

June 27, 1997

Douglas West
Fax No. 503-861-9899
Dear Mr. West:

Here are the answers to the questions that you faxed to OR-OSHA on 6/11/97:

Question #1: I need to find out if two sole proprietor exempt contractors work together on one job do OSHA regulations apply? I know that if I am a sole proprietor, and exempt I do not have to comply with OSHA regulations on my job. What happens when there are two of us?

Answer: Normally when two sole proprietors work together on the same job OR-OSHA standards do apply. The reason is that they usually develop an employer/employee relationship as evidenced by the following:

1. The contract agreement is usually with only one of the contractors.
2. The materials for the job are usually purchased by only one contractor.
3. Normally one of the contractors is in charge and/or responsible for the completion and quality of the project.
4. The contractors usually coordinate their work schedules so that they are on the job at the same time.
5. Equipment is often shared.
6. The two contractors usually work together on the same task or in the same area.
7. Final payment for the job is usually made to one contractor who then pays the other.

Question #2: What about casual labor? If you pay someone under \$600 per year and do not have to have insurance, do OR-OSHA regulations apply even if someone is employed for only one day?

Answer: Yes, even if someone is employed for a minute, no matter whether someone has insurance or not, OR-OSHA standards apply.

Question #3: If I am working on a job and the owner is helping me, do OR-OSHA regulations apply?

Answer: If the owner of the establishment is acting as a general contractor, then OR-OSHA standards apply. If the owner of the establishment is assisting in return for compensation, then the standards apply. If the establishment is a business and the owner falls under the jurisdiction of OR-OSHA due to his relationship to his company, then OR-OSHA's standards apply. For further information please contact Mike Mitchell at 378-3272. You are also invited to see the OR-OSHA pages on the Internet at www.cbs.state.or.us/external/osha/index.html.

Sincerely,

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

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