
Labor & Workplace Standards Committee

SSB 5101

Brief Description: Expanding access to leave and safety accommodations to include workers who are victims of hate crimes or bias incidents.

Sponsors: Senate Committee on Labor & Commerce (originally sponsored by Senators Valdez, Hansen, Frame, Hasegawa, Lias, Nobles, Orwall, Pedersen, Saldaña, Salomon, Stanford, Wellman and Wilson, C.).

<p style="text-align: center;">Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">• Expands the protections of the Domestic Violence Leave Act to employees who are, or whose family members, are victims of hate crimes.
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Hearing Date: 3/21/25

Staff: Benjamin McCarthy (786-7116).

Background:

Under the Domestic Violence Leave Act, employees have the right to take reasonable leave from work, intermittent leave, or leave on a reduced leave schedule to obtain assistance with domestic violence, sexual assault, or stalking. Leave may be taken to address legal or law enforcement needs; seek treatment for physical or mental injuries; obtain mental health counseling; obtain services from a shelter, center, or other social services program; or to participate in safety planning, relocate, or take other actions to increase safety. Family members of a victim may also take reasonable leave.

An employer may require verification that the employee or family member is a victim and that

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the leave was taken for a permitted purpose. A police report, a protection order, documentation from a victims' advocate, or an employee's written statement satisfy the verification requirements.

An employer may not discriminate against an individual because that individual is or is perceived to be a victim of domestic violence, sexual assault or a hate crime by:

- refusing to hire the individual, if the individual is otherwise qualified for the job;
- taking certain adverse employment actions against the individual; or
- refusing to make a reasonable safety accommodation for the individual.

An employee who is not granted leave may file a complaint with the Department of Labor and Industries (L&I), which must investigate each complaint. The Director of L&I may impose a fine of up to \$500 for the first infraction and up to \$1,000 for a subsequent infraction within three years of a previous infraction. An employee may also bring a civil cause of action to enjoin violations and to recover actual damages, costs, and reasonable attorneys' fees. Employers are prohibited from retaliating against an employee for exercising the employee's rights.

Leave under the Domestic Violence Leave Act may be paid or unpaid. Employees may use paid sick leave for the purposes specified in the Domestic Violence Leave Act.

Victims of domestic violence, sexual assault, or stalking are entitled to notification of their right to reasonable leave under the Domestic Violence Leave Act.

Summary of Bill:

Expands the protections of the Domestic Violence Leave Act to employees who are the victims of hate crimes or whose family members are the victims of hate crimes. These employees may take reasonable leave from work or request a reasonable safety accommodation. An employer may require verification that the employee or family member is a victim of a hate crime and that the leave or safety accommodation is for a permitted purpose.

Employers are prohibited from discriminating or retaliating against employees who are victims or perceived to be victims of hate crimes.

Victims of hate crimes shall be notified of their right to reasonable leave under the Domestic Violence Leave Act.

A hate crime is an assault, physical damage or destruction of property, or threat based on a person's perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2026.