
SENATE BILL 6072

State of Washington 62nd Legislature 2012 Regular Session

By Senators Kline, Kohl-Welles, Conway, Harper, Hobbs, and Keiser

Read first time 01/11/12. Referred to Committee on Judiciary.

1 AN ACT Relating to the protection of public policy; and adding new
2 sections to chapter 49.60 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
5 protect employees who are acting in furtherance of any public policy.
6 Common law in this area is inadequate to protect public policy and the
7 employees who act in furtherance of public policy. Section 2 of this
8 act creates a cause of action, separate from the common law tort of
9 wrongful discharge, protecting employees from materially adverse
10 actions in retaliation for conduct that promotes local, state, or
11 federal public policy. This act intends to encourage employees to act
12 to protect public policy by deterring employer retaliation.
13 Illustrative examples of activities that are protected include, but are
14 not limited to, reporting crimes or opposing unlawful actions or unsafe
15 conditions, professional misconduct, and exercising legal rights or
16 performing legal duties, such as voting, testifying, and attending jury
17 duty.

1 NEW SECTION. **Sec. 2.** (1) It is unlawful for an employer to take
2 materially adverse action against an employee or independent contractor
3 where retaliation is a substantial factor in the employer's decision to
4 take action. An adverse action is not material if it has only a
5 trivial effect.

6 (2) An employee or independent contractor who is retaliated against
7 has a civil cause of action in a court of competent jurisdiction to
8 enjoin further violations, and to recover actual damages sustained by
9 the employee or contractor, together with the cost of suit including
10 reasonable attorneys' fees and any other appropriate remedy authorized
11 by the Washington law against discrimination, RCW 49.60.030(2).

12 (3) A civil cause of action is available for a violation of this
13 section notwithstanding the existence of any other local, state, or
14 federal statutory or administrative means of protecting public policy,
15 and is independent of any civil cause of action or remedy that may
16 exist at common law.

17 (4) A three-year statute of limitations applies to violations of
18 this section.

19 (5) For the purposes of this section, "retaliate" means to commit
20 a materially adverse action against an employee or independent
21 contractor for conduct that the employee or independent contractor
22 reasonably believes promotes a clear mandate of any public policy.
23 Protected conduct includes, but is not limited to, the refusal to
24 commit an illegal act, performing a legal duty or obligation,
25 exercising a legal right or privilege, or reporting employer misconduct
26 or whistleblowing.

27 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act are each added
28 to chapter 49.60 RCW.

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