
Judiciary Committee

HB 1591

Title: An act relating to protections against workplace harassment in antiharassment protection orders.

Brief Description: Expanding protections against workplace harassment in antiharassment protection orders.

Sponsors: Representatives Warnick, Goodman, Kelley, Kenney, Lias and Ormsby.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Allows employers to petition the court for civil anti-harassment protection orders to restrain a person from engaging in unlawful harassment affecting the workplace.

Hearing Date: 2/7/11

Staff: Kelly Pfundheller (786-7289).

Background:

A person who is the victim of unlawful harassment "(the petitioner)" may petition the court for a civil anti-harassment protection order against the alleged harasser "(the respondent)". Current law allows a parent or guardian of a child under the age of 18 to petition the court for a protection order on the child's behalf.

Unlawful harassment means a willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person and that has no legitimate purpose. The course of conduct must be of a type that would cause a reasonable person to suffer substantial emotional distress and must actually cause the petitioner to suffer substantial emotional distress.

A court may grant an ex parte temporary anti-harassment protection order and, after a full hearing, a longer-term anti-harassment protection order. Both orders require the respondent to refrain from engaging in harassment and may include provisions prohibiting the respondent from

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contacting the petitioner or from going within a certain distance of the petitioner's home or workplace. A respondent who knows of and willfully disobeys an anti-harassment protection order is guilty of a gross misdemeanor.

Summary of Bill:

Employers and their authorized agents may petition the court for a civil anti-harassment protection order to restrain a person from engaging in unlawful harassment affecting the workplace. In issuing an order, the court may consider harassment directed at the employer, employees or other persons, and affecting the workplace, place of business, or persons performing official work duties.

Relief.

In addition to the current types of relief available under the law, the court may restrict the respondent from contacting the employer, employees, and other persons while performing official work duties. The court has the discretion to grant any other relief necessary for the protection of the employer, employees, and other persons while at the workplace or place of business or while performing official work duties.

Employers' Duties.

Prior to filing a petition, an employer must make a good faith effort to provide notice to the person who is the target of the unlawful harassment. An employer must obtain the consent of the person to file a petition if the unlawful harassment arises from acts of domestic violence, sexual assault, or stalking.

The ability of an employer to petition the court for a protective order does not expand, diminish, alter or modify an employer's duties to provide a safe workplace. Employers are prohibited from retaliating or discriminating against an employee for being a target of unlawful harassment or for not consenting to a petition.

Employers are immune from civil liability for seeking or failing to seek a protection order unless the employer seeks an order primarily to accomplish a purpose for which the petition was not designed.

Appropriation: None.

Fiscal Note: Requested on February 3, 2011.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.