

SENATE BILL REPORT

SB 6609

As Reported By Senate Committee On:
Labor, Commerce & Trade, February 1, 1996

Title: An act relating to occupational disease.

Brief Description: Providing penalties for employers who have notice of conditions or practices contributing to occupational disease.

Sponsors: Senators Heavey and Franklin.

Brief History:

Committee Activity: Labor, Commerce & Trade: 1/18/96, 2/1/96 [DP, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE & TRADE

Majority Report: Do pass.

Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

Minority Report: Do not pass.

Signed by Senators A. Anderson and Deccio.

Staff: Jack Brummel (786-7428)

Background: Washington's industrial insurance law defines an occupational disease as "such disease or infection as arises naturally and proximately out of employment..." When an employer disputes whether a disease arose out of employment, the worker has the burden of proving the connection between employment and the disease. Some workers contend that employers should be required to respond quickly to notifications of dangerous conditions and that an employer's failure to timely respond to unsafe conditions they have been notified of should shift the burden of proof to the employer.

Summary of Bill: When a worker notifies an employer of an unsafe condition or practice and subsequently claims an occupational disease resulted from the unsafe condition or practice between the time of notification and the employer's corrective action, the employer then has the burden of proving no connection between the unsafe condition or practice and the disease, provided a physician has certified that the disease is, more likely than not, a result of the condition or practice reported.

Failure to respond within a reasonable time to a notice of an unsafe condition or practice subjects an employer to a fine of up to \$2,500. The department is directed to adopt rules to carry out the act.

Appropriation: None.

Fiscal Note: Requested on January 17, 1996.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill attempts to level the playing field. The burden of proof is now on the employees to prove they were disabled at work. This burden falls on people who can't afford to meet it.

Testimony Against: If the Legislature is concerned with monitoring unsafe working conditions, there are better ways to do it. This bill will break the back of business.

Testified: Laurie Anderson (pro); Robby Stern WA State Labor Council (pro); Victoria Loney (pro); Karen McDonell (pro); Matt Sweeting (pro); Kathryn Fewell, WA Self-Insurers Association (con); Gilbert Muller (pro).