# FINAL BILL REPORT
# SSB 5104

**C 236 L 25**
Synopsis as Enacted

**Brief Description:** Protecting employees from coercion in the workplace based on immigration status.

**Sponsors:** Senate Committee on Labor & Commerce (originally sponsored by Senators Hasegawa, Bateman, Conway, Nobles, Saldaña, Stanford, Valdez, Wellman and Wilson, C.).

**Senate Committee on Labor & Commerce**
**House Committee on Labor & Workplace Standards**
**House Committee on Appropriations**

**Background:** The Wage Payment Act authorizes a person owed wages to file a wage complaint with the Department of Labor and Industries (L&I). L&I must investigate the complaint and issue either a citation and notice of assessment or a determination of compliance. A citation and notice of assessment state that a violation of wage payment requirements has occurred and imposes a fine. A determination of compliance states that a violation has not occurred.

If L&I determines an employer has violated a wage payment requirement and issues a citation and notice of assessment to the employer, L&I may order the employer to pay the employee all wages owed. If L&I determines the violation of the wage payment requirement was willful or intentional, L&I may also impose civil penalties on the employer. The minimum for a civil penalty is $1,000 or 10 percent of the total amount of unpaid wages, whichever is greater, and the maximum is $20,000.

The Industrial Welfare Act contains a number of labor standards, such as the Family Care Act and child labor laws. It is also the authority for L&I's rules on meals and rest breaks. Employees must generally be allowed paid rest periods of at least ten minutes for every four hours worked, and at least 30 minutes for a meal period for every five hours worked.

In 2020, Washington State passed a law to amend the Washington Law Against

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Discrimination to include citizenship or immigration status as a protected class for discrimination claims. Employers are prohibited from using a worker's national origin, immigration status, or citizenship as a basis for, among other things, hiring and promoting.

In 2024, the state of New Jersey passed a law imposing a civil penalty on an employer who coerces an employee based on the immigration status of the employee in furtherance of a violation of employment, labor-related, or other laws.

**Summary:** An employer that coerces an employee in furtherance of the employer committing a violation of wage payment, condition of labor, or agricultural labor requirements is subject to a civil penalty, in addition to any other penalty that may be imposed by L&I for those violations.

Coercion means a threat to compel or induce a person to engage in conduct which the person has a legal right to abstain from, or to abstain from conduct in which the person has a legal right to engage in.

Threat means any implicit or explicit communication specifically pertaining to an employee's or an employee's family member's immigration status made by the employer to deter an employee from engaging in protected activities or exercising a right under laws related to wages, labor standards, industrial welfare, and agricultural labor.

If an employer's violation subjects the employer to a penalty under this bill and a separate penalty under a law related to prohibited acts by an employer, L&I must assess the higher amount of the two penalties.

A worker subject to coercion by an employer may file a complaint with L&I within 180 days of the coercive action. L&I must investigate the complaint and issue either a notice of citation assessing a penalty or a closure letter no later than 90 days after L&I receives the complaint. If L&I's investigation finds the employee's allegation cannot be substantiated, L&I must issue a closure letter with detailed findings to the employee and employer.

L&I must assess a civil penalty for each coercive act found to be a violation. The maximum penalties are:

- $1,000 for the first violation;
- $5,000 for a second violation; and
- $10,000 for any subsequent violation.

Each act of coercion against each affected employee counts as a separate violation. Beginning July 1, 2028, L&I must adjust the penalties for inflation every three years.

Any personal information about the employee or the employee's family in a complaint or investigation is confidential and may only be disclosed to the employer, unless the employee gives written permission.

If, during an investigation of a separate complaint L&I discovers information suggesting coercion by the employer, L&I may investigate and take enforcement action without requiring the employee to file a new or separate complaint.

**Votes on Final Passage:**

| | | |
|---|---|---|
| Senate | 40 | 9 |
| House | 59 | 38 |

**Effective:** July 1, 2025