

Oppose SB 907: Expanded Right to Refuse Work Legislation

SB 907 is a massive expansion of Oregon’s existing Right to Refuse Work and creates significant liability for employers, small and large, across every sector of the economy.

State and Federal law provide workers with a Right to Refuse Work. SB 907 adds UNNECESSARY SUBJECTIVITY and LIABILITY to a clear protection that currently exists under state and federal law.

Current Right to Refuse Law ORS 654.062(5) ¹ and OAR 437-001-0295(1)(b) ² & federal ³	SB 907	What is the difference?
(1)(b) Employee refused in good faith	(1) Any employee, acting in good faith, may refuse to perform a task assigned by an employer in any of the following circumstances:	✓ Standard = good faith
to be subjected to imminent danger	(a)(A)The employee has a reasonable apprehension that the performance of the assigned task would result in serious injury or impairment to the health and safety of the employee or other employees ;	<ul style="list-style-type: none"> ✗ Lowers threshold from ‘subjected’ to ‘reasonable apprehension’ ✗ Lowers threshold from ‘imminent danger’ to ‘serious injury or ‘impairment to the health and safety’ ✗ Adds risk to self or others
provided the employer refused to correct the hazard or it was not possible to notify the employer of the danger and	(B) Insofar as it is reasonably practicable , the employee or any other employee has communicated or otherwise attempted to notify the employer of the safety or health risk; and (C) the employer has failed to provide a response that is reasonably calculated to allay the employee’s concerns regarding the safety or health risk associated with the assigned task;	<ul style="list-style-type: none"> ✗ Reduces threshold from ‘not possible’ to notify to ‘reasonably practicable’ ✗ Requires just ‘attempt’ to notify ✗ No longer allows employer to correct first ✗ Departs from ‘cure’ threshold to ‘a response’ that is specific to the employee’s concerns
and the employee has notified OR-OSHA or other appropriate agency, of the hazard, unless excused on the basis of insufficient time or opportunity as stated in OAR 839-003-0025		✗ Does not require OR-OSHA/ state agency notification of hazard
	(b) The performance of the assigned task would cause the employee to engage in illegal or criminal activity; or (c) would cause the employee to report to or remain at a worksite during an evacuation due to a major disaster or emergency.	✗ New standard with no exceptions for workers that might be essential when responding to disasters
	(2) For purposes of this section, an employee shall be considered to be acting in good faith if, under the same circumstances, a reasonable person would conclude that the performance of the assigned task would result in serious injury or impairment to the health and safety of the employee or cause the employee to engage in illegal or criminal activity.	

¹ https://oregon.public.law/statutes/ors_654.062

² https://oregon.public.law/rules/oar_437-001-0295

³ <https://www.osha.gov/workers/right-to-refuse>

SB 907 does not create safer workplaces. Oregon already has some of the strongest workplace protections in the country. OR-OSHA has taken significant, proactive steps over the last several years to protect workers from the SARS-CoV-2 virus, silica, manganese, excessive heat, lead, smoke, and other occupational risks. OR-OSHA also recently adopted rules to give regulators more discretion to assess higher penalties to employers who violate OR-OSHA's regulations. No one can claim that OR-OSHA is taking a backseat when it comes to worker safety.

Oregon has the most protective environmental health and safety protections in the U.S.

- Oregon's **wildfire smoke rules** require employers to educate workers about the risks of smoke and provide N-95 respirators whenever the air quality index (AQI) exceeds 101. Workers are required to wear respirators on the job whenever the AQI exceeds 251 with additional respiratory protections at an AQI of 500+. Workers cannot opt out of OR-OSHA's requirements for respiratory protection.
- Oregon's **heat illness prevention rules** are the strongest in the country, requiring annual training, communication, acclimatization, sufficient shade, cool or cold water, and paid rest breaks to mitigate the risk of heat exposure. The rules apply to every sector—outdoor recreation, childcare, hospitality, manufacturing, construction, and farming and forestry, among others.

Oregon employers and employees are working together to understand and comply with OR-OSHA's new workplace safety rules. OR-OSHA is actively working to educate employers and employees about their safety and rights on the job. The state should encourage collaboration between employers and employees where possible, and strictly enforce existing law where needed.

SB 907 goes far beyond Oregon's existing Right to Refuse Work, creating immense uncertainty and liability for Oregon's public and private sector employers.

Vote NO on SB 907

