

SENATE BILL REPORT

SB 5412

As Reported by Senate Committee On:
Labor, Commerce & Consumer Protection, February 2, 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, 2/02/12 [DPS, w/oRec].

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Majority Report: That Substitute Senate Bill No. 5412 be substituted therefor, and the substitute bill 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 (Recommended Substitute): 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.

The definition of workplace reprisal or retaliatory action includes actions such as discharge or discrimination against an employee of an elevator contractor who has reported or filed a complaint related to the safe operation, inspection, installation, repair, or maintenance of elevators, lifting devices, and moving walks.

EFFECT OF CHANGES MADE BY LABOR, COMMERCE & CONSUMER PROTECTION COMMITTEE (Recommended Substitute): The definition of workplace reprisal or retaliatory action is changed to include actions such as discharge or discrimination against an employee of an elevator contractor who has reported or filed a complaint related to the safe operation, inspection, installation, repair, or maintenance of elevators, lifting devices, and moving walks.

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