
HOUSE BILL 1728

State of Washington

66th Legislature

2019 Regular Session

By 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

Read first time 01/29/19. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to preventing the sexual harassment and sexual
2 assault of certain isolated workers; adding a new section to chapter
3 49.60 RCW; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.60
6 RCW to read as follows:

7 (1) Every hospitality, retail, behavioral health care, or
8 custodial employer, or labor contractor who employs a custodian,
9 security guard, hotel or motel housekeeper, or any worker who spends
10 a majority of her or his working hours alongside two or fewer
11 coworkers at a location that is not her or his home must:

12 (a) Adopt a sexual harassment policy;

13 (b) Provide mandatory training to the employer's managers,
14 supervisors, and employees to:

15 (i) Prevent sexual assault and sexual harassment in the
16 workplace;

17 (ii) Prevent sexual discrimination in the workplace; and

18 (iii) Educate the employer's workforce regarding protection for
19 employees who report violations of a state or federal law, rule, or
20 regulation;

1 (c) Provide a list of resources for the employer's employees to
2 utilize. At a minimum, the resources must include contact information
3 of the equal employment opportunity commission, the Washington state
4 human rights commission, and local advocacy groups focused on
5 preventing sexual harassment and sexual assault; and

6 (d) Provide a panic button to each worker that spends a majority
7 of her or his working hours alongside two or fewer coworkers at a
8 location that is not her or his home.

9 (2)(a) The director of the department of labor and industries
10 must establish, by rule, procedures for licensing property service
11 contractors.

12 (b) The rules adopted under this subsection (2) must require that
13 a property service contractor provide the following information to
14 the director:

15 (i) The total number of employees employed by the property
16 service contractor who perform janitorial services;

17 (ii) The physical address of the work location or locations at
18 which janitorial services are provided by an employee of the property
19 service contractor; and

20 (iii) Demographic data that is voluntarily provided by employees
21 relating to race, sex, sexual orientation, national origin, marital
22 status, and age.

23 (3) For the purposes of this section:

24 (a) "Construction labor contractor" means any person that for an
25 agreed remuneration or rate of pay, recruits, solicits, supplies, or
26 employs workers to perform labor for another in construction or for
27 an employer engaged in construction, including any person who enters
28 into a subcontract to recruit, solicit, supply, or employ workers to
29 perform labor for another in construction. "Construction labor
30 contractor" does not include an owner of real property engaged in the
31 solicitation or recruitment of persons to perform construction work
32 on the owner's property.

33 (b) "Employer" means any person, association, partnership, labor
34 contractor, or public or private corporation, whether for-profit or
35 not, who employs one or more persons.

36 (c) "Farm labor contractor" has the same meaning as in RCW
37 19.30.010.

38 (d) "Labor contractor" means a construction labor contractor, a
39 farm labor contractor, or a property services contractor.

1 (e) "Panic button" means an emergency contact device carried by
2 an employee by which the employee may summon immediate on-scene
3 assistance from another employee, security guard, or representative
4 of the employer.

5 (f) "Property services contractor" means any person that for an
6 agreed remuneration or rate of pay, recruits, solicits, supplies, or
7 employs workers:

8 (i) To perform labor for another person to provide services that
9 include janitorial services;

10 (ii) On behalf of an employer to provide services that include
11 janitorial services; or

12 (iii) By a subcontract with another for any of the activities
13 described in (f)(i) or (ii) of this subsection.

14 (g) "Security guard" means an individual who is principally
15 employed as, or typically referred to as, a security officer or
16 guard, regardless of whether the individual is employed by private
17 security company or a single employer. An individual not licensed
18 under chapter 18.170 RCW may still be considered a security guard
19 under this section.

20 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2020.

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