

OREGON TRIAL LAWYERS ASSOCIATION

319 SW Washington Street, #607

Portland, OR 97204

www.oregontriallawyers.org

503-799-1017

**Testimony of Arthur Towers
Before the Senate Committee on Rules
In Support of Senate Bill 828-A with the -A14 amendment
June 14, 2017**

Thank you for the opportunity to provide testimony in support of SB 828-A. OTLA members fight for workers who face on-the-job discrimination, whistleblower retaliation, or other unfair employment practices.

We support SB 828-A with the –A14 amendment because it is an important first step towards tackling one of the most serious problems facing families in Oregon: a fair work week. Our role in the process is working sure that workers’ rights are protected, but we see this as a children’s issue as much as a workers’ issue.

The family stability provided by advanced notice in scheduling will drastically improve children’s lives. This is particularly true in households that have a single parent. The stress of sudden schedule changes and unpredictable income is huge for low-wage working parents – often mothers – and this stress is also felt by the kids.

We really applaud all the stakeholders and legislative leaders who have come together to support this bill.

In regard to the specifics of the bill, we zero in on enforcement issues. Legislation that cannot be enforced is often worse than no legislation at all. We strongly believe that workers who are wronged by their employer deserve their day in court. We applaud the fact that this bill preserves that important right. This provision does not create more litigation – instead it provides an incentive for problems to get worked out in advance.

It is important to note that both employees and employers share the desire to have a path to the courtroom in employment matters. I am including in our testimony a link to testimony from Nike in support of adequate funding for Oregon's court system earlier in session. One of Nike's primary reasons for seeking funding for the judiciary is to resolve employment issues in a speedy and fair fashion.

<https://olis.leg.state.or.us/liz/2017R1/Downloads/CommitteeMeetingDocument/108269>

Unfortunately, SB 828-A stops short of guaranteeing workers who are treated illegally under this law the right to a trial by jury. If we had the opportunity to improve one provision of this legislation, that would be it.

We also want to flag one other concern around enforcement. We support the language around retaliation in the bill, but are concerned those provisions are weakened by Section 12(3) found on page 15 of the amendment. In our efforts to protect injured workers, we see widespread issues of retaliation against workers who seek compensation for their workplace injuries. We are concerned that this language would undercut the protections for workers who need to care for a loved one or who are living with a disability. The legislature enacted family leave and disability laws for a reason: to protect workers and their families. There was a crisis in the way employers treated these workers, and legislators courageously tackled that issue. It is hard to believe that it is legislative intent to allow this sort of discrimination against people with disabilities and families to play itself out in terms of fair scheduling.

This bill is a negotiated compromise, and there are many additional components to be praised and criticized. We simply wanted to touch on the highlights.

As one of the primary groups that fight for the rights of workers in the legal system – especially workers without a union – we want to reiterate our support for this important legislation. **Your yes vote will help a large number of working families.**