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CASE #: 26-2-15800-2 SEA

STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT

STATE OF WASHINGTON,	NO.
Plaintiff,	
v.	COMPLAINT
PROVIDENCE HEALTH & SERVICES,	
Defendant.	

I. INTRODUCTION

1.1 Plaintiff, the State of Washington, by and through its attorneys Nicholas W. Brown, Attorney General, and Cassandra Baker and Benjamin Seel, Assistant Attorneys General, brings this action against Providence Health & Services (Providence) to enforce Washington’s Healthy Starts Act (HSA), RCW 43.10.005; and the Washington Law Against Discrimination (WLAD), RCW 49.60.030 and RCW 49.60.180.

1.2 This case seeks to remedy Providence’s many failures or refusals to accommodate its employees who request reasonable pregnancy accommodations in the workplace and to prevent future such failures or refusals. Instead of accommodating its employees who request reasonable pregnancy accommodations, as required by state law, Providence regularly rejected their accommodation requests outright or, when an accommodation request was “granted” on paper, failed or refused to implement the accommodation in fact, resulting in a de facto denial

1 of the accommodation. Providence frequently required employees who requested pregnancy
2 accommodations to continue to perform their job duties without accommodation or forced them
3 to take leave early in their pregnancy. Some employees experienced retaliation after requesting
4 a pregnancy accommodation and were treated with hostility by supervisors for making their
5 accommodation request. Some employees were terminated or constructively discharged after
6 seeking pregnancy accommodations. Providence's employees have suffered mentally,
7 physically, and financially as a result of this treatment.

8 1.3 The State brings this action to obtain a declaration that Providence's actions
9 violate Washington law, secure injunctive relief requiring Providence to stop unlawful practices
10 and take proactive steps to come into compliance with state law, and provide monetary and
11 equitable relief to Washingtonians who were harmed by Providence's conduct. The State also
12 seeks its reasonable fees and costs and any other appropriate relief authorized by law.

13 **II. JURISDICTION**

14 2.1 This Court has jurisdiction over this matter pursuant to RCW 2.08.010,
15 RCW 43.10.005(6), and RCW 49.60.030(2).

16 2.2 Pursuant to RCW 4.12.020(3), and RCW 4.12.025(1) and (3), venue properly lies
17 in King County, Washington, as Providence is headquartered in King County and operates
18 medical facilities in King County. Pursuant to LCR 82(e)(4)(A)(iv), case assignment in the
19 Seattle Case Assignment Area is proper because violations of the HSA occurred at Providence
20 facilities in Seattle, Washington, including a facility located at 5350 Tallman Ave NW,
21 Seattle, WA 98107.

22 **III. THE PARTIES**

23 3.1 Plaintiff is the State of Washington.

24 3.2 The Attorney General is authorized to commence this action pursuant to
25 RCW 43.10.030(1), RCW 43.10.005(6), and RCW 49.60.030(2).
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1 4.4 Providence has implemented policies and procedures at each of the Providence
2 Affiliates for evaluating employees' requests for reasonable accommodations and leave.
3 Providence has the authority to evaluate and resolve the reasonable accommodation and leave
4 applications of employees at the Providence Affiliates. All references to "Providence" below
5 include the Providence Affiliates.

6 **B. Providence's Treatment of Employees Who Request Pregnancy Accommodations**

7 4.8 Providence frequently fails or refuses to accommodate its employees who request
8 pregnancy accommodations, in violation of their rights.

9 4.9 Since 2021, Providence has received over 300 requests for pregnancy
10 accommodations from its Washington employees.

11 4.10 Providence also received pregnancy accommodation requests from employees
12 prior to 2021.

13 4.11 Providence has a "Caregiver Relations" team to assist with accommodation
14 requests. Providence's training on accommodations and leave instructs managers to consult with
15 Caregiver Relations before informing an employee that Providence is unable to grant the
16 employee's accommodation request.

17 4.12 Providence requires employees to formally file their requests for
18 accommodations and leave with Sedgwick Claims Management Services (Sedgwick), a third-
19 party claims administrator.

20 4.13 Employees routinely wait several weeks or a month for Sedgwick to process their
21 accommodation requests, and many are forced to continue working without any interim
22 accommodations while the request is pending with Sedgwick.

23 4.14 Providence does not adequately train its employees on how to navigate
24 Sedgwick's claims process and fails to adequately assist employees who request pregnancy
25 accommodations with submitting accommodation and leave applications to Sedgwick.
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1 4.15 Providence regularly relies on the accommodation and leave determinations
2 made by Sedgwick without independently verifying that those determinations comply with
3 Washington law.

4 4.16 At other times, immediate supervisors deny employees' requests for reasonable
5 pregnancy accommodations without conferring with Providence's Caregiver Relations team or
6 affording the employee an opportunity to submit a claim to Sedgwick or receive a determination
7 from Sedgwick.

8 4.17 The training on reasonable accommodations that Providence provides to its
9 managers and supervisors in Washington does not contain any information on the HSA or its
10 requirements.

11 4.18 The training on employment discrimination that Providence provides to its
12 managers and supervisors in Washington does not contain any information on the HSA or the
13 WLAD.

14 4.19 Providence's reasonable accommodation policy used at its Washington facilities
15 does not comply with all substantive requirements of the HSA.

16 4.20 Providence routinely requests written certifications from employees' treating
17 health care professionals regarding the need for reasonable pregnancy accommodations for
18 which the HSA does not permit an employer to request such certifications, which has resulted in
19 delays and denials of accommodations.

20 4.21 Providence regularly denies pregnancy accommodation requests for which no
21 claim of undue hardship may be made, including but not limited to requests for the following
22 accommodations:

23 4.21.1 Modifying a no food or drink policy;

24 4.21.2 Providing seating or allowing the employee to sit more frequently if their
25 job requires them to stand; and

26 4.21.3 Providing limits on lifting over 17 pounds.

1 4.22 Providence regularly denies pregnancy accommodation requests without first
2 demonstrating that granting the request would cause undue hardship, including but not limited
3 to requests for the following accommodations:

4 4.22.1 Job restructuring, part-time or modified work schedules, reassignment to
5 a vacant position, or acquiring or modifying equipment, devices, or an
6 employee's work station;

7 4.22.2 Providing for a temporary transfer to a less strenuous or less hazardous
8 position;

9 4.22.3 Providing assistance with manual labor and limits on lifting;

10 4.22.4 Scheduling flexibility for prenatal visits; and

11 4.22.5 Providing reasonable break time and a private location to express breast
12 milk.

13 4.23 Even when Providence grants employees' accommodation requests on paper, it
14 often fails or refuses to implement them in practice, resulting in de facto denials of the
15 accommodation requests.

16 4.24 Many Providence employees who are denied pregnancy accommodations are
17 required to continue performing their full job duties, placing their health and the health of their
18 pregnancy at risk.

19 4.25 Providence has also required employees to go on leave during their pregnancy
20 when another reasonable accommodation could have been provided to allow the employee to
21 keep working while pregnant.

22 4.26 Since at least 2021, Providence has retaliated against female employees who
23 requested and/or used pregnancy-related accommodations.

24 4.27 Providence's retaliatory actions include but are not limited to the following:

25 4.27.1 Termination from employment, including nonrenewal of contracts;

26 4.27.2 Requiring employees to go on leave;

1 4.27.3 Assigning employees more difficult or more dangerous duties;

2 4.27.4 “Writing up” and/or verbally reprimanding employees;

3 4.27.5 Facilitating and/or condoning harassment directed at employees who
4 request pregnancy accommodations; and

5 4.27.6 Using physical force against employees who requested pregnancy
6 accommodations.

7 4.28 Providence also engages in unlawful sex discrimination by facially
8 discriminating based on pregnancy in the provision of benefits to its employees. Providence
9 provides a short-term disability benefit to its staff and providers at many of its facilities that
10 covers up to 26 weeks of paid leave. Providence’s short-term disability policy includes special
11 rules for maternity. These special rules provide: “Pregnancy claims will be approved for, and
12 limited to, two weeks pre-partum (including the seven calendar day waiting period) based on
13 estimated date of delivery and six (regular) or eight (Cesarean) weeks starting with the child’s
14 date of birth unless objective medical evidence extends the disability period beyond the duration
15 already approved.” Providence does not impose similar special rules on any other category of
16 individuals who seek short-term disability benefits. Under Providence’s policy, individuals
17 applying for short-term disability for any qualifying reason other than pregnancy do not face a
18 presumptive limitation on the approval period other than the 26-week limit of short-term
19 disability benefits that applies to all claims.

20 4.29 Providence’s discrimination and failure to grant reasonable pregnancy
21 accommodations caused employees to suffer mentally, physically, and financially. Such harms
22 include but are not limited to:

23 4.29.1 Lost wages and benefits;

24 4.29.2 Emotional distress including hurt, confusion, frustration, stress,
25 and embarrassment; and
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1 4.29.3 Unnecessary physical pain and injury, and continued exposure to
2 unsafe working conditions.

3 **V. CAUSES OF ACTION**

4 5.1 The State adopts the allegations listed above and incorporates them herein as if
5 set forth in full.

6 **FIRST CAUSE OF ACTION**

7 **(Violation of the Healthy Starts Act – Failure to Provide Statutorily Mandated Pregnancy
8 Accommodations)**

9 5.2 Under the HSA, it is an unfair practice for any employer to fail or refuse to make
10 reasonable workplace pregnancy accommodations unless the employer can demonstrate that
11 doing so would impose an undue hardship on the employer’s business. RCW 43.10.005(2)(a).
12 “Pregnancy,” under the HSA, includes the employee’s pregnancy and pregnancy-related health
13 conditions, including the need to express breast milk. RCW 43.10.005(1)(b). An employer may
14 not claim undue hardship for the workplace pregnancy accommodations specified at
15 RCW 43.10.005(1)(d), which are: providing more frequent, longer, or flexible restroom breaks;
16 modifying a no food or drink policy; providing seating or allowing the employee to sit more
17 frequently if their job requires them to stand; and limits on lifting over 17 pounds.

18 5.3 By the actions described above, Providence failed or refused to make reasonable
19 pregnancy accommodations for which no claim of undue hardship may be made.
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1 **SECOND CAUSE OF ACTION**

2 **(Violation of the Healthy Starts Act – Failure to Provide Workplace Pregnancy**
3 **Accommodations Without Showing Undue Hardship)**

4 5.4 Under the HSA, it is an unfair practice for any employer to fail or refuse to make
5 reasonable pregnancy accommodations unless the employer can demonstrate that doing so would
6 impose an undue hardship on the employer’s business. RCW 43.10.005(2)(a).

7 5.5 By the actions described above, Providence failed or refused to make reasonable
8 pregnancy accommodations for its employees without first demonstrating that doing so would
9 impose an undue hardship on its business, including the following accommodations:

10 5.5.1 Job restructuring, part-time or modified work schedules, reassignment to
11 a vacant position, or acquiring or modifying equipment, devices, or an
12 employee’s work station;

13 5.5.2 Providing for a temporary transfer to a less strenuous or less hazardous
14 position;

15 5.5.3 Providing assistance with manual labor and limits on lifting;

16 5.5.4 Scheduling flexibility for prenatal visits; and

17 5.5.5 Providing reasonable break time and a private location to express breast
18 milk.

19 **THIRD CAUSE OF ACTION**

20 **(Violation of the Healthy Starts Act – Requesting Employees to Provide Written**
21 **Certifications from Treating Health Care Professionals for Pregnancy Accommodations**
22 **for Which No Certification May Be Requested)**

23 5.6 Under the HSA, an employer may request that an employee provide written
24 certification from their treating health care professional regarding the need for reasonable
25 accommodation, except where the employee has requested one of the following
26 accommodations: more frequent, longer, or flexible restroom breaks; modification of a no food
or drink policy; seating or permission to sit more frequently if their job requires them to stand;

1 limits on lifting over 17 pounds; or reasonable break time and a private location for an employee
2 to express breast milk. *See* RCW 43.10.005(3).

3 5.7 By the actions described above, Providence requested that its employees provide
4 written certification from their treating health care professional for pregnancy accommodations
5 for which such certifications may not be requested.

6 **FOURTH CAUSE OF ACTION**

7 **(Violation of the Healthy Starts Act – Taking Adverse Action Against Employees Who** 8 **Requested or Used Workplace Pregnancy Accommodations)**

9 5.8 Under the HSA, it is an unfair practice for any employer to take adverse action
10 against an employee who requests, declines, or uses an accommodation under the statute that
11 affects the terms, conditions, or privileges of employment.

12 5.9 By the actions described above, Providence retaliated against employees who
13 requested or used workplace pregnancy accommodations.

14 **FIFTH CAUSE OF ACTION**

15 **(Violation of the Healthy Starts Act – Requiring Employees Who Requested a Pregnancy** 16 **Accommodation to Take Leave)**

17 5.10 Under the HSA, it is an unfair practice for any employer to require an employee
18 to take leave if another reasonable accommodation can be provided for the employee's
19 pregnancy. RCW 43.10.005(2)(d).

20 5.11 By the actions described above, Providence required employees who requested a
21 pregnancy accommodation to take leave when another reasonable accommodation could have
22 been provided to allow them to continue working.

23 **SIXTH CAUSE OF ACTION**

24 **(Violation of the WLAD – Sex Discrimination Against Female Employees)**

25 5.12 Under the WLAD, it is an unfair practice for an employer to discharge or bar any
26 person from employment, or to otherwise discriminate against any person in compensation or in

1 other terms and conditions of employment, because of sex. RCW 49.60.030(1)(a),
2 49.60.180(2)-(3); WAC 162-30-020.

3 5.13 By the actions described above, Providence unlawfully discriminated against
4 female employees because of their sex.

5 **VI. PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff, the State of Washington, prays that the Court:

7 6.1 Adjudge and decree under RCW 7.24.010 that Providence engaged in the conduct
8 complained of herein;

9 6.2 Adjudge and decree under RCW 7.24.010 that Providence's conduct caused
10 violations of the HSA, RCW 43.10.005(2)(a), (b), and (d), and (3);

11 6.3 Adjudge and decree under RCW 7.24.010 that Providence has committed one or
12 more violations of the WLAD, RCW 49.60.030(1)(a) and 49.60.180(2)-(3);

13 6.4 Issue a permanent injunction under RCW 7.40.010 enjoining and restraining
14 Providence and its representatives, successors, assigns, officers, agents, servants, employees,
15 affiliates, and all other persons acting or claiming to act for, on behalf of, or in active concert or
16 participation with Providence from engaging in the unlawful conduct complained of herein;

17 6.5 Award restitution, damages, or other appropriate monetary relief to each person
18 aggrieved by Providence's discriminatory conduct, in an amount to be proven at trial;

19 6.6 Award the State the costs of suit including reasonable attorneys' fees; and

20 6.7 Award any other appropriate remedy authorized by law.

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DATED this 13th day of May 2026.

Respectfully Submitted,

NICHOLAS W. BROWN
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