

SB 851 -1, -2 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

Prepared By: Whitney Perez, LPRO Analyst

Meeting Dates: 3/14, 3/28

WHAT THE MEASURE DOES:

Directs Bureau of Labor and Industries to study psychological abuse matters that occur in the workplace and submit report to the Legislative Assembly by September 15, 2024. Sunsets January 2, 2025.

ISSUES DISCUSSED:

- Free speech protections in the workplace
- Current discrimination and hostile work environment protections
- Examples of workplace bullying
- Enforcement mechanisms in the measure

EFFECT OF AMENDMENT:

-1 Replaces measure. Defines terms. Establishes purpose of measure to provide legal relief for employees who suffer psychological harm from being subjected to deliberately hostile work environment and legal incentive for employers to prevent and respond to employee allegations of workplace bullying. Makes specified conduct associated with workplace bullying or hostile work environment an unlawful employment practice. Requires employers to adopt, and post at the workplace, written policies addressing and discouraging workplace bullying. Directs Bureau of Labor and Industries to establish and make available on website model procedures and policies that employers may use as guidance. Establishes employer liability and defense for specified unlawful employment practices associated with workplace bullying. Creates procedures for private right of action based on specified unlawful employment practices associated with workplace bullying. Exempts employers subject to certain collective bargaining agreements.

-2 Replaces the measure. Defines terms. Establishes purpose of measure to provide legal relief for employees who have been subjected to a toxic work environment and legal incentive for employers to prevent and respond to employee allegations of workplace bullying. Makes specified conduct associated with workplace bullying an unlawful employment practice. Requires employers to adopt, and post at workplace, written policies addressing and discouraging workplace bullying. Directs Bureau of Labor and Industries to establish and make available on website model procedures and policies that employers may use as guidance. Establishes employer liability and defense for specified unlawful employment practices associated with workplace bullying. Creates procedures for private right of action based on specified unlawful employment practices associated with workplace bullying. Exempts employers subject to certain collective bargaining agreements.

BACKGROUND:

Oregon law establishes several unlawful employment practices. For example, it is an unlawful employment practice for an employer to discharge or intimidate an employee because of the employee's service as a juror on a jury trial or for an employer to refuse to hire a person because of a person's race or marital status. Generally, Chapter 659A governs laws related to unlawful discrimination in employment.

The Bureau of Labor and Industries (BOLI) is tasked with taking all necessary steps to prevent and eliminate unlawful practices. BOLI has the authority to conduct investigations and take evidence to meet this obligation. Oregon law also provides for a civil action for persons subject to an unlawful practice.

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Senate Bill 851 requires BOLI to study psychological abuse matters that occur in the workplace and report to the Legislative Assembly.