

SENATE BILL REPORT

SB 5873

As Reported By Senate Committee On:
Labor, Commerce, Research & Development, February 27, 2007

Title: An act relating to the human rights commission's definition of employer.

Brief Description: Defining "employer" in the human rights commission's provisions.

Sponsors: Senators Kline, Shin, Jacobsen and Kohl-Welles.

Brief History:

Committee Activity: Labor, Commerce, Research & Development: 2/26/07, 2/27/07 [DP-WM, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice.

Minority Report: Do not pass.

Signed by Senators Clements, Ranking Minority Member, Hewitt and Holmquist.

Staff: Sherry McNamara (786-7402)

Background: The Washington Human Rights Commission (WSHRC) enforces the Washington Law Against Discrimination (WLAD), RCW 49.60. WLAD prohibits employment discrimination on the basis of race, color, national origin, sex, sexual orientation/gender identity, disability, age, creed/religion, marital status, HIV/AIDS or Hepatitis C status, retaliation, and Whistleblower Retaliation. WSHRC has jurisdiction over most employers with eight or more employees.

The Equal Employment Opportunity Commission (EEOC), a federal agency, prohibits discrimination against people on the basis of race, color, national origin, sex, disability, age (40 years and older) and religion. The EEOC prohibits discrimination on these factors in businesses with 15 or more employees.

All civil rights enforcement agencies in the Western States have jurisdiction over businesses with fewer than 15 employees. Among the western states, Washington has the highest threshold at eight employees per employer.

Summary of Bill: The definition of "employer" is changed to include any person acting in the interest of any employer, directly or indirectly, who employs one or more persons. This

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brings businesses with one employee under the jurisdiction of the Washington Human Rights Commission for purposes of investigations of discrimination.

Appropriation: None.

Fiscal Note: Requested on February 22, 2007.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill reduces the number of employees from eight to one for businesses to fall under the Human Rights Commission (HRC). Small businesses in Washington could use the counseling and guidance provided by the Human Rights Commission. Outreach provided by HRC is the name of the game; it will help to prevent discrimination cases from occurring. Currently, there isn't an administrative remedy available to smaller businesses. Small businesses do not have access to HRC; their only avenue is to go to court.

CON: This bill does not preclude going to court. Small businesses would have no guarantee that they wouldn't end up in court even if the HRC process was used.

OTHER: This bill does not change the process for HRC.

Persons Testifying: PRO: Senator Kline, prime sponsor; Gary Smith, Independent Business Association; Carolyn Logue, National Federation of Independent Business.

CON: Kris Tefft, Association of Washington Business.

OTHER: Seth Kirby, Human Rights Commission.