

**WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES**  
**INTERAGENCY AGREEMENT**

Between the

**DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (DOSH),**  
**DISCRIMINATION PROGRAM**

And the

**FRAUD PREVENTION AND LABOR STANDARDS (FPLS),**  
**INDUSTRIAL INSURANCE DISCRIMINATION AND CLAIM SUPPRESSION**  
**INVESTIGATION UNIT**

The Division of Occupational Safety and Health (DOSH), Discrimination Program, and the Fraud Prevention and Labor Standards (FPLS), Industrial Insurance Discrimination and Claim Suppression Unit (IID/CSI) enter into this Agreement.

**RECITALS**

1. DOSH has authority to investigate all claims of discrimination under RCW 49.17.160 of the Washington Industrial Safety and Health Act of 1973 (WISHA).
2. FPLS, under RCW 51.48.025, has jurisdiction to investigate alleged industrial insurance discrimination and claim suppression.
3. It is appropriate for these two programs to enter into an agreement outlining their respective roles and responsibilities, and to identify a process for coordinating enforcement activity and referrals.

**PURPOSE**

The purpose of this agreement between the DOSH Discrimination Program and the FPLS, IID/CSI Unit is to outline interagency procedures for handling alleged industrial insurance discrimination, claim suppression and WISHA discrimination. It does not create any private rights or obligations enforceable by a third party, and may not be enforced by a third party.

## **DUTIES OF THE PARTIES**

### 1. Standards and Regulations:

- a. The DOSH Discrimination Program shall receive and follow established policy and procedures to investigate any and all complaints concerning discrimination under RCW 49.17.160.
- b. The IID/CSI Unit shall receive and follow established policy and procedures to investigate any and all complaints concerning Industrial Insurance discrimination and claim suppression under RCW 51.48.025.

### 2. Jurisdiction:

In general.

- (1) DOSH will be responsible for: Any employee (or authorized representative of the employee) who believes that he or she has been discharged or otherwise discriminated against because of exercising any right afforded by WISHA may, within thirty (30) days after the alleged act of discrimination occurs, file a complaint with the Department of Labor and Industries.
- (2) IID/CSI will be responsible for: Any employee who believes that he or she has been discriminated against for filing or communicating the intent to file a claim for workers' compensation (51.48.025), or, where an employer induced employees to fail to report injuries, treat injuries (claim suppression). Complaints must be received within ninety (90) days of the alleged violation.
- (3) Joint Investigations. Personnel from DOSH and the IID/CSI Unit may conduct joint investigations.

### 3. Complaints, Referrals and Reports:

Complaints and referrals shall be handled in the following manner:

- a. When either of the Programs involved with this agreement receives an employee complaint involving elements of discrimination not under their jurisdiction, a copy of the complaint shall be provided to the other Program by making a written referral.
- b. In cases where the complaint falls into an area where jurisdiction is not clear, the matter shall be decided by consultation among the involved programs.

- c. Investigators from DOSH and IID/CSI will write and submit their investigation reports in respect to their Program's processes and procedures.

It is believed that this agreement shall provide better service to employees, employers, and the general public.

**DURATION**

This agreement shall remain in effect until terminated upon written notice by either party.



DOSH  
Department of Labor & Industries

Date 9/21/18



IID/CSI  
Department of Labor & Industries

Date 10/1/18