

SB 1140 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

Prepared By: Whitney Perez, LPRO Analyst

Meeting Dates: 4/1, 4/3

WHAT THE MEASURE DOES:

The measure makes it an unlawful employment practice for an employer to impose an occupational requirement or otherwise require as a condition of employment that an employee only speak English at all times in the workplace. Provides exception if employer can demonstrate that an English-only requirement is justified by business necessity and is applicable under specified limited circumstances. The measure requires that when an employer imposes a requirement that employees only speak English, the employer provide specified notice to employees. Specifies that failure of an employer to provide this notice is prima facie evidence of the employer's unlawful discrimination based on national origin in violation of ORS 659A.030.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

ORS chapter 659A codifies Oregon law related to unlawful discrimination in employment, public accommodations, and real property transactions. ORS 659A.003 declares the purpose of this chapter of Oregon law, including to "encourage the fullest utilization of the available workforce by removing arbitrary standards of race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, age, or disability as a barrier to employment of the inhabitants of this state[.]" Oregon law makes it an unlawful practice for an employer to discriminate against someone at work based on such things as their race, national origin, color, sex, gender identity, sexual orientation, age, religion, physical or mental disability, marital or family status, or military status. It is also unlawful for an employer to retaliate against an employee because the employee makes a good faith complaint that the employer is acting unlawfully. Oregon law permits a person to pursue a claim for an unlawful employment practice through a civil action in circuit court or by filing a complaint with the Commissioner of the Bureau of Labor and Industries.

Senate bill 1140 makes it an unlawful employment practice for an employer to impose an occupational requirement or otherwise require as a condition of employment that an employee only speak English at all times in the workplace.