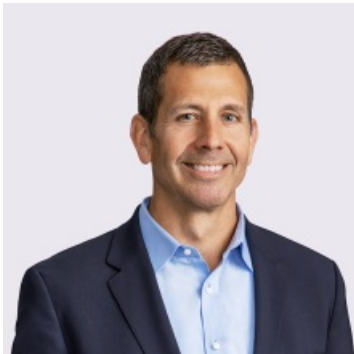


Seattle Enacts Gig Worker Premium Pay Ordinance During COVID-19 Crisis

By Peter H. Nohle &

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The Seattle City Council has enacted the Premium Pay for Gig Workers Ordinance, which temporarily provides premium pay to “gig workers” for online food delivery network companies with at least 250 gig workers worldwide.

The ordinance took effect on June 26, 2020, and will end at the expiration of the Mayor’s civil emergency in response to the COVID-19 pandemic. However, the law’s other legal requirements, such as recordkeeping, will stay in effect for three years.

The new law applies to all such gig workers who have a work-related stop in Seattle.

Food delivery network companies must pay a gig worker the following premium pay for each online order:

- \$2.50 for one pick-up or one drop-off in Seattle;
- \$1.25 for each additional pick-up point in Seattle; and
- \$1.25 for each additional drop-off point in Seattle.

This premium pay is due to the gig worker when they are paid for the associated online order. The companies also must identify which orders qualify for premium pay and separately itemize premium pay from other compensation to the gig worker.

As a result of this law, companies may not:

1. Reduce or modify their service areas in Seattle;
2. Reduce gig worker compensation;
3. Limit gig worker earning capacity (such as by limiting access to online orders); or
4. Add customer charges to online orders for delivery of groceries.

Companies must provide each gig worker with notice of their right to premium pay, to protection from retaliation, and either to bring a lawsuit or to file a complaint with the Seattle Office of Labor Standards. This notice must be in an electronic format by smartphone application or online web portal.

In a lawsuit, prevailing gig workers can recover treble (three times) economic damages, interest, a monetary penalty of up to \$55,462.70 for retaliation, and reasonable attorney’s fees and costs. Gig workers also can bring actions on a class basis and obtain equitable relief.

This law is in addition to Seattle’s new law granting paid sick and safe time to gig workers. For details of that law, see our article, [Seattle Enacts Gig Worker Paid Sick and Safe Time Ordinance During COVID-19 Crisis](#).

Please contact a Jackson Lewis attorney with any questions.

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