

● **OREGON SAFE EMPLOYMENT ACT (*WORKER PROTECTION*)**

STATUTORY CITATION: Or. Rev. Stat. §§ 654.001 – 654.295

RELATED REGULATIONS: Or. Admin. R. 437-004-6000, 437-004-1005, and 437-004-1041

GENERAL SUMMARY: The Oregon Safe Employment Act includes explicit language authorizing the state consumer and business services department to adopt standards requiring agricultural employers to provide adequate safety equipment and adequate training for workers mixing, loading, applying or otherwise handling hazardous chemicals.

SPECIFIC TERMS AND CONDITIONS

EPA WORKER PROTECTION STANDARD — Using the authority noted above, the consumer and business services department has adopted the worker protection standard established by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*), applicable to all agricultural workers and handlers working with, in or around pesticides. In addition, the department has adopted related rules especially relevant to the safety and health of workers exposed to pesticides, briefly summarized here:

PERSONAL PROTECTIVE EQUIPMENT — Farm employers are required to assess their workplaces to determine if hazards exist, or are likely to be present, which would make the use of personal protective equipment necessary to protect their workers. If so, employers must select appropriate protective equipment and ensure that each exposed employee use it. The employer is responsible for paying the cost of specialty-type equipment, but the workers must pay for everyday protective items like gloves, long-sleeve shirts, long pants, conventional boots, broad-brim hats, and sunscreen.

Workers who are required to use personal protective equipment must receive training in its use, provided by the employer. Training must cover such topics as (1) when protective equipment is necessary, (2) how to put on, adjust and remove the equipment, and (3) the proper care, maintenance, storage and disposal of the equipment.

RESPIRATORY PROTECTION — When necessary to protect a worker against the adverse health effects of breathing airborne pesticides or other agricultural chemicals, a farm employer is required to provide the worker with a respirator and the worker is required to use it. Moreover, the employer must have an effective, written respiratory protection program that includes procedures for (1) selecting, fitting, maintaining and discarding respiratory equipment, and (2) training workers in the respiratory hazards to which they may be exposed and the effective use of respiratory equipment. In some situations, the program may include certain prescribed medical evaluations.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Any worker who has been subjected to retaliatory treatment may file a complaint with the Bureau of Labor and Industries at any time within 90 days after learning of the alleged violation. A complaint of this nature is processed by the Bureau as if it were a complaint charging unlawful employment discrimination under the state civil rights laws.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, Salem, Oregon 97309 (503-378-3272; toll-free 800-922-2689)*. Representatives of Oregon OSHA are authorized to enter and inspect agricultural workplaces in the state, and to cite employers found in violation. Non-compliance with an applicable standard or an order by Oregon OSHA may result in assessment of a civil money penalty by the agency and, for certain serious infractions, criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *Civil Rights Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0764)*. This agency is responsible for enforcing the anti-retaliation provision noted above.