

OREGON TRIAL LAWYERS ASSOCIATION

319 SW Washington Street, #607

Portland, OR 97204

www.oregontriallawyers.org

503-799-1017

Testimony of Arthur Towers
In Support of
House Bill 4154
Before the
House Committee on Business and Labor
February 9, 2018

Thank you for the opportunity to testify in support of HB 4154. Members of the Oregon Trial Lawyers Association fight for underdogs. Workers who are vulnerable to wage theft most certainly are underdogs in terms of receiving a fair day's pay for a fair day's work.

The construction industry is an area in which our members report seeing significant problems of wage theft. HB 4154 addresses the failure of subcontractors on construction projects to pay wages owed workers.

HB 4154 gives many of these workers additional protections and additional tools to fight back against unscrupulous employers. The bill also provides even more incentive for general contractors to make sure that the people doing the hardest work get paid. We support the direction this bill is going.

The bill has one flaw however. Employees who lack the benefit of a labor management agreement or the important protection of a union cannot engage the general contractor in the effort to get paid what is rightfully theirs. (Sections 4 and 5)

These underrepresented workers are forced to go through the underfunded government bureaucracy in order to make a claim. They should have the power to

pursue for themselves as an individual the recovery of wages with the tools provided in HB 4154. The language on Page 2, lines 3-4 (Section 7) preclude that opportunity for very vulnerable workers. These workers only have BOLI, which has limited capacity to help individual workers. The capacity to effectively pursue these complaints depends on scarce general fund dollars to augment the Wage Security Fund. This can lead to lengthy delays in getting a wage theft complaint resolved.

Employers rarely have to wait for BOLI to get workplace disputes settled.

When an employee violates a non-compete clause, the employer can make their case individually in a court of law.

When an employee breaches their fiduciary duty, the employer doesn't have to wait for BOLI, she can take the wrongdoer to court.

When an employee violates confidentiality agreements or reveals trade secrets, the employer also has a private right of action.

These are just three of the many private rights of actions employers can use against employees.

Vulnerable construction workers should be able to have the same rights as corporations when it comes to access to a court of law.

The language in Section 7 should be changed so the underdog who faces injustice has a level playing field with companies big and small that are wronged by their employee.

Again, we support HB 4154 and appreciate a great deal to opportunity to supplement the efforts of those who wrote the bill. We especially thank Representative Fahey for bringing this important concept forward.

We urge a YES vote on HB 4154, and we would strongly urge an amendment for individual workers to gain access to the tools laid out in 4154.