

# Workers' right to refuse dangerous work: Information for employees and employers



Workers in Oregon can [file a complaint](#) with Oregon OSHA concerning a hazardous working condition at any time. The [Oregon Safe Employment Act \(OSEA\)](#) protects workers from discrimination or retaliation by their employer for engaging in protected activities under Oregon Revised Statute (ORS) 654.062. Protected activities covered by the OSEA include reporting a work-related injury or illness, raising a workplace safety concern, filing a complaint with Oregon OSHA, participating in an Oregon OSHA investigation, and refusing hazardous work tasks.

Oregon OSHA's rules against retaliation and discrimination – [Oregon Administrative Rule \(OAR\) 437-001-0295](#) – are enforced by the Oregon Bureau of Labor and Industries (BOLI) via [OAR 839-004-0003 to 839-004-0021](#).

## Employees

You have the right to refuse to perform a dangerous work task that would put you at real risk of death or serious physical harm under the following circumstances:

1. Where possible, you asked your employer to correct the hazardous condition, but your employer does not correct it, and
2. You risk [imminent danger](#) or [serious physical harm](#) if you are exposed to the hazardous condition, and
3. There is not enough time, due to the urgency of the situation, to get the hazardous condition corrected through regulatory authorities such as an Oregon OSHA complaint investigation.

Oregon OSHA's definition of a "hazard" does not distinguish between human-made or natural hazards. If a condition is capable of causing illness or injury to a worker, it is a potential occupational hazard. Therefore, if dangerous work meets all the circumstances of OAR 437-001-0295(1)(b), it does not matter if it is environmental, biological, or human-made, it would be covered under this rule.

If your employer retaliates or discriminates against you for refusing to perform dangerous work, immediately [contact BOLI's Civil Rights Division \(CRD\)](#) – or call 971-245-3844. Workers have **one year** from the date they were discriminated against to file a complaint with BOLI under the OSEA.



## Employers

Discrimination protections and the employee's right to refuse dangerous work

The [Oregon Safe Employment Act](#) and [ORS 659A](#) (Unlawful Discrimination in Employment) prohibit discrimination by an employer against an employee for exercising certain protected rights – including the right to refuse to perform work tasks that could result in death or serious physical harm. ORS 654.062(6) of the OSEA grants BOLI the authority to investigate and enforce employee complaints of discrimination related to ORS 654.062(5), which includes employees' right to refuse dangerous work tasks under OAR 437-001-0295(1)(b).

Key Oregon resources and rules addressing work refusal

- [BOLI discrimination at work](#)
- [BOLI file a complaint](#)
- [OAR 437-001-0295](#) — Oregon OSHA discrimination complaint rule text
- [OAR 839-004-0003 to 839-004-0021](#) — Oregon BOLI discrimination complaint rule text



Visit Oregon OSHA

## Workers

Your employer cannot retaliate against you for reporting a workplace health or safety concern or violation. For more information about your rights, visit the Oregon OSHA website.



*The Technical Section of Oregon OSHA produced this fact sheet to highlight health and safety programs and rules. The information is intended to explain the rules and provide best practices to employers.*