

SENATE BILL REPORT

SB 5440

AS OF FEBRUARY 4, 1993

Brief Description: Regarding reproductive hazards and workplace discrimination based on reproductive status.

SPONSORS: Senators Prentice, Talmadge, Franklin and Skratek

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Jonathan Seib (786-7427)

Hearing Dates: February 8, 1993

BACKGROUND:

The Washington Industrial Safety and Health Act requires the Department of Labor and Industries to adopt workplace exposure standards, but does not explicitly address reproductive hazards. This law also prohibits discrimination against an employee who refuses to do dangerous work, but in practice, meeting the established criteria and winning such a discrimination charge is extremely difficult.

The Community and Worker Right-to-Know Act requires employers to provide information to employees about toxic materials used in the workplace.

Under federal civil rights law and the Washington Law Against Discrimination, employers, employment agencies and labor unions may not discriminate against anyone on the basis of sex or a mental or physical handicap.

The Registry for Handicapped Children Act requires attending physicians to report sentinel birth defects to the state Department of Health as an aid in their timely treatment and care. The department is to monitor the data on sentinel birth defect trends which may be caused by environmental hazards.

SUMMARY:

The Department of Labor and Industries is directed to adopt workplace health and safety standards which assure that to the extent feasible, no employee suffers reproductive disorders or adverse pregnancy outcomes due to exposure to substances in the workplace.

The state poison control network centers are to include information about the reproductive hazards of the substances for which the center provides information.

"Reproductive status" is defined and added as a protected class for the purposes of the Washington Law Against Discrimination.

An employer must transfer a pregnant employee to another position if such transfer can be accommodated by the employer and is reasonably necessary to avoid exposure to any substance which could cause an adverse pregnancy outcome. The transfer must be for the duration of the pregnancy without loss of pay, seniority or benefits. An employer may request medical opinion to confirm that the transfer is necessary. Employers violating these provisions are subject to a civil penalty of not more than \$1000.

The registry for handicapped children law is amended to also require reporting of reproductive disorders or adverse pregnancy outcomes, including information about possible workplace exposures of affected persons.

Appropriation: none

Revenue: none

Fiscal Note: requested February 4, 1993