

OAR 437, Oregon Occupational Safety and Health Division
OR-OSHA Administrative Order 8-2007
Filed December 3, 2007, effective January 3, 2008

Division 1, General Administrative Rules

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) The employee refused in good faith to be subjected to imminent danger provided the employer refused to correct the hazard or it was not possible to notify the employer of the danger and the employee has notified the OR-OSHA Division or other appropriate agency, of the hazard, unless excused on the basis of insufficient time or opportunity as stated in OAR 839-~~06-020~~003-0025, Bureau of Labor and Industries rules.

(2) The complaint shall be filed with the Commissioner of the Bureau of Labor and Industries, 800 NE Oregon Street, Portland, Oregon 97232, within ~~[30]~~ **90** days after the employee had reasonable cause to believe discrimination occurred. **The complaint may also be filed in any Circuit Court of the State of Oregon.**

(3) The complaint may also be filed **with** ~~[in any Circuit Court of the State of Oregon, or]~~ the U.S. Department of Labor, 3056 Federal Office Building, Seattle, Washington 98174 **as stated in 29 CFR 1977.15.**

Stat. Auth.: ORS 654.025(2) and 656.726(4).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: WCB Admin. Order 19-1974, f. 6-5-74, ef. 7-1-74.

WCD Admin. Order, Safety 5-1978, f. 6-22-78, ef. 8-15-78.

WCD Admin. Order, Safety 4-1981, f. 5-22-81, ef. 7-1-81.

APD Admin. Order 6-1987, f. 12-23-87, ef. 1-1-88.

APD Admin. Order 7-1988, f. 6-17-88, ef. 7-1-74.

OR-OSHA Admin. Order 7-2002, f. 11/15/02, ef. 11/15/02.

OR-OSHA Admin. Order 8-2007, f. 12/3/07, ef. 12/3/07.