

SB 907 A STAFF MEASURE SUMMARY

House Committee On Business and Labor

Prepared By: Erin Seiler, LPRO Analyst

Meeting Dates: 5/10, 5/17

WHAT THE MEASURE DOES:

Makes it an unlawful employment practice for any person to bar or discharge from employment or discriminate against employee or prospective employee because they have refused to expose themselves to serious injury or death from hazardous condition at place of employment, with no reasonable alternatives and in good faith.

Fiscal impact: Minimal

Revenue impact: No

Senate floor vote: Ayes, 21; Nays, 8--Boquist, Findley, Girod, Hayden, Linthicum, Robinson, Smith DB, Thatcher; Excused, 1

ISSUES DISCUSSED:

- Frequency of workers being exposed to hazardous working conditions
- Number of workplace safety complaints received by Oregon Occupational Safety and Health Division (Oregon OSHA)
- Lack of clarity in current federal rules regarding right of worker to refuse work
- Codify existing federal rule to provide employees with tools to address unsafe working conditions
- Direction for Oregon OSHA to adopt rule in accordance with Federal code to minimize confusion
- Application to first responders or health care professions

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 1970, the federal Occupational Safety and Health Administration (OSHA) was formed when the Occupational Safety and Health Act was passed. Federal law allows civil penalties for violation of federal workplace safety or health requirements. Under federal law, states are allowed to operate their own OSHA-approved occupational safety and health programs as long as those programs are as effective as the federal OSHA plan. Currently, 22 states, including Oregon, maintain state OSHA-approved programs covering private and public sector workplaces. Oregon enacted its occupational safety and health legislation in 1973, known as the Oregon Safe Employment Act. The Occupational Safety and Health Division of the Department of Consumer and Business Services (DCBS) enforces Oregon's occupational safety and health requirements. Presently, it is an unlawful employment practice for any person to discriminate against any employee or prospective employee who exercises rights protected under Oregon-OSHA.

Senate Bill 907 A makes it an unlawful practice for any person to bar or discharge from employment, or discriminate against an employee or prospective employee because they refused to expose themselves to serious injury or death from a hazardous condition at the place of employment when there are no reasonable alternatives and the person is acting in good faith.