

SENATE BILL REPORT

SB 5858

AS REPORTED BY COMMITTEE ON COMMERCE & LABOR, MARCH 6, 1991

Brief Description: Prohibiting actions for damages by injured workers against contractors with joint supervision and control of the premises.

SPONSORS: Senators Matson and Moore.

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 5858 be substituted therefor, and the substitute bill do pass.

Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, and McDonald.

Staff: Dave Cheal (786-7576)

Hearing Dates: March 4, 1991; March 6, 1991

BACKGROUND:

The industrial insurance laws provide immunity from suit by an injured worker against his or her employer. However, a worker can sue another employer who may be present at the work site and whose negligence, or the negligence of an employee, may have caused the worker's injury. A typical example is that an employee of a subcontractor injured at the construction site may sue the general contractor.

SUMMARY:

An injured worker or beneficiary may not sue a contractor or the contractor's employee causing the injury if the contractor had joint supervision and control over the premises with the employer of the injured worker. The prohibition does not apply to persons making a pick up or delivery of goods to the employment site.

EFFECT OF PROPOSED SUBSTITUTE:

The term "extrahazardous" is removed, and the application to the construction of real property improvements is clarified.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

General contractors are being sued by employees of subcontractors working at the same in situations where the general contractor has no control over the safety practices of those workers. An injury occurring on the job site could result in a lawsuit or not, depending on whether the general contractor has chosen to employ a subcontractor or use his own workers. The basic policy of worker compensation is that it should cover all employments and replace lawsuits as a way of achieving compensation for injuries in the workplace.

TESTIMONY AGAINST:

The general contractor has control over whether the work site is safe or not, and should be responsible for injuries which occur there. The bill would significantly reduce that responsibility. Contractors need not fear lawsuits from employees of other contractors on the site unless they or their employees are negligent.

TESTIFIED: Dick DuCharme, Utility Contractors (pro); Duke Schaub, Associated General Contractors (pro); Mike Watson, Department of Labor and Industries (con); Doug Bohlke, SMACHA/CBIC (pro); Larry Stevens, NECA/MCA (pro); Robert Dilger, Washington State Building Trades Council (con); Dennis Martin, Washington State Trial Lawyers (con); Cliff Webster, Associated Builders and Contractors (pro)