

# FINAL BILL REPORT

## SSB 5412

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Synopsis as Enacted

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

**Sponsors:** Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Keiser, Kohl-Welles, Kline, Roach, Conway, Hobbs and Chase).

**Senate Committee on Labor, Commerce & Consumer Protection**  
**House Committee on Labor & Workforce Development**

**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. Employees must perform work in compliance with laws and regulations relating to conveyances. The law establishes the minimum standards for personnel performing conveyance work.

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:** 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.

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.

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*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.*

The definition of workplace reprisal or retaliatory action includes discharge of, 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.

**Votes on Final Passage:**

Senate	30	19
House	56	42

**Effective:** June 7, 2012