



## STATEMENT IN SUPPORT OF SB 483

**To: Chair Smith Warner  
Vice-Chairs Drazen and Holvey  
Members of the House Rules Committee  
From: United Food and Commercial Workers Local 555  
May 6, 2021**

Thank you for the opportunity to provide testimony in support of SB 483A to create a rebuttable presumption of retaliation when workers raise health or safety concerns. UFCW Local 555 is over 25,000 workers strong in Oregon in Southwest Washington, and the largest private sector labor union in Oregon. Our members come from a number of industries, including grocery, retail, food processing, and healthcare.

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 only exponentially grown: in 2020, OSHA received 10 times as many.<sup>1</sup>

According to the National Employment Law Project, when workers have raised health and safety concerns during the pandemic, one in eight has experienced possible retaliatory actions by employers, with Black workers more than twice as likely as white workers to have seen possible retaliation by their employer.<sup>2</sup> This retaliatory behavior inevitably leads to less safe workplaces and further spread of COVID-19: an estimated 1.9 million workers avoiding raising safety and health concerns for fear of retaliation.<sup>3</sup>

In Oregon, still over 1 in 10 COVID-19 cases stem from workplace outbreaks.<sup>4</sup> 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.

SB 483A addresses this by breaking down the typical barriers 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 483A 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 483A is a critical component to curbing COVID-19 and fostering safer workplaces going forward -- we encourage your Yes vote.

<sup>1</sup> <https://ktvz.com/top-stories/2020/12/28/oregons-osh-a-overwhelmed-with-covid-19-complaints/>

<sup>2</sup> <https://www.nelp.org/publication/silenced-covid-19-workplace/>

<sup>3</sup> <https://www.nelp.org/publication/silenced-covid-19-workplace/>

<sup>4</sup> [https://docs.google.com/spreadsheets/d/e/2PACX-1vR3qMF3GAHbLEgdFJwz3i7pCR3WKPakCZuI0mhjozWTWXwTNal9vmCn\\_5xEXHKEf36SJeBSr\\_KfaPov/pubhtml#](https://docs.google.com/spreadsheets/d/e/2PACX-1vR3qMF3GAHbLEgdFJwz3i7pCR3WKPakCZuI0mhjozWTWXwTNal9vmCn_5xEXHKEf36SJeBSr_KfaPov/pubhtml#)

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