
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 hospitality, retail, behavioral health, or custodial
8 employer, or labor contractor who employs a custodian, security
9 guard, hotel or motel housekeeper, or behavioral health caregiver or
10 counselor who spends a majority of her or his working hours alone at
11 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 alone at a location that is not her or
8 his home. The department of labor and industries must publish advice
9 and guidance for employers with fifty or fewer employees relating to
10 this subsection.

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

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

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

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

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

25 (3) For the purposes of this section:

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

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

38 (c) "Farm labor contractor" has the same meaning as in RCW
39 19.30.010.

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

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

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

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

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

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

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

22 (4)(a) Hotels and motels with sixty or more rooms must meet the
23 requirements of this section by January 1, 2020.

24 (b) All other businesses must meet the requirements of this
25 section by January 1, 2021.

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