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**SUBSTITUTE SENATE BILL 5258**

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**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)

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 hospitality, retail, behavioral health, or custodial  
8 employer, or labor contractor who employs a custodian, security  
9 guard, hotel or motel housekeeper, or behavioral health caregiver or  
10 counselor who spends a majority of her or his working hours alone at  
11 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 alone at a location that is not her or  
8 his home. The department of labor and industries must publish advice  
9 and guidance for employers with fifty or fewer employees relating to  
10 this subsection.

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

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

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

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

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

25 (3) For the purposes of this section:

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

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

38 (c) "Farm labor contractor" has the same meaning as in RCW  
39 19.30.010.

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

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

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

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

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

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

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

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

24 (b) All other businesses must meet the requirements of this  
25 section by January 1, 2021.

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