

Testimony Before the House Business & Labor Committee
Oregon Trial Lawyers Association
Arthur Towers, Political Director
In Support of House Bill 2167
February 13, 2017

Thank you for the opportunity to testify in support of HB 2167, a bill to reduce bullying in Oregon workplaces.

Our members fight for workers who face on-the-job discrimination by race, gender, disability, sexual orientation or religion. We also fight for workers facing whistleblower retaliation or wrongful termination. A different subset of our membership helps workers with on-the-job injuries struggle through the maze of the workers' compensation system to get their medical bills paid, recoup lost wages, and get back on the job.

Our members report that abusive behavior often accompanies unfair employment practices such as those listed above, and sometimes occurs without the other violations.

Further, it is extremely difficult to successfully receive workers' compensation for stress-related illness. Our members often have to deliver the bad news to workers facing illness due to stressful work environments that workers' compensation is likely not an available option.

One change we would urge committee members to consider in this and in other employment related bills is to make sure that these laws can be properly enforced. We commend committee members for all your efforts over the years to improve the quality of life for workers and to provide them on-the-job protections. That said, these laws can be ineffective if it is difficult to get them enforced. Our experience is that the protections provided in Section 659A.885 (3) give workers their best chance to be treated fairly.

The current draft of the legislation provides the protections in 659A.885 (2) instead. The big difference between the two sections is the right to a trial by jury, and the right to punitive and compensatory damages. These stronger enforcement provisions can provide incentives to employers to take steps to prevent abusive behavior in the first place, which should be our goal.

We support the effort to reduce abusive behavior by employers or co-workers, and urge a yes vote on HB 2167.