
OREGON COALITION TO STOP WAGE THEFT

HB 2181: Protecting Workers from Retaliation

A key reason that wage theft continues to grow in Oregon is that many workers who have suffered from wage theft are reluctant to make a complaint for fear of retaliation. Retaliation is already against the law, but it is very difficult to prove. This bill will make it easier for workers to show that they have been fired illegally for making a wage complaint

- HB 2181 will require that, if requested, a discharged worker receive a simple statement of the reasons for discharge. An employer can give any explanation it wishes, or can even simply state that the employee worked “at will” and was no longer needed. This will prevent an employer from giving any reasons for discharge other than those disclosed in the requested statement of reasons for discharge.
- The bill will also create a rebuttable presumption of retaliation if adverse employment action is taken within 90 days of a wage complaint. This presumption can be overcome by the employer with evidence of other, non-retaliatory, reasons for the adverse employment action. The employer is the only person who knows the actual reason for discharge, and has access to all relevant records and evidence, so this shifting of the burden to the employer levels the playing field.