

SENATE BILL REPORT

SB 5412

As of January 12, 2012

Title: An act relating to whistleblowing in the conveyance workplace.

Brief Description: Providing remedies for whistleblowers in the conveyance work industry.

Sponsors: Senators Keiser, Kohl-Welles, Kline, Roach, Conway, Hobbs and Chase.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 2/15/11, 2/21/11 [DP, w/oRec]; 1/12/12.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Majority Report: Do pass.

Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

Minority Report: That it be referred without recommendation.

Signed by Senators Holmquist Newbry, Ranking Minority Member; King, Assistant Ranking Minority Member; Hewitt.

Staff: Edith Rice (786-7444)

Background: A conveyance is an elevator, escalator, dumbwaiter, belt manlift, automobile parking elevator, moving walk, or other elevating device. Current law recognizes that the use of unsafe and defective conveyances creates a substantial probability of serious and preventable injury to employees who use or work on this equipment as well as to the public who may be exposed to unsafe conditions. Prevention from injury and protection of employees and the public from unsafe conditions are in the best interest of the citizens of Washington.

Employees who work on conveyances must document training and experience and be familiar with safety hazards. They are required to perform work in compliance with laws and regulations relating to conveyances. The law establishes the minimum standards for personnel performing conveyance work.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In any lawsuit alleging damages caused by failure of a conveyance, conformity with Labor and Industries regulations is evidence that the conveyance work, operation, and inspection is reasonably safe.

Summary of Bill: Employees working for elevator contractors should be protected from retaliatory actions by employers when they report in good faith, practices which may violate state law, regulation, or employer policies. A whistleblower is defined as an employee who reports practices that violate the law or policies of their employer, in good faith.

An employee of an elevator contractor who has been subjected to retaliatory action as the result of being a whistleblower has remedies for this action through the Human Rights Commission. The identity of a whistleblower must remain confidential. A whistleblower who communicates to an appropriate governmental agency in good faith, is immune from liability for claims based upon the communication to the agency or organization regarding any matter reasonably of concern to that agency.

Protections provided to whistleblowers do not prevent an elevator contractor from directing, terminating, suspending, or disciplining a whistleblower when that action is not motivated in part by intent to retaliate for the whistleblowing activity.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

Testimony From 2011 Regular Session.

PRO: Companies are compromising public safety and elevator workers are caught in the middle. Employees are fearful to turn off a conveyance if the employer will object. This is a unique industry and there is pressure to improve 10 percent every year no matter what. This bill will empower workers and middle management to make the right decision.

Testimony From 2012 Regular Session.

PRO: We need protection from the large conglomerates that now own these elevator companies. We are asked to do more with less. Public safety is an issue. There have been several bad accidents in the year since this bill was introduced. We need to be protected when we report problems – not be viewed as troublemakers.

Persons Testifying:

Persons Testifying From 2011 Regular Session.

PRO: Charles Val, Swen Larson, International Union of Elevator Constructors Local 19.

Persons Testifying From 2012 Regular Session.

PRO: Charlie Val, Swen Larson, Eric Mills, International Union of Elevator Constructors Local 19.