

## **HIGHLIGHTS OF OREGON CIVIL RIGHTS EMPLOYMENT LAWS THAT ARE NOW IN EFFECT**

As we've mentioned in previous columns, Oregon has enacted several employment laws that are now in effect. Below is a summary of the major ones involving civil rights:

### **Sexual Orientation**

This law prohibits discrimination because of an individual's sexual orientation. Sexual orientation is defined as an individual's real or perceived heterosexuality, homosexuality, bisexuality or gender identity. Ten cities in Oregon already have similar ordinances, but this new law covers Oregon as a whole.

### **Paid Sick Leave for OFLA Absences.**

In the past, Oregon employers only had to allow employees to use paid sick leave for OFLA absences if it was parental leave or a kind of leave that was otherwise covered under the employer's sick leave policy. As of 2008, however, the law requires employers to allow employees to use paid sick leave for any OFLA-qualified absence.

### **OFLA and Workers' Compensation**

Although a work-related injury might also be a "serious health condition" under OFLA/FMLA, Oregon law now states that employers may not count a work-related injury against OFLA leave. Note that FMLA has not changed in this regard, and employers may still count this absence under that law.

### **OFLA and Grandparents/Grandchildren**

Grandparents and grandchildren are now included as "family members" for the purposes of taking OFLA leave for a serious health condition.

### **Time and Space for Expression of Breast Milk**

Employers with 25 or more employees must now provide unpaid rest periods to new mothers who need to express breast milk. Unless the employer and employee agree otherwise, the employee must be

given a 30 minute rest period for every 4 hours worked for this purpose. If possible, the employee must take this time during their regularly scheduled rest or meal periods.

The employer is also required to make reasonable efforts to provide the employee with a private area for expressing breast milk. This area may not be a public restroom or toilet stall.

An employer is not required to provide the rest periods if to do so would impose an undue hardship, defined as “a significant difficulty or expense when considered in relation to the size, financial resources, nature or structure of the employer’s business.”

For more information, consider attending a seminar on the new laws effective in 2008. Our next seminar on this topic is scheduled for March 11 in Portland. Details and registration information is available on our website at [www.oregon.gov/BOLI/TA](http://www.oregon.gov/BOLI/TA)