

Workers in Washington state – regardless of immigration status – have the right to a safe workplace. As a worker, you may be able to get help from the government if you are unable to work because you have contracted COVID-19, were exposed or worried you may have been exposed to the coronavirus, or you feel unsafe at work.

You may have rights to workers' compensation benefits, safety and health support, paid leave, and protection from retaliation from your employer.

The Washington State Department of Labor & Industries (L&I) is not associated with the Immigration and Naturalization Service, and does not report immigration status to the federal government.

What are my rights?

Safety & Health

You have the right to a safe and healthy workplace no matter your residency or citizenship status.

- Your employer must follow [requirements](#) to protect employees' safety and health during the coronavirus outbreak. Your employer must:
 - Identify job hazards.
 - Provide required personal protective equipment at no cost, including a cloth mask or more protective face covering.
 - Require social distancing.
 - Establish procedures for sick workers.
 - Educate workers about workplace hazards in your preferred language.
 - Require frequent hand washing and additional cleaning and sanitizing.

High-risk workers

If you are at high risk of severe illness or death associated with COVID-19, you have even more workplace protections. Under Gov. Jay Inslee's [Proclamation 20-46](#), high-risk workers are defined by the [Centers for Disease Control and Prevention \(CDC\)](#), and include older adults and people with certain medical conditions.

- If you request it, employers must use all available options for alternative work assignments to protect you from exposure to COVID-19. Options include telework, alternative work locations, reassignment, and social distancing measures.
- If it's not feasible to provide alternative work, employers must allow you to choose to use your employer-provided accrued leave or unemployment insurance.

- If you use all of your paid time off, your employer must fully maintain your health insurance benefits until you are eligible to return to work.
- Your employer isn't allowed to permanently replace you for exercising these rights.

Face masks

All workers in Washington are required to wear cloth face coverings, at a minimum, while at work with few exceptions.

Your employer is required to provide you a mask free of charge. **Your employer must immediately replace your mask if you ask for one** or if it becomes wet, dirty, damaged, or when recommended by the manufacturer.

You can find guidance on which type of mask to wear for your job in [Which Mask for Which Task?](#) or [¿Qué mascarilla usar según la tarea a desempeñar?](#).

If you have a medical or disability issue that prevents you from wearing a mask, you must give your employer a note from your doctor saying why you should not wear one.

Workers' Compensation

- If it's likely you were exposed to COVID-19 at work, you may be eligible for workers' compensation. Benefits may include medical treatment and money to replace part of the wages you lose if you cannot work.
- You or your doctor can submit a claim to L&I for consideration.
- If your claim is accepted and a health care provider or public health professional says you need to quarantine (stay away from others), you may receive partial wage-replacement benefits, even if you don't test positive for the virus.

Paid Leave

If you remove yourself from a work site because you don't believe it's safe due to the risk of possible COVID-19 exposure, you may be able to use leave or unemployment benefits. You also may have access to expanded family and medical leave included in the Families First Coronavirus Response Act or other paid time off depending on the circumstances.

Information is available at [Novel Coronavirus Outbreak \(COVID-19\) Resources](#) and [Paid Leave under the Washington Family Care Act and the Families First Coronavirus Response Act](#).

- Under the federal [Families First Coronavirus Response Act](#), you may be eligible for paid sick leave. This law provides up to 80 hours of paid leave for certain COVID-19-related absences. It applies to employers with fewer than 500 employees and allows some small employers to request an exemption.
 - You are entitled to your regular pay rate or the minimum wage – whichever is higher (up to \$511/day and \$5,110 total over a two-week period) – if you are using this leave because:
 - You must be quarantined due to COVID-19 concerns.

- You are experiencing COVID-19 symptoms and seeking medical diagnosis.
 - You are entitled to 2/3 of your regular pay rate or 2/3 the minimum wage – whichever is higher (up to \$200/day and \$2,000 total over a two-week period) – if you are using this leave because:
 - You are caring for someone who must be quarantined due to COVID-19 concerns.
 - You are experiencing symptoms similar to those of COVID-19, as defined by the federal government.
 - You are entitled to 2/3 of your regular pay rate or 2/3 the minimum wage – whichever is greater (up to \$200/day and \$12,000 total over a 12-week period) – if:
 - You have been employed for at least 30 days, and are using paid sick leave together with 10 weeks of paid expanded family and medical leave to care for a child whose school or place of care is closed due to COVID-19 concerns.
- You may be able to use state paid sick leave for reasons related to COVID-19. Employees accrue at least one hour of paid sick leave for every 40 hours worked. More information is available [here](#).
- You may have access to other assistance, such as unemployment insurance, if you have legal status to work in the United States or are receiving paid family and medical leave. For more information, visit the [Employment Security Department website](#).

How am I protected?

You are protected from retaliation and discrimination by employers for raising safety concerns, filing a workers' compensation claim, or exercising your employment rights. It is against the law for employers to fire, threaten, discipline, issue a written warning, or harm a worker for actions such as:

- Refusing to work in unsafe conditions, including hazards created by COVID-19.
- Raising concerns about safety and health or employment standards.
- Participating or being interviewed as part of a safety and health inspection.
- Filing a workers' compensation claim or filing a complaint with L&I.
- Using protected leave, such as paid sick leave, for an authorized purpose.

More information is available in these brochures: [Safety and Health Discrimination in the Workplace](#) and [Discriminación de seguridad y salud en el lugar de trabajo](#).

You have 30 days after an incident of discrimination or retaliation for raising a safety and health concern to file a complaint with L&I's Division of Occupational Safety and Health (DOSH).

L&I will investigate your complaint and make a determination. If you submit a complaint, we will likely contact you for additional information. You have the right to withdraw your complaint at any time.

Employers have the opportunity to fix unsafe work conditions, but may also face penalties for violating these rules. We will also work with you to seek a remedy.

How do I file a complaint? Where can I get more information?

Employment Standards

If you have questions about your rights to paid sick leave, protected leave, worker rights, or equal pay, go to L&I's workers' rights [webpage](#). You may also call 360-902-5316 or email ESGeneral@Lni.wa.gov.

Safety & Health

If you feel unsafe at work, witness a safety violation, or have a question about workplace safety rights or protections, go to L&I's DOSH safety complaints [webpage](#). You can download a [safety complaint form](#) on the page, then mail or fax it to your [local L&I office](#). You may also call 1-800-423-7233 or email adag235@lni.wa.gov. Bilingual staff are available.

You may remain anonymous when reporting or, if you are an employee and provide your name and contact information, you can request confidentiality. If we have your contact information, we will inform you of any actions we take. If we inspect your work site, we will notify you of the inspection results.

If you believe your employer may have discriminated against you for raising a safety concern with them or filing a complaint with L&I, see the DOSH workplace discrimination [webpage](#). You can download a [discrimination complaint form](#) on the page or call 1-800-423-7233.

The DOSH compliance team responds to all worker safety complaints.

Workers' Compensation

Workers have a variety of options to file a workplace injury claim:

- Online via [FileFast](#).
- By phone: 1-877-561-FILE (3453).
- At your doctor's office (if you complete the Report of Accident at your doctor's office, the doctor files the form for you).
- Directly with your employer if they manage their own claims (self-insured).

There are three toll-free or local options to get basic claim information or to leave a message for a claim manager to return your call:

- 1-800-831-5227 for automated claim information.
- 1-800-547-8367 to reach a customer service representative.
- Your [local L&I office](#) to request a claim manager call you back.

If your employer is self-insured, L&I does not manage the claim. Find out if your employer is self-insured [here](#). If you disagree with how your self-insured claim is being managed, you can contact L&I by:

- Calling 360-902-6901
- Emailing the Ombudsman for Self-Insured Injured Workers at SIombuds@Lni.wa.gov.

Language Access

You have a right to access L&I information in your preferred language. To request a free translation of L&I materials or information, contact the Office of Information and Assistance at 1-800-547-8367 between 8 a.m. to 5 p.m. Monday through Friday.

If you requested and have not received services in your preferred language, or if you feel the department has discriminated against you, contact L&I's Civil Rights Complaint Hotline at 1-855-682-0778.