

# Enrolled House Bill 2222

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Consumer and Business Services and Office of Regulatory Streamlining of Department of Consumer and Business Services)

CHAPTER .....

AN ACT

Relating to employer safety committees; amending ORS 654.176 and 654.182.

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

**SECTION 1.** ORS 654.176 is amended to read:

654.176. *[(1) In order]* To promote health and safety in places of employment in this state,[:]

*[(a) every public or private employer [of more than 10 employees shall establish and administer a safety committee]* **shall**, in accordance with rules adopted pursuant to ORS 654.182, **establish and administer a safety committee or hold safety meetings.**

*[(b) Every public or private employer of 10 or fewer employees shall establish and administer a safety committee in accordance with rules adopted pursuant to ORS 654.182 if the Director of the Department of Consumer and Business Services finds that:]*

*[(A) The employer has a lost workday cases incidence rate in the top 10 percent of all rates for employers in the same industry; or]*

*[(B) The employer is not an agricultural employer and the workers' compensation premium classification assigned to the greatest portion of the payroll for the employer has a premium rate in the top 25 percent of premium rates for all classes as approved by the director pursuant to ORS 737.320 (3).]*

*[(2) In making determinations under subsection (1) of this section, the director shall utilize the most recent departmental statistics regarding occupational injuries and illnesses and workers' compensation loss cost rates approved according to ORS 737.320 (3) for use in this state.]*

**SECTION 2.** ORS 654.182 is amended to read:

654.182. (1) In carrying out ORS 654.176, the Director of the Department of Consumer and Business Services shall *[promulgate rules which]* **adopt rules that** include, but are not limited to, provisions:

(a) Prescribing the membership of the committees to *[insure]* **ensure** equal numbers of employees, who are volunteers or are elected by their peers, and employer representatives and specifying the frequency of meetings.

(b) Requiring employers to make adequate written records of each meeting and to file and maintain the records subject to inspection by the director.

(c) Requiring employers to compensate employee representatives on safety committees at the regular hourly wage while the employees are engaged in safety committee training or are attending safety committee meetings.

(d) Prescribing the duties and functions of safety committees, which include, but are not limited to:

- (A) Establishing procedures for workplace safety inspections by the committee.
- (B) Establishing procedures for investigating all safety incidents, accidents, illnesses and deaths.
- (C) Evaluating accident and illness prevention programs.
- (e) Prescribing guidelines for the training of safety committee members.

**(f) Prescribing alternate forms of safety committees and safety meetings to meet the special needs of small employers, agricultural employers and employers with mobile worksites.**

(2) An employer that is a member of a multiemployer group operating under a collective bargaining agreement that contains provisions regulating the formation and operation of a safety committee that meets or exceeds the minimum requirements of this section and ORS 654.176 shall be considered to have met the requirements of this section and ORS 654.176.

**Passed by House April 11, 2007**

.....  
 Chief Clerk of House

.....  
 Speaker of House

**Passed by Senate May 29, 2007**

.....  
 President of Senate

**Received by Governor:**

.....M,....., 2007

**Approved:**

.....M,....., 2007

.....  
 Governor

**Filed in Office of Secretary of State:**

.....M,....., 2007

.....  
 Secretary of State