



Urban League
of Portland



MEASURE: HB 2669
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HB 2669: Civil Rights Protections for Interns and Volunteers

BACKGROUND

Although interns and volunteers are protected under state and federal wage and hour law, employment-related anti-discrimination laws and other workplace protections under ORS Chapter 659A and Title VII of the Civil Rights Act of 1964 do not specifically cover them in the workplace. Interns, especially because they are often younger and inexperienced, remain a vulnerable and easy target for predatory work environments.

The Equal Employment Opportunity Commission (EEOC) has issued Title VII guidelines that provide coverage to volunteers “if the volunteer work is required for regular employment or regularly leads to employment with the same entity,” but some interns and volunteers have been unable to bring sexual harassment or civil right complaints under Title VII because courts have not found them to technically be “employees,” to whom these protections are explicitly afforded.¹ Likewise, Oregon law *does not* offer specific protections for interns or volunteers; the state statutes speak entirely to protections for employees. Protections for interns and volunteers in the workplace need to be more explicit in state law to guarantee their civil rights.

PROBLEM: Student interns and volunteers are not technically “employees.” They are not afforded the protections under ORS 659A.030 and other workplace anti-discrimination protections in Oregon and should be given the same protections that an employee working next to them would have.

SOLUTION: By creating a new provision in civil rights law to apply these protections to individuals performing “work for educational purposes, whether or not receiving payment or any other form of compensation or benefit.” HB 2669 clarifies that existing civil rights and workplace protections also apply to interns and volunteers.

* HB 2669 does not extend the employment relationship to any other employment statute, only to the anti-discrimination statutes.

1. *O'Connor v. Davis*, 126 F.3d 112 (2d Cir. 1997), in which the court dismissed the student’s Title VII sexual harassment claim because, as an unpaid intern, she was not an “employee.”

Lowery v. Klemm, 845 N.E.2d 1124 (Mass. 2006), in which the appellate court had turned the tide by extending a state anti-harassment law to unpaid interns and volunteers but the Supreme Judicial Court of Massachusetts reversed the decision.

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