
SUBSTITUTE SENATE BILL 5996

State of Washington

65th Legislature

2018 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Keiser, Darneille, Frockt, Van De Wege, Pedersen, Hunt, Chase, Saldaña, Kuderer, and Hasegawa)

READ FIRST TIME 02/01/18.

1 AN ACT Relating to encouraging the disclosure and discussion of
2 sexual harassment and sexual assault in the workplace; and adding a
3 new section to chapter 49.44 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44
6 RCW to read as follows:

7 (1) Except for settlement agreements under subsection (4) of this
8 section, an employer may not require an employee, as a condition of
9 employment, to sign a nondisclosure agreement, waiver, or other
10 document that prevents the employee from disclosing sexual harassment
11 or sexual assault occurring in the workplace, at work-related events
12 coordinated by or through the employer, or between employees, or
13 between an employer and an employee, off the employment premises.

14 (2) Except for settlement agreements under subsection (4) of this
15 section, any nondisclosure agreement, waiver, or other document
16 signed by an employee as a condition of employment that has the
17 purpose or effect of preventing the employee from disclosing or
18 discussing sexual harassment or sexual assault occurring in the
19 workplace, at work-related events coordinated by or through the
20 employer, or between employees, or between an employer and an

1 employee, off the employment premises is against public policy and is
2 void and unenforceable.

3 (3) It is an unfair practice under chapter 49.60 RCW for an
4 employer to discharge or otherwise retaliate against an employee for
5 disclosing or discussing sexual harassment or sexual assault
6 occurring in the workplace, at work-related events coordinated by or
7 through the employer, or between employees, or between an employer
8 and an employee, off the employment premises.

9 (4) This section does not prohibit a settlement agreement between
10 an employee or former employee alleging sexual harassment and an
11 employer from containing confidentiality provisions.

12 (5) For the purposes of this section:

13 (a) "Sexual assault" means any type of sexual contact or behavior
14 that occurs without the explicit consent of the recipient.

15 (b) "Sexual contact" has the same meaning as in RCW 9A.44.010.

16 (c) "Sexual harassment" has the same meaning as in RCW
17 28A.640.020.

18 (d) "Employee" does not include human resources staff,
19 supervisors, or managers when they are expected to maintain
20 confidentiality as part of their assigned job duties. It also does
21 not include individuals who are notified and asked to participate in
22 an open and ongoing investigation into alleged sexual harassment and
23 requested to maintain confidentiality during the pendency of that
24 investigation.

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