

SB 292 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 3/13

WHAT THE MEASURE DOES:

Creates unlawful employment practice and violation of Oregon Safe Employment Act for creating or maintaining abusive work environment. Provides private right of action for worker claiming that employer created or maintained abusive work environment. Creates rebuttable presumption that employer should have known of abusive work environment.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon's workplace safety and health law, known as the Oregon Safe Employment Act, was passed in 1973, three years after the federal Occupational Safety and Health Act (OSHA) was signed into law. The Oregon OSHA Division within the Department of Consumer and Business Services enforces the workplace safety and health laws and rules. Oregon has an agreement with the federal government to administer its own program as long as federal standards for worker protections are met. Among other tasks, Oregon's OSHA is responsible for enforcing the statute (ORS 654.015) prohibiting an employer from constructing or maintaining any place of employment that is unsafe or detrimental to health. House Bill 2167 defines, in effect, a place that is unsafe or detrimental to health to include an abusive work environment that an employer knew or should have known existed and failed to take prompt and appropriate action to correct. It also provides a private right of action for violations of the measure's provisions.