



**Oregon**  
Theodore R. Kulongoski, Governor

**Department of Consumer and Business Services**  
Oregon Occupational Safety & Health Division (OR-OSHA)  
350 Winter Street NE, Room 430  
P.O. Box 14480  
Salem, OR 97309-0405  
Phone: (503) 378-3272  
Toll Free: 1-800-922-2689  
Fax: (503) 947-7461  
[www.orosha.org](http://www.orosha.org)

August 14, 2002

Reviewed: November 18, 2007

Lee C. Osborne,  
758 North Birch  
Coquille, Oregon 97423

Dear Mr. Osborne:

This letter is in response to the questions in your June 21st letter about Oregon OSHA's jurisdiction over non-profit organizations, and about where to locate the standards. You are correct in your understanding that OR-OSHA's rules apply to non-profit organizations. The real issue, though, is whether there are employees, or covered workers involved in the organization. OR-OSHA only has jurisdiction where there are employees or workers covered by workers compensation insurance (employers may elect to cover themselves, and volunteers are sometimes covered). An employee is defined as anyone who provides a service for remuneration (financial or otherwise). Working officers of a corporation, for instance, are considered employees of the corporation, and thus, fall under the jurisdiction of OR-OSHA.

The rules that define OR-OSHA's jurisdiction are located in the Oregon Safe Employment Act, and in Division 1, Administrative Rules. All of our standards may be accessed on the OR-OSHA Internet site, located at [www.orosha.org](http://www.orosha.org). On the homepage, click on "Rules", then "Final Rules", and then on either the OSE Act or Division 1 (both apply to all companies), or the appropriate division for the kind of work being performed (Division 2, for general industry, will apply to your workplace unless you're involved in construction, agriculture, maritime, or forest activities). You may also order a CD Rom (no charge) which contains all of OR-OSHA's standards, program directives, training schedules, etc. by clicking on the icon located on the website's homepage or by calling the OR-OSHA Resource Center at 800-922-2689.

Your company's responsibility to paid, and volunteer workers for safety and health on the job is defined in the Oregon Safety Employment Act. Essentially, it says that every employer in Oregon is required to provide a safe and healthy workplace. The Administrative Rules and the appropriate divisions and subdivisions then define more specifically the requirements.

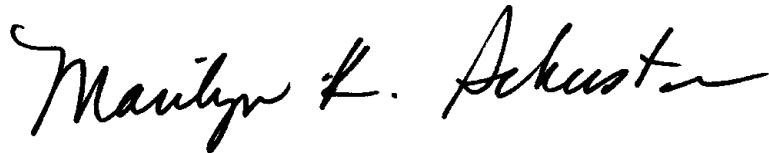
As for your question about who is responsible for safety and health when two or more non-profit organizations enter into a joint venture, normally each employer is responsible for their own employees. In cases involving contractor/subcontractor relationships, the prime contractor

normally has overall responsibility. Sometimes employer/employee relationships (often unintentional) are developed between two or more organizations, which result in controlling party being primarily responsible for safety and health.

I suggest that you consider contacting OR-OSHA's Medford Field Office, at (541) 776-6030 to arrange a consultative visit to your workplace. There's no charge for the service, all work with your company will be kept confidential between you and Consultative Services, and the recommendations and training that you'll receive will help you provide a safer/healthier workplace to your workers. Answers to additional questions will also be provided.

Should you have additional questions, please contact Mike Mitchell at 800 922-2689. You are also invited to see the OR-OSHA pages on the Internet at the above address.

Sincerely,

A handwritten signature in black ink that reads "Marilyn K. Schuster". The signature is written in a cursive style with a long horizontal flourish at the end.

Marilyn K. Schuster, Manager  
Standards & Technical Resources  
Oregon Occupational Safety and Health Division