

● CIVIL RIGHTS LAWS

STATUTORY CITATION: Or. Rev. Stat. §§ 659A.001 – 659A.990

GENERAL SUMMARY: Chapter 659A of the Oregon statutes outlaws certain forms of discrimination, including a multitude of unlawful employment practices. In general, the ban against employment discrimination applies to all agricultural and non-agricultural pursuits in the state except domestic service and employment by a parent, spouse or child.

SPECIFIC TERMS AND CONDITIONS

UNLAWFUL EMPLOYMENT PRACTICES — Among numerous other offenses defined in the civil rights laws, it is generally illegal for an employer to refuse to hire a job applicant, or to discharge a worker from employment, because of the individual's race, color, religion, sex, sexual orientation, national origin, marital status, age (if 18 or older), or legally expunged juvenile record. Employers are also prohibited from discriminating against an individual because of the race, color, religion, sex, sexual orientation, national origin, marital status, or age of any other person the individual associates with.

Likewise, an employer may not discriminate against an individual in compensation, or in the terms, conditions or privileges of employment, on any of these same grounds, or print or circulate any employment-related statement or advertisement, or use any form of job application, which expresses a preference or bias related to any such factor.

Other prohibited acts include discrimination against a person because of the person's on-the-job injury or use of workers' compensation rights, the person's military service status, or a disability which does not prevent performance of the work involved.

EXCEPTIONS — Discrimination is not an unlawful employment practice if such discrimination is based on a bona fide occupational requirement reasonably necessary to the normal operation of the employer's business. Also, the prohibition on discrimination against injured workers and workers with a disability applies only to employers with 6 or more employees.

COMPLAINTS — Anyone claiming to be aggrieved by an unlawful employment practice may file a complaint with the state enforcement agency, generally within one year after the alleged practice occurred. The state agency must attempt to settle the complaint and eliminate the effects of the unlawful practice through conference, conciliation and persuasion whenever the initial investigation yields substantial evidence supporting the allegations of the complaint. In the event such informal efforts are unsuccessful, the agency may hold a hearing to allow the employer or other party named in the complaint to answer the charges. A formal ruling on the evidence presented in the hearing that the respondent has, in fact, engaged in unlawful discrimination may result in an order for affirmative action compliance, which may include employment or rehiring, back pay, compensatory damages, or other appropriate measures.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Civil Rights Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0764)*. In their investigatory and adjudicatory roles under the state civil rights laws, authorized representatives of the Bureau may enter places of employment, view personnel files, question employees, subpoena witnesses or documents, take statements, report findings, issue administrative determinations, and issue compliance orders, enforceable in civil court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

PRIVATE CIVIL ACTION — If, within one year after the filing of a complaint, the Bureau has been unable to reach a conciliation agreement with the respondent, has not brought formal charges against the respondent, or has made no administrative determination in the case, the complainant may file a civil suit in circuit court for relief within 90 days, using a private attorney or public legal service provider. Likewise, a worker may take civil action directly, without first filing a complaint with the Bureau, provided the suit is commenced within one year of the occurrence of the alleged discriminatory practice. In either case, court action on the complainant's part bars any further involvement in the matter by the Bureau.