

SURVIVOR STATE EMPLOYMENT GUIDE

OREGON

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employment handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

Under Oregon Law ([Or. Rev. Stat. § 659A.290](#)), employers are prohibited from discharging, threatening to discharge, demote, suspend, or in any manner discriminate or retaliate against an individual with regard to promotion, compensation, or other terms, conditions, or privileges of employment because the individual is a victim of domestic violence, harassment, sexual assault or stalking.

Note that federal law, local law and/or employers' internal policies may provide other applicable protections. employers' internal policies.

REASONABLE ACCOMMODATIONS

Under Oregon law ([Or. Rev. Stat. § 659A.290](#)), all employers are required to provide reasonable safety accommodations at work for a victim of domestic violence, harassment, sexual assault, or stalking regardless of the number of hours worked per week or length of time worked for the employer. It is an unlawful employment practice for a covered employer to refuse to make a reasonable accommodation, discharge, refuse to hire, suspend, retaliate, or discriminate in any manner against an individual for being a victim of domestic violence, harassment, sexual assault, or stalking. In addition, Oregon employers have to post, in a conspicuous place, a summary of employees' rights to take leave to address domestic violence, harassment, sexual assault, or stalking and maintain summaries of all regulations enforcing the domestic violence leave law.

- *Examples of a reasonable accommodation?* A reasonable safety accommodation could include a transfer, reassignment, modified work schedule, unpaid leave, changed work telephone number, changed work station, installed lock or any other adjustment to the job structure, work place facility or work requirement in response to actual or threatened domestic violence, harassment, sexual assault, or stalking.
- *How do I request a reasonable accommodation?* Certification can be a document from law enforcement or the courts, such as a police report or restraining order, a letter or other document from an attorney, counselor, domestic violence or sexual assault victim service provider, health care professional, or clergy member. Any of these forms of documentation is sufficient. An employer has the right to ask the victim for certification that the employee is a victim.
- *Is this process confidential?* Unless otherwise required by law, any documents provided as certification of the victim's status must be kept confidential and may not be released without the victim's express permission.

individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

- **Time off to address domestic violence, sexual assault or stalking:** Under Oregon Law (**Or. Rev. Stat. § 659A.272**), employers with six or more employees are required to allow an employee to take reasonable leave from employment for any of the following purposes:
 - To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, or stalking.
 - To seek medical treatment for or to recover from injuries caused by domestic violence, harassment, sexual assault, or stalking of the employee or the employee's minor child or dependent.
 - To obtain, or to assist a minor child or dependent in obtaining, counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, or stalking.
 - To obtain services from a victim services provider for the employee or the employee's minor child or dependent.
 - To relocate or take steps to secure an existing home to ensure the health and safety of the employee or the employee's minor child or dependent.

- **Paid Sick Days:** In Oregon (**Or. Rev. Stat. §§ 653.601–653.661**), employers with ten or more employees are required to provide paid sick leave. Employers who employ six or more people and are located in a city of 500,000 or more inhabitants are required to comply as well. Employees who are victims of domestic violence, harassment, sexual assault, or stalking may use sick leave for any of the purposes that are already authorized under section 659A.290. The leave may be taken in hourly increments, up to 40 paid hours per year. New employees are not eligible to take paid sick time off for the first 90 days of their employment. Employers may not require the employee to work extra hours or to find replacement workers in order to use the sick time the employee has accrued. Employees may donate their sick time to a coworker who is a victim of domestic violence, harassment, sexual assault, or stalking and needs time off for any of the above-noted authorized purposes. Where the need for time off is foreseeable, the employer may require the employee to provide an advance notice no more than ten days in advance of the date of the leave. In case of unforeseeable use of sick time, the employee must provide notice as soon as practicable. In addition, if the employee takes more than three consecutive days off, the employer may require certification to demonstrate that the leave has been taken for an authorized purpose. Employers may not require that the certification disclose details about the violence the employee has experienced. Employees must provide such certification within a reasonable time after receiving the employer's request. The employer must not in any way discriminate against the employee who requests or uses paid sick time. Additionally, the employer must provide notice of employee's rights under these provisions. Aggrieved employees may bring a civil suit against a non-compliant employer.
 - **Paid Leave for Public Employees:** In Oregon (**Or. Rev. Stat. § 659A.283**), state agencies are required to grant up to 160 hours of paid leave in each calendar year to an eligible employee for the purposes stated above. The paid leave is in addition to any vacation, sick, personal business, or other form of paid or unpaid leave available to the employee. An employee must exhaust all other forms of paid leave before the employee may use the paid leave established by the law. Additionally, in cases where the public employer has, or reasonably ought to have, knowledge that the employee is a victim of a specified offense, the employer has the duty to speak with the employee and offer to contact law enforcement in any instance where the employer knows that a communication regarding the

employee's victimization was made to the employee while the employee was on the job. The same obligation applies if such communication had been attempted but had not reached the employee.

- **Paid Family Leave and Medical Insurance:** Oregon's paid family leave and medical insurance law ([Or Rev Stat 657B.005 et seq.](#)) allows a covered individual to use this benefit for safe leave related to domestic or sexual violence. A covered individual can take safe leave for all the reasons listed above under "Time off to address domestic violence, sexual violence, or stalking." An individual can receive up to 12 weeks of paid family leave and medical insurance benefits per year. An individual must meet certain requirements to qualify for the leave. **Benefits do not begin until September 2023.**

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Oregon law ([Or. Rev. Stat. § 657.176\(12\)](#)), an individual is not disqualified from receiving benefits if: (1) the individual or a member of their immediate family is a victim of domestic violence, stalking, or sexual assault, or the individual believes that the individual or a member of their immediate family could become a victim of domestic violence, stalking or sexual assault; and (2) the individual leaves work, fails to apply for available suitable work or fails to accept suitable work when offered in order to protect the individual or their immediate family from violence that the individual reasonable believes will occur as a result of the individual's continued employment or acceptance of work.

OTHER RESOURCES

<https://www.oregon.gov/boli/workers/Pages/domestic-violence-protections-for-workers.aspx>