

OVERVIEW OF OREGON'S WHISTLEBLOWER LAW

ORS 659A.200 - 659A.224

Protections

- Establishes protections for employees who engage in certain protected activities
- Public employee whistleblower protection (ORS 659A.203)
- Protected activities
 - Discussing, in response to official request from legislature, activities of any agency or of any person acting on behalf of the agency
 - Disclosing information that is evidence of:
 - Violations of federal or state laws or rules
 - Mismanagement , gross waste of funds, abuse of authority
 - Substantial and specific danger to public health and safety resulting from the act of a state agency

Limitations

- Does not authorize an employee to disclose information required to be kept confidential (ORS 659A.206 (4))
- Does not prohibit a public employer from requiring an employee to inform the employer of official legislative requests for information (ORS 659A.206 (3))
- Does not authorize an employee to represent the employee's personal opinions as the opinions of the agency (ORS 659A.206 (3))
- Does not protect against disclosures that the employee knows is false, made with reckless disregard for the truth or that are related to employee's own misconduct (ORS 659A.206 (5))

Enforcement & Remedies

- Bureau of Labor and Industries
- Private right of action (ORS 659A.885)
- Damages
 - Injunctive relief
 - Equitable relief
 - Compensatory and punitive damages
- BOLI complaint – administrative remedies

Other protections

- ORS 654.062 (5) - occupational health and safety violations
- ORS 652.355 and 653.060 - wage and hour violations
- ORS 659A.030 – unlawful discrimination
- ORS 659A.199 - private employees
- ORS 659A.230 - good faith reports of criminal activity, aiding in criminal or civil proceedings or law enforcement investigations
- ORS 659A.233 –healthcare violations; testifying at unemployment hearing
- ORS 659A.236 – testimony before legislative committees
- HB 4205 (2020 ss1) - law enforcement officers (Section 2 (5))

Other considerations

- Anonymity, practical considerations (ORS 659A.218)
- Public records
- Optional procedure for initial disclosure of information to supervisor (ORS 659A.221)
- Terms of collective bargaining agreements