



## Oregon Employers Have Something New To Worry About

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Employers with jobs to fill have a lot to worry about. Not only are they trying to fill a void effectively, but also in the right way and without legal missteps. Experienced hiring managers are aware of dozens of questions and practices to avoid during the recruitment and interviewing process. And Oregon employers soon will face a new challenge when hiring: not discriminating against unemployed individuals.

As the nation struggles to dig itself out of the economic doldrums, unemployment has remained stubbornly high. This group of unemployed individuals actively looking for work is much larger than usual. As the group has grown and become somewhat dissatisfied with government actions (or inaction), some employee advocates and legislators are calling for greater protection.

In early 2011, the Equal Employment Opportunity Commission – the government agency charged with protecting the rights of workers across the country – held a series of hearings to determine how best to protect the unemployed from workplace bias.

That brings us to Oregon and 2012. In this abbreviated legislative session, state lawmakers passed a new law that makes Oregon only the second state in the country to ban job advertisements that specifically announce that unemployed persons need not apply. Once signed into law, it will be illegal for Oregon employers to post job ads that tell unemployed applicants that they will not be considered for hire.

Employers should rightfully be concerned, however, that this new law could lead Oregon down a slippery slope resulting in a ban of discrimination against unemployed individuals. Such a law could easily be abused, and potential lawsuits could be difficult to defend. Employers should expect this topic to be debated across the country in the next few years, especially if the economy does not spring back to vibrancy soon.

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