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**Public Hearing before the Senate Business and Labor Committee**

**03/14/2023**

*Testimony in support of SB 907*

Chair Taylor, Vice Chair Bonham, members of the committee,

On behalf of the Oregon Law Center (OLC), thank you for the opportunity to submit testimony in support of SB 907, which clarifies and codifies existing federal and state “right to refuse unsafe work” rules into statute, and affords workers with critical anti-retaliation protections when exercising their right to safe work.

OLC's mission is to achieve justice for low-income communities of Oregon by providing a full range of the highest quality civil legal services. Many of our clients have incomes at or below 125% of the federal poverty level, and work hard to provide the necessities for themselves and their family.

Everyone deserves a safe and healthy work environment. Many of us spend a considerable time of our life at the workplace. Unfortunately, injuries and deaths take place across every industry every year in Oregon. Nationally, workplace hazards kill and disable approximately 125,000 workers each year—4,764 from traumatic injuries, and an estimated 120,000 from occupational diseases.<sup>1</sup> Latino/x/e and black workers are disproportionately impacted by hazardous work environments that may lead to injury or death. Amid unsafe/hazardous working environments, SB 907 provides workers with a choice to reasonably refuse to do unsafe work without the fear of retaliation.

**The “right to refuse unsafe work” is in federal and state rule and has been since 1973.**

The concept of the “right to refuse unsafe work” is not new. In fact, it is an existing right under federal and state rule but is extremely confusing and inaccessible for workers to exercise. Under current state rule, how would a worker exercise their right to refuse to work in an unsafe working environment? Our current rule

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<sup>1</sup> <https://aflcio.org/reports/death-job-toll-neglect>  
2022#:~:text=340%20workers%20died%20each%20day,was%203.4%20per%20100%2C000%20workers.

states the following:

“The employee refused in good faith to be subjected to **imminent danger** provided the employer refused to correct the hazard or it was not possible to notify the employer of the danger and the employee has notified Oregon 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, Bureau of Labor and Industries rules.”

This rule isn't known widely among the worker population. It almost requires the worker to have technical knowledge and expertise to understand this rule and be able to apply practically to their present situation. For example, how many of us know the technical definition of “[imminent danger](#)”? Workers would need to understand that there are certain conditions that must be met before a hazard becomes an imminent danger.

This is unrealistic and places the burden on workers to understand when and how they can exercise this rule. This is especially burdensome for workers in low wage jobs, immigrant workers, for those whose first language is not English. SB 907 instead allows workers to reasonably assess that for themselves if they perceive there is a result in serious injury or impairment to their health and safety of the employee or other employees.

**What SB 907 does not do:**

SB 907 does not give workers an unfettered right to refuse to work.

**What SB 907 does:**

SB 907 clarifies this existing rule and codifies it into law. This proposal allows workers to “reasonably” refuse unsafe work. And as reasonably practicable, they must communicate or attempt to communicate the employer of the safety or health risks to their employer. This puts the ball in the employer's court. The employer can allay such a concern by removing or fixing the hazardous working condition or reassigning a worker to a different task. The worker then would not have the right to refuse. SB 907 also protects workers from retaliation under Oregon's already established rebuttable presumption. This is a critical protection for workers, especially those who are afraid to speak up for fear of retaliation.

SB 907 would apply to most workers, across a wide range of workplaces, with a few exceptions, as referenced in an upcoming amendment.

The right to refuse unsafe work should be a basic and fundamental human right. Unfortunately, the current protection in our state and federal rule falls short. Everyone deserves a healthy and safe work environment, regardless of who you are and where you come from. And our current rule should be one that workers can use. We respectfully urge this committee to support SB 907 and guarantee the “right to safe work” by making this existing right easier to exercise.

Respectfully,  
Martha Sonato