
Labor & Workplace Standards Committee

ESSB 5258

Brief Description: Preventing the sexual harassment and sexual assault of certain isolated workers.

Sponsors: Senate Committee on Labor & Commerce (originally sponsored by Senators Keiser, Wellman, Saldaña, Randall, Das, Dhingra, Cleveland, Conway, Wilson, C., Darneille, Kuderer, Takko, Salomon, Hasegawa and Hunt).

Brief Summary of Engrossed Substitute Bill

- Requires certain employers that employ custodians, security guards, hotel or motel housekeepers, or certain room service employees to adopt a sexual harassment policy, provide mandatory sexual harassment training, provide a list of resources to employees, and provide a panic button to each isolated worker.
- Requires the Department of Labor and Industries to establish procedures for licensing property service contractors.

Hearing Date: 3/19/19

Staff: Joan Elgee (786-7106).

Background:

Federal law and the Washington Law Against Discrimination (WLAD) prohibit discrimination in employment based on sex. Sexual harassment is a form of sex discrimination under the WLAD. The WLAD is administered by the Washington State Human Rights Commission (Commission). The Commission investigates complaints that allege unfair practices in violation of the WLAD. If the Commission 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 Commission must refer the matter to an administrative judge for a determination.

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.

The Commission has developed model policies and best practices regarding sexual harassment as directed by 2018 legislation.

Summary of Bill:

Every hotel, motel, retail, behavioral health or custodial employer, or property services contractor, who employs a custodian, security guard, hotel or motel housekeeper, or any room service employee who spends a majority of his or her working hours alone or whose primary work responsibility involves working without another coworker, at a location not his or her home must:

- adopt a sexual harassment policy;
- provide mandatory sexual harassment training to the employer's managers, supervisors, and employees;
- provide a list of resources for the employer's employees to utilize—at a minimum these resources must include: contact information for the Equal Employment Opportunity Commission, the Commission, and local advocacy groups focused on preventing sexual harassment and sexual assault; and
- provide a panic button to each worker that spends a majority of his or her working hours alone or whose primary work responsibility involves working without another coworker, at a location not his or her home.

Businesses must meet the requirements by January 1, 2021, except that hotels and motels with 60 or more rooms must meet the requirements by January 1, 2020.

The Department of Labor and Industries (Department) must establish, by rule, procedures for licensing property service contractors. The rules must require that a property service contractor provide the following information to the Department:

- the total number of employees employed by the property service contractor who perform janitorial services;
- the physical addresses of locations where janitorial services are provided by an employee of the property service contractor; and
- demographic data that is voluntarily provided by employees relating to race, sex, sexual orientation, national origin, marital status, and age.

A property service contractor is any person that for pay, recruits, solicits, supplies, or employs workers to perform labor for another person or on behalf of an employer to provide services that include janitorial services.

A property service contractor also includes individuals who subcontract to provide workers to perform services that include janitorial services. The Employment Security Department and certain individuals who perform labor as an exchange are not property service contractors.

Appropriation: None.

Fiscal Note: Available.

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