
SENATE BILL 5337

State of Washington 56th Legislature 1999 Regular Session

By Senators Kohl-Welles, Heavey, McCaslin, Costa and Thibaudeau

Read first time 01/20/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to actions for employment discrimination; amending
2 RCW 49.60.030; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** All persons have a civil right to be free
5 from discrimination. The legislature finds that the court has narrowly
6 interpreted the statutory remedies enumerated in chapter 49.60 RCW,
7 precluding persons working for small employers from maintaining civil
8 actions for employment discrimination. The legislature further finds
9 that a person's right to be free from employment discrimination is not
10 dependent upon nor limited by the size of his or her employer.
11 Therefore, the legislature intends to restore the ability of all
12 employees to seek a remedy for discrimination by giving all employees
13 or prospective employees a statutory right to bring a civil action
14 against an employer.

15 **Sec. 2.** RCW 49.60.030 and 1997 c 271 s 2 are each amended to read
16 as follows:

17 (1) The right to be free from discrimination because of race,
18 creed, color, national origin, sex, or the presence of any sensory,

1 mental, or physical disability or the use of a trained dog guide or
2 service animal by a disabled person is recognized as and declared to be
3 a civil right. This right shall include, but not be limited to:

4 (a) The right to obtain and hold employment without discrimination;

5 (b) The right to the full enjoyment of any of the accommodations,
6 advantages, facilities, or privileges of any place of public resort,
7 accommodation, assemblage, or amusement;

8 (c) The right to engage in real estate transactions without
9 discrimination, including discrimination against families with
10 children;

11 (d) The right to engage in credit transactions without
12 discrimination;

13 (e) The right to engage in insurance transactions or transactions
14 with health maintenance organizations without discrimination:
15 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,
16 48.44.220, or 48.46.370 does not constitute an unfair practice for the
17 purposes of this subparagraph; and

18 (f) The right to engage in commerce free from any discriminatory
19 boycotts or blacklists. Discriminatory boycotts or blacklists for
20 purposes of this section shall be defined as the formation or execution
21 of any express or implied agreement, understanding, policy or
22 contractual arrangement for economic benefit between any persons which
23 is not specifically authorized by the laws of the United States and
24 which is required or imposed, either directly or indirectly, overtly or
25 covertly, by a foreign government or foreign person in order to
26 restrict, condition, prohibit, or interfere with or in order to exclude
27 any person or persons from any business relationship on the basis of
28 race, color, creed, religion, sex, the presence of any sensory, mental,
29 or physical disability, or the use of a trained dog guide or service
30 animal by a disabled person, or national origin or lawful business
31 relationship: PROVIDED HOWEVER, That nothing herein contained shall
32 prohibit the use of boycotts as authorized by law pertaining to labor
33 disputes and unfair labor practices.

34 (2) Any person deeming himself or herself injured by any act in
35 violation of this chapter shall have a civil action in a court of
36 competent jurisdiction to enjoin further violations, or to recover the
37 actual damages sustained by the person, or both, together with the cost
38 of suit including reasonable attorneys' fees or any other appropriate
39 remedy authorized by this chapter or the United States Civil Rights Act

1 of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988
2 (42 U.S.C. Sec. 3601 et seq.). This right of action shall accrue to
3 any employee or prospective employee regardless of the number of
4 persons employed by the employer.

5 (3) Except for any unfair practice committed by an employer against
6 an employee or a prospective employee, or any unfair practice in a real
7 estate transaction which is the basis for relief specified in the
8 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any
9 unfair practice prohibited by this chapter which is committed in the
10 course of trade or commerce as defined in the Consumer Protection Act,
11 chapter 19.86 RCW, is, for the purpose of applying that chapter, a
12 matter affecting the public interest, is not reasonable in relation to
13 the development and preservation of business, and is an unfair or
14 deceptive act in trade or commerce.

--- END ---