

OREGON TRIAL LAWYERS ASSOCIATION

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**Testimony in Support of HB 2341-A
Before the Senate Workforce Committee
By Arthur Towers, on behalf of
Oregon Trial Lawyers Association
April 23, 2019**

Thank you for the opportunity to testify on this important piece of legislation. Many OTLA members specialize in helping workers protect their rights. Many of these workers are seeking justice after being subject to harassment, assault, wage theft, whistleblower retaliation, or improper denial of health care need because of a workplace injury. OTLA members also fight for victims of on-the-job discrimination whether it is due to age, race, sex, gender identity, disability or pregnancy.

HB 2341-A offers common sense measures to accommodate pregnant workers. The bill creates clarity and consistency for employees and employers. The bill should also raise awareness that basic accommodations like a chair for cashier or more frequent bathroom breaks should be provided to these workers. Further, the bill also protects workers from retaliation for requesting accommodations. This is a big deal because our members report frequent retaliation for filing a worker's compensation claim, blowing the whistle on improper behavior, or seeking leave.

The only flaw of HB 2341-A is that it infringes on the worker's ability to stand up for herself. The bill does allow the worker to fight for herself in a court of law, so she is not reliant on the government to enforce the law for her. However, the worker's 7th Amendment right to a trial by jury is impeded. The right to a trial by jury is enshrined in both the U.S. and Oregon Constitutions. Yet, because the enforcement provision is in 659A.885 (2) rather than 659A.885(3), the worker is barred from seeking a jury trial.

Nonetheless, the bill is a great step forward and OTLA strongly urges you to vote YES on HB 2341-A.