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Oregon OSHA adopts new employee involvement rule

Changes involve more small employers

(Salem) – The Oregon Occupational Safety and Health Division (Oregon OSHA) has revised a key rule to provide greater clarity and flexibility to employers seeking to involve their workers in discussions of health and safety on the job.

The rule puts in action a legislative change adopted in 2007 requiring all employers to have a safety committee or hold safety meetings with their employees. Previously, a stricter set of safety committee requirements applied to employers with more than 10 employees. Smaller employers also had to have a safety committee, regardless of size, if they were in a high-risk industry or if they had a high rate of claims requiring time off work, compared to their industry as a whole.

“For almost all small employers, that meant that a single disabling claim required them to have a formal safety committee, even if they only had one-part time employee,” said Michael Wood, administrator of Oregon OSHA. “Small employers could slip in and out of the requirement depending on their claim history without any change in the way they did business – or in the risks their employees faced.”

Under the new rules, all employers will need either to have a safety committee or to use the less formal option of safety meetings to involve their employees in addressing jobsite safety. For those fixed-site employers who were administering safety committees in the past, the rule will have little effect. Construction employers, who typically were required to have safety committees under the previous rule, will have the option of using safety meetings. Even large construction companies can choose to rely upon the safety meeting model.

According to the Oregon Employment Department, small businesses employing 10 or fewer employees represent 80 percent of the state’s employers. These small employers, mobile employers, and companies with primarily office environments now have the option to hold safety meetings with a significant reduction in paperwork. The rule does not require employers in low-hazard industries using the safety meeting option to keep records of the meetings if everyone is present, although Oregon OSHA recommends it as a “best practice.”

“In order to effectively prevent injury and illness on the job, you need meaningful involvement by employees,” Wood said. “The rules before were confusing for small employers. This change not only provides greater clarity and increases flexibility, we also believe it will promote more conversation about health and safety issues on the job. That has always been the purpose of the safety committee requirement.”

The new rule takes effect on Jan. 1, 2009, for large employers and employers in the construction industry. On Sept. 19, 2009 the rule will take effect for small employers (10 or fewer employees) not in construction. The rule change also eliminates the mandatory penalty of at least \$100 for not having a safety committee.

For more information, go to www.orosha.org and click on “Rules/Compliance” to find the adopted rules.

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About Oregon OSHA:

Oregon OSHA, a division of the Department of Consumer & Business Services, enforces the state’s workplace safety and health rules and works to improve workplace safety and health for all Oregon workers. For more information, go to www.orosha.org.

The Department of Consumer and Business Services is Oregon’s largest business regulatory and consumer protection agency. For more information, go to www.dcbs.oregon.gov.