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**SUBSTITUTE SENATE BILL 5258**

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**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)

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

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

NEW SECTION. **Sec.**  A new section is added to chapter 49.60 RCW to read as follows:

(1) Every hospitality, retail, behavioral health, or custodial employer, or labor contractor who employs a custodian, security guard, hotel or motel housekeeper, or behavioral health caregiver or counselor who spends a majority of her or his working hours alone at a location that is not her or his home must:

(a) Adopt a sexual harassment policy;

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

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

(ii) Prevent sexual discrimination in the workplace; and

(iii) Educate the employer's workforce regarding protection for employees who report violations of a state or federal law, rule, or regulation;

(c) Provide a list of resources for the employer's employees to utilize. At a minimum, the resources must include contact information of the equal employment opportunity commission, the Washington state human rights commission, and local advocacy groups focused on preventing sexual harassment and sexual assault; and

(d) Provide a panic button to each worker that spends a majority of her or his working hours alone at a location that is not her or his home. The department of labor and industries must publish advice and guidance for employers with fifty or fewer employees relating to this subsection.

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

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

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

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

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

(3) For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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