

*Testimony in support of SB 1119 (2025)*

Chair Taylor, Vice-Chair Bonham, and Members of the Committee:

My name is Kate Suisman. I am an attorney at the Northwest Workers' Justice Project (NWJP). Thank you for the opportunity to provide testimony on this important bill. We represent workers in low-wage jobs when bad things happen to them at work: when they are not paid, or are discriminated against for being in a protected class or are retaliated against for speaking up. Finally, we engage in policy advocacy and try to bring the important perspectives of workers in low-wage jobs and immigrant workers to these policy discussions.

Thank you for your work on this important and timely bill. Many of our clients are immigrant workers in low-wage jobs, and it is common for employers to respond with threats when their employees stand up for their rights.

This happens in many settings, including when workers:

- Ask to be paid on time, or asking to be paid correctly
- Ask for meal and rest periods, and even bathroom breaks
- Try to form a union or take other protected concerted activity together
- Report an injury or invoke the workers' compensation system
- And many others

Sadly, in today's hateful national political climate, some unscrupulous employers are increasing their threats against immigrant workers who stand up for their rights. These unscrupulous folks believe there will be no accountability if they threaten workers who they believe to be undocumented or whose visas have expired. These threats are made when an employer does not want to fire the worker, but wants to scare the worker into submission. This bill would give workers who are threatened in this way to do something about it.

We support this bill in theory, but believe it will not be effective without a private right of action under our retaliation statute, ORS 659a.030 and under our whistleblower statute as well, ORS 659a.199. Many workers do not trust the government or have had bad experiences with government agencies like BOLI. Undocumented workers especially have fears about giving their personal information over to a state agency to ask them to investigate a claim. But as SB 1119 is currently written, that is their only option.

Instead, a private right of action should be added so workers can choose if they go to BOLI or try to find an attorney to help them bring their case. There is a very short list of Spanish-speaking, private attorneys who would consider a case based on immigration-related threats, and their caseloads are extremely high. NWJP and our state's two legal aid programs- Legal Aid Services of Oregon and the Oregon Law Center- take as many cases as we can, but can only provide services to a small fraction of the people who call us for help. If a private right of action were added here, it would not result in a run on the courts or a flood of litigation. It would just allow a subset of workers facing immigration-based retaliation to have their day in court, in partnership with trusted legal organizations. This could send a message to employers that their threats and retaliation have consequences. Please consider adding a private right of action to this bill.

Thank you sincerely for your work on this issue.