

Electronic Alert

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New Law Requires Public Contractors to Certify Anti-Harassment & Anti-Discrimination Policies By Tyler Volm

Starting January 1, 2018, public contractors seeking contracts valued at over \$150,000 will have to certify that the contractor maintains a policy and practice of preventing sexual harassment, sexual assault, and discrimination against workers who are members of a protected class. If the contractor fails to make the appropriate certification, they will be ineligible for an award of the public contract. Protected classes specifically enumerated in House Bill 3060 include race, color, ethnicity, national origin, sex, gender (including actual or perceived gender identity), sexual orientation, disability, age, marital status, and religion.

In addition to general prohibitions against harassment and discrimination, the policy and practice must include:

- a written notice to each employee that specifies disciplinary measures for conduct violations;
- a clear reporting process, including what the contractor will do in response to a report;
- a regular written procedure that identifies who a report should be submitted to and who will be involved in responding to, and resolving, the issues raised in the report;
- a commitment to confidentiality for any report (to the extent permitted by law);
- a provision prohibiting retaliation against reporters and witnesses; and
- a prohibition against discrimination in providing benefits, including health insurance and health benefits, to an employee or their dependent based on their membership in a protected class.

Contractors may provide written notice of their policy and practice by submitting a printed or electronic version of their employee handbook. The Oregon Department of Administrative Services is also charged with making an electronic template available on its website to guide contractors in meeting the notice requirements of the new law, as well as formulating other guidance to contractors and prospective contractors. The new law also requires a specific provision to be included in all applicable contracts that addresses the certification obligation.

A link to the text of the law can be found [here](#).

Public contractors should review their current policies and practices on prohibiting sexual harassment, discrimination, and retaliation to confirm that they meet the law's minimum requirements, and should confirm that they have satisfied the notice requirement before entering into any new public contracts over the \$150,000 threshold.

For any specific questions about how this affects your workplace, contact Tyler Volm at (503) 276-2111 or tvolm@barran.com.