

Striking Workers in Washington Will Be Eligible to Receive Unemployment Benefits

by Michael Droke

On May 19, 2025, Washington became the third state to provide unemployment benefits to striking workers. The other states include New York and New Jersey. The law goes into effect on January 1, 2026 and continues through December 31, 2035. Under this new law, striking workers and workers affected by employer-initiated lockouts can receive unemployment benefits for up to six weeks. Workers are not eligible for unemployment benefits until the second Sunday following the first day of the strike. After which workers are subject to a one-week waiting period. Accordingly, workers may not be eligible for benefits until 15 to 21 days after the strike begins. This changes the financial risks of a strike or lockout, and could encourage more employees to authorize and prolong strikes.

Opponents of the bill argued that under this law, workers would be encouraged to strike, there would be prolonged strikes, and the financial health of Washington State's Unemployment Insurance Trust Fund would be negatively affected. The bill addresses these risks by having eligibility and waiting periods, potential repayment obligations, and overpayment assessments. If a worker receives benefits for striking, and a judge finds that the strike was prohibited under state or federal law, the workers may have to repay any funds received to the Washington Employment Security Department ("ESD"). If a worker receives payment for any week in which he/she received unemployment benefits, ESD must send an overpayment assessment to recover the benefits paid. To assess the ongoing effect of the new law, the ESD must submit annual reports to the state legislature that provides the number of strikes in Washington and the cost of benefits provided to striking workers.

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