



# Human Resources Legal Fact Sheet: Oregon

Updated June 2022

*Disclaimer: This factsheet summarizes state laws and regulations on a variety of human resource issues for dairy farms, including wages, paystubs, deductions, child labor, and more. It is not intended to provide legal advice. The factsheet is simply an overview of select issues with a high-level explanation of key requirements for each one, with links to more information and resources throughout the document. This factsheet does not include all legal requirements for dairies. It was created in June 2022, and while it will be periodically updated, it may not reflect the current state of the law on every topic covered. Dairies should also review the federal factsheet because employers—depending on size—may be required to comply with some or all of the applicable federal laws and regulations as well. Additionally, employers should review the provisions of their collective bargaining agreement(s). By using this factsheet you understand that there is no attorney-client relationship between you and the attorneys who were involved in developing the factsheet. This factsheet should not be used as a substitute for competent legal advice from a licensed attorney.*

## Are there Oregon state laws for dairy farms about the following?

### Hiring

Topic	Answer	Summary
Pay Notice	<b>NO</b>	Oregon law does not address any notice of an employee’s specific payday or pay rate requirements.
Reporting <sup>1</sup>	<b>YES</b>	<a href="#">New hires</a> and rehires must be reported within 20 days.

### Wages

Topic	Answer	Summary
Paydays <sup>2</sup>	<b>YES</b>	Must establish <a href="#">regular paydays in advance</a> . The interval between them cannot extend beyond a period of 35 days.
Final Pay <sup>3</sup>	<b>YES</b>	<p>If an employee <a href="#">quits with less than 48 hours’ notice</a>, excluding weekends and holidays, the paycheck is due within five business days, excluding weekends and holidays, or on the next regular payday, whichever comes first.</p> <p>If an employee quits with notice of at least 48 hours, the final check is due on the final day worked, unless the last day falls on a weekend or holiday. In that case, the check is due on the next business day.</p> <p>If an employee is discharged or if employee/employer mutually agree to end employment, the final paycheck is due not later than the end of the next business day or the next regular payday, whichever occurs first.</p> <p>Seasonal farmworkers should be paid final wages by noon of the day after termination at the end of the season.</p>
Overtime <sup>4</sup>	<b>YES / NO</b>	<p>Workers engaged in <a href="#">agricultural employment for 100% of the workweek are excluded from Oregon</a> overtime law. However, there may be situations in which employees on a farm are subject to overtime if they are doing non-agricultural work.</p> <p>Federal rules may also apply. Employers are encouraged to review the federal overview sheet.</p>
Minimum Wage <sup>5</sup>	<b>YES</b>	Must pay most agricultural workers the minimum wage. There are some exceptions for hand-harvest laborers and range production of livestock. Oregon minimum wage does not apply to the parent, spouse, child, or other member of the immediate family.



## Human Resources Legal Fact Sheet: Oregon

		<p>July 1, 2022:</p> <ul style="list-style-type: none"> <li>• \$13.50 per hour</li> <li>• \$14.75 per hour for the Portland metropolitan area</li> <li>• \$12.50 per hour for nonurban counties</li> </ul> <p>Note: The rates will be increasing every July 1 through 2023. A map of the counties and <a href="#">more information can be found here</a>.</p>
Hours Worked <sup>6</sup>	YES	<p>Oregon law provides definitions of what counts as hours worked. Broadly it means all hours for which an employee is employed by and required to give services to the employer. Employers should review Oregon Bureau of Labor and Industries <a href="#">guidance</a> to determine specifically what is included. If an employer does not want an employee to perform work, it is the employer's responsibility to ensure the work is not performed.</p>
Reporting Time Pay	NO	<p>Not required for adults if perform no work and not required to wait on employer's premises for any period of time; i.e. an employee is only required to be paid for actual hours worked. See Child Labor below for rules for minors.</p>
Pay Stub <sup>7</sup>	YES	<p>Employees must be given a paystub with each pay period that includes:</p> <ul style="list-style-type: none"> <li>• The date of the payment;</li> <li>• The dates of work covered by the payment;</li> <li>• The name of the employee;</li> <li>• The name of the employer and the employer's business registry number or business identification number;</li> <li>• The address and telephone number of the employer;</li> <li>• The rate or rates of pay;</li> <li>• Whether the employee is paid by the hour, shift, day or week or on a salary, piece or commission basis;</li> <li>• Gross wages;</li> <li>• Net wages;</li> <li>• The amount and purpose of each deduction made during the respective period of service that the payment covers;</li> <li>• Allowances, if any, claimed as part of minimum wage;</li> <li>• The regular hourly rate or rates of pay, the overtime rate or rates of pay, the number of regular hours worked and pay for those hours, and the number of overtime hours worked and pay for those hours;</li> <li>• If the employee is paid a piece rate, the applicable piece rate or rates of pay, the number of pieces completed at each piece rate, and the total pay for each rate.</li> </ul>
Taxes and Withholding	YES	<p>Employers are required to <a href="#">withhold Oregon income tax</a>. For <a href="#">seasonal workers</a> associated with planting/harvest of field/forage crops, you must withhold once they earn \$300 from you in a calendar year. You must give your employees a statement of taxes withheld, like a federal Form W-2, 1099-MISC or 1099-R.</p> <p>Employers must pay <a href="#">Oregon Unemployment Insurance</a> taxes if:</p>



## Human Resources Legal Fact Sheet: Oregon

		<ul style="list-style-type: none"> <li>You paid cash wages to farm workers of \$20,000 or more in a quarter in the current or preceding calendar year; OR,</li> <li>You employed ten or more farm workers for some part of a day in 20 or more weeks of the current or preceding calendar year.</li> </ul> <p>Certain family employment is excluded from coverage requirements (a person employed by their spouse/child, or, a minor under 18 employed by a parent). Unemployment taxes are paid by the employer; they are not taken out of employee pay. You can credit the amount you pay to Oregon in calculating how much you owe for federal unemployment taxes.</p> <p>Oregon employers covered under workers' compensation law must also contribute <a href="#">payroll taxes to the Workers' Benefit Fund</a>.</p>
Deductions <sup>9</sup>	YES	<p>In general, <a href="#">deductions from wages are lawful ONLY for the following</a>:</p> <ul style="list-style-type: none"> <li>Deductions required by law such as taxes or garnishments.</li> <li>Deductions that are for the employee's benefit such as health insurance premiums. The employee must sign a written authorization and the deductions must be recorded in the employer's books and records.</li> <li>Other deductions authorized by the employee in writing as long as the employer is not the ultimate recipient of the money, such as charitable contributions, and the deduction is recorded in the employer's books.</li> <li>Deductions authorized by a collective bargaining agreement to which the employer is a party.</li> <li>A processing fee, if the employer must garnish the employee's wages.</li> <li>A deduction from a final paycheck for a cash loan to an employee, if the employee has voluntarily signed a loan agreement, and the loan was for the employee's sole benefit. A deduction from the final paycheck for repayment of a loan may not exceed 25% of the employee's disposable earnings OR the amount of disposable earnings in excess of \$218 per week, whichever is less. Disposable earnings are generally net earnings after tax deductions and family support withholdings. The deduction is recorded in the employer's books.</li> </ul> <p>Employers MAY NOT make deductions for the cost of breakage or loss.</p> <p>Employers MAY NOT make payroll deductions for uniforms or tools required to perform the job.</p> <p>Employers specifically cannot deduct the cost of any of the following from the minimum wage:</p> <ul style="list-style-type: none"> <li>Tools.</li> <li>Equipment.</li> <li>Uniforms, including but not limited to, garments such as suits, dresses, aprons, and all other garments whatsoever as worn by the employees as a condition of employment.</li> <li>Laundry or cleaning of uniforms.</li> </ul>



## Human Resources Legal Fact Sheet: Oregon

		<ul style="list-style-type: none"> <li>• Maintenance of tools, equipment or uniforms.</li> <li>• Breakage or loss of tools, equipment or uniforms.</li> <li>• Any other item required by the employer to be worn or used by the employee as a condition of employment.</li> </ul> <p><i>Wage Allowances</i></p> <p>Employers may make <a href="#">an authorized deduction for meals and lodging</a> so long as they are provided for the “private benefit” of the employee and only the fair market value. If the employee does not want the meals, no deductions may be made.</p> <p>If you <b>require</b> your employee to live on-site, or if you derive a mutual benefit from the employee living on the premises, you must pay minimum wage in addition to the value of meals and lodging.</p>
Bonuses <sup>10</sup>	<b>YES / NO</b>	<p>Generally, discretionary bonuses are not considered wages, while nondiscretionary bonuses should be considered wages and protected under wage laws.</p> <p>A nondiscretionary bonus is one where the amount and criteria for getting the bonus are announced in advance. For example, performance goals (like meeting somatic cell count goals) that workers know about in advance. Discretionary bonuses are ones that are not announced in advance, not expected by the employee, and not an incentive for the employee. For example, when the farm reaches a certain financial goal and decides to give all employees a bonus.</p> <p>Employers should follow any written policy they have about paying bonuses as a best practice.</p>

### Recordkeeping

Topic	Answer	Summary
Payroll <sup>11</sup>	<b>YES</b>	<p>Must maintain payroll records as follows in a safe and accessible location:</p> <ol style="list-style-type: none"> <li>Name and any identification number/symbol used in place of the name on any records;</li> <li>Home address, including zip code;</li> <li>DOB, if under 19;</li> <li>Occupation;</li> <li>Time of day and day of week when the workweek begins. If it’s the same for all employees at the workplace, can note it once for everyone.</li> <li>Regular hourly rate of pay for any workweek in which overtime pay is due, and an explanation of the basis of pay by indicating the monetary amount paid on a per hour, per day, per week, per piece, commission on sales, or other basis, and the amount and nature of each payment which is excluded from the “regular rate of pay”. (These records may be in the form of vouchers or other payment data.);</li> <li>Hours worked each workday and total hours worked each workweek;</li> <li>Total daily or weekly straight-time earnings (excluding premium overtime compensation);</li> </ol>



## Human Resources Legal Fact Sheet: Oregon

		<ul style="list-style-type: none"> <li>(i) Total premium pay for overtime hours (excludes the straight-time earnings in (h));</li> <li>(j) Total additions to or deductions from wages paid each pay period. Also, in individual employee records, the dates, amounts, and nature of the items which make up the total additions and deductions;</li> <li>(k) Total wages paid each pay period;</li> <li>(l) Date of payment and the pay period covered by payment;</li> <li>(m) An employer who makes deductions from the wages of employees for lodging, meals or other facilities or services must also keep records substantiating their fair market value.</li> </ul> <p>The records must be made available to the Bureau of Labor and Industries for inspection or copying. Payroll records must be kept for three years, time records for two years.</p>
<p>Personnel File Access<sup>12</sup></p>	<p><b>YES</b></p>	<p>Upon request, must give employees the opportunity to <a href="#">inspect their personnel record</a> at the workplace within 45 days. Personnel records are those used to determine the employee’s qualification for employment, promotion, additional compensation, employment termination or other disciplinary action. Similarly, an employer has to provide a certified copy of the records upon request, but can charge an employee the actual cost of producing the copies.</p> <p>Employers must keep the personnel file for at least 60 days following termination.</p> <p>Time and pay records can also be inspected upon request under Oregon law, but should be retained according to federal rules.</p>
<p>Unemployment Insurance<sup>13</sup></p>	<p><b>YES</b></p>	<p>Employers subject to contributions must submit <a href="#">quarterly wage and hour reports</a>.</p> <p>Whether or not subject to paying Unemployment Insurance taxes, every employer in Oregon must maintain accurate payroll records for each individual:</p> <ul style="list-style-type: none"> <li>• Name of individual;</li> <li>• Social Security Account number;</li> <li>• Total remuneration for each pay period, and total remuneration for all pay periods in each calendar quarter, showing separately:             <ul style="list-style-type: none"> <li>○ All wages not excluded by the Employment Department Law;</li> <li>○ All wages excluded by Employment Department Law;</li> <li>○ Cash value of all non-cash remuneration of any nature.</li> </ul> </li> <li>• Date of each pay period;</li> <li>• Date individual was hired, rehired, or returned to work after vacation, illness, temporary layoff, or other;</li> <li>• Date individual was terminated;</li> <li>• Number of hours worked in each calendar quarter.</li> </ul> <p>In addition, employers must keep records for each calendar quarter on:</p> <ul style="list-style-type: none"> <li>• Date each pay period ends within such calendar quarter;</li> <li>• Total wages, by pay periods, ending within such calendar quarter;</li> </ul>



## Human Resources Legal Fact Sheet: Oregon

		<ul style="list-style-type: none"> <li>Total number of employees in each pay period.</li> </ul> <p>Records must be kept for at least three years. Upon request from the Employment Department, employers need to provide a copy of weekly payroll records for a former employee seeking Unemployment Compensation benefits.</p> <p><a href="#">More information about employer obligations</a> are found in the Employer Handbook.</p>
Workers' Compensation <sup>14</sup>	<b>YES</b>	<p>Employer must immediately and not later than five days after notice or knowledge of any claim or accident which may result in a compensable injury claim, report such claim or accident to their insurer. Employer must maintain records of any injuries that they do not report (i.e. that do not require treatment from a licensed medical service provider) for five years.</p> <p>Covered employers must keep true and accurate records of the number of workers, wages paid, occupation of employees, and number of days the workers are employed. The State Accident Insurance Fund Corporation has the right to inspect employer books, records, and payrolls for the purpose of administering Workers' Compensation.</p>
OSHA	<b>YES</b>	See OSHA under 'Health and Safety' near the end of this document.
Federal	<b>YES</b>	There are numerous federal rules about recordkeeping. Employers should review the federal factsheet.

### Working Conditions

Topic	Answer	Summary
Bathrooms	<b>YES</b>	See Bathrooms under OSHA in 'Health and Safety' near the end of this document.
Working Hours	<b>NO</b>	No <a href="#">max hour or day requirements for adults</a> . See Child Labor (below) for maximum hours for minors.
Rest and Meal Breaks <sup>15</sup>	<b>YES</b>	<p>Oregon employers <a href="#">must provide employees with at least a 30-minute unpaid meal period</a> when the work period is six hours or greater. The law requires an uninterrupted period in which the employee is relieved of all duties.</p> <p>Employers must provide workers with a paid, uninterrupted 10-minute rest break for every four-hour segment in the work period. The rest break should be given in the middle of each segment (after two hours) whenever possible. The rest period cannot be added to the meal period or taken at the beginning or end of the workday to shorten the employee's shift.</p> <p>Does not apply to the parent, spouse, child, or other member of the immediate family.</p>
Labor Relations <sup>16</sup>	<b>YES</b>	Oregon law protects the rights of all private employees to organize and to engage in collective bargaining, but somewhat limits the right to strike for agricultural workers.
Whistleblower Protection <sup>17</sup>	<b>YES</b>	Oregon <a href="#">whistleblower law protects employees</a> that, in good faith, report information they believe is evidence of a violation of a state or federal law, rule or



## Human Resources Legal Fact Sheet: Oregon

		regulation. Employers are not allowed to fire, demote, suspend or otherwise discriminate or retaliate against them. The law also protects employees for opposing unlawful employment practices.
Paid Vacation or Sick Leave <sup>18</sup>	YES	<p>Oregon law requires all employers with 10 or more employees in Oregon (or at least 6 for employers located in any city in the state with a population exceeding 500,000 including Portland) to provide up to 40 hours of paid sick and safe leave per year. Employers with less than 10 employees (less than 6 for employers located in any city in the state with a population exceeding 500,000 including Portland) must provide up to 40 hours of unpaid protected sick and safe time. There are various rules for accrual and use. <a href="#">See guidance from the Bureau of Labor and Industry.</a></p> <p>Employers who choose to provide other fringe benefits must follow their written policy/contract.</p>
Breaks for Nursing Mothers <sup>19</sup>	YES	Employers must provide reasonable rest periods to accommodate an employee who needs to express milk for their child until the child reaches 18 months of age <a href="#">each time an employee has a need to do so</a> . This rest period is required for both non-exempt and exempt employees. A covered employer must make reasonable efforts to provide a nearby, private location, other than a public restroom or toilet stall. An employer with ten or fewer employees is not required to provide rest periods if to do so would impose an undue hardship (significant difficulty or expense) on the operation of the employer's business.
Pregnancy Accommodations <sup>20</sup>	YES	<p>Employers must treat women affected by pregnancy, childbirth or related medical conditions or occurrences the same as other employees with a similar ability or inability to work due to a physical condition, for all employment-related purposes, including receipt of benefits under fringe benefit programs. Employers with six or more employees need to provide reasonable accommodations for employees with pregnancy related conditions. The Oregon Bureau of Labor and Industry offers <a href="#">additional guidance on pregnancy accommodations.</a></p> <p>Oregon paid sick leave can be used to care for an infant or newly adopted child under 18. Additionally, parental leave and pregnancy disability leave are available under the Family Leave Act, described below.</p>
Family, Parental, and Pregnancy Leave <sup>21</sup>	YES	Employers who employ 25 or more persons in the State of Oregon for each working day during each of 20 or more calendar workweeks in the year in which leave is to be taken must provide leave under the Oregon Family Leave Act. Employees who have worked at least 180 days with the employer at an average of 25 hours or more each week for those 180 days are entitled to up to 12 weeks of unpaid leave in a 12-month period, plus additional periods of leave provided for specific circumstance (i.e., up to two weeks of bereavement leave due to death of family member or up to 12 weeks of pregnancy disability leave, among others). Leave is unpaid, but employees are entitled to use any accrued paid vacation, sick, or other leave. <a href="#">More details.</a>
Jury Duty and Witness Leave <sup>24</sup>	YES	Employees summoned to serve as a juror on a grand jury, trial jury or jury of inquest <a href="#">must be permitted leave.</a> Employers are not required to pay employees for time





## Human Resources Legal Fact Sheet: Oregon

		spent responding to a jury summons or serving on a jury, but may not require that an employee use vacation leave, sick leave or annual leave during their service.
Crime Victim Leave <sup>22</sup>	<b>YES</b>	<p>An employee is eligible for Crime Victims' Leave if the employee has worked an average of at least 25 hours per week for 180 days immediately before leave is taken. Under Crime Victims' Leave, employers with six or more employees cannot deny leave to eligible employees or discharge, threaten to discharge, intimidate or coerce them because the employees take leave to attend a criminal proceeding. They may take such leave if they or their immediate family are victims of certain felonies or have suffered financial, social, psychological, or physical harm because of the crime.</p> <p><a href="#">An employee who is a victim of domestic violence, harassment, sexual assault or stalking is eligible for leave under the Leave for Victims of Domestic Violence, Sexual Assault, Stalking, or Harassment Statute.</a> The leave applies to employers with six or more employees in Oregon and all employees. The parent or a guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault, or stalking is also eligible for leave. An employee make take to leave seek legal assistance, seek medical treatment, obtain counseling, obtain victim services, or relocate or secure a new home. Applies to employers with 6 or more employees.</p>
Military and Military Spouse Leave <sup>23</sup>	<b>YES</b>	<p>The Oregon Military Family Leave Act (OMFLA) covers employers with at least 25 employees in Oregon. All Oregon employees who work at least 20 hours per week for the employer are eligible for this leave. Under the OMFLA employees may take leave during a period of military conflict if their spouse ore registered domestic partner is: called to active military duty; notified of an impending call to active military duty; or deployed and on leave from active military duty. Employees may take 14 days of unpaid either continuous or intermittent leave for each deployment.</p> <p>The Oregon Uniformed Service Leave covers all employers. Employees are eligible for this leave if they are: uniformed service members; the commissioned corps of the US Public Health Service; or any other category of persons designated by the US President in time of war or national emergency.</p> <p>An employer must permit leave to perform duties in federal uniformed service such as active duty, training, fitness examinations, performing funeral honors, and full-time National Guard duty. Additionally, federal rules apply; employers should refer to the federal factsheet.</p> <p>Employers with 25 or more employees must provide <a href="#">leave for military service for spouses or registered domestic partners</a>. Employees must be permitted up to 14 days of unpaid leave for each deployment, either continuous or intermittent.</p>
Voting Leave	<b>NO</b>	Oregon law does not address voting leave requirements, but the state uses vote-by-mail.
School Activity Leave <sup>27</sup>	<b>NO</b>	Oregon law does not address leave for private sector employees to attend a child's school activity.





## Human Resources Legal Fact Sheet: Oregon

<p>Other Leave<sup>25</sup></p>	<p><b>YES</b></p>	<p><i>Bone Marrow Donation</i> All employers are covered by this statute. Employees are eligible if they work an average of 20 hours per week. It is unlawful for employers to deny the use of already accrued paid leaves of absence to an employee who seeks to undergo a medical procedure to donate bone marrow. Unless the employer agrees otherwise, leave can only be taken up to the lesser of the employee’s accrued paid leave or 40 work hours.</p> <p><i>Religious Freedom</i> Employees may take leave for religious observances or practices through the unrestricted use of available accrued leave.</p> <p><i>Veterans Day</i> Veterans are to be provided with paid or unpaid time off on Veterans’ Day if they would otherwise be required to work and provide the employer at least 21 days’ notice.</p> <p><i>State Legislative Service</i> An employer, with ten or more employees, must permit an employee (that is a member or prospective member of the state legislative assembly; has at least 90 days of service with the employer; and is not a temporary worker) leave time reasonably necessary to attend any regular or special session of the Legislative Assembly or perform official legislative duties as a member or prospective member of the Legislative Assembly.</p> <p><i>Firefighters</i> All employers are covered by this leave. An employee is eligible to take leave under the statute if the employee is: a volunteer firefighter of a rural fire protection district; a firefighter employed by a city; or a firefighter employed by a private firefighting service. An employee is eligible to take leave if she is either a volunteer firefighter of a rural fire protection district, a firefighter employed by a city, or a firefighter employed by a private firefighting service until she is released from firefighting service.</p>
---------------------------------	-------------------	---

### Human Rights

Topic	Answer	Summary
<p>Employment Discrimination<sup>26</sup></p>	<p><b>YES</b></p>	<p>Oregon law prohibits employment discrimination based on race, color, religion, sex, including childbirth, pregnancy, and related conditions, sexual orientation, gender identity, national origin, marital status including domestic partnership, age if the individual is 18 years of age or older, expunged juvenile record, or because of the race, color, religion, sex, sexual orientation, national origin, marital status or age of any other person with whom the individual associates, or because of an individual’s juvenile record that has been expunged. Oregon law also prohibits <a href="#">discrimination based on disability</a> for employers with 6 or more employees, and against individuals based on their military status. Oregon law also protects employees based on <a href="#">credit history, genetic testing, and a few other miscellaneous classes</a>.</p> <p>Employment discrimination means bias in hiring (including during interviews), promotion, job assignments, firing, pay, and other terms of employment.</p>



## Human Resources Legal Fact Sheet: Oregon

		<p><a href="#">Employers cannot pay men and women different wages</a> for comparable work on jobs that have virtually the same requirements in terms of skills, effort, and responsibility. Wage differences based on seniority, merit, quantity or quality of production or other factors other than sex are permitted.</p> <p>It is illegal to retaliate against employees for filing a complaint of discrimination or otherwise assisting with such a complaint.</p>
Harassment / Sexual Harassment <sup>27</sup>	YES	<p>Harassment, including <a href="#">sexual harassment</a> is a type of employment discrimination based on the aforementioned protected categories that is illegal in Oregon. Harassment is unwelcome conduct. It is unlawful when (1) employees have no choice but to tolerate the harassment if they want to keep their job; (2) it is so severe that a regular person would see it as intimidating, hostile, or abusive.</p> <p>Sexual harassment includes unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when:</p> <ul style="list-style-type: none"> <li>• Engaging in such conduct is made an implicit or explicit term or condition of employment. Example: A newly hired milker is told that sexual jokes, touching and nude posters are just part of farm life and she should try to ignore it.</li> <li>• Acceptance or rejection of such conduct is used as the basis for an employment decision affecting an employee. Example: A manager tells a worker applying for a promotion that the job would be his if he just “treated her right.”</li> <li>• The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment. Example: One worker experiences repeated advances from another asking her for dates or “just to go out for drinks after work.” The worker says she isn’t interested, but the co-worker won’t take ‘no’ for an answer.</li> </ul> <p>It is illegal to retaliate against employees for filing a complaint of harassment or otherwise assisting with a complaint of harassment.</p>
Forced Labor <sup>28</sup>	YES	<p>Human trafficking is illegal in Oregon. Trafficking for labor means: recruitment, enticing, harboring, transportation, provision, or obtaining of a person for labor subjection to forced labor, forced services, debt bondage, or slavery.</p> <p>Employers should ensure they are carefully following all visa requirements or work agreements to avoid any inadvertent violations.</p>

### Child Labor

Topic	Answer	Summary
Child Labor <sup>29</sup>	YES	Employers must obtain <a href="#">an employment certificate</a> and must renew it annually for any minors under 18 in agriculture if performing certain tasks: operating, assisting to operate, or riding power-driven equipment/machinery; or to ride in or on equipment, trailers, or conveyances connected to power-driven machinery.



## Human Resources Legal Fact Sheet: Oregon

### Minimum age:

- During school hours: 16
- Outside school hours: 14. 12 and 13 year olds may be granted an exception by the Bureau of Labor and Industries to work during school vacations with a work permit.
- Minors employed in agriculture by a parent or guardian do not have to adhere to the minimum age requirements

### Max hours:

- Under 16:
  - School in session: No more than 3 hours per school day, 8 hours per non school day, 18 hours per week, and not during school hours. May only work between the hours of 7am – 7pm.
    - *(If operating power-driven machinery as described in work permits above, changes to 8 hours on non-school days, 18 hours per week, max 6 days per week)*
  - School not in session: No more than 10 hours per day, 40 hours per week. Max 6 days in a week. May only work between the hours of 7am – 9pm between June 1 and Labor Day.
    - *(If operating power-driven machinery as described in work permits above, outside of harvest season it changes to max 44 hours per week)*
- 16 or over: 44 hours per week maximum
  - *(If operating power-driven machinery as described in work permits above, it changes to max 25 hours per week during school weeks, 60 hours during non-school weeks)*

No restrictions on nighttime work for minors employed in agriculture.

Minors must receive at least a 30-minute meal period no later than five hours and one minute after beginning work. Minors must get paid rest periods of 15 minutes for every four hours of work, as close to the middle of the four hours as possible.

Minors must receive show-up pay if they are sent home from a scheduled shift.

There are [restricted and prohibited occupations](#) for minor workers in Oregon. Additionally, must follow [federal restrictions/prohibited](#) occupations for agricultural work.

### Health and Safety

Topic	Answer	Summary
Workers Compensation <sup>30</sup>	YES	Oregon employers must have <a href="#">workers compensation coverage</a> .



## Human Resources Legal Fact Sheet: Oregon

	<p>Employers must <a href="#">report workplace injuries</a> requiring more than first aid to their insurance company within five days after receiving notice from an employee. If the employer later learns that the injury has worsened and requires medical attention from a licensed practitioner, the employer must report the injury within five days.</p> <p>Employer must maintain records of any injuries that they do not report (i.e. that do not require more than first aid) for five years.</p>
<p>OSHA<sup>31</sup></p>	<p><b>YES</b></p> <p><a href="#">Oregon has an approved OSHA 'state-plan'</a>, which means it is at least as effective as federal OSHA. Similar to federal OSHA, Oregon OSHA has a general duty clause that requires employers to provide employees a workplace free from recognized hazards that can cause death or serious physical harm.</p> <p>Oregon has a number of state-specific standards for the <a href="#">agriculture industry</a>. The most commonly cited violations are for toilet and hand washing facilities for hand labor work, living areas and site requirements for agricultural labor housing, no safety committees or safety meetings, and no written hazard communication program. Oregon OSHA has summary guidance on which rules have special requirements (i.e. require a written plan, require recordkeeping, etc.). The following is a selection of standards, but employers should carefully review all of the Oregon OSHA requirements:</p> <ul style="list-style-type: none"> <li>• <a href="#">Reporting</a> – All employers must report all work-related fatalities and catastrophes within 8 hours of occurrence or employer knowledge of the incident. Within 24 hours after the occurrence or employer knowledge of the incident, report a work-related in-patient hospitalization, amputation or avulsion, or loss of an eye. This is in addition to the reporting discussed under Workers' Compensation.</li> <li>• <a href="#">Recordkeeping</a> – Employers with more than 10 employees need to keep records of work-related injury or illnesses if they result in death, days away from work, restricted work, transfer to another job, medical treatment beyond first aid, loss of consciousness, significant injury/illness diagnosed by a doctor or other healthcare professional. Consult Oregon OSHA Form 300. You must retain the Oregon OSHA Form 300, the privacy case list (if one exists), the Oregon OSHA Form 300A, and the Oregon OSHA Form 301 Incident Reports for five (5) years following the end of the calendar year that these records cover. You must provide the records to an authorized government representative within 4 hours upon request. Employers should note that Oregon <a href="#">has adopted electronic submission requirements for injuries and illnesses</a>.</li> <li>• <a href="#">Safety Committee/Safety Meetings</a> – Employers must either have an effective safety committee or hold effective safety meetings, depending on number of employees. Training must be provided on the purpose and operation of the safety committee or safety meetings. If there are language barriers, must communicate in a manner that workers can understand. [Note: the rules for agriculture are different than for general industry in Oregon. Employers are encouraged to <a href="#">review the text of the standard</a>.]</li> </ul>



## Human Resources Legal Fact Sheet: Oregon

- [Work Surfaces](#) - Floors, work areas, aisles and passageways must be in good repair and must not have protruding nails, unevenness, obstructions, debris or loose boards that create a hazard.
- [Noise Exposure](#) - You must have a hearing conservation program, including noise monitoring, when an employee's exposure equals or is more than an 8-hour time-weighted average (TWA) of 85 decibels (dB).
- [PPE](#) - Must provide personal protective equipment required for an employee's job assignment, and training on how/when to use the PPE. The need for PPE depends on a hazard assessment. Examples include head protection, eye/face protection, body protection, hand protection, foot protection, and respiratory protection.
- [Drinking water](#) - Must have potable water available. All sources of water need to be clean and in sanitary condition. Water dispensers must be capable of being closed and have a tap. You cannot have a common drinking cup or other similar utensils and should clean any potable water containers daily.
- [Bathrooms](#) - Must have bathrooms, which must be separate for each sex unless they are single occupancy. The number needed is based on the number of employees. Each toilet must be in a separate compartment that provides privacy. Toilets must be reasonably accessible - within a 5-minute or ¼ mile unobstructed walk for all workers.
- [Heat Stress](#) - Employers must provide employees working where the heat index equals or exceeds 80 degrees Fahrenheit access to shade, enough drinking water for employees to consume 32 ounces per hour, supervisor and employee training on heat illness and prevention, implement additional practices when the heat index exceeds 90 degrees Fahrenheit including: ensure effective employee monitoring for signs of heat illness, have a designated employee who can call for emergency medical services, ensure that each employee takes heat illness prevention breaks, and have an emergency medical plan. In addition, employers must develop effective acclimatization practices.
- Various Farm Equipment and Confined Space Rules:
  - [Confined space](#)
  - [Manure Lagoons](#)
  - [Machine-guarding rules](#)
  - [Lock-out tag-out \(LO/TO\)](#)
  - [Roll over protection \(ROPS\)](#)
  - [Power Takeoffs](#)
- [First-aid](#) - Provide first-aid supplies based on the types of injuries that could occur at the place of employment.
- [Hazard communication](#) - Employers are required to have a safety data sheet for each hazardous chemical they use and ensure that each container of hazardous chemicals in the workplace is properly labeled. Employers are also required to develop, implement, and maintain at the workplace a



## Human Resources Legal Fact Sheet: Oregon

		<p>written hazard communication program and provide training for their employees in a language they can understand.</p> <ul style="list-style-type: none"> <li>• <a href="#">Respiratory Protection</a> – Employers must develop a written respiratory protection program if respirators are necessary and/or required for workers. May have a limited written program if the use is voluntary.</li> </ul> <p>It is illegal for employers to retaliate against workers for reporting an injury or health and safety hazard.</p>
Housing <sup>32</sup>	YES	<p>Oregon agricultural employers that provide housing must comply with the Oregon <a href="#">OSHA standard on Agricultural Labor Housing</a>. The standard requires registration, maintaining facilities in good/sanitary condition, providing for fire safety, and <a href="#">more</a>.</p> <p>Employers should also follow best practices when providing housing – which includes, at minimum, a written housing agreement. The FARM HR Manual has guidance around best practices for agricultural worker housing.</p>

<sup>1</sup> Or. Rev. Stat. § 25.790

<sup>2</sup> Or. Rev. Stat. § 652.120

<sup>3</sup> Or. Rev. Stat. § 652.140; § 652.145

<sup>4</sup> Or. Admin. R. 839-020-0135

<sup>5</sup> Or. Rev. Stat. § 653.020; § 653.025

<sup>6</sup> Or. Admin. R. 839-020-0040; 839-020-0044

<sup>7</sup> Or. Rev. Stat. § 652.610; Or. Admin. R. 839-020-0012

<sup>8</sup> Or. Rev. Stat. § 316.167; Or. Admin. R. 150-316-0237; Or. Rev. Stat. §657.045; 657.060; 656.605

<sup>9</sup> Or. Rev. Stat. § 652.610; Or. Admin. R. 839-020-0020; 839-020-0025

<sup>10</sup> Or. Admin. R. 839-020-0010

<sup>11</sup> Or. Rev. Stat. §653.045; Or. Admin. R. 839-020-0080; 839-020-0082; 839-020-0083

<sup>12</sup> Or. Rev. Stat. § 652.750

<sup>13</sup> Or. Admin. R. 471-031-0005; 471-031-0085

<sup>14</sup> Or. Admin. R. 436-060-0010; Or. Rev. Stat. § 656.758

<sup>15</sup> Or. Rev. Stat. § 653.020; Or. Admin. R. 839-020-0050(1)(b).

<sup>16</sup> Or. Rev. Stat. § 662.810; § 661.030

<sup>17</sup> Or. Rev. Stat. § 659A.199; § 659A.030(1)(f)

<sup>18</sup> Or. Rev. Stat. § 653.601 et seq.

<sup>19</sup> Or. Rev. Stat. § 653.077; Or. Admin. R. 839-020-0051

<sup>20</sup> Or. Rev. Stat. § 659A.029

<sup>21</sup> Or. Rev. Stat. §659A.150 to 659A.186

<sup>22</sup> Or. Rev. Stat. § 659A.190 to 659A.198, § 659A.270 to 659A.290

<sup>23</sup> Or. Rev. Stat. § 659A.082, § 659A.090 to 659A.099

<sup>24</sup> Or. Rev. Stat. § 10.090 to 10.092

<sup>25</sup> Or. Rev. Stat. § 408.495, § 659A.033, § 659A.312, § 171.120 to 171.122, § 476.574

<sup>26</sup> Or. Rev. Stat. § 659A.029; § 659A.030; § 652.220; §§ 659A.103-659A.145; § 659A.865

<sup>27</sup> See above; and Or. Admin. R. 839-005-0030

<sup>28</sup> Or. Rev. Stat. § 163.266

<sup>29</sup> Or. Admin. R. 839-021-0220; 839-021-0072; 839-021-0276; 839-021-0290; 839-021-0292; Or. Rev. Stat. §653.320; §653.315

<sup>30</sup> Or. Rev. Stat. § 656.023; Or. Admin. R. 436-060-0010

<sup>31</sup> Or. Rev. Stat. § 654.010; Or. Admin. R. 437-001-0700; 437-001-0704 to 0742; 437-004-0251; 437-004-0310; 437-004-0630; 437-004-1005; 437-004-1105; 437-004-1250, 437-004-1260, 437-004-1275; 437-004-1305; 437-004-9800

<sup>32</sup> Or. Admin. R. 437-004-1120