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HOUSE BILL 1044

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State of Washington

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By Representatives Murray, Chopp, Keiser, Veloria, Dickerson, Poulsen, Quall, Mason, Cody, Costa, Ogden, Constantine, Regala, Kenney, Anderson, Appelwick and O'Brien

Read first time 01/13/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to discrimination in employment; and amending RCW  
2 49.60.040, 49.60.180, 49.60.190, and 49.60.200.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 49.60.040 and 1995 c 259 s 2 are each amended to read  
5 as follows:

6 As used in this chapter:

7 (1) "Person" includes one or more individuals, partnerships,  
8 associations, organizations, corporations, cooperatives, legal  
9 representatives, trustees and receivers, or any group of persons; it  
10 includes any owner, lessee, proprietor, manager, agent, or employee,  
11 whether one or more natural persons; and further includes any political  
12 or civil subdivisions of the state and any agency or instrumentality of  
13 the state or of any political or civil subdivision thereof;

14 (2) "Commission" means the Washington state human rights  
15 commission;

16 (3) "Employer" includes any person acting in the interest of an  
17 employer, directly or indirectly, who employs eight or more persons,  
18 and does not include any religious or sectarian organization not  
19 organized for private profit;

1 (4) "Employee" does not include any individual employed by his or  
2 her parents, spouse, or child, or in the domestic service of any  
3 person;

4 (5) "Labor organization" includes any organization which exists for  
5 the purpose, in whole or in part, of dealing with employers concerning  
6 grievances or terms or conditions of employment, or for other mutual  
7 aid or protection in connection with employment;

8 (6) "Employment agency" includes any person undertaking with or  
9 without compensation to recruit, procure, refer, or place employees  
10 for an employer;

11 (7) "Marital status" means the legal status of being married,  
12 single, separated, divorced, or widowed;

13 (8) "National origin" includes "ancestry";

14 (9) "Full enjoyment of" includes the right to purchase any service,  
15 commodity, or article of personal property offered or sold on, or by,  
16 any establishment to the public, and the admission of any person to  
17 accommodations, advantages, facilities, or privileges of any place of  
18 public resort, accommodation, assemblage, or amusement, without acts  
19 directly or indirectly causing persons of any particular race, creed,  
20 color, sex, national origin, or with any sensory, mental, or physical  
21 disability, or the use of a trained guide dog or service dog by a  
22 disabled person, to be treated as not welcome, accepted, desired, or  
23 solicited;

24 (10) "Any place of public resort, accommodation, assemblage, or  
25 amusement" includes, but is not limited to, any place, licensed or  
26 unlicensed, kept for gain, hire, or reward, or where charges are made  
27 for admission, service, occupancy, or use of any property or  
28 facilities, whether conducted for the entertainment, housing, or  
29 lodging of transient guests, or for the benefit, use, or accommodation  
30 of those seeking health, recreation, or rest, or for the burial or  
31 other disposition of human remains, or for the sale of goods,  
32 merchandise, services, or personal property, or for the rendering of  
33 personal services, or for public conveyance or transportation on land,  
34 water, or in the air, including the stations and terminals thereof and  
35 the garaging of vehicles, or where food or beverages of any kind are  
36 sold for consumption on the premises, or where public amusement,  
37 entertainment, sports, or recreation of any kind is offered with or  
38 without charge, or where medical service or care is made available, or  
39 where the public gathers, congregates, or assembles for amusement,

1 recreation, or public purposes, or public halls, public elevators, and  
2 public washrooms of buildings and structures occupied by two or more  
3 tenants, or by the owner and one or more tenants, or any public library  
4 or educational institution, or schools of special instruction, or  
5 nursery schools, or day care centers or children's camps: PROVIDED,  
6 That nothing contained in this definition shall be construed to include  
7 or apply to any institute, bona fide club, or place of accommodation,  
8 which is by its nature distinctly private, including fraternal  
9 organizations, though where public use is permitted that use shall be  
10 covered by this chapter; nor shall anything contained in this  
11 definition apply to any educational facility, columbarium, crematory,  
12 mausoleum, or cemetery operated or maintained by a bona fide religious  
13 or sectarian institution;

14 (11) "Real property" includes buildings, structures, dwellings,  
15 real estate, lands, tenements, leaseholds, interests in real estate  
16 cooperatives, condominiums, and hereditaments, corporeal and  
17 incorporeal, or any interest therein;

18 (12) "Real estate transaction" includes the sale, appraisal,  
19 brokering, exchange, purchase, rental, or lease of real property,  
20 transacting or applying for a real estate loan, or the provision of  
21 brokerage services;

22 (13) "Dwelling" means any building, structure, or portion thereof  
23 that is occupied as, or designed or intended for occupancy as, a  
24 residence by one or more families, and any vacant land that is offered  
25 for sale or lease for the construction or location thereon of any such  
26 building, structure, or portion thereof;

27 (14) "Sex" means gender;

28 (15) "Sexual orientation" includes heterosexuality, homosexuality,  
29 and bisexuality, whether the orientation is real or perceived;

30 (16) "Gender identity" means a person's various individual  
31 attributes or manifestations of such attributes as they are understood  
32 to be masculine and/or feminine;

33 (17) "Aggrieved person" means any person who: (a) Claims to have  
34 been injured by an unfair practice in a real estate transaction; or (b)  
35 believes that he or she will be injured by an unfair practice in a real  
36 estate transaction that is about to occur;

37 (~~(16)~~) (18) "Complainant" means the person who files a complaint  
38 in a real estate transaction;

1       (~~(17)~~) (19) "Respondent" means any person accused in a complaint  
2 or amended complaint of an unfair practice in a real estate  
3 transaction;

4       (~~(18)~~) (20) "Credit transaction" includes any open or closed end  
5 credit transaction, whether in the nature of a loan, retail installment  
6 transaction, credit card issue or charge, or otherwise, and whether for  
7 personal or for business purposes, in which a service, finance, or  
8 interest charge is imposed, or which provides for repayment in  
9 scheduled payments, when such credit is extended in the regular course  
10 of any trade or commerce, including but not limited to transactions by  
11 banks, savings and loan associations or other financial lending  
12 institutions of whatever nature, stock brokers, or by a merchant or  
13 mercantile establishment which as part of its ordinary business permits  
14 or provides that payment for purchases of property or service therefrom  
15 may be deferred;

16       (~~(19)~~) (21) "Families with children status" means one or more  
17 individuals who have not attained the age of eighteen years being  
18 domiciled with a parent or another person having legal custody of such  
19 individual or individuals, or with the designee of such parent or other  
20 person having such legal custody, with the written permission of such  
21 parent or other person. Families with children status also applies to  
22 any person who is pregnant or is in the process of securing legal  
23 custody of any individual who has not attained the age of eighteen  
24 years;

25       (~~(20)~~) (22) "Covered multifamily dwelling" means: (a) Buildings  
26 consisting of four or more dwelling units if such buildings have one or  
27 more elevators; and (b) ground floor dwelling units in other buildings  
28 consisting of four or more dwelling units;

29       (~~(21)~~) (23) "Premises" means the interior or exterior spaces,  
30 parts, components, or elements of a building, including individual  
31 dwelling units and the public and common use areas of a building.

32       **Sec. 2.** RCW 49.60.180 and 1993 c 510 s 12 are each amended to read  
33 as follows:

34       It is an unfair practice for any employer:

35       (1) To refuse to hire any person because of age, sex, marital  
36 status, sexual orientation, gender identity, race, creed, color,  
37 national origin, or the presence of any sensory, mental, or physical  
38 disability or the use of a trained guide dog or service dog by a

1 disabled person, unless based upon a bona fide occupational  
2 qualification: PROVIDED, That the prohibition against discrimination  
3 because of such disability shall not apply if the particular disability  
4 prevents the proper performance of the particular worker involved.

5 (2) To discharge or bar any person from employment because of age,  
6 sex, marital status, sexual orientation, gender identity, race, creed,  
7 color, national origin, or the presence of any sensory, mental, or  
8 physical disability or the use of a trained guide dog or service dog by  
9 a disabled person.

10 (3) To discriminate against any person in compensation or in other  
11 terms or conditions of employment because of age, sex, marital status,  
12 sexual orientation, gender identity, race, creed, color, national  
13 origin, or the presence of any sensory, mental, or physical disability  
14 or the use of a trained guide dog or service dog by a disabled person:  
15 PROVIDED, That it shall not be an unfair practice for an employer to  
16 segregate washrooms or locker facilities on the basis of sex, or to  
17 base other terms and conditions of employment on the sex of employees  
18 where the commission by regulation or ruling in a particular instance  
19 has found the employment practice to be appropriate for the practical  
20 realization of equality of opportunity between the sexes.

21 (4) To print, or circulate, or cause to be printed or circulated  
22 any statement, advertisement, or publication, or to use any form of  
23 application for employment, or to make any inquiry in connection with  
24 prospective employment, which expresses any limitation, specification,  
25 or discrimination as to age, sex, marital status, sexual orientation,  
26 gender identity, race, creed, color, national origin, or the presence  
27 of any sensory, mental, or physical disability or the use of a trained  
28 guide dog or service dog by a disabled person, or any intent to make  
29 any such limitation, specification, or discrimination, unless based  
30 upon a bona fide occupational qualification: PROVIDED, Nothing  
31 contained herein shall prohibit advertising in a foreign language.

32 (5) This section does not:

33 (a) Require an employer to establish or implement employment goals  
34 or quotas; or

35 (b) With respect to discrimination based on sexual orientation,  
36 require employers to provide or offer access to employee benefits to an  
37 employee for the benefit of the employee's partner or partner's  
38 relatives.

1       (6) This section and RCW 49.60.190 and 49.60.200 shall not be  
2 construed as endorsing any specific belief, practice, behavior, or  
3 orientation.

4       **Sec. 3.** RCW 49.60.190 and 1993 c 510 s 13 are each amended to read  
5 as follows:

6       It is an unfair practice for any labor union or labor organization:

7       (1) To deny membership and full membership rights and privileges to  
8 any person because of age, sex, marital status, sexual orientation,  
9 gender identity, race, creed, color, national origin, or the presence  
10 of any sensory, mental, or physical disability or the use of a trained  
11 guide dog or service dog by a disabled person.

12       (2) To expel from membership any person because of age, sex,  
13 marital status, sexual orientation, gender identity, race, creed,  
14 color, national origin, or the presence of any sensory, mental, or  
15 physical disability or the use of a trained guide dog or service dog by  
16 a disabled person.

17       (3) To discriminate against any member, employer, employee, or  
18 other person to whom a duty of representation is owed because of age,  
19 sex, marital status, sexual orientation, gender identity, race, creed,  
20 color, national origin, or the presence of any sensory, mental, or  
21 physical disability or the use of a trained guide dog or service dog by  
22 a disabled person.

23       **Sec. 4.** RCW 49.60.200 and 1993 c 510 s 14 are each amended to read  
24 as follows:

25       It is an unfair practice for any employment agency to fail or  
26 refuse to classify properly or refer for employment, or otherwise to  
27 discriminate against, an individual because of age, sex, marital  
28 status, sexual orientation, gender identity, race, creed, color,  
29 national origin, or the presence of any sensory, mental, or physical  
30 disability or the use of a trained guide dog or service dog by a  
31 disabled person, or to print or circulate, or cause to be printed or  
32 circulated any statement, advertisement, or publication, or to use any  
33 form of application for employment, or to make any inquiry in  
34 connection with prospective employment, which expresses any limitation,  
35 specification or discrimination as to age, sex, sexual orientation,  
36 gender identity, race, creed, color, or national origin, or the  
37 presence of any sensory, mental, or physical disability or the use of

1 a trained guide dog or service dog by a disabled person, or any intent  
2 to make any such limitation, specification, or discrimination, unless  
3 based upon a bona fide occupational qualification: PROVIDED, Nothing  
4 contained herein shall prohibit advertising in a foreign language.

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