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HOUSE BILL 1728

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State of Washington

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By Representatives Frame, Sells, Shewmake, Macri, Orwall, Gregerson, Doglio, Pellicciotti, Ormsby, Callan, Pettigrew, Fitzgibbon, Jinkins, Pollet, Valdez, Mead, and Thai

1 AN ACT Relating to preventing the sexual harassment and sexual  
2 assault of certain isolated workers; adding a new section to chapter  
3 49.60 RCW; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.60  
6 RCW to read as follows:

7 (1) Every hospitality, retail, behavioral health care, or  
8 custodial employer, or labor contractor who employs a custodian,  
9 security guard, hotel or motel housekeeper, or any worker who spends  
10 a majority of her or his working hours alongside two or fewer  
11 coworkers at a location that is not her or his home must:

12 (a) Adopt a sexual harassment policy;

13 (b) Provide mandatory training to the employer's managers,  
14 supervisors, and employees to:

15 (i) Prevent sexual assault and sexual harassment in the  
16 workplace;

17 (ii) Prevent sexual discrimination in the workplace; and

18 (iii) Educate the employer's workforce regarding protection for  
19 employees who report violations of a state or federal law, rule, or  
20 regulation;

1 (c) Provide a list of resources for the employer's employees to  
2 utilize. At a minimum, the resources must include contact information  
3 of the equal employment opportunity commission, the Washington state  
4 human rights commission, and local advocacy groups focused on  
5 preventing sexual harassment and sexual assault; and

6 (d) Provide a panic button to each worker that spends a majority  
7 of her or his working hours alongside two or fewer coworkers at a  
8 location that is not her or his home.

9 (2)(a) The director of the department of labor and industries  
10 must establish, by rule, procedures for licensing property service  
11 contractors.

12 (b) The rules adopted under this subsection (2) must require that  
13 a property service contractor provide the following information to  
14 the director:

15 (i) The total number of employees employed by the property  
16 service contractor who perform janitorial services;

17 (ii) The physical address of the work location or locations at  
18 which janitorial services are provided by an employee of the property  
19 service contractor; and

20 (iii) Demographic data that is voluntarily provided by employees  
21 relating to race, sex, sexual orientation, national origin, marital  
22 status, and age.

23 (3) For the purposes of this section:

24 (a) "Construction labor contractor" means any person that for an  
25 agreed remuneration or rate of pay, recruits, solicits, supplies, or  
26 employs workers to perform labor for another in construction or for  
27 an employer engaged in construction, including any person who enters  
28 into a subcontract to recruit, solicit, supply, or employ workers to  
29 perform labor for another in construction. "Construction labor  
30 contractor" does not include an owner of real property engaged in the  
31 solicitation or recruitment of persons to perform construction work  
32 on the owner's property.

33 (b) "Employer" means any person, association, partnership, labor  
34 contractor, or public or private corporation, whether for-profit or  
35 not, who employs one or more persons.

36 (c) "Farm labor contractor" has the same meaning as in RCW  
37 19.30.010.

38 (d) "Labor contractor" means a construction labor contractor, a  
39 farm labor contractor, or a property services contractor.

1 (e) "Panic button" means an emergency contact device carried by  
2 an employee by which the employee may summon immediate on-scene  
3 assistance from another employee, security guard, or representative  
4 of the employer.

5 (f) "Property services contractor" means any person that for an  
6 agreed remuneration or rate of pay, recruits, solicits, supplies, or  
7 employs workers:

8 (i) To perform labor for another person to provide services that  
9 include janitorial services;

10 (ii) On behalf of an employer to provide services that include  
11 janitorial services; or

12 (iii) By a subcontract with another for any of the activities  
13 described in (f)(i) or (ii) of this subsection.

14 (g) "Security guard" means an individual who is principally  
15 employed as, or typically referred to as, a security officer or  
16 guard, regardless of whether the individual is employed by private  
17 security company or a single employer. An individual not licensed  
18 under chapter 18.170 RCW may still be considered a security guard  
19 under this section.

20 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2020.

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