

### HB 2856 - Section 3

All civil rights violations with a private right of action are enforceable under ORS 659A.885, but not all remedies are equal. Certain violations are enforceable only under 659A.885(1), while others are enforceable under 659A.885(3). Both 659A.885(1) and 659A.885(3) allow a mistreated worker to get re-hired, back pay for up to two years, prevailing party costs and attorney fees; but only ORS 659A.885(3) allows an aggrieved worker to also get compensatory damages and punitive damages and allows for a trial by jury.

Section	Description of Violation	Covered by 659A.885 (1)	Covered by 659A.885 (3)
10.090	Discrimination against workers who report to jury duty	Y	
10.092	Insurance coverage for workers who serve as jurors	Y	
25.337	Discrimination against workers who are garnished for child medical support	Y	Y
25.424	Discrimination against workers who are garnished for child or spousal support	Y	Y
171.120	Discrimination against workers who serve in the legislature	Y	
408.230	Veterans' preference in public employment	Y	
408.237 (2)	Interviews for veterans in public sector employment	Y	
475B.233	Whistleblower protection for workers in the cannabis industry	Y	
476.574	Employment rights of volunteer fire fighters	Y	
652.355	Discrimination against workers who file Chapter 652 wage claims	Y	HB2865
653.060	Discrimination against workers who file Chapter 653.010 to .261 wage claims (minimum wage).	Y	HB2865
653.547	Domestic worker protections	Y	Y
653.549	Domestic worker rules	Y	Y
659A.030	Employment discrimination for race, religion, sex, sexual orientation, national origin, marital status or age	Y	Y
659A.040	Employment discrimination against worker filing a workers comp claim	Y	Y
659A.043	Injured worker right to reinstatement to old job	Y	Y
659A.046	Injured worker right to reinstatement to available and suitable work	Y	Y
659A.063	Injured worker right to continued health ins coverage	Y	
659A.069	Discrimination against state worker who files workers' comp claim	Y	Y
659A.082	Discrimination against workers who get called for National Guard duty	Y	Y

659A.088	Discrimination against workers who get called for National Guard duty	Y	
659A.103 to 659A.145	Discrimination against workers with disabilities	Y	Y
659A.145	Housing discrimination against people with disabilities	Y	Y
<b>659A.150</b> to <b>659A.186</b>	<b>Oregon Family Leave Act</b>	<b>Y</b>	<b>HB2865</b>
<b>659A.194</b>	<b>Failure to provide family leave is an unlawful employment practice.</b>	<b>Y</b>	<b>HB2865</b>
659A.199	Whistleblower retaliation, demotion, discharge, suspension	Y	Y
659A.203	Public or non-profit employer cannot prohibit against or retaliate for whistleblower informing legislature or appropriate public agency of wrongdoing	Y	Y
659A.218	Whistleblower confidentiality (public and non-profit employees)	Y	
659A.228	Election law whistleblowers	Y	Y
659A.230	Discrimination against worker who initiates a civil or criminal case	Y	Y
659A.233	Discrimination against worker who testifies in an unemployment compensation hearing	Y	
659A.236	Discrimination for testifying to the legislature	Y	
659A.250 to 659A.262	Employment discrimination related to employer-owned housing	Y	Y
<b>659A.277</b>	<b>Unlawful denial of leave to an employee</b>	<b>Y</b>	<b>HB2865</b>
659A.290	Discrimination against worker who is a victim of domestic violence	Y	Y
659A.300	Unlawful use of breathalyzer, polygraph, psychological, genetic. or brain wave test	Y	
659A.306	Prohibition of requirement that employee pay for medical exam to continue employment	Y	
659A.309	Discrimination against worker who is a relative of current or former employee	Y	
659A.315	Discrimination against workers who use tobacco outside of the workplace	Y	
659A.318	Discrimination relating to academic degrees in theology or religious occupations	Y	Y
659A.320	Discrimination against workers based on credit history	Y	
<b>659A.355</b>	<b>Discrimination based on wage inquiry or wage complaint</b>	<b>Y</b>	<b>HB2865</b>
659A.421	Housing discrimination	Y	Y