

**RCW 49.44.220 Prohibited acts with respect to an employee's participation or nonparticipation in an employee assistance program.**

(1)(a) It is unlawful for an employer to obtain individually identifiable information regarding an employee's participation in an employee assistance program. Individually identifiable information gathered in the process of conducting an employee assistance program must be kept confidential.

(b) Subsection (1)(a) of this section does not apply to:

(i) Authorized disclosures under RCW 41.04.730;

(ii) Disclosures to an employer regarding an employee's attendance in an employee assistance program, which the employee was required to attend as a condition of continued employment; and

(ii) [(iii)] Disclosures that are:

(A) Made to prevent or lessen a perceived threat to the health or safety of an individual or the public; or

(B) Permitted or required under RCW 18.225.105, 70.02.050, or 71.05.120.

(2) An employee's participation or nonparticipation in an employee assistance program must not be a factor in a decision affecting an employee's job security, promotional opportunities, corrective or disciplinary action, or other employment rights. [2022 c 11 s 1.]