

SENATE BILL REPORT

SB 6169

As Reported by Senate Committee On:
Labor & Commerce, January 20, 2020

Title: An act relating to training on the prevention of harassment, discrimination, and retaliation.

Brief Description: Training on the prevention of harassment, discrimination, and retaliation.

Sponsors: Senators Keiser, Conway, Hunt, Kuderer, Nguyen and Wilson, C.

Brief History:

Committee Activity: Labor & Commerce: 1/16/20, 1/20/20 [DPS-WM, w/oRec].

Brief Summary of First Substitute Bill

- Creates a registration requirement for trainers and peer trainers who provide instruction relating to the prevention of harassment, discrimination, and retaliation in the workplace.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 6169 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Stanford, Walsh and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senators King, Ranking Member; Braun and Schoesler.

Staff: Richard Rodger (786-7461)

Background: There are currently no registration or certification requirements for trainers or peer trainers who provide instruction in the prevention of harassment, discrimination, and retaliation in the workplace.

Summary of Bill (First Substitute): The Department of Labor and Industries (L&I) must create a voluntary registration for professional trainers and peer trainers who are qualified in the prevention of harassment, discrimination, and retaliation, including harassment based on

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gender, gender expression, and sexual orientation. The voluntary registration is for trainers providing trainings in person, not online.

While qualifying trainers, L&I must consider an individual's significant experience explaining:

- federal and state discrimination and sexual harassment laws;
- what constitutes sexual harassment by using practical examples specific to an industry and work environment;
- a harassed person's rights and remedies, including the legal complaint process;
- retaliation provisions; and
- prevention methods, including supervisor best practices.

Peer trainers must also have all the following qualifications:

- a minimum cumulative 8 hours of sexual violence advocate training, including specified elements;
- one year of nonsupervisory work experience in the same industry as the peer workers they will train; and
- cultural competency and fluency in the language or languages understood by the peer workers they will train.

L&I may adopt rules to implement the registration program. L&I must consult with the Office of Financial Management's (OFM) Human Resources Division in developing the rules.

Defines "department" as the Department of Labor and Industries. Defines "employer" by reference to the definition contained in the Washington Industrial Safety and Health Act.

EFFECT OF CHANGES MADE BY LABOR & COMMERCE COMMITTEE (First Substitute):

- Clarifies the program is a voluntary registration for trainers providing services in person, not online.
- Narrows the list of items that L&I must consider in qualifying the trainers.
- Peer trainers must have: Eight hours (instead of 40 hours) of sexual violence advocate training; and one year (instead of two years) of nonsupervisory work experience in the industry as the peer workers they will train.
- L&I must consult with the OFM's Human Resources Division in developing the administrative rules.

Appropriation: None.

Fiscal Note: Requested on January 8, 2020.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: All of us have become much more conscious of the issue of sexual harassment in the last few years. Some harassment and discrimination training being offered is good and some is not good. Some of the training is done so poorly that it actually provokes increased levels of harassment. This is an effort to make a higher quality and more relevant approach to sexual harassment training. We need to make training operational and effective in every community.

CON: Our industry supported the process with the Human Rights Commission to create the model policies and supported last year's bill to provide required sexual harassment prevention training in our industry. Our concern here is that the training requirements are too significant, especially for the peer training. We believe the bill will actually result in a reduction of employers being able to provide training to their employees. We look forward to working on the right metrics for the program.

Persons Testifying: PRO: Senator Karen Keiser, Prime Sponsor; Lindsey Grad, SEIU Healthcare, 1199NW.

CON: Julia Gorton, Washington Hospitality Association.

Persons Signed In To Testify But Not Testifying: No one.