

OREGON TRIAL LAWYERS ASSOCIATION

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Testimony of Arthur Towers,
OTLA Political Director
In Support of HB 4113
Before the House Committee on Business and Labor
February 3, 2020

Thank you for the opportunity to testify in favor of HB 4113. Oregon Trial Lawyers Association members are lawyers who fight for underdogs, including workers who are treated unfairly and children who are victims of abuse

We support HB 4113. This is a common sense bill giving additional protection to front-line workers. The bill provides BOLI an additional tool to protect vulnerable workers.

The bill also enhances the 7th Amendment right of workers to stand up for themselves in case they are harmed. The private right of action is no more and no less than that Constitutional right to tell your story to a judge and jury. Our Founding Fathers enacted the 7th Amendment so that an ordinary citizen does not have to wait around for the government bureaucracy to enforce their rights. A judge and jury can hear both sides of the story, and determine a community standard of justice based on the specific facts.

There is testimony from opponents complaining about this 7th Amendment right.

We believe that the right to a jury trial is important. Businesses have a private right of action when it comes to suing workers over a wide variety of employment laws. A sampling of these laws include:

- Breach of fiduciary duty
- Usurpation of corporate opportunity
- Fraud
- Intentional Interference with business relations
- Non-compete clauses
- Confidentiality and Trade Secrets

Businesses rightfully do not have to be solely reliant on BOLI. Nor should workers affected by this bill.

We urge a YES vote on HB 4113.