

# HOUSE BILL REPORT

## EHB 1352

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*As Amended by the Senate*

**Title:** An act relating to confidential information acquired by the department of labor and industries through research, experiments, demonstrations, and employer-requested services.

**Brief Description:** Making confidential certain information acquired by the department of labor and industries.

**Sponsor(s):** Representatives Jones, Vance, Cole, Wynne, Moyer, Miller, Paris, Ballard, May, Basich, Forner and Silver; by request of Department of Labor & Industries.

**Brief History:**

Reported by House Committee on:  
Commerce & Labor, February 28, 1991, DP;  
Passed House, March 20, 1991, 98-0;  
Amended by Senate.

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**HOUSE COMMITTEE ON  
COMMERCE & LABOR**

**Majority Report:** *Do pass.* Signed by 10 members: Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; and Vance.

**Staff:** Chris Cordes (786-7117).

**Background:** The Department of Labor and Industries administers the Washington Industrial Safety and Health Act (WISHA). WISHA programs include a voluntary compliance program that offers consultation and training for employers on workplace safety and health issues. The consultant is authorized to recommend the elimination of hazards found on the worksite during consultation. The department is also authorized to conduct research on safety and health issues.

The statute does not specify that information obtained from employers during the course of a consultation or while conducting research will be kept confidential. If hazards found during consultation at a work site are not eliminated, the employer may be subject to penalties under the department's enforcement branch.

**Summary of Bill:** Information obtained by the Department of Labor and Industries through consultation or training services offered to an employer at the employer's request is confidential and not open to public inspection. However, employers are required to make voluntary service reports available to employees or their representatives for review.

Employer identity, employee identity, and personal identifiers of voluntary participants in research conducted by the department is confidential and not open to public inspection. For the purpose of industrial insurance, information obtained from the research is not medical information that must be released to the parties.

**EFFECT OF SENATE AMENDMENT(S):** The following changes are made in the availability requirements for employer-requested voluntary services reports: (1) employee representatives must be collective bargaining representatives to be entitled to review the reports; and (2) employers may satisfy the availability requirement by requesting the report from the Department of Labor and Industries.

**Fiscal Note:** Not requested.

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

**Testimony For:** The Department of Labor and Industries needs to be able to assure employers and employees that certain information obtained during research or in consultation with employers will be held confidential. The department can get more voluntary participation in safety consultation programs if consultation reports are kept confidential. However, the bill should allow release to employee safety committees of information obtained during safety consultation. The identify of both employers and employees can be protected during research projects under this bill.

**Testimony Against:** None.

**Witnesses:** Jeff Johnson, Washington State Labor Council (with concerns); Steve Cant, Department of Labor and Industries (in favor); and Clif Finch, Association of Washington Business (in favor).

**VOTE ON FINAL PASSAGE:**

Yeas 98