

1 **SB 5651** - H COMM AMD **614**

2 By Committee on Commerce & Labor

3 Strike everything after the enacting clause and insert the
4 following:

5 "NEW SECTION. **Sec. 1.** The legislature finds that the
6 historic covenant between workers and employers that resulted in
7 the industrial insurance system in Washington was intended to
8 provide both "sure and certain" relief to workers and foreclosure
9 of law suits against employers, without regard to questions of
10 fault by either party. However, this historic compromise also
11 recognized that employers who deliberately injured their employees
12 should not be immune from civil law suit. The legislature
13 therefore finds that the standard used for determining the injuries
14 for which employers can be subject to suit is critical to
15 maintaining the covenant between workers and employers. To protect
16 the no-fault system intended for industrial insurance, this
17 standard must narrowly limit suits against employers to situations
18 in which the employer determined to injure the employee and used
19 some means appropriate to that end.

20 **Sec. 2.** RCW 51.24.020 and 1984 c 218 s 2 are each amended to
21 read as follows:

22 If injury results to a worker from the deliberate intention of
23 his or her employer to produce such injury, the worker or
24 beneficiary of the worker shall have the privilege to take under
25 this title and also have cause of action against the employer as if
26 this title had not been enacted, for any damages in excess of
27 compensation and benefits paid or payable under this title. For
28 the purposes of this section, a worker's injury does not result
29 from the deliberate intention of his or her employer unless the
30 employer had specific intent to injure the worker. The specific
31 intent required under this section must relate to the injury, not
32 to the act causing the injury. The employer has the specific
33 intent required under this section if the employer acts with the

1 objective or purpose to accomplish the worker's injury, using some
2 means appropriate to that end. The court shall determine, as a
3 question of law, the employer's intent."

4 Correct the title.

EFFECT: The amendment strikes the underlying bill and adds (1) an intent statement regarding the importance to the historic covenant between workers and employees of maintaining employer immunity from civil suits unless the employer determines to injure the worker, and (2) a requirement that to show "deliberate intention," there must be a finding that the employer has specific intent to injure the worker, which means that the employer acts with the purpose to accomplish the worker's injury.