

SB 907 -6 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

Prepared By: Whitney Perez, LPRO Analyst

Meeting Dates: 3/16, 3/30, 4/4

WHAT THE MEASURE DOES:

Permits employee to refuse to perform assigned task in specified circumstances when acting in good faith. Defines "good faith." Allows employee to use earned sick time or other paid or unpaid leave to cover period of time employee has refused to perform assigned task in circumstances specified. Prohibits adverse employment action against employee exercising right to refuse assigned task. Makes it unlawful employment practice to discriminate against employee or prospective employee exercising right to refuse task assigned.

ISSUES DISCUSSED:

- Examples of working conditions that cause health or safety risk
- Meaning of reasonable person standard
- Application of measure to certain public safety professions
- Current rights of employee to refuse unsafe workplace conditions
- Need for future rulemaking
- Applicable federal regulations

EFFECT OF AMENDMENT:

-6 Replaces the measure. 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.

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 permits an employee to refuse to perform a task assigned by an employer in specified circumstances when the employee is acting in good faith.