

SB 851 A STAFF MEASURE SUMMARY

Carrier: Sen. Manning Jr

Senate Committee On Labor and Business

Action Date: 03/30/23

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Bonham, Hansell, Jama, Patterson, Taylor

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Whitney Perez, LPRO Analyst

Meeting Dates: 3/14, 3/30

WHAT THE MEASURE DOES:

Requires Bureau of Labor and Industries (BOLI) to prepare model respectful workplace policy that employers may adopt. Directs BOLI to create informational materials that identify harms to employees and employers caused by workplace bullying and make materials available to employers.

ISSUES DISCUSSED:

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

EFFECT OF AMENDMENT:

Replaces the measure.

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.

In 2019, the Legislative Assembly passed the Workplace Fairness Act (WFA). The WFA, in part, requires a private employer to adopt a written policy outlining their procedures and practices for reducing or preventing discrimination and sexual assault. The WFA required BOLI to make available model procedures or policies that employers could use as guidance. Also in 2019, the Legislative Assembly passed Senate Bill 479, which applied similar requirements to public employers.

Senate Bill 851 A directs BOLI to prepare a model respectful workplace policy that employers may adopt and requires BOLI to create informational materials that identify harms to employees and employers caused by workplace bullying.