



Legislative

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The labor movement has benefited from a robust pro-worker agenda pursued by the Legislature during the 2019-2020 biennial cycle, in large part due to the growth of the Democratic majorities in both chambers.

No longer limited to a single-vote margin, important bills like HB 1817 (Sells, D-Everett) which established safety and apprenticeship training standards for high-hazard facilities, and SB 5483 (McCoy, D-Tulalip) which established an H2A Guest Worker oversight office at the Employment Security Department, were able to secure passage. These important, yet controversial, policies became law as a direct result of our robust political work during the 2018 election.

This dynamic is particularly evident when examining legislation that had been held during previous years. Regulating the use of Non-Competition Contracts (HB 1450, Stanford, D-Bothell and (SB 5478, Liias, D-Edmonds) had been languishing for several years until a path within the Senate Democratic Caucus finally opened up, though significant concessions were necessary to secure final passage. Creating a nexus between prevailing wages and the collectively bargained rate, a long fought-for priority of Building Trades unions, was secured through SB 5035 (Saldana, Will do.D – Seattle) in 2019 after a five-year struggle.

The power of these majorities were perhaps most evident, however, when it came to the expansion and improvement of collective bargaining rights for certain groups of state employees. Building on the successes of the 2018 post-Janus suite of bills, SB 5297 (Hunt, D-Olympia) recognized the right of Assistant Attorneys General to form a union and bargain for wages and working conditions. The following year, HB 2017 (Frame, D-Seattle) extended the same rights to Administrative Law Judges. Shortly after the passage of these bills, both groups formed unions and are now proud members of the Washington Federation of State Employees/AFSCME. Further, interest arbitration was granted to campus police and correctional officers, bringing them in-line with other, similar, groups of public safety workers (SB 5022, Keiser, D-Kent; SB 5021, and Van de Wege, D-Sequim, respectively). Interest arbitration is an important tool for workforces where withholding one's labor through a strike action is either illegal or threatens public health and safety. Now there is a clear, predictable, fair, and equitable process for reaching a conclusion.

A further win for workers in the public sector – another that had languished for several legislative sessions – was HB 1888 (Hudgins, D-Tukwila) which cinched up a loophole in our state's Public Records Act that allowed for anyone to request sensitive, personal information from public employees. Payroll information and birthdays had been available for anyone who wished to get them, for basically any reason, allowing scammers to determine where a person lives and to harass them. Despite significant pushback from newspapers and media outlets, thousands of active and motivated public workers were able to secure this private information.

In the workplace health and safety spaces, progress has been made to secure safe worksites and to ensure our workers' compensation system delivers on its promise to provide sure and certain relief to injured workers. 2019



saw the passage of HB 1490 (Ormsby, D-Spokane) to extend an occupational disease presumption for workers' comp claims to those who risk their lives at the Hanford Nuclear Reservation. This remarkable legislative effort led by UA 598 ensures that those who are exposed to mystery cocktails of chemicals and radiation will not spend their time fighting employers for time-loss and medical aid benefits. The regulation of self-insured employers' third party administrators was established in 2020 with passage of HB 2409 (Kilduff, D-University Place), and improving the use of invasive independent medical examinations was set up for future legislation with the passage of SB 6440 (Stanford, D-Bothell).

On the environmental side, the Washington State Labor Council supported legislation that updated the state's greenhouse gas limits to target 95% reduction and a net-zero economy by 2050. Within the legislation, we were successful in adding language prioritizing workers, including retaining existing jobs by supporting the current skilled and trained construction workforce. We also passed HB 2518, a policy introduced by Rep. Sharon Shewmake that will require gas utilities to track and report emissions from their gas system, and increase financial protections for them as they make investments to upgrade their pipelines to center safety and environmental performance. Utilities will need to begin reporting in 2021, and we will engage in regulatory settings to ensure they increase their investment and spending on repair and maintenance, supporting workers in that space. Another policy that didn't pass was a limited facility streamlining proposal from Rep. Wylie, HB 1332, which passed the House and just missed cut-off in the Senate.

In 2020, the Washington State Labor Council supported a suite of bills for racial equity that were signed into law. HB 1783 (Gregerson, D-SeaTac) established the Office of Equity, which would promote racial equity across state government. This bill, among many others requiring new spending, was partially vetoed to protect state funds as the coronavirus pandemic emerged. With restored funding, the Office of Equity can begin its critical work. HB 2441 (Entenman, D-Kent) improves access to Temporary Access for Needy Families (TANF) benefits by proactively reaching out to families with expired benefits and helping eligible families reapply. HB 2567 (Thai, D-Bellevue) ensures open access to courts by protecting people from warrantless civil immigration arrests at local courts. HB 2602 (Morgan, D-Parkland) bans race-based hair discrimination for people wearing hairstyles such as locks, twists or braids. SB 5165 (Saldana, D-Seattle) maximizes state protections against discrimination based on citizenship or immigration status. These are important steps toward realizing an economy and society that works for us all, regardless of race or ethnicity.

In January 2020, Washington diagnosed the first novel coronavirus case in the United States and our state has been a leader in pandemic response since. WSLC, affiliated unions and partner organizations successfully advocated for improved worker rights during COVID-19, such as expanded eligibility for unemployment benefits, suspension of the unemployment waiting week and job search requirement, and a moratorium on evictions and some utilities shut-offs. As a result of such policies, Oxfam named Washington the state with the strongest safety net policies for workers in the aftermath of COVID-19.

Despite the policy successes of the previous two years, there of course remains much to do. The COVID-19 pandemic has highlighted and exacerbated systemic racism and gender inequities in our society, and has made widening income inequality and our eroding safety net clear for everyone to see. Although important laws have been established in Washington, enforcing these critical policies is an ongoing challenge. While the mask mandate is critical to preventing the spread of the coronavirus and allowing for a fuller reopening of our economy, this requirement has been extremely difficult to enforce despite efforts of Labor and Industries DOSH staff. In 2021 we will be pursuing the Worker Protection Act to allow for additional enforcement of workers' rights law by private action. Additionally, we acknowledge that every policy and every budget decision can either reinforce systemic racism or be anti-racist. The Washington State Labor Council is committed to bringing an anti-racist policy framework to our legislative agenda.

Our unemployment insurance system has also been strained to the point of breaking, and will require significant adjustments to ensure that people can functionally access the benefit they need. This includes investments in language access resources, improved technology and communication infrastructure, better fraud detection that does not hinder legitimate claims, improved benefits, and ensuring that the employers of covered workers actually pay their premiums without lengthy whack-a-mole litigation.

The 2020 session also served as a foundation for future efforts to adopt a robust transportation infrastructure package, as legislators began developing and sharing potential revenue sources and project lists. Because of the

passage of I-976 and the culvert obligation, legislators have identified a transportation revenue and investment package as a key priority for 2021. This reality has only become more urgent with the impact of COVID-19, as now all parts of the transportation budget are in shortfall and the need to invest in stimulus is needed more than ever. Legislators have identified a consensus position that carbon pricing, either as a carbon tax or cap and trade, will need to form a centerpiece of the revenue side of the equation, in combination with a gas tax and potentially other revenue sources. The time to pass a transportation package has arrived, and in order to facilitate success in 2021, labor will need to engage deeply on carbon and climate policy. Coupled with this, the Labor Movement will need to lean into streamlining permitting for a wider range of projects in 2021 to stimulate construction investment and new clean manufacturing facilities in Washington.

Finally, and once again, it is clear that our tax and revenue system has utterly failed to secure the finances of our state in the face of this pandemic. The over reliance on sales taxes has created a massive projected budget shortfall of over four billion dollars over the next three years. While we knew that our tax system unfairly burdened working families while largely giving the rich and powerful a pass, now it is also failing even to finance the state's basic needs. Significant revenue reform is necessary to keep the economic heart of Washington beating so that we can grow our economy as our state recovers from the pandemic.