



## Service Employees International Union Local 503

*72,000 public services workers, care providers, and non-profit employees in Oregon.*

TO: Members of the Senate Judiciary Committee  
FR: SEIU Local 503, OPEU  
RE: Senate Bill 483 with the -1, Support

March 15, 2021

Chair Prozanski, Vice-Chair Thatcher, members of the committee,

Thank you for the opportunity to provide testimony in support of SB 483 to create a rebuttable presumption of retaliation when workers raise health or safety concerns. SEIU is an 85,000 member union in Oregon and SW Washington and a 2 million member union nationally. Our mission is to improve the lives of working families. In Oregon we represent many of the workers who have been on the frontlines of the COVID-19 pandemic, including care workers, hospital workers, public workers, airport workers, and the list goes on.

Each year, thousands of workers experience retaliatory behavior for raising safety and health concerns. Oregon OSHA typically receives 2,000 complaints in a year. As we continue to battle COVID-19, safety concerns have only exponentially grown: in 2020, OSHA received 10 times as many.

According to the National Employment Law Project, when workers have raised health and safety concerns during the pandemic, one in eight has experienced possible retaliatory actions by employers, with Black workers more than twice as likely as white workers to have seen possible retaliation by their employer. This retaliatory behavior inevitably leads to less safe workplaces and further spread of COVID-19: an estimated 1.9 million workers avoiding raising safety and health concerns for fear of retaliation.

You may be aware of a recent effort by workers at a memory care facility in Springfield, Oregon to make the public aware of the truly atrocious conditions their patients are living in. The workers report that the facility is severely understaffed, that there is insufficient training, and that patients are dying due to inadequate care. In response, management at this facility has retaliated against workers who spoke to Oregon Adult Protective Services (APS), threatened to fire caregivers, and cut hours of employees who are speaking out publicly. This is just one example of many during the COVID pandemic that demonstrate the critical need for a change. Making sure workers are protected and able to report unsafe conditions is a critical part of the pandemic containment strategy to effectively and safely reopen our economy.

SB 483 addresses this by breaking down the typical barriers workers face when trying to prove a claim of retaliation after raising a safety and health concern. Today, if a worker experiences an adverse employment action (i.e. firing, demotion, scheduling changes) after raising a concern, the employee must prove that the intent of the employer was retaliatory. Under SB 483, if a worker experienced an adverse employment action within 60 days of raising a safety or health concern, the presumption would be that the action was retaliatory. For those 60 days, the employer would simply need to prove that the adverse employment action was due to any non-retaliatory or discriminatory reason.

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SB 483 simply further codifies into statute that firing, demoting or otherwise adversely impacting an employee's job must not be out of retaliation or discrimination. The bill does nothing to change the fact that Oregon remains an at-will state. However, we hope that this bill will encourage employers to make warranted disciplinary decisions, not reactionary ones, particularly when Oregonians' health and safety is on the line.

Every Oregon worker should feel comfortable and be protected when they raise safety and health concerns. SB 483 is a critical component to curbing COVID-19 and fostering safer workplaces going forward -- we encourage your Yes vote.

Sincerely,

Mike Powers  
President  
SEIU Local 503, OPEU