

HOUSE BILL REPORT

SB 6471

As Reported by House Committee On: Labor & Workplace Standards

Title: An act relating to developing model policies to create workplaces that are safe from sexual harassment.

Brief Description: Developing model policies to create workplaces that are safe from sexual harassment.

Sponsors: Senators Keiser, Walsh, Rolfes, Dhingra, Bailey, Darneille, Hasegawa, Frockt, Conway, Chase, Kuderer and Saldaña.

Brief History:

Committee Activity:

Labor & Workplace Standards: 2/15/18, 2/20/18 [DP].

Brief Summary of Bill

- Requires the Human Rights Commission to convene a stakeholder work group to develop model policies and best practices for employers and employees to keep workplaces safe from sexual harassment.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 6 members: Representatives Sells, Chair; Gregerson, Vice Chair; McCabe, Ranking Minority Member; Doglio, Frame and Manweller.

Staff: Trudes Tango (786-7384).

Background:

The federal law, Title VII of the Civil Rights Act of 1964, and the Washington Law Against Discrimination (WLAD) prohibit discrimination in employment based on sex. Sexual harassment is considered a form of sex discrimination and includes "quid pro quo" conduct and behavior that unreasonably interferes with work performance or creates an intimidating, hostile, or offensive work environment.

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 Human Rights Commission (Commission) administers and enforces the WLAD. The Commission investigates complaints alleging unfair practices committed by employers.

State agencies are required to have policies that: define and prohibit sexual harassment in the workplace; include procedures regarding how the agency will address employee concerns; identify appropriate sanctions and disciplinary actions; and comply with guidelines adopted by the Director of the Office of Financial Management. Agencies must respond promptly and effectively to sexual harassment concerns, conduct trainings for all employees, and inform employees of their right to file complaints with the Commission.

Public school districts must also have written policies concerning sexual harassment. For purposes of school district policies, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if:

- submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining education or employment;
- submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or
- that conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

Summary of Bill:

The Human Rights Commission (Commission) must convene a stakeholder work group to develop model policies and best practices for employers and employees to keep workplaces safe from sexual harassment.

To the extent practicable, the following groups should be represented in the work group:

- the business community;
- groups advocating for survivors of sexual harassment;
- labor organizations; and
- subject matter experts, as considered necessary by the Commission.

The work group may consider:

- how workplace leaders can signal commitment to stopping sexual harassment;
- how to create and protect anonymous reporting channels to allow employees to raise concerns and share ideas anonymously;
- how to ensure human resource departments are accountable for enforcing sexual harassment policies, aiding victims of sexual harassment, and encouraging victims to speak up;
- how to protect against retaliation for complainants and observers;
- how to provide an opportunity for employees to establish affinity groups and mentoring opportunities;
- the use of exit surveys to identify why employees leave and to enhance working conditions;

- the use of employee engagement surveys that contain questions on sexual harassment prevention;
- the use of new employee orientations to emphasize inclusion and sexual harassment prevention;
- the evaluation of executives, managers, and supervisors regarding their efforts to support an inclusive workplace and prevent sexual harassment;
- requirements for training all employees in a classroom environment; and
- how to create an internal communication plan for communicating a commitment to inclusion and sexual harassment prevention.

By January 1, 2019, the Commission must adopt model policies and best practices, and the Commission and the Department of Labor and Industries must post the policies on their websites.

Appropriation: None.

Fiscal Note: Available

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The current workplace policies are not effective. Recent events show that this issue is still problematic and that the culture needs to change. The Department of Fish and Wildlife has made changes, including protecting retaliation and creating anonymous reporting channels. The policies would be permissive and would be for all employers, not just public employers. Some private employers may not have the human resources departments or the initiative to develop policies for their workplaces. Sexual harassment is not only a woman's issue. These policies should be model policies and not minimum standards. There should not be a "one size fits all" policy and all stakeholders need to be involved to craft solutions.

(Opposed) None.

Persons Testifying: Senator Keiser, prime sponsor; Rebecca Johnson, Washington Coalition of Sexual Assault Programs; Julia Gorton, Washington Hospitality Association; and Bob Battles, Association of Washington Business.

Persons Signed In To Testify But Not Testifying: None.