

# WORKER PROTECTION ACT



## HB 1076 makes Washington state's labor laws work for all of us.

Washington has built a statewide network of strong health and safety, minimum wage and anti-discrimination laws that protect the essential workers who keep our businesses running and our economy strong. But laws only work when they're enforced. Right now, enforcement is uneven and irregular, and it's hard for workers to get justice. We're 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 also generating resources for the state.

### Why we need the Worker Protection Act

When a Yakima hospital forced hospice nurses to work unpaid overtime, skip their meal/rest breaks, and fake their timecards, the nurses took their employer to court. Their case was thrown out because the courts said the Washington State Nurses Association, their union, didn't have standing to bring the case.

People of different races and from different places across Washington are just looking for a fair return on our work, but that's out of reach when wage theft, discrimination and safety hazards stand in our way. The reality is that Black, brown and Indigenous workers are more likely to have lower-wage jobs, those jobs are more likely to be more dangerous or abusive, and existing systems aren't doing enough to keep us from being targets of abuse. It's time for a change.

The Worker Protection Act would help workers like those Yakima nurses stand up for their rights. It would also help level the playing field for companies that do the right thing by holding businesses accountable when they break the law. Good businesses that follow the law and treat their workers right face unfair competition from businesses that are willing to break the law and treat workers badly.

**"As a home hospice nurse in Yakima, my colleagues and I would often stay beyond normal work hours to be with a dying patient. My boss consistently refused my overtime requests, saying I could email my resignation if I had a problem with that.**



**By staying and doing the right thing for our patients, we were essentially working without pay. Our union, WSNA, fought for us by filing a lawsuit against our employer, and we won nearly \$2.9 million in unpaid wages. But the Washington State Supreme Court threw out the ruling on appeal, saying WSNA didn't have standing to bring this case. I urge the legislature to change the law to protect workers so justice can prevail in cases like mine."**

— JoAnn Stillwaugh, RN

### How it will work

The Worker Protection Act gives workers a private right of action when they believe their rights have been violated. Workers will be able to take their employers to court, and if an employer is found to be in violation of existing labor regulations, any penalties paid will be divided between the affected workers and the state.

- First, a worker files a notice with the state agency describing the violation.

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- The agency can investigate the claim and take steps to resolve the case before anything is filed in court.
- If the agency opts not to investigate, or does not respond, the worker can go to court to collect penalties on behalf of the state and all affected workers. People who fear retaliation can authorize a union or nonprofit organization to represent them.
- If a judge finds that the company broke the law, any penalties imposed by the court would be divided between the affected worker(s) and the state.

This proposal gives people a way to enforce laws that businesses are already supposed to be following to ensure workers are safe and paid fairly for the work they're doing. We also know it will work—the Worker Protection Act uses a proven process that has been used to help stop fraud in Medicaid and federal contracting, saving taxpayers money by making it easier to catch people who were trying to cheat the system.

## What the Worker Protection Act Does

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

### EMPOWERS PEOPLE

- Workers may enforce existing workplace and discrimination protections on behalf of the state.
- Empowers workers at all level 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 SUCCESSFUL PROCESS

- This type of action, also known as *qui tam*, is successfully used elsewhere in government to enforce the law and prevent fraud.
- Washington Medicaid Fraud False Claims Act is used by the Attorney General to root out fraud and abuse in Medicaid.
- Federal False Claims Act protects whistleblowers in federal contracting.

### PROVIDE COST-EFFECTIVE ENFORCEMENT

- Enforcing our laws helps make our state safer and the Worker Protection Act generates revenue for the state.
- As part of our protection laws, our state has authorized penalties to deter corporations from breaking the law – today, low 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; 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.
- From 2012 to 2016, the Washington Medicaid Fraud False Claims Act recovered \$6.1 million, amounting to a 3-to-1 return on enforcement investment.
- In 2017, the Federal False Claims Act was used to recover \$3.7 billion, including \$125 million at the Hanford site.

## What the Worker Protection Act Doesn't Do

- It does NOT create any new labor rights.
- It does NOT expand authority for state agencies.
- It does NOT create any new mandates for employers.



In addition to Worker Protection Act, the Washington State Labor Council, AFL-CIO is supporting a range of issues that address economic opportunity and justice. Learn more at [www.wslc.org](http://www.wslc.org) or [www.TheStand.org](http://www.TheStand.org).

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