

SENATE BILL REPORT

SB 6471

As Amended by House, February 27, 2018

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 & Commerce: 1/24/18, 1/29/18 [DP, w/oRec].

Floor Activity:

Passed Senate: 2/08/18, 48-0.

Passed House: 2/27/18, 98-0.

Brief Summary of Bill

- Requires the Human Rights Commission (HRC) to convene a work group to develop model policies and best practices for employers and employees to keep workplaces safe from sexual harassment.
- Requires the HRC and the Department of Labor and Industries (L&I) to post the model policies and best practices on their websites.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway, Kuderer and Saldaña.

Minority Report: That it be referred without recommendation.

Signed by Senators Braun and King.

Staff: Jarrett Sacks (786-7448)

Background: The HRC enforces and administers the Washington Law Against Discrimination (WLAD). Under the WLAD, a person has the right to be free from

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discrimination related to a protected status, such as race, national origin, sex, veteran or military status, sexual orientation, and disability. An employer may not discriminate against a person because of one's protected status. Sexual harassment is a form of sex discrimination under the WLAD.

Summary of Bill: The HRC must convene a work group to develop model policies and best practices for employers and employees to keep workplaces safe from sexual harassment. The HRC must adopt model policies and best practices developed by the work group and post the model policies and best practices on its website by January 1, 2019. Within 30 days of the HRC adopting model policies and best practices, L&I must post the policies and best practices on its website.

To the extent practicable, the work group should have membership from the following groups:

- the business community;
- human resource professionals;
- advocates for the survivors of sexual harassment;
- labor organizations; and
- other subject matter experts as deemed necessary by the HRC.

In developing best practices, the work group should consider:

- how workplace leaders can signal commitment to stopping sexual harassment;
- how to create and protect anonymous reporting channels;
- how to ensure human resource departments are accountable for enforcing sexual harassment policies;
- how to protect against retaliation;
- providing the opportunity for employees to establish affinity groups to share concerns and provide mentoring regarding sexual harassment;
- the use of exit and employee engagement surveys to improve retention and promote an inclusive work environment;
- using new employee orientation to emphasize inclusion and sexual harassment prevention and using required training for all employees in a classroom environment;
- evaluating executives and supervisors on their efforts to support an inclusive workplace and prevent sexual harassment; and
- how to create an internal communication plan for communicating a commitment to inclusion and sexual harassment prevention.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: A survey conducted by the Equal Employment Opportunity Commission found that 68 percent of women have been sexually harassed. Sexual harassment hurts productivity and puts the burden on the victim to avoid situations at

work. It exists in every industry and we should dedicate more resources to solving it. The bill brings those impacted together to make a model policy rather than dictating what the policy should be. The list of items to consider in the bill is great. Government agencies are not experts and need resources to help the problem. We need to ensure that these remain model policies rather than minimum requirements.

Persons Testifying: PRO: Senator Karen Keiser, Prime Sponsor; Rebecca Johnson, Washington Coalition of Sexual Assault Programs; Katie Chamberlain, Washington Employment Lawyers Association; David Ward, Legal Voice; Melissa Taylor, citizen; Terri Lindeke, Washington State NOW; Barbara Baker, commissioner, WDFW; Julia Gorton, Washington Hospitality Association; Bob Battles, Association of Washington Business; Susan Mink, HR director, WDFW.

Persons Signed In To Testify But Not Testifying: No one.

EFFECT OF HOUSE AMENDMENT(S):

- Adds representatives of farmworkers or farm worker advocacy groups and representatives from agricultural industries to the work group convened by the HRC.