ENGAGE PEO

Client Alert

Washington Passes Immigrant Worker Protection Act

WHAT'S NEW: Washington recently enacted the **Immigrant Worker Protection Act** which requires employers to notify workers when there is a federal Form I-9 inspection. The requirements under the law go into effect **October 1, 2026**.

WHY IT MATTERS: The new law is an attempt to increase transparency related to federal inspections that may affect immigrant workers. **Key details under the law are as follows**:

- **Poster:** Employers must post, and keep posted, in a conspicuous place on the premises, a poster that explains the notice requirements under the law. **A model poster should be available on or before September 1, 2026**.
- **Written Notice of Inspection:** Within 5 days of receiving notification from a federal agency of any Form I-9 inspection, the employer must provide a written notice to each worker and the worker's authorized representative, if any.
  - **A model notice will be available online on or before September 1, 2026**. The notice must include: a copy of the notice of inspection from the federal agency, the name of the federal agency conducting the inspection, the date that the employer received the inspection notice, the types of records sought and any identified purpose of the inspection, and the contact information for a statewide organization that provides information and advocacy related to immigrant and refugee rights, which must be identified and approved by the attorney general.
- **Written Notice of Results:** Within 5 days of receiving results of the Form I-9 inspection, the employer must provide certain information to each affected worker and the worker's authorized representative. An affected worker is a worker who may lack federal work authorization or a worker whose authorization documents are identified as having deficiencies. The information must include:
  - A copy of the results from the federal agency.
  - A written notice of the employer obligations as a result of the inspection.
  - A description of any deficiencies or other items identified related to the affected worker, the time period for correcting any potential deficiencies, a mutually agreed upon time and date or options for times and dates for a meeting with the employer to correct any identified deficiencies, and notice that the worker has the right to representation during any meeting scheduled with the employer.
  - Any information provided must only pertain to the affected worker and all other employee information must be redacted.
- **Delivery of Notices:** Notices to employees and/or affected workers may be provided by posting in a conspicuous place on the premises and by sending directly to workers using the primary method of communication typically used which must be one of the following: hand delivery, mail with proof of delivery, email with proof of transmission or text message with a link to the notice on the web page with proof of transmission.

- **Prohibitions:** Employers are prohibited from interfering with, restraining, or denying the exercise of any worker's rights under the law. Employers are also prohibited from retaliating against any worker because they have exercised their rights under the law.

WHAT EMPLOYERS SHOULD DO: Employers should stay apprised of when model notices and posters are available. Employers should begin making preparations for distributing notices and information if and when a Form I-9 inspection occurs. Developing protocols, internal procedures and policies ahead of inspections will help ensure compliance.

If you have any questions, please contact your HR Business Partner/Consultant.