



Testimony in opposition to SB 1044 (2025)

Chair Taylor, Vice-Chair Bonham, and Members of the Committee:

My name is Kate Suisman. I am an attorney at the Northwest Workers' Justice Project (NWJP). Thank you for the opportunity to provide testimony on this important bill. We represent workers in low-wage jobs when bad things happen to them at work: when they are not paid, or are discriminated against for being in a protected class or are retaliated against for speaking up. Finally, we engage in policy advocacy and try to bring the important perspectives of workers in low-wage jobs and immigrant workers to these policy discussions.

Meal periods are a fundamental part of a healthy workplace. They are not required to be paid, but it is required that workers receive a full 30 minutes of uninterrupted rest. The Bureau of Labor and Industries has authority to set minimum workplace conditions "as may be necessary for the preservation of the health of employees." ORS 653.261(1)(a). One of the rules BOLI implemented under this authority is the meal break rule, [OAR 839-020-0050](#). All workers need this uninterrupted break, but especially workers in physically demanding, low-wage jobs.

NWJP sees this issue primarily in manufacturing and processing work, as well as care jobs like nursing and residential care. These jobs are often fast-paced and understaffed, and there is great pressure on workers to do as much as possible to keep things moving smoothly. In these workplaces, even if an employer has a *policy* that workers need to take their whole 30 minute meal period, it is often impossible for workers to do that. In addition, there is subtle or not so subtle pressure to go back to work before the 30 minutes is up.

The Court of Appeals examined this issue in 2019, and looked at the various duties an employer could have to workers in regards to meal period breaks. Do they just have to make sure workers are not forced to work early? Do they have to make the break available, but let the workers decide if they take the full 30 minutes? Or do they have an obligation to enforce that workers take the full 30 minutes?

The Court decided in *Maza v. Waterford Operations LLC* that employers in fact have a duty to make sure work is not performed during the 30 minute meal period. 300 Or. App. 471 (2019). They decided this after looking at a number of related BOLI standards and the policy behind meal breaks. The relevant statute and rule clearly say that preservation of health is the public policy behind these unpaid meal breaks. They also looked to a related rule that allows certain workers (in food and beverage jobs) to waive their meal period in writing, and inferred from that that other workers cannot in fact waive their meal period.

While I appreciate the intent of this bill, it ignores the immense pressure facing workers in certain low-wage worksites. It also aims to take away the important deterrent tool of penalty wages, which are based on the idea that employers should know it will cost them something if

they fail to pay workers properly. Penalty wages are based on ORS 652.150, which says that a worker can claim penalty wages if they are not paid in full at the end of the working relationship. Penalty wages are capped at an additional 100% of the wages owed unless the worker makes a written demand, and the employer then fails to pay the wages within 12 days. That means that if a worker misses one meal period and is owed \$10, they can only claim \$10 in penalties, unless the employer fails to pay the wages due within the 12 days of receiving written notice.

SB 1044 will make it very hard for workers to claim their missed meal periods, and even if they do, they will not be able to seek penalty wages as they currently can. NWJP urges you not to support this bill that will only serve to hurt workers in low-wage jobs who very much need their full 30 minute meal breaks. Thank you.