

FINAL BILL REPORT

ESSB 5258

C 392 L 19
Synopsis as Enacted

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

Sponsors: Senate Committee on Labor & Commerce (originally sponsored by Senators Keiser, Wellman, Saldaña, Randall, Das, Dhingra, Cleveland, Conway, Wilson, C., Darneille, Kuderer, Takko, Salomon, Hasegawa and Hunt).

Senate Committee on Labor & Commerce
House Committee on Labor & Workplace Standards

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 WLAD and Title VII of the Civil Rights Act of 1964.

WLAD is administered by the Washington State Human Rights Commission (HRC). The HRC investigates complaints that allege unfair practices in violation of WLAD. If HRC finds 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 parties do not reach an agreement, HRC must refer the matter to an administrative judge for a determination.

Summary: Every hotel, motel, retail, or security guard entity or property services contractor, who employs an employee must:

- adopt a sexual harassment policy;
- provide mandatory training to the employer's managers, supervisors, and employees to prevent sexual assault, harassment, and discrimination in the workplace;
- educate the workforce about protections for employees who report violations;
- 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 Human Rights Commission, and local advocacy groups focused on preventing sexual harassment and sexual assault; and
- provide a panic button to each employee.

Licensed contracted security guard companies are exempt from the panic button requirement. The Department of Labor and Industries (L&I) must publish advice and guidance for employers with 50 or fewer employees regarding the panic button requirement. A panic button is an emergency contact device carried by an employee by which the employee may

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summon immediate on-scene assistance from another worker, a security guard, or a representative of the employer.

An employee is an individual who spends a majority of their working hours alone or whose primary work responsibility involves working without another coworker and is a janitor, security guard, hotel or motel housekeeper, or room service attendant.

Property service contractors must provide certain information to L&I including:

- the date of adoption of the sexual harassment policy;
- the number of managers, supervisors, and employees trained; and
- the physical addresses of locations where janitorial services are provided and the total number of employees or contractors and hours worked at each location.

L&I must make aggregate data available upon request and has rulemaking authority with respect to the property service contractor provisions.

A property service contractor is any person or entity that employs workers to perform labor for another person or on behalf of an employer, to provide commercial janitorial services. The Employment Security Department and certain individuals who perform labor as an exchange are not property service contractors.

Hotels and motels with 60 or more rooms must meet the requirements by January 1, 2020. All other businesses must meet the requirements by January 1, 2021.

Votes on Final Passage:

Senate	47	0	
House	57	35	(House amended)
Senate			(Senate refused to concur/ asked House for conference)
<u>Conference Committee</u>			
House	73	25	
Senate	46	0	

Effective: July 28, 2019