

To: Senate Committee on Labor and Business
From: Martha Sonato, Oregon Law Center
Re: Support for HB 2957A, opposition to A5 amendment
Date: May 20, 2025

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

Thank you for the opportunity to submit testimony in opposition to the proposed A5 amendment to HB 2957A on behalf of the Oregon Law Center (OLC).

Legal processes are often complex, and individuals frequently need help understanding their rights. This is especially true for low-income Oregonians, who may face additional barriers when their rights are violated, such as fear of retaliation, limited access to information and support, and trauma that makes it difficult to even describe what happened to them. Workers—particularly those who are low-income, immigrants, or part of underserved communities—are not always aware of the protections available to them. That’s why aside from legal services, we also do outreach and education to ensure workers know their rights.

In 2019, the Oregon Legislature passed [SB 726A](#), the Oregon Workplace Fairness Act, to strengthen protections against workplace discrimination and harassment. A key provision of that legislation extended the statute of limitations for related claims from one year to five years.

However, under current law, workers who pursue discrimination claims through BOLI face a 90-day deadline to file a lawsuit if their case is dismissed—even though these claims legally carry a five-year statute of limitations. This disconnect undermines the Legislature’s intent in extending the timeline to file a claim.

[HB 2957A](#) supports access to justice by ensuring that all workers—regardless of whether they go through BOLI or file directly in court—can rely on the full five-year statute of limitations. Additionally, the bill would prohibit employers from requiring employees to contractually waive or shorten that timeline.

Concerns with the [Proposed A5 Amendment](#)

Unfortunately, we have serious concerns with the policy framework outlined in the proposed A5 amendment. We believe the A5 amendment, as currently drafted, is not worker centered and would create additional barriers for workers seeking justice when their workplace rights have been violated.

Overview of A5 Amendment Provisions

Many workers face real, documented challenges in securing legal representation when their rights are violated, including cost, cultural and linguistic barriers, and lack of awareness. For many, BOLI is the only accessible route to seek help, and they may not realize that initiating a case with the agency could reduce the time they have to go to court. The A5 amendment would add to an already complicated and confusing set of pathways to achieving justice for these individuals.

If BOLI does not make a finding of Substantial Evidence (SED) and:

- More than one year remains on the statute of limitations (SOL), the worker may file in court.
- Between 90 days and one year remain, the worker gets the remainder of the SOL to file.
- Fewer than 90 days remain, the worker gets 90 days to file.

If BOLI does make a finding and:

- More than 90 days remain on the SOL, the worker gets the remainder of the time.
- Fewer than 90 days remain, the worker gets 90 days to file in court.

The latter would certainly give workers additional time to pursue their claim, and it is better than what we currently have in place. However, while this policy might offer clarity in cases where BOLI makes a finding, due to a variety of reasons, a vast majority of claims filed and investigated result in no substantial evidence determination based on 2023 BOLI data. It's important to understand that this determination does not mean the worker's claim lacks merit. Investigations may fall short or fail to uncover the necessary evidence, especially under current conditions, where BOLI is under-resourced and grappling with a significant backlog. Investigators often carry heavy caseloads, and not all cases may receive the attention they deserve.

A "no substantial evidence" finding should not penalize the worker by shortening their time to file a lawsuit. The legislature has already made a clear decision in 2019: workers get five years to bring certain claims. That shouldn't change just because someone chose to go through BOLI first.

Complicated and Confusing Timelines

Although the A5 amendment attempts to address some gaps, the result is a confusing patchwork of deadlines. Workers would need to understand which specific time limit applies to them, interpret the outcome of their BOLI case, and then quickly secure legal representation to file in court. We routinely assist individuals who need help



Martha Sonato
Legislative Advocate
Oregon Law Center
621 SW Morrison St., Suite 1450
Portland, OR 97205
msonato@oregonlawcenter.org

understanding their legal rights and responsibilities and experience shows us that overly complex timelines only make access to justice more difficult.

Our laws and systems should be designed with the impacted individuals at the center. The structure proposed in A5 does not meet that standard.

We respectfully urge the committee to pass HB 2957A as adopted by the House. This version ensures that every Oregonian—regardless of how they pursue their claim—has a fair and consistent opportunity to seek justice. Workers should not lose their right to a court hearing simply because they started their case with BOLI. HB 2957A simply seeks to align the SOL for discrimination claims to what the legislature passed in 2019. Thank you for your time and consideration.

Sincerely,
Martha Sonato
Legislative Advocate
Oregon Law Center