

SENATE BILL REPORT

SB 6169

As of January 18, 2020

Title: An act relating to training on the prevention of harassment, discrimination, and retaliation.

Brief Description: Training on the prevention of harassment, discrimination, and retaliation.

Sponsors: Senators Keiser, Conway, Hunt, Kuderer, Nguyen and Wilson, C.

Brief History:

Committee Activity: Labor & Commerce: 1/16/20.

Brief Summary of Bill

- Creates a registration requirement for trainers and peer trainers who provide instruction relating to the prevention of harassment, discrimination, and retaliation in the workplace.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Richard Rodger (786-7461)

Background: There are currently no registration or certification requirements for trainers or peer trainers who provide instruction in the prevention of harassment, discrimination, and retaliation in the workplace.

Summary of Bill: The Department of Labor and Industries (L&I) must create a registration for trainers and peer trainers who are qualified in the prevention of harassment, discrimination, and retaliation, including harassment based on gender, gender expression, and sexual orientation.

While qualifying trainers, L&I must consider an individual's experience explaining:

- the negative effects of sexual harassment and discrimination;
- federal and state discrimination and sexual harassment laws;
- what constitutes sexual harassment by using practical examples specific to an industry and work environment;
- a harassed person's rights and remedies, including the legal complaint process;
- retaliation provisions;

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- prevention methods, including best practices and training on bystander intervention and respectful workplaces; and
- how consensual behavior is not considered sexual harassment or subject to sexual harassment policies.

Peer trainers must also have all the following qualifications:

- a minimum cumulative 40 hours of sexual violence advocate training, including specified elements;
- two years of nonsupervisory work experience in the same industry as the peer workers they will train; and
- cultural competency and fluency in the language or languages understood by the peer workers they will train.

L&I may adopt rules to implement the registration program.

Defines "department" as the Department of Labor and Industries. Defines "employer" by reference to the definition contained in the Washington Industrial Safety and Health Act.

Appropriation: None.

Fiscal Note: Requested on January 8, 2020.

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: All of us have become much more conscious of the issue of sexual harassment in the last few years. Some harassment and discrimination training being offered is good and some is not good. Some of the training is done so poorly that it actually provokes increased levels of harassment. This is an effort to make a higher quality and more relevant approach to sexual harassment training. We need to make training operational and effective in every community.

CON: Our industry supported the process with the Human Rights Commission to create the model policies and supported last year's bill to provide required sexual harassment prevention training in our industry. Our concern here is that the training requirements are too significant, especially for the peer training. We believe the bill will actually result in a reduction of employers being able to provide training to their employees. We look forward to working on the right metrics for the program.

Persons Testifying: PRO: Senator Karen Keiser, Prime Sponsor; Lindsey Grad, SEIU Healthcare 1199NW.

CON: Julia Gorton, Washington Hospitality Association.

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