates to the increased exploitation and devaluation of housekeepers over the past decade. Hotels bounced back from the recession largely by reducing labor costs, relying on fewer housekeepers, and dramatically shrinking the ratio of workers to occupied rooms.²¹ Specifically, in 1988, hotel firms employed 70.7 workers per 100 occupied rooms. By contrast, in 2008, hotels employed only 52.9 workers per 100 occupied rooms.²²

Further, during this same period, housekeepers were increasingly targeted for outsourcing and/or replacement by cheaper labor. For example, in Fall 2009, Hyatt replaced nearly 100 housekeepers at three of its hotels

²⁰ Greenwich et al., *supra* note 11, at 12.
<https://www.forworkingfamilies.org/sites/default/files/publications/Our%20Pain%20Their%20Gain%20-%20Final.pdf>; Seattle Tourist Bureau, *Seattle Celebrates Record Breaking Season With More Than 40 Million Visitors in 2018*, March 4, 2019, available at <https://www.visitseattle.org/press/press-releases/seattle-celebrates-record-breaking-tourism-season-with-more-than-40-million-visitors-in-2018/>.

²¹ Greenwich et al., *supra* note 11, at 13. Robert Mandelbaum, director of research information services at PKF Hospitality Research, a leading hotel industry marketing company, stated, “In 2010, it was management’s ability to control labor cost that was the main reason for profitability growth.” *Id* at 13. In a presentation to investors, Frits van Paasschen, CEO of Starwood Hotels, noted that his company strongly profited during the Great Recession by “cutting costs, reducing leverage and increasing liquidity. The crisis made us better and faster.” *Id* at 13.

²² *Id* at 14.

in Boston.²³ The rise in outsourcing bluntly illustrates the extent to which housekeepers are viewed as disposable labor in the eyes of hotel managers, and housekeepers' lack of power to negotiate safer and better working conditions.

In addition to outsourcing, the trend towards automation in the hotel industry is another practice that not only devalues housekeepers, but exacerbates job insecurity. Hotels are increasingly experimenting with automation such as automated check-in and limited staffing for bar and food delivery services.²⁴ While machines are unlikely to completely replace people in housekeeping jobs, they will reduce hours, pay, and negotiating ability.²⁵

²³ Ninety-eight housekeepers at three Hyatt hotels in Boston were summarily laid off by hotel management and replaced by workers from Hospitality Staffing Solutions, the largest hotel worker outsourcing company in the U.S., in Fall 2009. Janet Boguslaw & Margot Trotter Davis, *What Happened to the Hyatt 100, and Why We Should Care*, Boston Globe, Sept. 2, 2016, available at <https://www.bostonglobe.com/opinion/2016/09/02/what-happened-hyatt-and-why-should-care/cALabZtFESKPPbwZwNKXKP/story.html>.

²⁴ Melissa Hellman, *As Seattle's New Hotels Roll Out Automation to Serve Guests, Workers Worry*, Seattle Times, May 18, 2019, available at <https://www.seattletimes.com/business/technology/as-seattles-new-hotels-roll-out-automation-to-serve-guests-workers-worry/>; Eduardo Porter, *Hotel Workers Fret Over a New Rival: Alexa at the Front Desk*, The New York Times, September 24, 2018, available at <https://www.nytimes.com/2018/09/24/business/economy/hotel-workers-ai-technology-alexa.html>.

²⁵ James Manyika et al., *Jobs Lost, Jobs Gained: Workforce Transitions in a Time of Automation* 10 (McKinsey Global Institute, December 2017), available at <https://www.mckinsey.com/~media/mckinsey/featured%20insights/future%20of%20organizations/what%20the%20future%20of%20work%20will%20mean%20for%20jobs%20skills%20and%20wages/mgi-jobs-lost-jobs-gained-report-december-6-2017.ashx>

The trend in hotel management practices toward greater housekeeper workloads, increased outsourcing, and rising automation points to the growing disposability of housekeeper labor in the eyes of hotel owners that necessitated the comprehensive response of I-124's five parts.

B. Amidst housekeepers' increasing disposability, sexual harassment is widespread, causing debilitating impacts to housekeepers' health and safety.

As housekeepers are increasingly being treated as disposable labor, they continue to experience rampant sexual harassment. A recent survey found that 53% of the Seattle hotel housekeepers who responded had experienced sexual harassment and assault while at work.²⁶ Nearly half (47%) also stated that their co-workers had told them stories of being sexually harassed by guests, including being touched or groped, blocked

(projecting a 25-34% drop in jobs for hotel and travel workers between 2016-2030); Sidney Fussell, *The Quiet Ways Automation is Remaking Service Work*, The Atlantic, Jan. 11, 2019, available at, <https://www.theatlantic.com/technology/archive/2019/01/automation-hotel-strike-ai-jobs/579433/> (“Rather than fully replace human workers with Jetson-like robots the service industry is more likely to adopt a system of partial automation. Simple tasks will be automated so that workers’ hours can be cut down, or so that a two-person job, say janitorial services or manning the front desk overnight, can be assigned to one person aided by a robot.”).

²⁶ Puget Sound Sage, *Survey of Downtown Seattle Hotel Housekeepers Reveals Frequent Sexual Harassment and Pain*, 1 (September 2016), available at https://pugetsoundsage.org/wp-content/uploads/2016/12/PSS_HotelWorkerSurvey_Sept2016.pdf.

from leaving the hotel room, and exposed to sexual content.²⁷

Similar stories echo across the country, as illustrated by a recent report on Chicago's hotel industry that found that 58% of the city's hotel workers reported being sexually harassed by guests.²⁸ Harassment included guests opening their room doors naked, exposing themselves to the housekeepers, and flashing the housekeepers.²⁹ Over half of those who responded said that they did not feel safe returning to their workplace after the incidents.³⁰

The physical and mental health toll of sexual harassment has long-lasting impacts beyond the actual harassment itself.³¹ A recent study found that sexual harassment was linked to significantly higher blood pressure, triple the risk for major depression, double the risk for anxiety, and double the risk for poor sleep quality and insomnia.³² In addition, research has

²⁷ *Id.* at 2.

²⁸ UNITE HERE Local 1, *Hands Off, Pants On: Sexual Harassment in Chicago's Hospitality Industry* 3 (July 2016), available at <https://www.handsoffpantson.org/wp-content/uploads/HandsOffReportWeb.pdf>.

²⁹ *Id.*

³⁰ *Id.* at 6.

³¹ Rebecca C. Thurston et al., *Association of Sexual Harassment and Sexual Assault With Midlife Women's Mental and Physical Health*, 179 *JAMA Intern Med.* (2019), available at <https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2705688>.

³² *Id.*

established statistically significant associations between sexual harassment and Post Traumatic Stress Disorder (PTSD).³³ Indeed, the pervasiveness of sexual harassment in housekeeping and other low-wage work generally has led to a growing movement demanding that sexual harassment be declared a known health and safety hazard—similar to chemical exposure—so that it can be more intensely regulated.³⁴ In brief, housekeepers are experiencing crisis-level rates of harassment and related negative health impacts that correlate to rising job insecurity and necessitate the multi-faceted policy intervention of I-124.

³³ The association between sexual harassment and PTSD is between one and four times larger than the association between combat exposure and PTSD. Elyse Shaw et al., *Sexual Harassment and Assault at Work: Understanding the Costs* 4 (Institute for Women’s Policy Research, October 2018), available at https://iwpr.org/wp-content/uploads/2018/10/IWPR-sexual-harassment-brief_FINAL.pdf.

³⁴ Several experts have argued that sexual harassment should be a recognized job hazard under the federal Occupational Safety and Health Act (OSHA), particularly in numerous low wage industries where harassment is so prevalent, and also given other on-the-job factors that connect sexual harassment with workplace health and safety such as inability to focus on job tasks, increased stress, and workplace violence. Chris Kilbourne, *Sexual Harassment and OSHA: Is Sexual Harassment a ‘Recognized Hazard’?*, EHS Daily Advisor, June 3, 2012, available at <https://ehsdailyadvisor.blr.com/2012/06/sexual-harassment-and-osha-is-sexual-harassment-a-recognized-hazard/>; Kate Tornone, *Should Sexual Harassment be an OSHA Issue?*, HR Dive, Nov. 14, 2018, available at <https://www.hrdive.com/news/should-sexual-harassment-be-an-osha-issue/542180/> (noting that placing harassment under OSHA's purview would force employers to address sexual harassment prospectively, since the OSH Act requires a specific hazard assessment compared to most employment laws which address issues after the fact).

C. Housekeepers are vulnerable to harassment and other workplace abuses because of their lack of job security, as reflected in high retaliation and attrition rates.

Housekeepers are vulnerable to ongoing sexual harassment and other workplace abuses without complaining *because* they lack job security. Studies have shown job insecurity significantly increases the risk of harassment.³⁵ Other studies have found high attrition rates for those who experienced sexual harassment in the workforce because those workers have no other choice but to leave their job in those severe circumstances.³⁶ Because low-wage workers are by definition concentrated at the bottom of the workplace hierarchy, they not only face a heightened risk for harassment, but they are also less likely to report the conduct.³⁷

Further, retaliation often operates in tandem with harassment,

³⁵ Lindsey Joyce Chamberlain et al., *Sexual Harassment in Organizational Context* 35 *Work and Occupations*, 262, 286 (2008), available at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.846.7894&rep=rep1&type=pdf> (finding job insecurity significantly increased vulnerability to both taunting and predatory sexual harassment).

³⁶ Shaw, et al., *supra* note 33 (finding that eight in ten women change jobs within two years after experiencing sexual harassment).

³⁷ Alana Samuels, *Low-Wage Workers Aren't Getting Justice for Sexual Harassment*, *The Atlantic*, Dec. 27, 2017, <https://www.theatlantic.com/business/archive/2017/12/low-wage-workers-sexual-harassment/549158/>; the seminal EEOC report on sexual harassment found that 87 to 94% of persons who experience harassment do not file a complaint. Chai R. Feldblum and Victoria A. Lipnic, *Report of the Co-chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace*, 16 U.S. Equal Employment Opportunity Commission (2016) available at https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf

forcing low-wage workers to decide between a paycheck and seeking protection. A key study found that 75% of employees who spoke out against harassment experienced some form of retaliation.³⁸ Lower-status and lower-wage employees experience more retaliation³⁹ because of the unique power imbalances inherent in these positions.⁴⁰ In fact, EEOC data shows that the hotel and restaurant industries have the highest rate of complaints.⁴¹

In conclusion, social science reveals a tight connection between job insecurity and a heightened risk of sexual harassment that I-124's provisions address.

D. The Court of Appeals incorrectly claimed there is no legislative or policy precedent for combining the various parts of I-124.

The Court of Appeals is mistaken in concluding there is no Washington policy precedent for combining the various parts of I-124.⁴²

³⁸ Lilia M. Cortina & Vicki J. Magley, *Risking Retaliation: Events Following Interpersonal Mistreatment in the Workplace*, 8 J. Occupational Health Psychol. 247, 255 (2003), available at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.518.3744&rep=rep1&type=pdf>.

³⁹ *Id.* at 260.

⁴⁰ Feldblum and Lipnic, *supra* note 37, at 16.

⁴¹ Jocelyn Frye, *Not Just the Rich and Famous* (Center for American Progress, November 20, 2017), available at <https://www.americanprogress.org/issues/women/news/2017/11/20/443139/not-just-rich-famous/> (analyzing EEOC sexual harassment data from 2005-2015).

⁴² *Am. Hotel* at 947.

First, policy precedent exists connecting minimum wage and worker safety requirements. Initiative 1433 (“I-1433”), passed by the state’s voters in 2016, both increased the state minimum wage and provided paid sick leave statewide.⁴³ I-1433 explicitly connects wage and health and safety requirements, stating:

The people hereby amend this chapter to conform to modern fair labor standards by establishing a fair minimum wage and the right to paid sick leave to protect public health and allow workers to care for the health of themselves and their families.⁴⁴

In addition, other precedent exists that links wages, health and safety, and job security protections in the same legislation. For example, Washington State recently passed legislation addressing farmworkers.⁴⁵ The law aims to mitigate job loss for Washington resident farmworkers due to the rising use by growers of the H-2A program, which outsources jobs to guest workers brought in from outside the U.S.⁴⁶ At the same time, the new law requires regular monitoring of guest worker job sites to ensure wage,

⁴³ I-1433, Sec. 1, codified as RCW 49.46.020 (min. wage) and RCW 49.46.200 (paid sick leave), approved Nov. 8, 2016, available at https://sos.wa.gov/assets/elections/initiatives/finaltext_954.pdf.

⁴⁴ I-1433, Sec. 2(3)

⁴⁵ S.B. 5438, 66th Legislature, 2019 Regular Session (Wash. 2019).

⁴⁶ *Id.*

health, and safety standards for all farmworkers.⁴⁷

Finally, policy precedent exists that links immigration status confidentiality protections with labor standards. For example, Washington recently enacted the Keep Washington Working Act to ensure that immigrants have the ability to live and work freely across the state without fear that their immigration status will be disclosed if they choose to seek state assistance.⁴⁸ At the municipal level, Seattle passed a comprehensive labor standards ordinance that includes protecting the confidentiality of a worker's immigration status from disclosure in a retaliatory context.⁴⁹

IV. CONCLUSION

The shift in hotel practices and policies over the past decade has exacerbated job insecurity for housekeepers and contributed to high rates of sexual harassment and retaliation. Initiative 124, which aligns with similar policies in Washington State and across the country, offers a comprehensive solution that acknowledges the direct link between

⁴⁷ *Id.*; David Bacon, *Since Washington, D.C. Won't Oversee Its Guest Worker Programs Washington State Will*, American Prospect, July 5, 2019, available at <https://prospect.org/article/washington-dc-wont-oversee-its-guest-worker-programs-washington-state-will>.

⁴⁸ S.B. 5497, 66th Legislature, 2019 Regular Session (Wash. 2019).

⁴⁹ Seattle, WA, Council Bill 118585 (December 17, 2015) available at [https://www.seattle.gov/Documents/Departments/LaborStandards/Signed%20Ordinance%20124960%20\(002\).pdf](https://www.seattle.gov/Documents/Departments/LaborStandards/Signed%20Ordinance%20124960%20(002).pdf) (See for example SMC 14.16.055 codifying the ordinance's retaliation provision in the city's paid sick leave law).

improved labor standards and reduced sexual harassment. These issues are explicitly germane to one another. Together they ensure that housekeepers—largely low-income women of color—are protected from harassment, injury, and job loss, and can live and work with dignity and autonomy.

Respectfully submitted on August 5, 2019.

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