
SENATE BILL 5520

State of Washington

67th Legislature

2022 Regular Session

By Senators Keiser, Stanford, Hasegawa, Kuderer, Nguyen, and C. Wilson

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1 AN ACT Relating to disclosing harassment and discrimination; and
2 amending RCW 49.44.210.

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

4 **Sec. 1.** RCW 49.44.210 and 2018 c 117 s 1 are each amended to
5 read as follows:

6 (1) Except for settlement agreements under subsection (4) of this
7 section, an employer may not require an employee, as a condition of
8 employment, to sign a nondisclosure agreement, waiver, or other
9 document that prevents the employee from disclosing harassment,
10 discrimination, sexual harassment, or sexual assault occurring in the
11 workplace, at work-related events coordinated by or through the
12 employer, ((~~or~~)) between employees, or between an employer and an
13 employee((~~r~~)) off the employment premises.

14 (2) Except for settlement agreements under subsection (4) of this
15 section, any nondisclosure agreement, waiver, or other document
16 signed by an employee as a condition of employment that has the
17 purpose or effect of preventing the employee from disclosing or
18 discussing harassment, discrimination, sexual harassment, or sexual
19 assault occurring in the workplace, at work-related events
20 coordinated by or through the employer, ((~~or~~)) between employees, or

1 between an employer and an employee((7)) off the employment premises
2 is against public policy and is void and unenforceable.

3 (3) It is an unfair practice under chapter 49.60 RCW for an
4 employer to discharge or otherwise retaliate against an employee for
5 disclosing or discussing harassment, discrimination, sexual
6 harassment, or sexual assault occurring in the workplace, at work-
7 related events coordinated by or through the employer, ((e#)) between
8 employees, or between an employer and an employee((7)) off the
9 employment premises.

10 (4) This section does not prohibit a settlement agreement between
11 an employee or former employee alleging sexual harassment and an
12 employer from containing confidentiality provisions.

13 (5) For the purposes of this section:

14 (a) "Sexual assault" means any type of sexual contact or behavior
15 that occurs without the explicit consent of the recipient.

16 (b) "Sexual contact" has the same meaning as in RCW 9A.44.010.

17 (c) "Sexual harassment" has the same meaning as in RCW
18 28A.640.020.

19 (d) "Employee" does not include human resources staff,
20 supervisors, or managers when they are expected to maintain
21 confidentiality as part of their assigned job duties. It also does
22 not include individuals who are notified and asked to participate in
23 an open and ongoing investigation into alleged sexual harassment and
24 requested to maintain confidentiality during the pendency of that
25 investigation.

26 (e) "Harassment" has the same meaning as in RCW 9A.46.020.

27 (f) "Discrimination" means employment discrimination prohibited
28 by chapter 49.60 RCW.

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