



OREGON STATE FIRE FIGHTERS COUNCIL

International Association of Fire Fighters
AFL-CIO CLC

Senate Judiciary Committee
2021 Oregon Legislative Session
Chair Floyd Prozanski
Vice Chair Kim Thatcher

March 15, 2021

Chair Prozanski, Vice Chair Thatcher and Committee members,

For the record, Karl Koenig with the Oregon State Fire Fighters Council providing testimony in support of SB 483. Creating a rebuttable presumption of retaliation when workers raise health or safety concerns.

The OSFFC represents over 3500 career fire fighters and paramedics throughout Oregon. As a profession we are proud to say that this Bill codifies what is common practice in Oregon's fire service today. Through a collaborative process employers and employees embrace a safety culture and unique professional partnerships addressing all communities needs over the last year in dealing with COVID 19. Those successes are not without risk and a workplace that supports workers having security to speak up and improve processes without reprisal has certainly decreased exposures, increased workplace safety and improved patient outcomes.

Each year, thousands of workers experience retaliatory behavior for raising safety and health concerns. Oregon OSHA typically receives 2,000 complaints in a year. As we continue to battle COVID-19, safety concerns have exponentially grown in 2020, OSHA received 10 times as many compared to the similar time period last year.

Making sure workers are protected and able to report unsafe conditions is a critical part of the pandemic containment strategy to effectively and safely reopen our economy. For example OR OSHA statistics place fire fighters and paramedics as the largest sector of government workers filing Workers Comp Claims, if we had not provided an open and honest system of education, protocols and means to provide input, I'm confident our numbers of claims would be much higher.

SB 483 addresses this by breaking down the typical barrier's workers face when trying to prove a claim of retaliation after raising a safety and health concern. Today, if a worker experiences an adverse employment action (i.e. firing, demotion, scheduling changes) after raising a concern, the employee must prove that the intent of the employer was retaliatory. Under SB 483, if a worker experienced an adverse employment action within 60 days of raising a safety or health concern, the presumption would be that the action was retaliatory.

For those 60 days, the employer would simply need to prove that the adverse employment action was due to any non-retaliatory or discriminatory reason.

SB 483 simply further codifies into statute that firing, demoting or otherwise adversely impacting an employee's job must not be out of retaliation or discrimination. The bill does nothing to change the fact that Oregon remains an at-will state. However, we hope that this bill will encourage employers to make warranted disciplinary decisions, not reactionary ones, particularly when Oregonians' health and safety is on the line.

Every Oregon worker should feel comfortable and be protected when they raise safety and health concerns. SB 483 is a critical component to curbing COVID-19 and fostering safer workplaces going forward -- we encourage your Yes vote in committee.

Respectfully submitted,

/s/ *Karl Koenig*

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