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**OTLA Testimony on HB 2938
Age Discrimination Task Force
House Committee on Business and Labor
March 15th, 2021**

Chair Holvey and Members of the Committee,

Thank you for the opportunity to testify in favor of HB 2938. OTLA members are lawyers who fight for individuals who have faced discrimination in employment. In this instance, those individuals are workers who face on-the-job age discrimination.

Our members report that this problem is widespread. Too many times, our members have to look workers in the eye and say, "Yes, you have been discriminated against because of your age. Yes, there is clearly real harm. But no, Oregon law is such that it will be nearly impossible to hold your employer or prospective employer accountable for this discrimination."

Our state should be better than that.

The 7th Amendment to the Constitution guarantees the right to a trial by jury. Currently the law in this area is so one-sided that it is difficult for aggrieved workers to exercise their Constitutional right to fight for themselves. We strongly believe that employees are fired, not hired, not promoted, or underpaid for a variety of reasons. The person who suffers does not at all deserve to automatically win their claim. But our core belief is that a person who is wronged should have the right to tell their story to a judge and jury of 12 of their neighbors, so that a community standard of justice should be applied.

Of course, we have ideas about solutions to the problem. We would love for the legislature to tackle this problem immediately this session. But we also recognize the value of a task force to hash out the nuances of the issue and to problem solve collectively. We are anxious to engage in this process and to help develop robust policies to reduce discrimination in our state.

We strongly support HB 2938 and thank the sponsors and supporters for bringing this legislation forward. There is a lot of interest in this issue and many voices want to be a part of this task force. As a rule, we support inclusion. When under-represented communities are in the discussion earlier rather than later, better decisions get made. Neither employers nor workers are a homogenous group.