

OREGON TRIAL LAWYERS ASSOCIATION

812 SW Washington Street, #900

Portland, OR 97205

www.oregontriallawyers.org

503-799-1017

Testimony of Arthur Towers
In Support of HB 4076
Before the House Committee on Business and Labor
February 3, 2020

Thank you for the opportunity to testify in favor of HB 4076. I am proud to be the Political Director for the Oregon Trial Lawyers Association. Our members are lawyers who fight for underdogs. In this instance, the underdogs are workers who face on-the-job age discrimination.

Our members report that this problem is widespread. Too many times, our members have to look workers in the eye and say, “Yes, you have been discriminated against because of your age. Yes, there is clearly real harm. But no, Oregon law is such that it will be nearly impossible to hold your employer or prospective employer accountable for this discrimination.”

Our state should be better than that.

The 7th Amendment to the Constitution guarantees the right to a trial by jury. Currently the law in this area is so one-sided that it is difficult for aggrieved workers to exercise their Constitutional right to fight for themselves. We strongly believe that employees are fired, not hired, not promoted, or underpaid for a variety of reasons. The person who suffers does not at all deserve to automatically win their claim. But our core belief is that the Founding Fathers wanted that wronged person to have the right to tell their story to a judge and jury of 12 of their neighbors, so that a community standard of justice should be applied.

Of course, we have ideas about solutions to the problem. We'd love for the legislature to tackle this immediately in the short session. But we also recognize the value of a task force to hash out the nuances of the issue and to problem solve collectively. We are anxious to engage in this process and to help develop robust policies to reduce discrimination in our state.

We strongly support HB 4076 and thank the sponsors and supporters for bringing this bill forward. There is a lot of interest in this issue and many voices want to be a part of this task force. As a rule, we support inclusion. When under-represented communities are in the discussion earlier rather than later, better decisions get made. Neither employers nor workers are a homogenous group. The bill is fine as is, but we would also support the bill if it was amended to include more voices.