

Complaints

437-001-0285 Form and Content of a Complaint

Any person may complain to the Administrator of possible violations of any statute or of any lawful regulation, rule, standard, or order affecting employee safety or health at a place of employment. A complaint, whether oral or written, should specify:

- (1) The name of the employer;
- (2) The location of the place of employment;
- (3) Where the condition or practice occurs in the place of employment;
- (4) The nature and frequency of the hazard;
- (5) The number of employees affected by the condition or practice;
- (6) The way in which the complainant is affected by the condition or practice; and
- (7) Whether the complainant desires the complainant's name and address to be kept confidential.

Statutory/Other Authority: ORS 654.025(2) and 656.726(4).

Statutes/Other Implemented: ORS 654.001 through 654.295.

History: WCB Admin. Order 19-1974, filed 6-5-74, effective 7-1-74.

WCD Admin. Order, Safety 5-1978, filed 6-22-78, effective 8-15-78.

WCD Admin. Order, Safety 4-1981, filed 5-22-81, effective 7-1-81.

APD Admin. Order 7-1988, filed 6-17-88, effective 7-1-74.

OSHA 5-2018, filed 11/29/18, effective 12/17/18.

437-001-0290 Division Action on Complaints

- (1) At the complainant's request in writing, their identity shall be kept in confidence. Any employee of the Department who fails to maintain that confidence is subject to disciplinary action.
- (2) Complaint inspections shall be scheduled as provided for in OAR 437-001-0055(3).
- (3) Any person making a complaint to the Division shall receive written notice of the Division's action if the complainant's address is provided.
- (4) Any complainant who feels that the complaint was not adequately investigated by the Division may contact the Administrator for a review of the matter.

Statutory/Other Authority: ORS 654.025(2) and 656.726(3).

Statutes/Other Implemented: ORS 654.001 through 654.295.

History: WCB Admin. Order 19-1974, filed 6-5-74, effective 7-1-74.

WCD Admin. Order, Safety 5-1978, filed 6-22-78, effective 8-15-78.

WCD Admin. Order, Safety 4-1981, filed 5-22-81, effective 7-1-81.

APD Admin. Order 7-1988, filed 6-17-88, effective 7-1-74.

437-001-0295 Discrimination Complaint

- (1) An employee or prospective employee may file a complaint as provided in ORS 654.062(5) if the employee believes discrimination has occurred because:
 - (a) The employee opposed a practice forbidden by, or engaged in a practice provided for, in the Oregon Safe Employment Act; or
 - (b) With no reasonable alternative and in good faith, the employee refused to perform a work task that would expose the employee to a hazardous condition that presents a real risk of death or serious physical harm and a reasonable person would agree under the circumstances all of the following conditions are met:
 - (A) Where possible, the employee requested from the employer, and was unable to obtain, a correction of the hazardous condition; and
 - (B) A hazardous condition that, if exposed, would have subjected the employee to imminent danger or serious physical harm; and
 - (C) Due to the urgency of the hazardous condition, there was insufficient time or opportunity to correct the hazard through regulatory authorities, such as Oregon OSHA.
- (2) The discrimination complaint may be filed in any Circuit Court for the State of Oregon or with the Commissioner of the Bureau of Labor and Industries, 1800 Southwest 1st Avenue, Suite 500, Portland, Oregon 97201, within one year after the employee or prospective employee had reasonable cause to believe they have been barred or discharged from employment or otherwise discriminated against.
- (3) The discrimination complaint may also be dual filed with the U.S. Department of Labor, 20425 72nd Avenue South, Suite 150A, Kent, Washington 98032-2388, as stated in 29 CFR 1977.15.

See Division 1 – [Civil Penalty & Work Refusal Changes from Senate Bills 592 and 907 Summary of Comments and Agency Decisions](#) for additional explanation of this rule.

Statutory/Other Authority: ORS 654.025(2) and 656.726(4).

Statutes/Other Implemented: ORS 654.001 through 654.295.

History: WCB Admin. Order 19-1974, filed 6-5-74, effective 7-1-74.

WCD Admin. Order, Safety 5-1978, filed 6-22-78, effective 8-15-78.

WCD Admin. Order, Safety 4-1981, filed 5-22-81, effective 7-1-81.

APD Admin. Order 6-1987, filed 12-23-87, effective 1-1-88.

APD Admin. Order 7-1988, filed 6-17-88, effective 7-1-74.

OSHA 7-2002, filed 11/15/02, effective 11/15/02.

OSHA 8-2007, filed 12-3-07, effective 12-3-07.

OSHA 5-2018, filed 11/29/18, effective 12/17/18.

OSHA 3-2023, filed 11-22-2023, effective 1/1/2024.

