

HB 2570 -1 STAFF MEASURE SUMMARY

House Committee On Labor and Workplace Standards

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Meeting Dates: 2/3, 2/19

WHAT THE MEASURE DOES:

Requires the Director of Department of Consumer and Business Services (DCBS) keep confidential and not disclose to public any personally identifiable information of employees who participated or provided information during investigation or inspection of any place of employment conducted by Oregon Occupational Safety and Health (Oregon OSHA) that would allow for identification of employee. Establishes exceptions to prohibition. Requires director to adopt rules and establish procedures regarding implementation of confidentiality requirement.

Fiscal impact: (-1 amendment - Minimal)

Revenue impact: (-1 amendment - No Revenue)

ISSUES DISCUSSED:

- Role of Oregon OSHA
- Process for investigating complaints
- Requirement that Oregon OSHA State Plan be as effective as Federal OSHA
- Federal OSHA identified the lack of confidentiality for employees in state plan evaluations
- Confidentiality of complainants

EFFECT OF AMENDMENT:

-1 Adds requirement that the director keep confidential and not disclose to the public any information obtained during a consultation of any place of employment.

BACKGROUND:

Requires the Director of Department of Consumer and Business Services (DCBS) keep confidential and not disclose to public any personally identifiable information of employees who participated or provided information during investigation or inspection of any place of employment conducted by Oregon Occupational Safety and Health (OR-OSHA) that would allow for identification of employee. Establishes exceptions to prohibition. Requires director to adopt rules and establish procedures regarding implementation of confidentiality requirement.

The Oregon Occupational Safety and Health State Plan (state plan) is administered by Oregon Occupational Safety and Health (Oregon OSHA) at Department of Consumer and Business Services (DCBS). Oregon OSHA adopts and enforces occupational safety and health standards under authority of the Oregon Safe Employment Act (OSEA) that are at least as effective as Federal OSHA's and covers both private sector and state and local government employees.

Current statute permits the identity and information about employees who participate in Oregon OSHA inspections to be released through a public records request or legal discovery. Federal OSHA identified the lack of confidentiality for employees during state plan evaluations of Oregon OSHA in 2020, 2021, 2022, and 2023. OR-OSHA has been instructed to reconcile this deficiency before this repeat observation becomes a "finding." Generally, under this state plan evaluation process, a state OSHA plan will receive a "finding," for any repeat observation not corrected within three evaluation periods. All findings must be corrected by the state plan. If a finding is not corrected, Federal OSHA has the authority to remove jurisdiction of any state occupational safety and health plan, including Oregon OSHA, since it would not be as least effective as Federal OSHA.

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House Bill 2570 requires any personally identifiable information of employees who provide information for or participate in OR-OSHA investigations or inspections remain confidential and not disclosed to the public.