
**Labor & Workplace Standards
Committee**

HB 1728

Brief Description: Preventing the sexual harassment and sexual assault of certain isolated workers.

Sponsors: Representatives Frame, Sells, Shewmake, Macri, Orwall, Gregerson, Doglio, Pellicciotti, Ormsby, Callan, Pettigrew, Fitzgibbon, Jinkins, Pollet, Valdez, Mead, Thai, Peterson, Ryu, Stanford, Ortiz-Self, Tarleton, Wylie, Goodman, Ramos, Slatter, Bergquist and Riccelli.

Brief Summary of Bill

- Requires certain employers that employ custodians, security guards, hotel or motel housekeepers, or other isolated workers to adopt a sexual harassment policy, provide mandatory sexual harassment training, provide a list of resources to employees, and provide a panic button to each isolated worker.
- Requires the Department of Labor and Industries to establish procedures for licensing property service contractors.

Hearing Date: 2/5/19

Staff: Joan Elgee (786-7106).

Background:

Federal law and the Washington Law Against Discrimination (WLAD) prohibit discrimination in employment based on sex. Sexual harassment is a form of sex discrimination under the WLAD. The WLAD is administered by the Washington State Human Rights Commission (Commission). The Commission investigates complaints that allege unfair practices in violation of the WLAD. If the Commission finds that there is reasonable cause to believe that discrimination has occurred, it must first try to eliminate the unfair practice via conference and conciliation. If the

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parties do not reach an agreement, the Commission must refer the matter to an administrative judge for a determination.

The Commission has developed model policies and best practices regarding sexual harassment as directed by 2018 legislation.

Summary of Bill:

Every hospitality, retail, behavioral health care, custodial employer, or labor contractor who employs a custodian, security guard, hotel or motel housekeeper, or any worker who spends a majority of their working hours alongside two or fewer coworkers at a location not their home must:

- adopt a sexual harassment policy;
- provide mandatory sexual harassment training to the employer's managers, supervisors, and employees;
- provide a list of resources for the employer's employees to utilize—at a minimum these resources must include: contact information for the Equal Employment Opportunity Commission, the Commission, and local advocacy groups focused on preventing sexual harassment and sexual assault; and
- provide a panic button to each worker that spends a majority of their working hours alongside two or fewer coworkers at a location not their home.

The Department of Labor and Industries (Department) must establish, by rule, procedures for licensing property service contractors. The rules must require that a property service contractor provide the following information to the Department:

- the total number of employees employed by the property service contractor who perform janitorial services;
- the physical addresses of locations where janitorial services are provided by an employee of the property service contractor; and
- demographic data that is voluntarily provided by employees relating to race, sex, sexual orientation, national origin, marital status, and age.

A labor contractor is a construction labor contractor, a farm labor contractor, or a property services contractor. A property service contractor is any person that for pay, recruits, solicits, supplies, or employs workers to perform labor for another person or on behalf of an employer to provide services that include janitorial services.

The definition of property service contractor includes individuals who subcontract to provide workers to perform services that include janitorial services. A construction labor contractor is a person similar to a property services contractor except that the work is in construction.

Appropriation: None.

Fiscal Note: Requested on January 28, 2019.

Effective Date: The bill takes effect on January 1, 2020.