



House Committee on Labor & Workforce Standards

February 19, 2025

Oregon Farm Bureau OPPOSES House Bill 3187

Oregon Farm Bureau (OFB) is the state's most inclusive agriculture organization, proudly representing over 6500 family farms and ranches that produce more than 220 agricultural commodities. From hops and hazelnuts to cattle, cranberries, and timber with operations spanning from just a few acres to thousands, our members utilize all farming methods including organic, conventional, regenerative, biotech, and even no-tech.

HB 3187 is Unnecessary and Creates Legal Uncertainty

Age discrimination is already prohibited under Oregon law. Oregon has a very broad prohibition on discrimination of any kind on the basis of age for anyone over the age of 18. The state's Equal Pay Act (ORS 652.220) protects against pay discrimination for all protected classes, including age. However, HB 3187 goes far beyond existing legal protections by creating new grounds for litigation, making salary, experience, and retirement status "proxies" for age discrimination claims. This opens the door to baseless lawsuits where any salary-related complaint could be framed as age discrimination.

Family farms and ranches cannot afford this additional legal exposure. Employment defense attorneys typically charge at least \$75,000 for settlement negotiations—before a case even reaches court. If litigation proceeds, legal fees and potential damages can escalate to the point of financial ruin. Unlike large corporations, family farms do not have in-house HR departments or legal teams to handle these complex legal challenges. The mere **threat** of lawsuits will impose substantial financial and operational burdens, forcing many farms to make difficult decisions that could ultimately drive them out of business.

HB 3187 Wrongly Elevates Age Over Other Protected Classes

OFB's opposition to HB 3187 is not an endorsement of age discrimination. We actively assist our members in complying with Oregon's Equal Pay Act to ensure compensation decisions are made fairly and lawfully. However, HB 3187 disrupts the balance of existing anti-discrimination laws by making age a **special** category above other protected classes. This unequal treatment will result in **confusion, compliance challenges, and increased liability risks** for employers across all industries—especially agriculture.

HB 3187 Contradicts Oregon's Existing Equal Pay Protections

The bill's supporters claim that it provides additional protections, but in reality, it **conflicts with ORS 652.220**, which already allows wage differentials based on legitimate business

factors such as experience, seniority, education, and production quantity. HB 3187 **directly undermines** these longstanding, lawful compensation practices. If passed:

- Employers following the law under ORS 652.220 by offering differential pay based on **experience** or **seniority** could still face age discrimination lawsuits.
- Employers making reasonable employment decisions could be accused of age discrimination even if age was not a consideration.
- The legal ambiguity surrounding “proxies for age” will force employers to **second-guess lawful employment decisions**, fearing they could be misconstrued as discriminatory.

HB 3187 Eliminates a Critical Workforce Management Tool

Beyond pay equity concerns, HB 3187 **directly threatens small farm operations** by interfering with standard workforce reduction practices. Section 2(1)(b) prevents employers from considering **length of service** when making layoffs. The “**last hired, first fired**” method has long been an equitable and practical way to navigate economic downturns, yet this bill would **eliminate** that option.

Consider a farm suffering from:

- **Severe insect infestations, smoke damage, frost damage, or market fluctuations** that require payroll cuts to stay afloat.
- **Rising labor costs** due to increased wages, inflation, and regulatory burdens.
- **Unexpected financial losses** caused by extreme weather events, global trade disruptions, or supply chain breakdowns.

Under HB 3187, farms and ranches facing these crises **cannot prioritize layoffs based on tenure** without risking litigation. This removes **one of the few objective, fair, and widely accepted methods** of workforce management, forcing employers into costly, arbitrary decisions that will inevitably lead to **greater business instability and job losses**.

Conclusion: HB 3187 is Bad Policy for Oregon’s Family Farms

HB 3187 is a confusing, unnecessary bill that:

- **Redundantly expands** age discrimination laws beyond what Oregon’s Equal Pay Act already covers.
- **Creates new, vague legal risks** that encourage frivolous lawsuits against family farms.
- **Contradicts existing laws**, making compliance more difficult and costly.
- **Eliminates critical workforce management tools**, making it harder for small farms to adapt to economic challenges.

The **unintended consequences of HB 3187 will far outweigh any perceived benefits**.

Oregon’s family farms are already struggling to navigate labor shortages, rising costs, and unpredictable market conditions. Saddling them with **new legal uncertainties** and **higher litigation risks** will only force more small operations to shut down—harming rural communities, reducing local food production, and weakening our ag economy. For these reasons, **Oregon Farm Bureau strongly urges opposition to HB 3187**. It is a misguided bill that will **harm employers, hurt job security, and create legal confusion rather than clarity**.

Thank you for your consideration.