

House Bill 2272

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Department of Consumer and Business Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Director of Department of Consumer and Business Services to keep confidential and not disclose to public any information that would identify employee who provided information or participated in inspection or investigation of place of employment unless employee consents to disclosure. Requires director to establish rules for maintaining confidentiality of information.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to confidentiality of identifying information of employees who participate in workplace
3 safety inspections; amending ORS 654.067; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 654.067 is amended to read:

6 654.067. (1) In order to carry out the purposes of ORS 654.001 to 654.295, 654.412 to 654.423 and
7 654.750 to 654.780, the Director of the Department of Consumer and Business Services, upon pre-
8 senting appropriate credentials to the owner, employer or agent in charge, is authorized:

9 (a) To enter without delay and at reasonable times any place of employment; and

10 (b) To inspect and investigate during regular working hours and at other reasonable times, and
11 within reasonable limits and in a reasonable manner, any such place of employment and all pertinent
12 conditions, structures, machines, apparatus, devices, equipment and materials therein, and to ques-
13 tion privately the owner, employer, agents or employees.

14 (2) No person shall give an owner, employer, agent or employee advance notice of any inspection
15 to be conducted under ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780 of any place
16 of employment without authority from the director.

17 (3) Except in the case of an emergency, or of a place of employment open to the public, if the
18 director is denied access to any place of employment for the purpose of an inspection or investi-
19 gation, such inspection or investigation shall not be conducted without an inspection warrant ob-
20 tained pursuant to ORS 654.202 to 654.216, or without such other authority as a court may grant in
21 an appropriate civil proceeding. Nothing contained herein, however, is intended to affect the validity
22 of a constitutionally authorized inspection conducted without an inspection warrant.

23 (4) A representative of the employer and a representative authorized by the employees of the
24 employer shall be given an opportunity to accompany the director during the inspection of any place
25 of employment for the purpose of aiding such inspection. When there is no employee representative,
26 or the employee representative is not an employee of the employer, the director should consult with
27 a reasonable number of employees concerning matters of safety and health in the place of employ-
28 ment.

29 (5) The representative of the employer may, at the employer's option, be an attorney retained

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 by the employer.

2 **(6)(a) Notwithstanding ORS 654.062 (4), the director shall keep confidential and not dis-**
3 **close to the public any information obtained under this section that would permit the iden-**
4 **tification of an employee who provided information or participated in an inspection or**
5 **investigation of any place of employment unless consent to the disclosure of the information**
6 **is given by the employee.**

7 **(b) The director shall establish rules governing procedures for maintaining the**
8 **confidentiality of information under this section.**

9 **SECTION 2.** **This 2023 Act takes effect on the 91st day after the date on which the 2023**
10 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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