

HB 2266 - H AMD 896

By Representative Schmidt

ADOPTED AS AMENDED 02/09/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** In addition to the primary safety and
4 health hazards faced by all construction workers, there are safety
5 and health issues specific to construction workers who menstruate
6 and/or express milk. As an ongoing effort to address labor shortages
7 in the construction industry, as well as to continue recruiting and
8 retaining underrepresented workers in the construction trades, the
9 legislature intends to address some of the basic barriers faced by
10 these construction workers.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.17
12 RCW to read as follows:

13 (1) The director shall adopt rules, pursuant to this section, to
14 address safety and health issues specific to workers performing
15 construction industry activities who menstruate or express milk, or
16 both. The rules must be included in the rules governing construction
17 safety standards.

18 (2) The rules adopted pursuant to this section must require
19 employers in the construction industry to provide reasonable
20 accommodations for workers performing construction activities who
21 menstruate. Reasonable accommodations means providing:

22 (a) A minimum size bathroom that is equivalent to a standard
23 sized portable chemical toilet, or access to a permanent structure
24 with a bathroom. The bathroom must have an internal latch to be
25 secured from inadvertent entry;

26 (b) Adequate time to accommodate for multiple layers of clothing
27 while using the bathroom; and

28 (c) An adequate and convenient supply of menstrual hygiene
29 products available at no cost to the workers. Menstrual hygiene
30 products must either be located in all gender-neutral bathrooms and
31 bathrooms designated for workers who menstruate, or provided in kits
32 for each worker who needs such product.

1 (3) The rules adopted pursuant to this section must require
2 employers in the construction industry to provide reasonable
3 accommodations for workers performing construction activities to
4 express milk. Reasonable accommodations means providing:

5 (a) Flexible work scheduling, including scheduling breaks and
6 permitting work patterns that provide time for the expression of
7 milk;

8 (b) A location, other than a bathroom, that is convenient and
9 sanitary for the worker to express milk. The location must be
10 private, free from intrusion, and lockable;

11 (c) Convenient hygienic refrigeration on the worksite for the
12 storage of milk; and

13 (d) A convenient water source for the worker to clean and wash
14 hands and milk expression equipment. The water source must be in a
15 private location near the location where milk is expressed.

16 (4) On multi-employer worksites, each employer is responsible for
17 ensuring that facilities for their own workers are provided."

18 Correct the title.

EFFECT: The striking amendment makes the following changes:

- Specifies that the rules apply to workers "performing construction activities."
- Removes the provision requiring bathrooms designated specifically for workers who menstruate and for the larger room to be lockable when there is more than one bathroom stall in the larger room (retains the requirement that stalls must be lockable).
- Requires the bathroom to be a minimum size equivalent to a standard sized portable chemical toilet, or that there is access to a permanent structure with a bathroom.
- Removes the provision requiring adequate space to accommodate for multiple layers of clothing in the bathroom (retains the requirement for providing adequate time).
- Specifies that the requirement to provide menstrual products is to provide an "adequate and convenient supply" of products.
- Requires the employer to provide refrigeration, rather than a refrigerator, on the worksite for the storage of milk.

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