

HOUSE BILL REPORT

HB 1524

As Reported by House Committee On:
Labor & Workplace Standards

Title: An act relating to ensuring compliance with and enforcement of certain workplace standards and requirements applicable to employers of isolated employees.

Brief Description: Concerning workplace standards and requirements applicable to employers of isolated employees.

Sponsors: Representatives Obras, Scott, Fosse, Hill, Gregerson, Reed, Berry, Parshley, Salahuddin, Peterson, Simmons, Ormsby, Macri and Pollet.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/29/25, 2/7/25 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Labor and Industries to enforce requirements for employers of isolated employees.
- Makes failure to provide a panic button to an isolated employee an unfair practice under the Washington Law Against Discrimination.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Berry, Chair; Fosse, Vice Chair; Scott, Vice Chair; Bronoske, McEntire and Obras.

Minority Report: Do not pass. Signed by 2 members: Representatives Schmidt, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member.

Staff: Kelly Leonard (786-7147).

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.

Background:

Sexual harassment is a form sex discrimination involving unwelcome sexual advances or conduct that creates an intimidating, hostile, or offensive working environment. The Washington Law Against Discrimination (WLAD) prohibits sex discrimination, including sexual harassment, in employment. If a worker is injured by this form of discrimination or an unfair practice under the WLAD, the worker can file a complaint with the Human Rights Commission (HRC) and/or file a lawsuit against the employer. Similar protections are afforded by the federal Civil Rights Act of 1964, which entitles employees of certain employers to protections by the Equal Employment Opportunity Commission (EEOC).

In 2019 the state established specific requirements for employers of "isolated employees," which includes any janitor, security guard, hotel or motel housekeeper, or room service attendant who also spends a majority of her or his working hours alone or whose primary work responsibility involves working without another coworker. The Department of Labor and Industries (L&I) administers requirements pertaining to isolated employees.

Every hotel, motel, retail, or security guard entity, or property services contractor who employs one or more isolated employees must:

- adopt a sexual harassment policy and provide mandatory training to the employer's managers, supervisors, and employees;
- provide its isolated employees with a list of resources, including contact information of the EEOC, HRC, and local advocacy groups focused on preventing sexual harassment and sexual assault; and
- provide each isolated employee with a panic button, with exceptions for security guard companies.

Property services contractors must submit certain information to L&I, including the number of employees who completed training, and the number of covered employees and their work locations and hours. "Property services contractor" means any person or entity that employs workers to perform labor for another person or on behalf of an employer, to provide commercial janitorial services.

Summary of Substitute Bill:

The definition of "isolated employee" is modified to mean any janitor, security guard, hotel or motel housekeeper, or room service attendant who performs work in an area where two or more coworkers, supervisors, or a combination thereof are unable to immediately respond to a call of distress or emergency, or who spends at least 50 percent of her or his working hours without a supervisor or another coworker present.

Training. An employer must document completion of the mandatory training, and provide the documentation to L&I upon request.

Panic Buttons. The mandatory training must inform isolated employees on how to use panic buttons, and inform managers and supervisors on the responsibility to respond to the use of panic buttons. An employer must maintain records of the purchase and utilization of panic buttons, and make those records available to L&I upon request. A panic button must:

- be designed to be carried by the isolated employee;
- be simple to activate without delays caused by entering passwords or waiting for the system to turn on;
- provide an effective signal for the circumstances when activated;
- be able to summon immediate assistance and allow responders to accurately identify the isolated employee's location;
- function reliably in all locations on all shifts and, when activated, not obscure or interfere with the activation of other panic buttons; and
- be designed to minimize inadvertent activation and be resistant to disabling by an attacker.

Reporting. Property services contractors must submit required information to L&I at least annually.

Enforcement by the Department of Labor and Industries. L&I is directed to enforce the isolated employee provisions. L&I must investigate if a complaint is filed or if L&I has reason to believe that an employer has committed a violation. Except when a violation is otherwise resolved, L&I must either issue a citation assessing a civil penalty or a closure letter. If a violation has occurred, L&I may order the employer to pay a civil penalty of \$1,000 for each willful violation. For a repeat willful violator, the citation assessing a civil penalty must be at least \$2,000 for each repeat willful violation, but no greater than \$10,000 for each repeat willful violation. L&I may waive or reduce a civil penalty if it determines that the employer has taken corrective action to resolve the violation.

Unfair Practice. It is an unfair practice under the WLAD for an employer to fail to provide a panic button to an isolated employee in accordance with the requirements in the bill, effectively allowing for enforcement through the HRC and/or through a private civil action.

Substitute Bill Compared to Original Bill:

The substitute bill adds requirements pertaining to panic buttons, including:

- requiring the mandatory training to inform isolated employees on how to use panic buttons, and inform managers and supervisors on the responsibility to respond to the use of panic buttons;
- requiring an employer to maintain a record of the purchase and utilization of panic buttons, and provide the record to L&I upon request; and
- specifying that panic buttons must meet certain criteria specified in the substitute bill.

The substitute bill requires employers to document completion of mandatory training, and

provide the documentation to L&I upon request. The substitute bill removes language requiring mandatory training to be provided annually. The substitute bill requires property services contractors to submit reports to L&I on an annual basis (rather than a quarterly basis as provided in the underlying bill).

The substitute bill modifies the enforcement provisions by:

- removing language regarding sending a notice of compliance in some instances; instead, requiring L&I to send a citation or closure letter according to certain requirements;
- removing language providing that investigations must be completed within 90 days, subject to extensions;
- providing that the penalty is \$1,000 for each willful violation (rather than a maximum of \$1,000 for each violation), and \$2,000 to \$10,000 for each repeat willful violation (rather than \$2,500 for the fourth or subsequent violation);
- requiring penalties to be deposited into the supplemental pension fund (rather than the State General Fund);
- adding language providing that an employer who fails to comply with an investigation of records within a reasonable time period may not use such records in any appeal to challenge the correctness of any determination by L&I; and
- directing L&I to adopt rules for purposes of implementing and enforcing the provisions governing isolated workers, including but not limited to, rules concerning the collection of penalties and appeals processes.

The substitute bill adds a provision specifying that it is an unfair practice under the WLAD for an employer to fail to provide a panic button to an isolated employee in accordance with the requirements in the bill, effectively allowing for enforcement through the HRC and/or through a civil action filed in state court.

The effective date of the bill is delayed to January 1, 2026.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The Legislature previously passed legislation requiring employers to take preventative measures for isolated workers. While L&I administers the reporting requirements, it lacks the authority to enforce any element of the current law. Current estimates suggest that as few as 17 percent of covered employers are in compliance. The state should adopt clear standards and should enforce those standards. The law is

meaningless without remedies for violations. Isolated workers are especially vulnerable to sexual violence in the workplace, and it is important for them to have support and tools from L&I to enforce their rights. The bill aims to reduce the risk of workplace injuries and assaults by incentivizing compliance through L&I enforcement and clarifying the scope of the requirements. The clarifying changes to the definition of isolated employee are helpful for employers, as the new definition is clearly measurable and understandable. The bill should make sure that the panic button requirements allow a cell phone to be used for this purpose. The bill should be refined further to allow for more remedies for workers.

(Opposed) None.

Persons Testifying: Representative Edwin Obras, prime sponsor; Ngoc Bich Nguyen SEIU6; Ellicott Dandy, Washington Employment Lawyers Association; Matt Haney, SEIU6 Property Services NW; and Rose Gundersen, WA Retail Association.

Persons Signed In To Testify But Not Testifying: None.