
Civil Rights & Judiciary Committee

ESB 5165

Brief Description: Concerning discrimination based on citizenship or immigration status.

Sponsors: Senators Saldaña, Hasegawa, Wellman, Darneille, Keiser, Nguyen and Wilson, C.

Brief Summary of Engrossed Bill

- Expands the Washington Law Against Discrimination to include a prohibition on discrimination based on immigration or citizenship status, unless differential treatment on the basis of citizenship or immigration status is authorized by federal or state law, regulation, or government contract.

Hearing Date: 2/19/20

Staff: Ingrid Lewis (786-7289).

Background:

Washington Law Against Discrimination.

Washington's Law Against Discrimination (WLAD) establishes that it is a civil right to be free from discrimination based on race, color, creed, national origin, sex, sexual orientation, age, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal. This right applies to employment; places of public resort, accommodation, assemblage, or amusement; and real estate, credit, and insurance transactions. To effectuate the right to be free from discrimination, the law defines certain practices as being unfair. There are some exceptions to the WLAD. For example, employers with fewer than eight employees are exempt from these laws.

The Washington State Human Rights Commission (HRC) is responsible for administering and enforcing the WLAD. The HRC receives and investigates complaints made by persons alleging 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 this process fails, the HRC must refer the matter to an

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administrative law judge who may, after a hearing on the matter, issue an order providing relief to the complainant.

Citizenship and Immigration.

In the context of employment, federal law prohibits employers from discriminating against individuals based on their citizenship or immigration status, or their national origin, during the hiring, firing, recruiting processes. United States (U.S.) citizens and nationals, permanent residents, lawful temporary residents, asylees, and refugees are protected from this type of discrimination.

There are federal and state laws that condition or qualify an activity based on citizenship or immigration status. For example, a person must be a U.S. citizen to vote in federal and Washington State elections; federal law authorizes states to determine eligibility requirements for public benefits, including benefits offered to and eligibility requirements for noncitizens.

Summary of Bill:

The Washington Law Against Discrimination is expanded to prohibit discrimination based on a person's citizenship or immigration status, unless differential treatment on the basis of citizenship or immigration status is authorized by federal or state law, regulation, or government contract.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.