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## **OREGON COALITION TO STOP WAGE THEFT**

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### **HB 2169: Increasing Workers' Access to Courts**

Workers face significant barriers if they decide to litigate against an employer who has committed wage theft. One barrier is the risk of being held responsible to pay their employer's attorney fees.

HB 2169 aims to alleviate this problem.

- Currently, there are two important wage collection statutes that allow either side to collect attorney fees in a wage dispute. This deters workers from bringing claims, since they fear that they could end up responsible for their employer's attorney's fees should they not prevail on their claim. Losing a court case doesn't mean that wages were properly paid; it only means that the worker was unable to convince a jury that she was not properly paid. At the beginning of a case, it's hard to predict with certainty what the outcome might be.
- This bill would bring the language in these two statutes (minimum wage and allowable deductions) in line with other statutes protecting workers' rights—awarding fees only to prevailing employees.
- It would change one word: "prevailing party" to "prevailing plaintiff." This provision would make it so that attorney fees in a wage claim would only be awarded if an employee proves that wage theft took place.
- Note that any person who brings a frivolous claim in Oregon can still be liable for the opposing party's attorney fees, so a worker's claim must have a reasonable basis.