

**FORMATTING NOTE:**

In initiatives, legislative bills and other proposed measures, language that is to be deleted from current statutes is represented by a "strikethrough" character and language that is to be added is underlined. Because these special characters cannot be formatted in all Internet browsers, a different set of symbols is used for presenting these proposals on-line. The symbols are as follows:

- Text that is surrounded by (({- text here -})) is text that will be DELETED FROM the existing statute if the proposed measure is approved.
- Text that is surrounded by {+ text here +} is text that will be ADDED TO the existing statute if the proposed measure is approved.
- {+ NEW SECTION+} (found at the beginning of a section or paragraph) indicates that ALL of the text in that section will become law if the proposed measure is approved.

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**INITIATIVE 677**

AN ACT Relating to prohibiting unfair employment practices on the basis of sexual orientation; not requiring partner benefits or preferential treatment and exempting religious organizations and small business; adding new sections to chapter 49.60 RCW; and creating new sections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

{+ NEW SECTION. +} Sec. 1. SHORT TITLE. This Act may be known and cited as the Employment NonDiscrimination Act of Washington.

{+ NEW SECTION. +} Sec. 2. FINDINGS. The People of the State of Washington find that:

(1) Under Washington state and federal statutes, people are not currently protected from employment discrimination based on sexual orientation; and

(2) Because a person's sexual orientation bears no relationship to one's qualifications or ability to perform one's job, employers, employment agencies, or labor organizations should not base employment opportunities, employment decisions or union membership or membership privileges on a person's sexual orientation.

{+ NEW SECTION. +} Sec. 3. UNFAIR PRACTICES PROHIBITED. (1) It is a prohibited unfair practice for an employer, employment agency or labor organization, in connection with employment opportunities, employment decisions, membership, or membership privileges, to discriminate against a person on the basis of sexual orientation.

(2) It is a prohibited unfair practice for an employer, employment agency, labor organization, or person to interfere with any person in the exercise of any right protected by this act or to discharge, expel, or otherwise retaliate or discriminate against a person because he or she opposed any practice prohibited by this act or assisted in an action brought under it.

{+ NEW SECTION. +} Sec. 4. PARTNER BENEFITS OR PREFERENTIAL TREATMENT NOT REQUIRED--REGULATION OF WORKPLACE CONDUCT NOT PROHIBITED.

(1) Nothing in this act requires an employer, employment agency or labor organization to provide benefits to an employee's partner.

(2) Nothing in this act requires an employer, employment agency, or labor organization to give preferential treatment to any person on the basis of his or her sexual orientation.

(3) Nothing in this act prohibits an employer from regulating the workplace conduct of employees covered by this act in the same manner it regulates the conduct of all employees.

{+ NEW SECTION. +} Sec. 5. NON-PROFIT RELIGIOUS ORGANIZATIONS AND SMALL BUSINESS EXEMPT. (1) This act does not apply to religious or sectarian organizations not organized for private profit.

(2) This act does not apply to employers who employ less than eight employees.

{+ NEW SECTION. +} Sec. 6. REMEDIES--ENFORCEMENT STANDARDS. (1) Any person deeming himself or herself injured by any act or omission in violation of this act shall have a civil action in a court of competent jurisdiction to enjoin further violations and to recover the compensatory damages, including emotional distress, if any, sustained by such person, together with the costs of suit, including reasonable attorney's fees and costs and expert fees and costs.

(2) This act is supplemental to and does not invalidate or limit the rights, remedies, or procedures available to an individual claiming unfair practices or discrimination. Superior courts of the state of Washington shall have the same jurisdiction and powers to enforce this act as such courts have to enforce this chapter. For the purposes of determining whether an unfair practice under this act has occurred, claims of employment discrimination based on sexual orientation shall be evaluated in the same manner as other claims of employment discrimination under Chpt. 49.60.030(1)(a), 49.60.180, 49.60.190, and 49.60.210 RCW.

(3) The state of Washington and other political or municipal subdivision are not immune from an action in a court of competent jurisdiction for a violation of this act, and such entities shall be subject to the same standards and relief as any other entity.

{+ NEW SECTION. +} Sec. 7. DEFINITIONS. As used in this act:

(1) The terms "employer," "employment agency," "labor organization," "employee," and "person" are defined in RCW 49.60.040.

(2) The term "sexual orientation" means heterosexual, lesbian, gay, or bisexual orientation, real or perceived, or having a self-image or orientation not traditionally associated with one's biological gender, real or perceived.

{+ NEW SECTION. +} Sec. 8. SEVERABILITY--CONSTRUCTION CLAUSE.

(1) If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

(2) The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act.

{+ NEW SECTION. +} Sec. 9. Sections 1 through 8 of this act are each added to chapter 49.60 RCW.

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