



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: January 04, 2022

TIME: 8:20 AM

WSR 22-02-055

Agency: Department of Labor & Industries

Subject of possible rule making: Safety and Health Discrimination Protections (ESHB 1097): Chapter 296-360 WAC, Discrimination

Statutes authorizing the agency to adopt rules on this subject: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Reasons why rules on this subject may be needed and what they might accomplish: The Department of Labor & Industries is initiating this rulemaking in response to Engrossed Substitute House Bill 1097, an act relating to increasing worker protections. The rulemaking will change the requirement to file a complaint of a discriminatory act from 30 to 90 days, expands the definition of discrimination, and establishes the Division of Occupational Safety and Health's (DOSH) ability to penalize an employer for discriminating against one of their employees. This rulemaking will also address changes in how complaints will be resolved with final orders. Under ESHB 1097, L&I now has the authority to issue administrative orders related to discrimination differing from the current process which has proceedings go to superior court if a matter is not settled.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: N/A


Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

	(If necessary)
Name: Josefina Magana	Name:
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Other:	Other:

Additional comments:

Date: January 4, 2022	Signature: 
Name: Joel Sacks	
Title: Director	