

RCW 49.95.030 Abusive conduct, challenging behavior prevention and assistance plan—Requirements. (1) (a) Beginning July 1, 2021, each covered employer shall implement a plan to prevent and protect employees from abusive conduct, to assist employees working in environments with challenging behavior, and work to resolve issues impacting the provision of personal care. This plan should be reviewed and updated as necessary and at least once every three years. The plan shall be developed and monitored by a workplace safety committee. The members of the workplace safety committee shall consist of individuals that are employee-elected, employer-selected, and include at least one service recipient representative. The number of employee-elected members shall equal or exceed the number of employer-selected members. A labor management committee established by a collective bargaining agreement that receives formal input from representatives of service recipients who wish to participate in the committee's deliberations shall be sufficient to fulfill the requirement for a workplace safety committee in this chapter.

(b) If a workplace safety committee does not have the requisite number of employee-elected members or service recipient representatives because employees or service recipient representatives do not wish to participate in the workplace safety committee, the covered employer will be considered in compliance with the requirement to have a workplace safety committee if the covered employer has documented evidence showing it was unable to get employees or a service recipient representative to participate in the workplace safety committee.

(2) The plan developed under subsection (1) of this section, at a minimum, must include:

(a) Processes for intervening and providing assistance to an employee directly affected by challenging behavior including accessing technical assistance or similar resources, if available, to assist employees when challenging behavior occurs;

(b) Processes that covered employers may follow to engage appropriate members of the care team, such as case managers or health professionals when allegations of discrimination, abusive conduct, or challenging behaviors occur;

(c) The development of processes for reporting, intervening, and providing assistance to an employee directly affected by abusive conduct; and

(d) Processes covered employers may follow to engage the service recipient in problem resolution with the goal of ending abusive or discriminatory conduct while working to address issues impacting the provision of personal care.

(3) Each covered employer and workplace safety committee must annually review the frequency of incidents of discrimination and abusive conduct in the home care setting, including identification of the causes for, and consequences of, abusive conduct and any emerging issues that contribute to abusive conduct. As part of its annual review, the workplace safety committee must also review the number of miscategorizations in aggregate. The covered employer must adjust the plan developed under subsection (1) of this section as necessary based on this annual review.

(4) In developing the plan required by subsection (1) of this section, the covered employer shall consider any guidelines on violence in the workplace or in health care settings issued by the department of health, the department of social and health services,

the department of labor and industries, the federal occupational safety and health administration, and the work group created in RCW 49.95.060.

(5) Nothing in this chapter requires an individual recipient of services to develop or implement the plan required by this section. [2020 c 309 s 4.]