

Eugene Area Chamber of Commerce

May 6, 2021

To: Chair Barbara Smith Warner and Members of the House Rules Committee
From: Scott Rogers, Director of Business Advocacy
RE: Eugene Area Chamber of Commerce's Testimony in Opposition to SB 483

Chair and Members of the Committee:

I am Scott Rogers, Director of Business Advocacy at the Eugene Area Chamber of Commerce. Thank you for the opportunity to testify on this important issue for our members and the broader Eugene business community. The Eugene Area Chamber of Commerce represents over 1400 members across for full spectrum of business and industry.

As written, Senate Bill 483 would allow employees to allege discriminatory acts without any burden to supply facts support those claims. Under current law it is already illegal for employers to retaliate against a worker for reporting workplace health and safety violations. The current system favors the employee and the burden of proof needed is quite low. This bill takes this concept to the extreme by removing any need to provide proof of an alleged employer retaliation and automatically presumes a discriminatory action anytime an employee files a complaint with OSHA.

The first 90 days of most employment is considered a probationary period and provides the employer with an opportunity to determine if an employee is a proper fit for their business. During this period, it is not uncommon for an employee to be discharged by their employer for not being the right fit for their business. This bill as written creates a perverse incentive for a dismissed employee to file a false claim against a business and it pushes the burden of proof from the employee to the employer.

We wish to make it very clear that workplace retaliation is wrong, and we condemn such acts. However, there must be clear and ample evidence for an employee to allege retaliatory action by an employer. A simple claim of retaliation, without the necessary proof as required under current law would violate the right to due process by the employer. The current burden of proof for an employee to file a complaint is minimal under existing law and already favors the employee. This bill would push the full burden of defending a claim onto the employer, which is ultimately an indefensible position.

All too often we hear stories from our members about situations where they are forced to defend themselves from frivolous claims. Should this bill pass, it will only increase the number of frivolous and bad faith complaints filed against struggling businesses, increasing their legal costs, and ultimately hurting the consumer with higher prices.

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The current system is working; we ask you to reject this change to current law. Thank you for your consideration.