

FINAL BILL REPORT

SSB 6313

C 120 L 18
Synopsis as Enacted

Brief Description: Concerning an employee's right to publicly file a complaint or cause of action for discrimination in employment contracts and agreements.

Sponsors: Senate Committee on Labor & Commerce (originally sponsored by Senators Keiser, Wellman, Frockt, Cleveland, Kuderer, Ranker, Conway and Saldaña).

Senate Committee on Labor & Commerce
House Committee on Labor & Workplace Standards

Background: Sexual Harassment. Under the Washington Law Against Discrimination (WLAD), a person has the right to be free from discrimination related to a protected status, such as race, national origin, sex, veteran or military status, sexual orientation, and disability. An employer may not discriminate against a person because of one's protected status. Sexual harassment is a form of sex discrimination under WLAD and Title VII of the Civil Rights Act of 1964.

WLAD is administered by the Washington State Human Rights Commission (HRC). The HRC investigates complaints that allege unfair practices in violation of the WLAD. If the HRC finds that there is reasonable cause to believe that discrimination has occurred, it must first try to eliminate the unfair practice via conference and conciliation. If the parties do not reach an agreement, the HRC must refer the matter to an administrative judge for a determination.

Employment Contracts. In general, Washington is an at-will employment state, which means either the employee or employer can terminate an employment relationship at any time. One exception to the at-will employment doctrine is if an employment contract exists. If an employment contract is found to violate public policy or to have illegal terms, it is void and cannot be enforced.

Summary: An employment agreement is void and unenforceable if it requires an employee to waive their right to file a complaint under the WLAD or federal antidiscrimination law, or if it requires a claim of discrimination be resolved using a dispute resolution process that is confidential.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Votes on Final Passage:

Senate	48	0	
House	98	0	(House amended)
Senate	49	0	(Senate concurred)

Effective: June 7, 2018