



Date: March 16, 2005
Reviewed: November 18, 2007
From: Marilyn Schuster, Policy Manager
Subject: The Oregon Safe Employment Act

This issue originated as an employer initiated email question

Issue: Does OSEA apply to private individual who hire someone to perform temporary landscaping or tree cutting work on private residence property?

Answer: Here is our response to your question about the OSE Act.

The Oregon Safe Employment Act affects two key things: employees and places of employment. Both must exist for Oregon OSHA to enforce its rules.

ORS 654.005(8)(a) says a place of employment does not include the following:
Any place where the only employment involves nonsubject workers employed in or about a private home; and . . .

To find the definition of a nonsubject worker we use ORS 656.027 as follows:

656.027 Who are subject workers. All workers are subject to this chapter except those nonsubject workers described in the following subsections: (1) A worker employed as a domestic servant in or about a private home. For the purposes of this subsection "domestic servant" means any worker engaged in household domestic service by private employment contract, including, but not limited to, home health workers. (2) A worker employed to do gardening, maintenance, repair, remodeling or similar work in or about the private home of the person employing the worker.

Thus, for the work you describe, it is most likely that the OSE Act as enforced by Oregon OSHA rules would not apply. Be aware that this determination depends on the circumstances of each case as applied to and affected by the above law.

Please contact the Oregon OSHA's Technical Section at (800)922-2689 if you have questions.

