

SENATE BILL REPORT

SB 5244

AS OF FEBRUARY 19, 1991

Brief Description: Providing workers with notice of hazardous substances found on the job.

SPONSORS: Senators Talmadge and Conner.

SENATE COMMITTEE ON COMMERCE & LABOR

Staff: Jonathan Seib (786-7427)

Hearing Dates: February 21, 1991

BACKGROUND:

Concern exists regarding the exposure of employees at the workplace to substances which may cause birth defects or constitute a hazard to an employee's reproductive system or to a fetus.

Because of their concern that employment or promotion to some positions could expose women to substances which might cause reproductive problems, some companies have refused such employment or promotion to women unless those women were sterilized.

This practice has been challenged as sexually discriminatory in a case before the United States Supreme Court. The court has heard the case, but not yet issued a decision.

SUMMARY:

The Right-to-Know Advisory Council is to advise the Department of Labor and Industries on the revision of standards regarding workplace exposure to substances which the department finds may cause birth defects or constitute a hazard to an employee's reproductive system or to a fetus.

Employers are to inform each prospective and all current employees of any substances which the employer should have reasonable cause to believe will cause birth defects or constitute a hazard to an individual's reproductive system or to a fetus when an individual is exposed to such substance in the workplace.

Employers may not require sterilization as a condition of employment.

Employers and employment agencies may not request information from current or potential employees regarding the employee's reproductive status unless such information is related to a bona fide occupational requirement.

The Director of the Department of Labor and Industries is to adopt standards regarding temporary job modification for employees contemplating parenting who may otherwise be exposed to substances hazardous to his or her reproductive function.

The Department of Labor and Industries is to establish a telephone service to provide information regarding the potential effects of exposure during pregnancy to drugs, chemicals, infections, and environmental hazards.

The right to be free from discrimination because of reproductive status is recognized as a civil right under the Human Rights Commission Act, which provides a cause of action for such discrimination.

Appropriation: none

Revenue: none

Fiscal Note: requested February 14, 1991