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Senate Democrats pass bill protecting whistleblowers, promoting transparency

HB 4067 protects those who report suspected crimes, abuse or misconduct in public and non-profit sectors

SALEM – Oregon Senate Democrats today voted to send a bill to Gov. Kate Brown for signature that provides protections for whistleblowers in government and some non-profit organizations.

House Bill 4067 – which passed by a 27-1 vote in the Senate – boosts government transparency by expanding Oregon's whistleblower statutes. The bill provides an affirmative defense to criminal or civil charges brought against an employee, when the charges come as the result of a good faith disclosure an employee made related to a suspected violation of law or other serious wrongdoing.

"Fear of legal ramifications can keep employees from reporting illegal or fraudulent behavior in public agencies or non-profit agencies," said Sara Gelser (D-Corvallis). "In one recent case involving an Oregon foster care provider, it meant children suffered for years in abusive circumstances as a result. HB 4067 fixes that problem by giving employees of public agencies and non-profits the protection they need to blow the whistle on dangerous and illegal activities. Oregonians will be safer as a result."

Oregon's current whistleblower statute prohibits employers from threatening disciplinary action or retaliating against an employee for reporting a potential violation of a local, state or federal rule, law or regulation. This bill will provide other legal protections to employees who step forward with legitimate and reasonable evidence of violations.

In order to be protected under the defense provisions outlined in HB 4067, an employee must disclose the apparent violation to a state regulatory agency, law enforcement personnel, a manager with the same employer or a licensed attorney (in a situation where they are seeking legal advice on the alleged violation). Information must be accessed lawfully and presented first-hand by an individual to one of the entities above, in order for protections to apply. The bill clarifies that protections apply to nonprofit employees — including board members — in addition to other public sector staff. The bill also makes clear that certain information, such as protected health information, is only required to be disclosed in accordance with applicable federal law.

Many non-profit and public employees work with Oregon's most vulnerable residents, including children in care, elderly individuals and individuals with disabilities. These new protections are intended to ensure that public and non-profit employees can safely report abuse, crimes and other serious misconduct in their workplace.

HB 4067 now goes to Gov. Kate Brown for signature.

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