

September 9, 2021
NW21-012

To: Northwest Council
From: NW Legislative & Public Affairs Committee
Subject: **PRESUBMITTED NEW BUSINESS: Support for Washington's Worker Protection Act**

Background

Washington has built a statewide network of strong health & safety, minimum wage and anti-discrimination laws that protect all workers. But laws only work when they're enforced. Right now, enforcement is uneven and irregular, and it's hard for workers to get justice. SPEEA'S NW L&PA Committee recommends calling on the Washington State Legislature to enact the Worker Protection Act, which creates a pathway for working people to blow the whistle when current laws are violated, while generating resources for stronger state enforcement.

The Worker Protection Act was debated in the Legislature during the 2021 session as House Bill 1076. It passed the House on a vote of 53 to 44, but did not make it to a floor vote in the Senate. It is expected that the Worker Protection Act will be reintroduced in the next legislative session.

By creating a pathway for workers to blow the whistle when laws are violated, the Worker Protection Act (WPA):

EMPOWERS PEOPLE

- Workers may enforce existing workplace and discrimination protections on behalf of the state.
- Empowers workers at all levels of employment – workers do not need to perform a sophisticated analysis to know if their work place is unsafe, or their wages have been stolen.
- Enables workers to fix systematic workplace issues by bringing claims that impact all of their coworkers.
- Protects workers and whistleblowers from retaliation.

USES A SUCCESSFUL PROCESS

- This type of action, also known as *qui tam*, is successfully used elsewhere in government to enforce the law and prevent fraud.
- WA Medicaid Fraud False Claims Act is used by the Attorney General to root out fraud and abuse in Medicaid. \$6.1 million was recovered from 2012 to 2016.
- Federal False Claims Act protects whistleblowers in federal contracting. \$3.7 billion was recovered in 2017, including \$125 million at the Hanford site.

PROVIDES COST-EFFECTIVE ENFORCEMENT

- Enforcing our laws helps make our state safer and the WPA generates revenue to help with future enforcement.
- As part of our worker protection laws, our state has authorized penalties to deter corporations from breaking the law; however, today's low level of enforcement means the state rarely collects these penalties.
- Under the WPA, if an agency does not investigate, 60% of the penalty goes to the state to help with future enforcement; 40% to the workers. If an agency does step in and take on the case, the state receives 80% of the penalty, while 20% goes to workers.

MOTION

It is moved that: The Northwest Council supports passage by the Washington State Legislature of the Worker Protection Act or other legislation that creates a pathway for workers to enforce existing workplace and discrimination protections on behalf of the state.

PRO: Empowers workers to help strengthen enforcement of laws against safety violations, wage theft, and retaliation.

CON: Passage requires overcoming the strong influence of the business community on many state legislators.

Prior to Council action (voting) to determine a legislative or public affairs position, the Northwest Council's Legislative & Public Affairs Committee shall investigate and produce both pro and con statements and a majority committee recommendation.

Passage or adoption of any legislative or public issue proposal shall be by published ballot and require a majority votes cast by all Council Members present.