

SENATE BILL REPORT

HB 1107

As Reported by Senate Committee On:
Labor & Commerce, March 14, 2023

Title: An act relating to removing the terms "master" and "servant" from Titles 50 and 50A RCW.

Brief Description: Concerning removing the terms "master" and "servant" from Titles 50 and 50A.

Sponsors: Representatives Fosse, Reed, Berry, Ramel, Doglio, Simmons, Reeves, Kloba, Riccelli and Ormsby; by request of Employment Security Department.

Brief History: Passed House: 2/1/23, 97-0.

Committee Activity: Labor & Commerce: 3/09/23, 3/14/23 [DP].

Brief Summary of Bill

- Modifies the definition of "employment" as it applies to unemployment insurance and the state paid family and medical leave program by replacing a reference to the "relationship of master and servant" with "any employment relationship."

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Vice Chair; King, Ranking Member; Braun, MacEwen, Robinson, Schoesler and Stanford.

Staff: Susan Jones (786-7404)

Background: The terms "master" and "servant" are used in the statutes governing the unemployment insurance system and the state paid family and medical leave program. The term "employment" is defined, in part, as personal service, of whatever nature, unlimited by

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the relationship of master and servant as known to the common law or any other legal relationship, including service in interstate commerce, performed for wages, or under contract calling for the performance of personal service, written or oral, express or implied.

Summary of Bill: The definition of "employment" in the context of unemployment insurance and the state paid family and medical leave program is modified by replacing "relationship of master and servant" with "any employment relationship." Specifically, "employment" means personal service, of whatever nature, unlimited by any employment relationship as known to the common law or any other legal relationship, including service in interstate commerce, performed for wages, or under any contract calling for the performance of personal services, written or oral, express or implied.

The Legislature only intends to amend the Revised Code of Washington to use inclusive language. The Legislature does not intend to either increase or reduce the scope of the definitions of "employment" contained in unemployment compensation or family and medical leave titles of the code.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: It is surprising that these terms are still in these statutes. These antiquated terms do not belong in the laws of the state of Washington.

The terms master and servant are present in both UI and PFML statutes. The terminology of master and servant is from English common law, which drew its concepts from American slavery at the time. American lawyers adopted many concepts from English common law. Due to consistency, PFML used that same language. This is a source of pain for ESD employees to deal with.

We refer to the main bedroom and bath as master bedroom and bath. As slaves, they had to refer to the master's bedroom as the master bedroom. These enslaved people had to refer to their owners as master. They were referred to as slaves or servants. The generational trauma caused by the treatment of terms can still be seen today. As tools, these terms were used to create a prison of the mind. These have been passed on through generations. These terms of oppression need to be removed from the laws. This is a rare opportunity to right a wrong.

Persons Testifying: PRO: Representative Mary Fosse, Prime Sponsor; Anne Paxton, Unemployment Law Project; Caitlyn Jekel, WA State Employment Security Dept; Lawrence Banks, WA State Employment Security Dept.

Persons Signed In To Testify But Not Testifying: No one.