



# Human Resources Legal Fact Sheet: Washington

Updated February 2020

*Disclaimer: This factsheet summarizes state laws and regulations on a variety of human resource issues for dairy farms, including wages, paystubs, deductions, child labor, and more. It is not intended to provide legal advice. The factsheet is simply an overview of select issues with a high-level explanation of key requirements for each one, with links to more information and resources throughout the document. This factsheet does not include all legal requirements for dairies. It was created in February 2020, and while it will be periodically updated, it may not reflect the current state of the law on every topic covered. Dairies should also review the federal factsheet because employers—depending on size—may be required to comply with some or all of the applicable federal laws and regulations as well. Additionally, employers should review the provisions of their collective bargaining agreement(s). By using this factsheet you understand that there is no attorney-client relationship between you and the attorneys who were involved in developing the factsheet. This factsheet should not be used as a substitute for competent legal advice from a licensed attorney.*

## Are there Washington state laws for dairy farms about the following?

### Hiring

Topic	Answer	Summary
Notice of Payday / Pay Rate	<b>NO</b>	State law does not require a notice of payday / pay rate for new hires, though it is generally good practice.
Reporting <sup>1</sup>	<b>YES</b>	<a href="#">New hires</a> and rehires must be reported to the Washington State Department of Social and Health Services within 20 days.

### Wages

Topic	Answer	Summary
Payday <sup>2</sup>	<b>YES</b>	You must have regular paydays established in advance. Paydays must be at least monthly, but can be more frequent – i.e. daily, weekly, bi-weekly, or semi-monthly. If more frequent than monthly, the paydays must be no more than 10 days after the end of the pay period in which wages were earned.
Final Pay <sup>3</sup>	<b>YES</b>	<a href="#">If an employee is fired, terminated, or quits</a> , wages owed are due on the next regular payday.
Overtime <sup>4</sup>	<b>NO</b>	Agriculture is exempt <a href="#">from Washington overtime laws</a> .
Minimum Wage <sup>5</sup>	<b>YES</b>	<a href="#">\$13.50</a> . Minors aged 14 and 15 can be paid 85% of the minimum wage. Starting in Sept. 2020, Labor and Industries will make a cost-of-living adjustment to the minimum wage based on the federal Consumer Price Index for Urban Wage Earners and Clerical Workers. This new minimum wage will take effect Jan. 1, 2021, and yearly thereafter.
Hours Worked <sup>6</sup>	<b>YES</b>	Hours worked includes all hours employers authorize or require employees to be on duty at the employer’s workplace or at other prescribed workplaces. The Department of Labor and Industries <a href="#">has additional guidance</a> that employers should review.
Reporting Time Pay	<b>NO</b>	Washington law does not require “ <a href="#">show-up</a> ” pay – i.e. an employee is only required to be paid for actual hours worked. Businesses are not required to give prior notice of a schedule change.
Pay Stub <sup>7</sup>	<b>YES</b>	For each payday, employers must provide a pay stub that includes: <ul style="list-style-type: none"> <li>• The employee’s identity (name, address, phone number)</li> <li>• number of hours worked or the number of days worked based on an eight-hour day</li> <li>• the rate of pay</li> <li>• the number of piece work units earned in paid on a piece work basis</li> </ul>



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		<ul style="list-style-type: none"> <li>• the gross pay</li> <li>• the pay period</li> <li>• all deductions and the purpose of each deduction</li> </ul> <p>Pay statements must also include the employer’s name, address, and telephone number.</p>
<p>Taxes and Withholding<sup>8</sup></p>	<p><b>YES</b></p>	<p>You must give your employees a statement of taxes withheld, like a federal Form W-2, 1099-MISC or 1099-R.</p> <p>You must pay Washington <a href="#">Unemployment Insurance taxes</a>. The only exception is that if you are a small-farm operator, you do not need to report your spouse, children under 18, or student workers. Small farm operators must report and pay taxes on all other employees. Small farm-operator is defined as: You paid cash wages to farm workers of \$20,000 or more in a quarter in the current or prior calendar year OR You employed ten or more farm workers for some part of a day in 20 or more weeks of the current or prior calendar year.</p> <p>Unemployment taxes are paid by the employer; they are not taken out of employee pay. You can credit the amount you pay to Washington in calculating how much you owe for federal unemployment taxes. <a href="#">More details</a>.</p>
<p>Deductions<sup>9</sup></p>	<p><b>YES</b></p>	<p>Washington’s Department of Labor and Industries <a href="#">has detailed guidance on deductions online</a>.</p> <p>An employee’s gross pay must always be at least the minimum wage, even if the employee’s net pay is less than the minimum wage because of deductions.</p> <p>An employer may deduct from an employee’s wages when either:</p> <ol style="list-style-type: none"> <li>1. Legally required or authorized to do.</li> <li>2. The employee gives advance express written authorization, but only if the deduction is for:             <ol style="list-style-type: none"> <li>a) a lawful purpose; and</li> <li>b) the employee’s benefit.</li> </ol> </li> </ol> <p>Deductions are never allowed for unemployment insurance compensation.</p> <p>Deductions that are allowed during employment or from a final paycheck when the worker has voluntarily quit or has been discharged are as follows. These deductions may reduce the employee’s wages below the minimum wage in effect at the time of the deduction. During ongoing employment, the worker and employer must agree to the deduction in advance and in writing. Deductions from a final paycheck require an oral or written agreement.</p> <ul style="list-style-type: none"> <li>• Required state and federal taxes including the worker’s share of workers’ compensation premiums.</li> <li>• When a worker agreed in advance to a deduction that is to his/her benefit. Examples: personal loans, personal purchases of business’s food, equipment, services, or purchase of items the business sells to the public,</li> </ul>



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for the amount to bail worker out of jail, for worker health and dental insurance payments or co-payments, etc. The deduction may not cause the business to benefit financially other than reasonable interest included in the agreement.

- Medical, surgical, or hospital care or services when he business pays for the worker’s medical, surgical, or hospital care or service and the worker agrees to deductions from wages to repay those costs to the business. For Example: An employer and employee agree that the employer will pay hospital costs for an employee who has no insurance and the employee agrees to specific deductions from wages to repay the employer until the debt is repaid.
- Court ordered deductions including those for child support.

The following deductions are allowed only from a worker’s final paycheck. These may be applied only to incidents in the final pay period and may not be saved up from previous pay periods to be deducted from final check. They may not reduce the worker’s final check below the applicable minimum wage, even if the business makes such an agreement with the worker. The business has the burden of proving that workers were informed of company policies regarding these deductions. L&L recommends that the business put all such policies in writing and obtain written acknowledgement that the worker has read and understood these policies.

- Cash shortages only if the business has established policies regarding cash acceptance, and if the worker has counted money in the till before and after shift and has sole access to the till during his/her shift.
- Breakage, loss, or damage of equipment if it can be shown to have been caused by the worker’s dishonest or willful act.
- “Bad Checks” or credit card purchases accepted by the worker if the business has established check and credit card acceptance policies before an event.
- Worker theft if the business can show that the worker’s act was dishonest or willful, and if the business filed a police report.
- Other agreements made orally or in writing between the worker and he business at the time of termination if these agreements are for the worker’s personal benefit, the business may reduce the employee’s final check below the applicable minimum wage. If the agreements are for the business’s benefit, the final check must be paid at the applicable minimum wage for all hours worked in the final pay period.

Meals, lodging, and other in-kind items are not considered wages in Washington and do [not count toward the minimum wage](#). These can still be taken as deductions as long as the meet the requirements as outlined.

Bonuses

YES / NO

[Discretionary bonuses](#) are not considered wages, while nondiscretionary bonuses paid under an agreement are considered wages and protected under wage law.



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		<p>Employers should follow any written policy they have about paying bonuses as a best practice.</p> <p>A nondiscretionary bonus is one where the amount and criteria for getting the bonus are announced in advance. These may be paid under an agreement between the employers and employee, or, the business led them to believe they would receive a bonus. For example, performance goals (like meeting somatic cell count goals) that workers know about in advance.</p> <p>Discretionary bonuses are ones that are not announced in advance, not expected by the employee, and not an incentive for the employee. For example, when the farm reaches a certain financial goal and decides to give all employees a bonus.</p>
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### Recordkeeping

Topic	Answer	Summary
Payroll <sup>10</sup>	<b>YES</b>	<p>Keep employment records for at least three years that include for each employee:</p> <ul style="list-style-type: none"> <li>• Name</li> <li>• Address</li> <li>• Occupation</li> <li>• DOB if under 18</li> <li>• Dates of employment</li> <li>• Rate or rates of pay</li> <li>• Amount paid each pay period</li> <li>• Total daily or weekly earnings at strait time rate</li> <li>• The hours worked each day/workweek</li> <li>• Gross pay and any deductions</li> <li>• Time of day and day of week that each workweek begins</li> <li>• Date of wage payment and dates of pay period covered</li> </ul> <p>These records need to be made available for inspection within 10 business days to an authorized representative of the Department of Labor and Industries and, upon request, to the current or former employee. The records <a href="#">must be available at the workplace</a>.</p>
Personnel File - Access <sup>11</sup>	<b>YES</b>	<p><a href="#">Workers may request to inspect their personnel files</a> at least once per year. Upon request by a current or former worker, a business must make the personnel file available within a reasonable period of time (within ten business days). The files should be available locally. Locally means at the workplace or a mutually agreed convenient location.</p> <p>Generally, the personnel file may include such documents as those kept for business or legal purposes, worker qualifications, verification of training completed, job descriptions, the supervisor's files, performance evaluations, or records that are subject to reference for information given to persons outside the business, but there are no actual laws on references. If an employer prepares records only for purposes relating to investigating a possible criminal offense or for an impending lawsuit, the employee is not entitled to obtain such records.</p>



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		<p>Employers can decide to remove any irrelevant or wrong information in the employee's personnel file. If a current or former employee disagrees with the removal, the employee may write a rebuttal or correction statement and request to have it be placed in the file. Former employees retain this right for two years after the last date worked for the employer.</p>
<p>Unemployment Insurance<sup>12</sup></p>	<p><b>YES</b></p>	<p>Employers must file <a href="#">quarterly employment and payroll reports</a>.</p> <p>Additionally, employers must keep the following records:</p> <ul style="list-style-type: none"> <li>• Employment records. Every employer must keep the following records for four calendar years following the calendar year in which employment occurred for each employee: <ul style="list-style-type: none"> <li>○ Name</li> <li>○ SSN</li> <li>○ Start and, if applicable, end date of employment</li> <li>○ Basis of pay (hourly rate, salary, etc.)</li> <li>○ Workplace address</li> <li>○ Summary time record showing days of the week worked and actual hours worked each day</li> <li>○ Gross pay for the pay period</li> <li>○ Any withholdings or deductions and the reason for each reason for firing or quitting, if applicable</li> </ul> </li> <li>• Business, financial records, and record retention. Every employer must keep the following business and financial records for four calendar years following the calendar year in which employment occurred: <ul style="list-style-type: none"> <li>○ Payroll and accounting records, including payroll ledgers, all check registers and canceled checks covering both payroll and general disbursements, general and subsidiary ledgers, disbursement and petty cash records, and profit and loss statements or financial statements;</li> <li>○ Quarterly and annual tax reports, including W-2, W-3, 1099, 1096, and FUTA (940) forms;</li> <li>○ Quarterly reports to the employment security department and the department of labor and industries;</li> <li>○ For independent contractors and subcontractors, business license numbers and registration numbers and copies of contract agreements and invoices; and</li> </ul> </li> </ul> <p>If you pay by check, keep all check registers and bank statements. If by cash, keep records of the transactions that detail wages paid.</p>
<p>Workers' Compensation<sup>13</sup></p>	<p><b>YES</b></p>	<p>Covered employers must file <a href="#">quarterly reports</a>. They must also <a href="#">keep records as follows</a>. The records must be available at the time of an audit to any authorized representative of the department who has requested them.</p> <ul style="list-style-type: none"> <li>• Employment records for three full calendar years following the calendar year in which employment occurred:</li> </ul>



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		<ul style="list-style-type: none"> <li>o Name</li> <li>o SSN</li> <li>o The beginning date of employment for each worker and, if applicable, the separation date of employment of each such worker;</li> <li>o The basis upon which wages are paid to each worker;</li> <li>o The number of units earned or produced for each worker paid on a piecework basis;</li> <li>o The risk classification applicable to each worker whenever the worker hours of any one employee are being divided between two or more classifications;</li> <li>o The number of actual hours worked by each worker (for salaried workers, you can either record actual hours worked OR assume 160 hours per month)</li> <li>o A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each work day;</li> <li>o Total gross pay period earnings;</li> <li>o The specific sums withheld from earnings and the purpose of each;</li> <li>o Net pay.</li> </ul> <ul style="list-style-type: none"> <li>• Business, financial records, and record retention. Every employer is required to keep and preserve all original employment time records for three full calendar years following the calendar year in which employment occurred.</li> </ul> <p>If you pay by check, keep all check registers and bank statements. If by cash, keep records of the transactions that detail wages paid.</p>
OSHA <sup>14</sup>	YES	<p>If your company had ten or fewer employees at all times during the last calendar year, you do not need to keep injury and illness records unless DOSH, OSHA, or the Bureau of Labor Statistics (BLS) informs you in writing that you must keep records.</p> <p>However, covered employers must save the OSHA 300 Log, the privacy case list (if one exists), the OSHA 300-A Annual Summary, and the OSHA 301 Incident Report forms for 5 years following the end of the calendar year that each of these records cover. Records need to be available within 4 hours of a request by an authorized government representative.</p> <p>There are additional requirements to document safety training, your written Accident Prevention Program, <a href="#">and more</a>. See OSHA under Health and Safety below.</p>
Federal	YES	<p>There are numerous federal rules about recordkeeping. Employers should review the federal factsheet.</p>

### Working Conditions

Topic	Answer	Summary
Bathrooms <sup>15</sup>	YES	Bathroom facilities are regulated under Washington's OSHA law. See OSHA in the Health and Safety section below.



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		Additionally, employers that employ eight or more employees must allow individuals to use gender-segregated facilities, such as restrooms and locker rooms, consistent with the person's gender expression or gender identity.
Working Hours	<b>NO</b>	No max hour or day requirements for adults. See Child Labor (below) for maximum hours for minors.
Rest and Meal Breaks <sup>16</sup>	<b>YES</b>	Meal breaks: Employees working more than five hours needs a meal break of at least 30 minutes. If they work 11 hours or more, they need at least one additional meal break (at least 2 total)  Rest breaks: Employees are allowed a rest period of at least 10 minutes for every 4-hour work period.
Labor Relations	<b>NO</b>	See Child Labor (below) for requirements for minors.  No provision in state law recognizing farm worker rights to organize.
Whistleblower Protection <sup>17</sup>	<b>YES / NO</b>	Washington law does not provide a general protection for private sector employees in whistleblower cases. However, topic-specific laws (like wage discrimination, wage laws, etc.) may protect employees that report unlawful practices. And specific employee disclosures (for example, OSHA-related violations) are protected from retaliation.
Paid Vacation or Sick Leave <sup>18</sup>	<b>YES</b>	Paid sick leave is required as of January 2018. <a href="#">Details on accrual and usage rules are found online.</a>  Under the law, employees must accrue paid sick leave at a minimum rate of 1 hour for every 40 hours worked. This includes part-time and seasonal workers. Paid sick leave must be paid to employees at their normal hourly compensation. Employees are entitled to use accrued paid sick leave beginning on the 90th calendar day after the start of their 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.  Employees may use paid sick leave: <ul style="list-style-type: none"> <li>• To care for their health needs or the health needs of their family members.</li> <li>• When the employees' workplace or their child's school or place of care has been closed by a public official for any health-related reason.</li> <li>• For absences that qualify for leave under the state's Domestic Violence Leave Act.</li> </ul> Employers may allow employees to use paid sick leave for additional purposes.
Breaks for Nursing Mothers <sup>19</sup>	<b>NO</b>	New state law effective July 28, 2019 requires accommodations in the workplace for employees that are nursing. Reasonable accommodations includes providing reasonable break time for an employee to express breast milk for 2 years after the child's birth each time the employee has need to express the milk. Employer must provide a private location, other than a bathroom, if such a location exists at the place of business or worksite, which may be used to express breast milk. If the



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		<p>business location does not have a space for the employee to express milk, the employer must work with the employee to identify a convenient location and work schedule to accommodate their needs.</p> <p><b>An employer may also use the designation “infant-friendly” if the employer has an approved workplace breastfeeding policy addressing certain requirements.</b></p>
<p>Pregnancy Accommodations<sup>20</sup></p>	<p><b>YES</b></p>	<p>Employers with 15 or more employees must provide <a href="#">reasonable accommodations for pregnant employees</a>, including those needing to express breast milk (see <a href="#">Breaks for Nursing Mothers</a> above). These include:</p> <ul style="list-style-type: none"> <li>• Providing frequent, longer, or flexible restroom breaks;</li> <li>• Modifying a no food or drink policy;</li> <li>• Providing seating or allowing the employee to sit more frequently; and</li> <li>• Limiting lifting to 17 pounds or less.</li> </ul> <p>Employers may not ask for written certification from a healthcare professional for the accommodations above.</p> <p>In addition, a pregnant employee may have rights to other workplace accommodation(s), as long as there is no significant difficulty or expense to the employer. These are:</p> <ul style="list-style-type: none"> <li>• Job restructuring, including modifying a work schedule, job reassignment, changing a work station, or providing equipment;</li> <li>• Providing a temporary transfer to a less strenuous or hazardous position;</li> <li>• Scheduling flexibility for prenatal visits;</li> <li>• Providing any further accommodations the employee may need.</li> </ul> <p>Employers may request written certification from a health care professional regarding the need for these accommodations.</p> <p>An employer with 8 or more employees must provide a woman a leave of absence for the period of time that she is sick or temporarily disabled because of pregnancy or childbirth. Employers must treat a woman on pregnancy related leave the same as other employees on leave for sickness or other temporary disabilities. If an employer provides paid leave for sickness, or other temporary disabilities, the employer should provide paid leave for pregnancy related sickness or disabilities. An employer may require notice if it is consistent with notice required for other forms of disability leave. And an employer may require a physician's statement to verify the leave period if it is consistent with the employer's uniform policy.</p>
<p>Paid Family and Medical Leave<sup>21</sup></p>	<p><b>YES</b></p>	<p>Beginning in 2020, the <a href="#">Paid Family and Medical Leave program</a>, allows most employees to receive up to 12 weeks (more under certain circumstances) of paid leave for certain qualifying events. To be eligible, an employee must have worked at least 820 hours with the employer during the qualifying period (depending on the qualifying event).</p> <p>Generally runs concurrently with leave taken under the federal Family and Medical Leave Act (FMLA), but does not run concurrently with Washington Pregnancy Disability Leave.</p>



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		More information available <a href="#">here</a> and <a href="#">here</a> .
Jury Duty Leave <sup>23</sup>	<b>YES</b>	<p>All employees summoned for jury duty must be provide sufficient leave of absence from employment to serve as a juror, with or without pay.</p> <p>An employer shall not deprive an employee of employment or threaten, coerce, or harass an employee, or deny an employee promotional opportunities because the employee receives a summons, responds to the summons, serves as a juror, or attends court for prospective jury service.</p>
Crime Victim and Witness Leave <sup>22</sup>	<b>YES</b>	<p><a href="#">Victims or family members of victims of domestic violence, sexual assault, or stalking may take reasonable leave</a>, intermittent leave, or leave on a reduced leave schedule, with or without pay, to:</p> <ol style="list-style-type: none"> <li>1. Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;</li> <li>2. Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee's family member;</li> <li>3. Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;</li> <li>4. Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking; or</li> </ol> <p>Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault, or stalking.</p>
Military Leave <sup>24</sup>	<b>YES</b>	<p>Permanent employees who are Washington residents or employed within the state and who volunteer or are called to serve in the uniformed services have the same leave and reinstatement rights and benefits guaranteed under the federal USERRA.</p> <p>During a period of military conflict, an employee who is the spouse of a member of the armed forces of the United States, national guard, or reserves who has been notified of an impending call or order to active duty or has been deployed is entitled to a total of fifteen days of unpaid leave per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment or when the military spouse is on leave from deployment.</p>
Voting Leave	<b>NO</b>	Washington law does not address voting leave requirements, but the state uses vote-by-mail.
School Activity Leave	<b>NO</b>	Washington law does not address leave for private sector employees to attend a child's school activity.



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## Human Rights

Topic	Answer	Summary
<p>Employment Discrimination<sup>25</sup></p>	<p><b>YES</b></p>	<p><a href="#">Washington law prohibits</a> employment discrimination based on: Presence of any sensory, mental, or physical disability (including obesity), Use of a trained dog guide or service animal, HIV/AIDS and Hepatitis C Status, Race/Color, Creed, National Origin, Sex (including pregnancy, childbirth, and pregnancy related conditions), Marital Status, Age (40+), Sexual Orientation, including Gender Identity, or Honorably discharged Veteran or Military Status. Applies to employers with 8 or more employees.</p> <p>Employment discrimination means bias in hiring (including during interviews), promotion, job assignments, firing, pay, and other terms of employment.</p> <p>Employers cannot pay men and women different wages for comparable work on jobs that have virtually the same requirements in terms of skills, effort, and responsibility. Wage differences based on seniority, merit, quantity or quality of production or other factors other than sex are permitted.</p> <p>It is illegal to retaliate against employees for filing or otherwise aiding with a complaint.</p>
<p>Harassment / Sexual Harassment<sup>26</sup></p>	<p><b>YES</b></p>	<p>Sexual harassment is included under employment discrimination based on sex (above). Sexual harassment is unwelcome conduct. It becomes illegal when (1) employees have no choice but to tolerate the harassment if they want to keep their job; (2) it is so severe that a regular person would see it as intimidating, hostile, or abusive.</p> <p>Sexual harassment includes unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when:</p> <ul style="list-style-type: none"> <li>Engaging in such conduct is made an implicit or explicit term or condition of employment. Example: A newly hired milker is told that sexual jokes, touching and nude posters are just part of farm life and she should try to ignore it.</li> <li>Acceptance or rejection of such conduct is used as the basis for an employment decision affecting an employee. Example: A manager tells a worker applying for a promotion that the job would be his if he just “treated her right.”</li> <li>The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment. Example: One worker experiences repeated advances from another asking her for dates or “just to go out for drinks after work.” The worker says she isn’t interested, but the co-worker won’t take ‘no’ for an answer.</li> </ul> <p>It is illegal to retaliate against employees for filing or otherwise aiding with a complaint.</p>



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Forced Labor <sup>27</sup>	<b>YES</b>	<p>Human trafficking is <a href="#">illegal in Washington</a>. Trafficking for labor means: recruiting, harboring, transporting, transferring, providing, buying, purchasing, receiving, or obtaining of a person by any means for subjection to forced labor, forced services, debt bondage, or slavery.</p> <p>Employers should ensure they are carefully following all visa requirements or work agreements to avoid any inadvertent violations.</p>
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### Child Labor

Topic	Answer	Summary
Child Labor <sup>28</sup>	<b>YES</b>	<p>Minors working for their immediate family/on their parents and grandparents farms are exempt from Washington’s rules around hiring minors (but if working on a grandparent’s farm, must still obtain workers comp). Federal rules may apply.</p> <p><a href="#">Work permit required annually if under 18 and must show proof of age.</a></p> <p>Meal and rest break requirements are the same as the ones for adults (see above).</p> <p>Minimum age:</p> <ul style="list-style-type: none"> <li>• During school hours: 18 (some exceptions if a 16 or 17 year old has graduated, has their GED, is a parent, or is married: <a href="#">details</a>)</li> <li>• Outside school hours: 14</li> </ul> <p>Max hours:</p> <ul style="list-style-type: none"> <li>• Under 16 years old <ul style="list-style-type: none"> <li>○ School weeks: 3 hours per day, 21 hours per week. Cannot work between 8pm and 6am.</li> <li>○ Non-school weeks: 8 hours per day, 40 hours per week. Cannot work between 9pm and 5am.</li> </ul> </li> <li>• 16 and older <ul style="list-style-type: none"> <li>○ School weeks: 4 hours per day, 28 hours per week. Cannot work between 10pm and 5am. Limit is 9pm if working more than 2 consecutive nights before a school day.</li> <li>○ Non-school weeks: 10 hours per day, 50 hours per week. Cannot work between 10pm and 5am.</li> </ul> </li> </ul> <p>There are <a href="#">restricted and prohibited duties</a> for minors. See <a href="#">more details on child labor here</a> and <a href="#">here (wages, breaks and meal periods)</a>.</p>

### Health and Safety

Topic	Answer	Summary
OSHA <sup>30</sup>	<b>YES</b>	<p>Washington has an approved state plan. Its health and safety laws are approved as “at least as affective” as federal OSHA standards, but not necessarily the same. Washington OSHA regulations apply to all farms with one or more employees.</p> <p>As with federal OSHA, Washington state has a ‘General Duty Clause’, which means all employers must provide a safe and healthful working environment, provide</p>



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safety education and training, implement a written accident prevention program, [and more](#).

Beyond that, there are specific standards that apply to farms. A full list is available [here](#) and industry-specific guidance is available from Washington state [here \(agriculture\)](#) and [here \(dairy\)](#). Standards applicable to Washington dairy farms include, but are not limited to:

- Outdoor Heat Stress - Employers must provide training to workers so they understand what heat stress is, how it affects their health and safety, and how it can be prevented. The rule applies from May 1 through September 30, every year, when exposures are at or above a specific temperature.
- Drinking water – Must have potable water available. Dispensers have to be clean, closeable, and have a tap. You cannot have a common drinking cup or other similar utensils.
- Bathrooms – Must have bathrooms, separate for each sex. The number needed is based on the number of employees (one for every 15 workers). They need to be clean and have running water, hand soap, and hand towels/air dryers.
- Lunchrooms – Must have a separate lunchroom if workers are exposed to toxic materials or injurious dust.
- [PPE](#) – Must provide personal protective equipment to workers at no cost. The employer must ensure that employees are protected from injury or impairment of any bodily function that might occur through absorption, inhalation or physical contact of any substance, vapor, radiation or physical hazard. Normal work clothing, including long-sleeved shirts, long-legged pants, and socks, are not considered PPE.
- First-Aid – If there is no clinic or hospital nearby, then someone on-site has to be trained in first aid. First aid kits have to be available, one per 15 employees.
- [Accident Prevention Program](#) – Must train employees when they start work. You must have an accident prevention program tailored to your workplace that includes issues like: how/when/where to report illnesses, location of first-aid kits, how to use PPE, and emergency planning. You need to do once per month walkthroughs and hold monthly safety meetings.
- Recordkeeping - Most employers are required to record workplace injuries and illnesses on an OSHA 300 log. Farms with fewer than 10 employees in the last calendar year are exempt unless BLS, OSHA, or Washington DOSH require you to. Even if you are exempt from recordkeeping, you must follow the rules on reporting fatalities, hospitalizations, amputations, or loss of an eye (see Workers' Compensation above).
- [Reporting](#) – All employers must report a workplace fatality or in-patient hospitalization of any employee within 8 hours. Employers must report a non-hospitalized amputation or loss of an eye(s) within 24 hours.
- [Hazard Communication](#) – Hazard Communication requirements are designed to ensure that the right information on product labels and Safety



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		<p>Data Sheets/SDSs for hazardous chemicals is created and shared with employers and, ultimately, with workers through a Hazard Communication Program and training</p> <ul style="list-style-type: none"> <li>• Farm Equipment - There are many safety requirements that apply to farm equipment. <b>The training requirements for all of these is yearly or any time there is a change to work.</b> <ul style="list-style-type: none"> <li>○ Machine-guarding rules: basically, if an employee can be caught or get into something that will hurt the employee it should be guarded.</li> <li>○ Lock-out tag-out (LO/TO): must provide the equipment to do the LO/TO process locks or whatever is necessary. The employer must train all employees that will be affected by the process.</li> <li>○ Roll over protection (ROPS): basically, all tractors need to be equipped with (ROPS) however there is an exemption that if it interferes with or will cause damage it can be in the lowered position.</li> </ul> </li> </ul> <p><a href="#">Links to each individual agricultural healthy and safety standard in Washington.</a></p> <p>It is illegal for businesses to discriminate against workers for filing compensation claims. It is also illegal for a business to fire, demote, or otherwise mistreat or discriminate against at work for voicing safety &amp; health concerns.</p>
Workers Compensation <sup>29</sup>	<b>YES</b>	<p>Employers must provide workers' compensation except to a child under age 18 employed by his parents in agricultural activities on the family farm. Children ages 18 to 21 living and working on a family farm may be excluded from mandatory coverage by their parents.</p> <p>A workplace <a href="#">fatality or in-patient hospitalization</a> of any employee must be reported to L&amp;I within 8 hours of the incident. Any non-hospitalized amputation or loss of an eye(s) must be reported within 24 hours of the incident.</p> <p>See OSHA requirements for accident reporting to OSHA.</p>
Housing	<b>YES / NO</b>	<p>Washington law does not explicitly address standards for permanent agricultural housing, though general landlord/tenant or public health laws may apply.</p> <p>Employers should follow best practices when providing housing – which includes, at minimum, a written housing agreement and properly maintaining the facilities. The FARM HR Manual has guidance around best practices for agricultural worker housing. [Note: there are laws relating to <a href="#">temporary/migrant labor</a> that do not typically apply to dairies because they are for temporary workers.]</p>

<sup>1</sup> Wash. Rev. Code 26.23.040

<sup>2</sup> Wash. Admin. Code 296.131.010

<sup>3</sup> Wash. Rev. Code 49.48.010

<sup>4</sup> Wash. Rev. Code 49.46.130

<sup>5</sup> Wash. Rev. Code 49.46.020



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<sup>6</sup> Wash. Admin. Code 296.126.002

<sup>7</sup> Wash. Admin. Code 296-131-015

<sup>8</sup> Wash. Rev. Code 50.04.150

<sup>9</sup> Wash. Admin Code 296-126-028; 296-126-025; Wash. Lab. & Indus. Admin. Pol'y ESA.5; Was. Rev. Code 49.52.060; Wash. Rev. Code 51.16.140

<sup>10</sup> Wash. Admin Code 296.131.015, 296.131.017; and see DLI guidance ES.D.2

<sup>11</sup> Wash.Rev. Code 49.12.250-49.12.260

<sup>12</sup> Wash. Admin Code 192-310-010; Wash. Admin Code 192.310.050-192-310-055

<sup>13</sup> Wash. Admin Code 296-17-35201; Wash. Rev. Code 51.12.010 *et seq.*

<sup>14</sup> Wash. Admin Code 296-27-02107; Wash. Admin. Code 296-27-00103

<sup>15</sup> Wash Admin. Code 162-32-060

<sup>16</sup> Wash. Admin Code 296.131.020

<sup>17</sup> Wash. Rev. Code 42.40.020

<sup>18</sup> Wash. Rev. Code 49.46.210; 49.12.270

<sup>19</sup> Wash. Rev. Code 43.10.005; 43.70.640

<sup>20</sup> Wash. Rev. Code 43.10.005; Wash. Admin. Code 162-30-020

<sup>21</sup> Wash Rev. Code Ch. 50A; .

<sup>22</sup> Was. Rev. Code 49.76.030

<sup>23</sup> Wash. Rev. Code 2.36.165

<sup>24</sup> Wash. Rev. Code 73.16.032 to 73.16.035; Wash. Rev. Code 49.77.030

<sup>25</sup> Wash. Admin Code 162.04 *et seq.*; Wash. Rev. Code 49.60.010 *et seq.*; 49.58.020; *Taylor v. Burlington Northern Railroad Holdings, Inc.* (on appeal)

<sup>26</sup> See above

<sup>27</sup> Wash. Rev. Code 9A.40.100

<sup>28</sup> Wash. Admin. Code 296.131.100 *et seq.*

<sup>29</sup> Wash. Rev. Code 51.12.010; 51.12.020; 51.12.025; Wash. Admin. Code 296-27-031

<sup>30</sup> Wash. Admin Code chapters 296.307; 296.27; 296.901; 296.360