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**ENGROSSED SUBSTITUTE SENATE BILL 5258**

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AS AMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 2019 Regular Session

**State of Washington                      66th Legislature                      2019 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senators Keiser, Wellman, Saldaña, Randall, Das, Dhingra, Cleveland, Conway, Wilson, C., Darneille, Kuderer, Takko, Salomon, Hasegawa, and Hunt)

READ FIRST TIME 01/25/19.

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

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 hotel, motel, retail, or security guard entity, or  
8 property services contractor, who employs an employee, must:

9            (a) Adopt a sexual harassment policy;

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

12           (i) Prevent sexual assault and sexual harassment in the  
13 workplace;

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

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

18           (c) Provide a list of resources for the employer's employees to  
19 utilize. At a minimum, the resources must include contact information  
20 of the equal employment opportunity commission, the Washington state

1 human rights commission, and local advocacy groups focused on  
2 preventing sexual harassment and sexual assault; and

3 (d) Provide a panic button to each employee. The department must  
4 publish advice and guidance for employers with fifty or fewer  
5 employees relating to this subsection (1)(d). This subsection (1)(d)  
6 does not apply to contracted security guard companies licensed under  
7 chapter 18.170 RCW.

8 (2)(a) A property services contractor shall submit the following  
9 to the department on a form or in a manner determined by the  
10 department:

11 (i) The date of adoption of the sexual harassment policy required  
12 in subsection (1)(a) of this section;

13 (ii) The number of managers, supervisors, and employees trained  
14 as required by subsection (1)(b) of this section; and

15 (iii) The physical address of the work location or locations at  
16 which janitorial services are provided by workers of the property  
17 services contractor, and for each location: (A) The total number of  
18 workers or contractors of the property services contractor who  
19 perform janitorial services; and (B) the total hours worked.

20 (b) The department must make aggregate data submitted as required  
21 in this subsection (2) available upon request.

22 (c) The department may adopt rules to implement this subsection  
23 (2).

24 (3) For the purposes of this section:

25 (a) "Department" means the department of labor and industries.

26 (b) "Employee" means an individual who spends a majority of her  
27 or his working hours alone, or whose primary work responsibility  
28 involves working without another coworker present, and who is  
29 employed by an employer as a janitor, security guard, hotel or motel  
30 housekeeper, or room service attendant.

31 (c) "Employer" means any person, association, partnership,  
32 property services contractor, or public or private corporation,  
33 whether for-profit or not, who employs one or more persons.

34 (d) "Panic button" means an emergency contact device carried by  
35 an employee by which the employee may summon immediate on-scene  
36 assistance from another worker, a security guard, or a representative  
37 of the employer.

38 (e) "Property services contractor" means any person or entity  
39 that employs workers: (i) To perform labor for another person to  
40 provide commercial janitorial services; or (ii) on behalf of an

1 employer to provide commercial janitorial services. "Property  
2 services contractor" does not mean the employment security department  
3 or individuals who perform labor under an agreement for exchanging  
4 their own labor or services with each other, provided the work is  
5 performed on land owned or leased by the individuals.

6 (f) "Security guard" means an individual who is principally  
7 employed as, or typically referred to as, a security officer or  
8 guard, regardless of whether the individual is employed by a private  
9 security company or a single employer or whether the individual is  
10 required to be licensed under chapter 18.170 RCW.

11 (4)(a) Hotels and motels with sixty or more rooms must meet the  
12 requirements of this section by January 1, 2020.

13 (b) All other employers identified in subsection (1) of this  
14 section must meet the requirements of this section by January 1,  
15 2021.

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