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GRIST

US: NEW OREGON LAW PROTECTS AGAINST WORKPLACE HARASSMENT, DISCRIMINATION

By Mercer's Fiona Webster and Stephanie Rosseau
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A new Oregon law requires employers in the state to implement a written anti-harassment policy and prohibits use of nondisclosure agreements (NDAs) to prevent employees or job applicants from revealing harassment or discrimination under any protected category. Most provisions of the [Workplace Fairness Act](#), signed by the governor on 11 June, will take effect on 1 Oct 2020. The Bureau of Labor and Industries will soon publish model procedures and policies for employers.

HIGHLIGHTS

Key provisions include the following:

- The law extends the statute of limitations for filing a complaint alleging harassment from one to five years.
- Employers can't use NDAs as a condition of employment (such as hiring, continued employment, promotion, receipt of benefits and compensation) if the agreement aims to prevent the employee from discussing or disclosing harassment or discriminatory conduct related to any protected category under state law, including sex, sexual orientation, age, race, religion or national origin. However, employers can enter into an NDA separation or severance agreement if the aggrieved employee requests one and is allowed seven days to revoke the agreement after signing. Signed NDAs may also be revoked if an investigation by the employer reveals that harassment or discrimination were substantially contributing factors to an employee's termination.
- Written anti-harassment policies must include the following minimum information and must be given to all new employees upon hiring and to employees who disclose information about discrimination or harassment:
 - The procedures to enable employees to report alleged actions
 - The time limit for employees to file complaints

- A statement confirming that employees won't have to sign an NDA or an agreement preventing them from disparaging the employer, and an explanation of the terms used and of the procedures for revoking an NDA or nondisparagement agreement
- The identity of the person and an alternate responsible for receiving reports of prohibited conduct
- Procedures for employers or employees to document any discriminatory acts or harassment

RELATED RESOURCES

- [Workplace Fairness Act](#), SB 726 (Oregon State Legislature, 11 Jun 2019)

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