



319 SW Washington Ave. tel. 503-223-5587
Suite 607 fax 503-223-4101
Portland, OR 97204 www.oregontriallawyers.org

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To: Chair Taylor, Vice Chair Knopp, Members of the Senate Committee on Workforce
From: Dana L. Sullivan, Buchanan, Angeli, Altschul & Sullivan, LLP
Re: Support for SB 726, The Oregon Workplace Fairness Act

Chair Taylor, Vice Chair Knopp and members of the Senate Workforce Committee:

I am an Oregon attorney in private practice who specializes in employment law. I am also a member of the Oregon Trial Lawyers Association (OTLA), and a former president and board member of the organization. For 25 years, I have represented individuals who have been subjected to unlawful discrimination at work. Over the years, my clients have included countless women who have been subjected to sexual harassment in the workplace. I am well aware of the pressures and fears that prevent women from reporting harassment, as well as the challenges faced by those brave enough to come forward. I am also keenly aware of the obstacles that interfere with the ability of victims of sexual harassment to attain a remedy for the economic and emotional harm that such conduct causes.

I write in support of SB 726, which enhances in important ways the protections available to those who have been subjected to discrimination in the workplace. Current law does not go far enough to protect those subjected to harassment at work, nor does it create sufficient incentives for executives to take steps to keep their employees safe when they are aware that harassment is occurring. Even when employers acknowledge responsibility for the harm caused an employee who has been subjected to harassment, confidentiality and no rehire provisions make it too easy for the problem to be swept under the rug. Patterns of harassment go unidentified and victims of harassment are further punished by being foreclosed from working for their former employers again, sometimes leaving these women without other local job opportunities in their field.

SB 726 provides a more realistic timeframe for victims of unlawful discrimination and harassment to pursue a remedy, recognizing that it often takes victims more than a year to gather the nerve to come forward. It also ensures that employees who first provide their employer the opportunity to address the problem do not unwittingly lose the right to pursue their claim with the Bureau of Labor and Industries or in court due to the passage of time. SB 726 also holds company owners and executives personally responsible for failing to address harassment and discrimination when it occurs. This gives those with the power to fix the problem a personal stake in ensuring that their workplaces are safe and free of discrimination. The Oregon Workplace Fairness Act also eliminates employers' ability to force victims of harassment and discrimination to remain quiet about their working conditions, while empowering victims who desire confidentiality to require it as part of a settlement and prohibits the restriction of victims' job opportunities by imposing no-rehire provisions upon them in settlement agreements.

It is important that these changes apply equally to all forms of unlawful workplace discrimination. A claim of sexual harassment is simply a type of sex discrimination claim. To enhance the protections for claims of sex discrimination alone prefers one protected class over others and ignores the fact that victims may be the target of harassment because they possess more than one protected characteristic.

I, on my own behalf and on behalf of OTLA, respectfully request the committee to support SB 726 and commend Senator Taylor and the committee for giving this legislation due consideration in service to your constituencies and Oregonians from across the state. Furthermore, we commend Vice Chair Knopp for his leadership on this issue. This bill is critical to the workplace safety of all Oregonians.