

HOUSE BILL ANALYSIS

HB 1691

Brief Description: Restricting actions against employers under industrial insurance.

Sponsors: Representatives McMorris, Mitchell, Honeyford and Lisk

Hearing: February 17, 1997

BACKGROUND:

Generally, a worker is compensated under the industrial insurance law for injuries that occur in the course of employment and is not permitted to bring a civil action against his or her employer for that injury. However, if the injury results from the deliberate intention of the employer to produce the worker's injury, the worker is permitted a cause of action for damages in excess of the benefits paid under the industrial insurance law.

What constitutes "deliberate intention" of an employer has been discussed in several Washington appellate court cases. A Washington Supreme Court's decision in 1995 reviewed previous cases that required a specific intent to injure the worker by the employer. The court then held that "deliberate intention" means that the employer had actual knowledge that an injury was certain to occur and willfully disregarded that knowledge.

SUMMARY OF BILL:

Under the industrial insurance law, for an injured worker's injury to result from the "deliberate intention" of the employer, the specific purpose of the employer's conduct must have been to bring about that injury. The purpose of the employer's conduct is a question of law to be determined by the court.

RULES AUTHORITY: The bill does not contain provisions addressing the rule-making powers of an agency.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill is passed.