
ENGROSSED SUBSTITUTE SENATE BILL 5258

State of Washington

66th Legislature

2019 Regular Session

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

READ FIRST TIME 01/25/19.

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

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 hotel, motel, retail, behavioral health, or custodial
8 employer, or property services contractor, who employs a custodian,
9 security guard, hotel or motel housekeeper, or room service employee
10 who spends a majority of her or his working hours alone or whose
11 primary work responsibility involves working without another coworker
12 present, at a location that is not her or his home must:

13 (a) Adopt a sexual harassment policy;

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

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

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

19 (iii) Educate the employer's workforce regarding protection for
20 employees who report violations of a state or federal law, rule, or
21 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 alone or whose primary work
8 responsibility involves working without another coworker present, at
9 a location that is not her or his home. The department of labor and
10 industries must publish advice and guidance for employers with fifty
11 or fewer employees relating to this subsection.

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

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

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

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

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

26 (3) For the purposes of this section:

27 (a) "Employer" means any person, association, partnership, labor
28 contractor, or public or private corporation, whether for-profit or
29 not, who employs one or more persons.

30 (b) "Panic button" means an emergency contact device carried by
31 an employee by which the employee may summon immediate on-scene
32 assistance from another employee, security guard, or representative
33 of the employer.

34 (c) "Property services contractor" does not mean the employment
35 security department or individuals who perform labor under an
36 agreement for exchanging their own labor or services with each other,
37 provided the work is performed on land owned or leased by the
38 individuals. "Property services contractor" means any person that for
39 an agreed remuneration or rate of pay, recruits, solicits, supplies,
40 or employs workers:

1 (i) To perform labor for another person to provide services that
2 include janitorial services;
3 (ii) On behalf of an employer to provide services that include
4 janitorial services; or
5 (iii) By a subcontract with another for any of the activities
6 described in (c)(i) or (ii) of this subsection.
7 (d) "Security guard" means an individual who is principally
8 employed as, or typically referred to as, a security officer or
9 guard, regardless of whether the individual is employed by private
10 security company or a single employer. An individual not licensed
11 under chapter 18.170 RCW may still be considered a security guard
12 under this section.
13 (4)(a) Hotels and motels with sixty or more rooms must meet the
14 requirements of this section by January 1, 2020.
15 (b) All other businesses must meet the requirements of this
16 section by January 1, 2021.

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