
SENATE BILL 5807

State of Washington

66th Legislature

2019 Regular Session

By Senator Takko

1 AN ACT Relating to prohibiting unlawful employment practices; and
2 amending RCW 49.60.180.

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

4 **Sec. 1.** RCW 49.60.180 and 2007 c 187 s 9 are each amended to
5 read as follows:

6 It is an unfair practice for any employer:

7 (1) To refuse to hire any person because of age, sex, marital
8 status, sexual orientation, race, creed, color, national origin,
9 honorably discharged veteran or military status, or the presence of
10 any sensory, mental, or physical disability or the use of a trained
11 dog guide or service animal by a person with a disability, unless
12 based upon a bona fide occupational qualification(~~(:—PROVIDED,~~
13 ~~That~~)). The prohibition against discrimination because of ((such))
14 disability shall not apply if the particular disability prevents the
15 proper performance of the particular worker involved(~~(:—PROVIDED,~~
16 ~~That~~)). This section shall not be construed to require an employer to
17 establish employment goals or quotas based on sexual orientation.

18 (2) To discharge or bar any person from employment because of
19 age, sex, marital status, sexual orientation, race, creed, color,
20 national origin, honorably discharged veteran or military status, or
21 the presence of any sensory, mental, or physical disability or the

1 use of a trained dog guide or service animal by a person with a
2 disability.

3 (3) To discriminate against any person in compensation or in
4 other terms or conditions of employment because of age, sex, marital
5 status, sexual orientation, race, creed, color, national origin,
6 honorably discharged veteran or military status, or the presence of
7 any sensory, mental, or physical disability or the use of a trained
8 dog guide or service animal by a person with a disability(~~(=~~
9 ~~PROVIDED, That~~)). It shall not be an unfair practice for an employer
10 to segregate washrooms or locker facilities on the basis of sex, or
11 to base other terms and conditions of employment on the sex of
12 employees where the commission by regulation or ruling in a
13 particular instance has found the employment practice to be
14 appropriate for the practical realization of equality of opportunity
15 between the sexes.

16 (4) To print, or circulate, or cause to be printed or circulated
17 any statement, advertisement, or publication, or to use any form of
18 application for employment, or to make any inquiry in connection with
19 prospective employment, which expresses any limitation,
20 specification, or discrimination as to age, sex, marital status,
21 sexual orientation, race, creed, color, national origin, honorably
22 discharged veteran or military status, or the presence of any
23 sensory, mental, or physical disability or the use of a trained dog
24 guide or service animal by a person with a disability, or any intent
25 to make any such limitation, specification, or discrimination, unless
26 based upon a bona fide occupational qualification(~~(=~~~~PROVIDED,~~)).
27 Nothing contained herein ((shall)) prohibits advertising in a foreign
28 language.

29 (5) (a) To require, as a condition of employment, that any
30 employee or prospective employee refrain from using a substance that
31 is lawful to use under the laws of this state during nonworking
32 hours, except when the restriction relates to:

33 (i) A bona fide occupational qualification; or

34 (ii) The performance of work while impaired.

35 (b) Subsection (5) (a) of this section does not apply if an
36 applicable collective bargaining agreement prohibits off-duty use of
37 the substance.

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