

1588

Sponsor(s): Representatives Kenney, Conway, Campbell and Wood

Brief Description: Concerning the duty of good faith and fair dealing to injured workers.

HB 1588 - DIGEST

Declares that the department, employer, employer representative, and other persons have a duty to injured workers of good faith and fair dealing relating to all aspects of Title 51 RCW. This duty is violated if: (1)(a) The department, employer, or employer representative denies or delays payment of benefits, including medical benefits, without a reasonable basis; and (b) The department, employer, or employer representative knew, or should have known, there was not a reasonable basis for denying or delaying payment of benefits. A reasonable basis is an objective standard based on the information available at the time.

(2) An employer, employer representative, or any person: (a) Induces or coerces a worker not to report an industrial accident or file an application for benefits; (b) Induces or coerces a worker to treat an industrial accident as an off-the-job injury; (c) Persuades a worker to accept less than the compensation due under this title; (d) Induces or coerces a worker who is entitled to temporary total disability under this title to return to work in contravention of RCW 51.32.090(4); or (e) Fails to comply with the rules of the department regarding reports or other requirements necessary for adjudicating claims under this title.