

DOMESTIC VIOLENCE VICTIM SEEKING A RESTRAINING ORDER IS PROTECTED FROM RETALIATION BY HER EMPLOYER UNDER OREGON LAW

A victim of domestic violence in Oregon now has protection against retaliation from her employer when she files a restraining order or reports her abuser's conduct to the police. On April 7, 2008, a jury in Bend found that an employer, who berated victim Allison Steele and fired her when she filed for a protective order to keep her abusive co-worker from coming to work, committed a violation under ORS 659A.230 and also was guilty of wrongful discharge under Oregon common law. The jury awarded Ms. Steele her back pay of \$2464 on each claim and also awarded punitive damages against her employer, Snowline Manufacturing in Bend, Oregon, of \$17,500 on the statutory claim and \$10,000 on the wrongful discharge claim. In addition, Ms. Steele's attorneys are entitled to apply to the court for payment from defendant Snowline of attorney fees and costs.

This decision may be the first time that a jury has found that the Oregon statute ORS659A.230, which prohibits retaliation for initiating or testifying in a civil proceeding or for filing a criminal complaint, applies to a domestic violence victim's application for or seeking enforcement of a restraining order or reporting an abuser's criminal activity. The conclusion that such conduct amounts to a wrongful discharge is also the first known decision sanctioning an employer for finding that the public policy of Oregon was violated applying protection to a victim of domestic violence seeking to assert her rights as an employee.

Pleadings and research can be obtained from plaintiff's counsel: Elizabeth McKanna or Dana Sullivan of McKanna Bishop Joffe & Sullivan, LLP (lmckanna@mbjlaw.com or dsullivan@mbjlaw.com), 503-226-6111.

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