

Chair Taylor, Vice-Chair Bonham, members of the Committee,

My name is Seth Johnstone and I work for Basic Rights Oregon here in support of HB2957.

The statute of limitations for workplace discrimination and harassment claims is 5 years. However, if a worker files a claim with BOLI because they believe they have experienced any type of discrimination or harassment, including sexual harassment or racial discrimination their statute is automatically reduced to 90-days after BOLI issues a finding, per current statute.

As the long-standing LGBTQ+ rights organization in the state, the most common call I receive is from folks who have experienced civil rights discrimination based on their protected class in their workplaces. Many have lost their jobs and are confused and stressed, still trying to find ways to pay rent and access food if they haven't found employment and most have already filed with BOLI per advice from peers about the free resource and unaware of the unfair limitation it will place on them should they seek to find an attorney later.

77% of the civil rights complaints are filed without an attorney. Our states agency is often the first place individuals are referred to by peers, perceiving cost to working with attorneys when they are already facing financial troubles due to job interruptions. Our state needs to prohibit employers from including clauses in contracts that shorten the time workers have to file workplace violations enforced by BOLI.

The attorneys who work on these cases have expressed to our organization how they get contacted by folks who have already called 10 other attorneys who all told them they had no capacity to take their case. Low-income and LGBTQ Oregonians face more barriers when their rights are violated and often do not have the capacity to swiftly find attorneys in this time period. By the time the individual reaches them attorneys often rush to file without typical time with the clients.

Filing with BOLI should not infringe on the opportunity to have the same standard of limitations to pursue civil action individually. The original intent to drive folks to file with BOLI first is not benefitting the community and its impact is the opposite. BOLI's investigations dept in civil rights division is underfunded and understaffed, backlogged in investigations, and impacting workers- often something individuals are unaware of when originally filing. The message to our workers is that access to justice is only afforded to those who are well-resourced. The workers we support should have equal access to the justice system. For cases of LGBTQ employment discrimination, the folks who take these cases are limited. BOLI is supposed to be in place to support workers without legal resource, low wage employees, and marginalized communities that face impacts to their employment due to discrimination.

We appreciate Representative Nelson for bringing this bill forward as we've directly witnessed unfair limitations that have reduced access to civil action for those who do not have many resources and are further affected by discrimination. This bill would ensure fair process and we encourage your support for HB2957.