

# Senate Bill 479

Sponsored by Senators GELSER, KNOPP (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires public employers to adopt policies to prevent workplace harassment. Requires public employers to establish policies and procedures for addressing reports of workplace harassment. Requires employer to follow up with victim of reported harassment to determine whether harassment has stopped or if victim has experienced retaliation.

Prohibits use of public funds to pay for person's silence or inaction related to allegation or investigation of workplace harassment.

## A BILL FOR AN ACT

1  
2 Relating to workplace harassment.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 4 of this 2019 Act:**

5 (1) "Assault" means intentionally, knowingly or recklessly causing physical injury.

6 (2) "Public employer" has the meaning given that term in ORS 260.432.

7 (3) "Sexual harassment" includes:

8 (a) A request or demand for sexual favors in an implicit or explicit exchange for an  
9 employment-related benefit or as a means of avoiding an employment-related detriment; or

10 (b) Unwanted verbal or physical conduct of a sexual nature that has the purpose or effect  
11 of interfering with a person's ability to perform job duties or that creates an intimidating,  
12 offensive or hostile work environment.

13 (4) "Workplace harassment" includes but is not limited to the following conduct between  
14 employees, or between an employer and an employee, that occurs in the workplace, at a  
15 work-related event coordinated by or through the employer or off the employment premises:

16 (a) Assault;

17 (b) Sexual harassment; and

18 (c) Unlawful discrimination because of race, color, religion, sex, sexual orientation, na-  
19 tional origin, marital status, age or disability.

20 **SECTION 2. (1) A public employer shall establish and adopt a written policy that seeks  
21 to prevent workplace harassment. The policy must include:**

22 (a) A statement prohibiting workplace harassment;

23 (b) Information explaining that a victim of workplace harassment has a right to seek  
24 redress through the employer's internal process provided under section 3 of this 2019 Act,  
25 through the Bureau of Labor and Industries' complaint resolution process under ORS  
26 659A.820 to 659A.865 or under any other available law, whether civil or criminal, including:

27 (A) The timeline under which relief may be sought; and

28 (B) Any available administrative or judicial remedies;

29 (c) A statement that a person who reports workplace harassment has the right to be

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **protected from retaliation;**

2 **(d) Provisions that protect the identity of the person reporting an incident of harassment**  
3 **and a victim of harassment, including assurances that confidentiality will be maintained to**  
4 **the extent permitted by laws relating to confidentiality;**

5 **(e) An explanation that a victim of workplace harassment may voluntarily disclose in-**  
6 **formation regarding an incident of workplace harassment that involves the victim; and**

7 **(f) Information to connect a victim of workplace harassment with legal resources and**  
8 **counseling and support services.**

9 **(2) A public employer shall provide a copy of the policies described in this section to each**  
10 **employee and shall include a copy of the policies in any orientation materials that are pro-**  
11 **vided to new employees at the time of hire.**

12 **SECTION 3. A public employer shall develop written policies and procedures for the**  
13 **prompt investigation of a report of workplace harassment. The policies and procedures must:**

14 **(1) Provide instruction for logging reports of workplace harassment.**

15 **(2) Establish a process for a victim of workplace harassment to file a complaint, provided**  
16 **that the process allows a victim to file the complaint within seven years from the date on**  
17 **which the alleged harassment occurred.**

18 **(3) Regardless of whether an allegation of workplace harassment has been corroborated,**  
19 **require the employer to follow up with the victim of the alleged harassment once every three**  
20 **months for the calendar year following the date on which the employer received the report**  
21 **of harassment, to determine whether the alleged harassment has stopped or if the victim**  
22 **has experienced retaliation.**

23 **SECTION 4. Notwithstanding any other provision of law, no public funds, including, but**  
24 **not limited to, funds appropriated for office allowances shall be paid to any person in ex-**  
25 **change for the person's silence or inaction related to an allegation or investigation of**  
26 **workplace harassment.**

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