

# Electronic Alert

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## **Oregon Increases Civil Penalties & Expands Investigations for Violations of Workplace Health & Safety Laws**

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Oregon Governor Tina Kotek signed Senate Bill 592 into law on May 24, 2023, resulting in significant amendments to ORS 654.067 and ORS 654.086. These amendments introduce stricter civil penalties and expanded workplace investigations for violations of Oregon's workplace health and safety laws. As SB 592 takes immediate effect upon passage, employers should promptly familiarize themselves with these changes and understand their potential impact on operations.

### **Increased Penalties for Workplace Safety Violations**

A significant amendment under SB 592 involves increasing the Oregon Occupational Safety and Health Division's (Oregon OSHA) fines for workplace safety violations to align with the standards set by the federal Occupational Safety and Health Administration (OSHA).

As amended, ORS 654.086 establishes a tiered penalty structure based on the nature and severity of the violations:

1. Non-serious violations may result in civil penalties up to \$15,625 per violation.
2. Serious violations, meaning those with a substantial probability of death or serious physical harm, will result in civil penalties ranging from \$1,116 to \$15,625 per violation.
3. Serious violations causing or contributing to an employee's death will incur civil penalties ranging from \$20,000 to \$50,000 per violation.

Repeat offenders of Oregon's workplace health and safety laws will also face stricter penalties:

1. Willful or repeated violations will result in civil penalties ranging from \$11,162 to \$156,259 per violation.
2. Willful or repeated violations causing or contributing to an employee's death will incur a minimum civil penalty of \$50,000 per violation, with a maximum penalty of \$250,000.
3. Failure to correct a violation, as cited by Oregon OSHA, may incur penalties up to \$15,625 per day of continued violation.

### **Expanded Inspection Authority**

In addition, SB 592 amends ORS 654.067 to expand the Director of the Department of Consumer and Business Services (DCBS) inspection authority in response to violations of workplace health and safety laws. The Director can now conduct comprehensive inspections of any place of employment based on the establishment's violation history of a state's occupational safety and health laws.

As amended, ORS 654.067 provides that comprehensive inspections will be conducted under the following circumstances:

1. Whenever an accident investigation reveals that a violation has caused or contributed to an employee's work-related fatality, a comprehensive inspection must be conducted within one year of the associated closing conference.
2. If three or more willful or repeated violations occur within a one-year period, a comprehensive inspection must be conducted within one year of the most recent willful or repeated violation's associated closing conference.

### **Reporting Requirements**

Lastly, SB 592 introduces new reporting requirements for the DCBS. The Director is now obligated to submit an annual report to the Legislative Assembly's interim committees on Business and Labor. This report will summarize the total number and amount of penalties assessed, the total number of appeals filed, and the total number and scope of inspections conducted, including the circumstances that led to the inspections.

Given these changes, it is crucial for employers and business owners to maintain strict compliance with health and safety laws and remain informed about state and federal guidelines.

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