

SB 6122 would reduce job opportunities for independent workers, slow economic growth and increase costs for products and services

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Key Findings

- 1. The state Legislature is considering several bills that would impose additional regulations on small businesses.**
- 2. Additional training material and language requirements in Senate Bill 6122 for temporary workers and employees would decrease safety, reduce wages and increase costs for small businesses.**
- 3. Senate Bill 6122 would create a disincentive for employers to hire a diverse workforce as it requires translation of training material for every language hired.**

workforce. The ability to have a flexible schedule and work for several employers on a part-time basis, is sometimes the desired option for independent and temporary workers.

Not everyone wants to work full time. The ability to work part-time and pursue other personal and family goals in life is an important value for hundreds of thousands of workers across the state.

The Washington Legislature is considering several bills that would impose new restrictions on temporary workers that would severely limit their employment choices. The proposed limits would increase employer costs, create artificial legislative barriers to hiring and reduce worker wages.

Introduction

Small businesses are the backbone of the American economy. In Washington state, small business owners employ 51% of the state's total workforce – or 1.3 million people.

In eight Washington counties (Grant, Pend Oreille, Lincoln, Okanogan, Garfield, Klickitat, Pacific, Wahkiakum), small businesses provide jobs for 80% to 100% of the workforce.

Typically, a small business is defined as a firm with fewer than 500 employees. In the state's largest city, Seattle, 94% of businesses have fewer than 50 employees, which is Washington state's official definition of a small business.

Throughout the state, even businesses with fewer than 20 employees number in the hundreds of thousands.

Many of these businesses employ part-time, occasional or specialist workers on a temporary basis to supplement their full-time

Bill summary

Senate Bill 6122, would require client site visits by the employer and industry-specific job training to be provided in the foreign language chosen by the temporary worker or employee.¹

The bill also requires the Department of Labor and Industries to review three years of industrial injury claims related to the employers' temporary workers and employees and report to the Legislature with a recommendation for a financial assessment charge for worksite employers.

Bill analysis

The Equal Employment Opportunity Commission (EEOC) rules clearly state that an employer cannot discriminate against a temporary worker or employee based on

¹ SB 6122, "Protecting temporary workers," Washington state legislature, introduced December 31, 2019, at <https://app.leg.wa.gov/bills/summary?BillNumber=6122&Initiative=false&Year=2019>

language.² There are, however, exceptions to this rule for health and safety procedures, communications with customers and cooperative work assignments to improve efficiency. Employers know that workplaces are less safe when workers do not speak or understand a common language and cannot readily understand one another.

Senate Bill 6122 would create an impossible situation by forcing an employer to provide company safety training material in several foreign languages based on the language preference of the temporary worker or employee. Some languages have multiple sub-dialects which would also require additional translations of the source training material.

Supplying health and safety training material in a common language, English, is not considered discriminatory and the EEOC has explicitly exempted health and safety communication to avoid confusion between temporary workers and employees in the work environment. This is especially true in the event of an emergency when one communication language is critical to preventing confusion and to protecting worker health and safety.

Senate Bill 6122 would impose a mandate on employers that would increase the risk of miscommunication and increase costs. It would create an incentive for employers to not hire non-native speakers of English in order to avoid the hazards and confusion of providing translations of training material in several foreign languages.

This problem is particularly acute for temporary workers as they may only work one time for the employer. The additional cost of translation of the training material can be more than the work assignment revenue. The bill would create a strong reason for employers to avoid the problem altogether by focusing on English-only workers, cutting others off from job opportunities.

Policy recommendation

Washington state has a broad small business sector that relies on a diverse and flexible workforce. Lawmakers should not create new barriers to employment by placing additional language translation costs and risks on employers for hiring temporary workers and employees.

Conclusion

The Equal Employment Opportunity Commission rules provide for employers to supply safety training materials in a single, common language. This federal policy recognizes the realities of the workplace; everyone is safer when instruction, safety training and work assignments are provided in an environment in which all team members can understand one another.

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Nothing here should be construed as an attempt to aid or hinder the passage of any legislation before any legislative body.

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² “Immigrants’ employment rights under federal anti-discrimination laws,” U.S. Equal Employment Opportunity Commission, accessed February 5, 2020, at <https://www.eeoc.gov/eeoc/publications/immigrants-facts.cfm>