

FINAL BILL REPORT

SB 5614

C 93 L 99

Synopsis as Enacted

Brief Description: Concerning the issuance of citations under the Washington industrial safety and health act.

Sponsors: Senators Hochstatter, Oke, T. Sheldon and Heavey.

Senate Committee on Labor & Workforce Development

House Committee on Commerce & Labor

Background: Washington State employers can be cited by the Department of Labor and Industries (L&I) for violations of the Industrial Safety and Health Act. Some unsafe acts by employees may be due to unpreventable employee misconduct. Concerns exist that it would be inappropriate to penalize employers who have demonstrable safety programs, in cases of employee misconduct. Federal courts and the Occupational Safety and Health Administration (OSHA) have allowed employers to raise unpreventable employee misconduct— as a defense to a citation.

Summary: No citation may be issued by L&I to employers in the event of unpreventable employee misconduct, if the employer can demonstrate the federal OSHA criteria for use of the defense including: the existence of a safety program, with rules and training; employer communication of the rules; discovery and correction of safety violations; and effective enforcement of its safety program.

Votes on Final Passage:

Senate	45	0
House	95	0

Effective: July 25, 1999