

HB 2420 STAFF MEASURE SUMMARY

Carrier: Rep. Grayber

House Committee On Business and Labor

Action Date: 03/24/21

Action: Do Pass.

Vote: 11-0-0-0

Yeas: 11 - Bonham, Boshart Davis, Breese-Iverson, Bynum, Clem, Evans, Fahey, Grayber, Holvey, Post, Witt

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 3/15, 3/24

WHAT THE MEASURE DOES:

Extends from 90 days to one year the timeline to file complaint with the Bureau of Labor and Industries (BOLI) alleging retaliation or discrimination for reporting unlawful practice or exercising rights relating to safety and health in the workplace.

ISSUES DISCUSSED:

- Ten-fold increase in workplace safety complaints during pandemic
- Cost to file complaint in court
- Desire to align timeline to file complaint at BOLI with timeline to file in court
- Legislative history of 90-day timeline
- Whether staffing and funding at BOLI is adequate for existing workload

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Oregon Occupational Safety and Health Administration Division (OR-OSHA) of the Department of Consumer and Business Services administers the Oregon Safe Employment Act of 1973 (OSEA). The OSEA requires that employers provide safe and healthy workplaces for their employees and ensure that workers have the necessary training and equipment to do their jobs safely. Employers are required to post a notice from OR-OSHA that outlines employees' rights under the OSEA. It is an unlawful employment practice for employers to retaliate or discriminate against employees or prospective employees because they have opposed unsafe or unhealthy working conditions, or have complained or assisted in an occupational safety and health proceeding under state law. Employees may file a civil rights complaint or civil suit if they believe they have been subjected to retaliatory or discriminatory action. A civil rights complaint must be filed with the Bureau of Labor and Industries (BOLI) within 90 days of the time that the individual had reason to believe that an illegal action occurred. A civil action must be commenced within one year after the employee had reason to believe that an illegal action occurred.

The timeline to file civil rights complaints is typically one year from the alleged violation; a few exceptions allow five years, and complaints of retaliation involving workplace safety are limited to 90 days. The 90-day timeline to file a complaint with BOLI for retaliation involving workplace safety was increased from 30 days in 2007 (House Bill 2259). The timeline to file with the federal OSHA is 30 days.

House Bill 2420 extends to one year the timeline to file a complaint with BOLI alleging retaliation or discrimination for reporting an unlawful practice or exercising rights relating to safety and health in the workplace.