



Oregon Hikes Penalty Maximums for Workplace Safety Violations: 4 Things You Need to Know

Insights

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Oregon lawmakers just passed more stringent civil penalties and expanded the scope of workplace safety investigations – which means employers need to immediately acquaint themselves with these modifications and grasp the potential ramifications on your business operations. Outlined below are the four main things you need to know about the new law and the next steps you should take as a result of the law that took effect immediately upon Governor Kotek’s signature on May 24.

1. Heightened Penalties for Workplace Safety Violations

A pivotal amendment under Senate Bill 592 involves the augmentation of fines imposed by Oregon OSHA for breaches of workplace safety. The amendment aligns Oregon’s penalty structure with the federal OSHA standards. This represents a stark departure from what Oregon employers are used to, as penalties in the state had been some of the lowest fines in the country for safety violations.

Following the amendment, Oregon law now establishes a tiered penalty framework based on the nature and severity of the violations:

- Non-serious violations may incur civil penalties of up to \$15,625 per violation.
- Serious violations, defined as those posing a significant likelihood of death or severe physical harm, will result in civil penalties ranging from \$1,116 to \$15,625 per violation.
- Serious violations causing or contributing to an employee’s death will attract civil penalties ranging from \$20,000 to \$50,000 per violation.

2. Repeat Offenders Be Warned

Oregon OSHA’s strong stand against repeat offenders should not come as a surprise. The agency provides free and confidential consultation services to employers – including assistance with workplace safety, industrial hygiene, and ergonomics – intended to help your company develop a comprehensive program to manage safety and health and avoid repeat offenses.

To that end the new bill provides the following sterner penalties for repeat offenders:

- Willful or repeated violations will incur civil penalties ranging from \$11,162 to \$156,259 per violation.

violation.

- Willful or repeated violations causing or contributing to an employee's death will entail a minimum civil penalty of \$50,000 per violation, with a maximum penalty of \$250,000.
- Failure to rectify a violation, as cited by Oregon OSHA, may result in penalties of up to \$15,625 per day of continued violation.

3. Oregon OSHA Now Has Expanded Inspection Authority

Oregon OSHA now has expanded inspection authority for the Director of the Department of Consumer and Business Services (DCBS) in response to workplace health and safety law violations. The Director now possesses the power to conduct comprehensive inspections at any place of employment based on the establishment's history of violating the state's occupational safety and health laws.

According to the amendment, Oregon law stipulates that comprehensive inspections shall be conducted under the following circumstances:

- Whenever an accident investigation reveals that a violation has caused or contributed to a work-related fatality, a comprehensive inspection must be carried out within one year of the associated closing conference.
- If three or more willful or repeated violations occur within a one-year period, a comprehensive inspection must be conducted within one year of the most recent willful or repeated violation's associated closing conference.

4. New Reporting Requirements

Lastly, Senate Bill 592 introduces new reporting obligations for the DCBS. The Director is now mandated to submit an annual report to the Legislative Assembly's interim committees on business and labor. This report will encompass a summary of the total number and amount of penalties imposed, the overall number of appeals filed, and the complete scope of inspections conducted, including the circumstances that prompted such inspections.

Conclusion

Given these changes, it is imperative for Oregon employers and business owners to uphold strict compliance with health and safety laws and remain well-informed about state and federal guidelines. All Oregon employers will experience a notable impact from the expanded inspection authority and heightened penalties, while smaller employers will be particularly affected by these changes.

Now is the time for all Oregon employers, regardless of size, to bolster their safety programs. Neglecting to take steps to ensure compliance with Oregon OSHA's regulations may lead to penalties surpassing any previously witnessed in the state of Oregon.

We'll monitor these developments and provide updates where warranted, so make sure you are subscribed to the [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have any questions, please contact your Fisher Phillips attorney, the author of this Insight, or any attorney in our [Portland office](#).

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Stephen Scott

Partner

503.205.8094

[Email](#)

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