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SENATE BILL 6725

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State of Washington                      61st Legislature                      2010 Regular Session

By Senators Kline, Kohl-Welles, and Keiser

Read first time 01/22/10. Referred to Committee on Judiciary.

1            AN ACT Relating to the protection of public policy; and adding new  
2 sections to chapter 49.60 RCW.

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

4            NEW SECTION.    **Sec. 1.**    It is the intent of the legislature to  
5 protect employees who are acting in furtherance of any public policy.  
6 Common law in this area is in a state of disorder and a clear rule of  
7 law will ensure consistent and predictable application for employees  
8 and employers.    Section 2 of this act creates a cause of action,  
9 separate from the common law tort of wrongful discharge, protecting  
10 employees from adverse employment actions in retaliation for conduct  
11 that promotes local, state, or federal public policy.    The intended  
12 result is to encourage employees to act to protect public policy by  
13 deterring employer retaliation.    Illustrative examples of activities  
14 that are protected include, but are not limited to, reporting crimes or  
15 professional misconduct, opposing unlawful actions or unsafe  
16 conditions, and exercising legal rights or performing legal duties,  
17 such as voting, testifying, and performing jury duty.

1        NEW SECTION.    **Sec. 2.**    (1) It is unlawful for an employer to  
2        retaliate against an employee or independent contractor where  
3        retaliation is a substantial factor in the decision to take adverse  
4        employment action.

5        (2) An employee or independent contractor who is retaliated against  
6        has a civil cause of action in a court of competent jurisdiction to  
7        enjoin further violations, and to recover actual damages sustained by  
8        the employee or contractor, together with the cost of suit including  
9        reasonable attorneys' fees and any other appropriate remedy authorized  
10       by the Washington law against discrimination, RCW 49.60.030(2).

11       (3) A civil cause of action is available for a violation of this  
12       section notwithstanding the existence of any other local, state, or  
13       federal statutory or administrative means of protecting public policy,  
14       and supplements any civil cause or remedy that may exist at common law.

15       (4) A three-year statute of limitations applies to violations of  
16       this section.

17       (5) For the purposes of this section, "retaliate" means to commit  
18       an adverse employment action against an employee or independent  
19       contractor for conduct that the employee or independent contractor  
20       reasonably believes promotes a clear mandate of any public policy.  
21       Protected conduct includes, but is not limited to, the refusal to  
22       commit an illegal act, performing a legal duty or obligation,  
23       exercising a legal right or privilege, or reporting employer misconduct  
24       or whistleblowing.

25       NEW SECTION.    **Sec. 3.**    Sections 1 and 2 of this act are each added  
26       to chapter 49.60 RCW.

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