

## AIR QUALITY CONCERNS AT WORK

Employers have a duty to maintain a safe and healthy workplace. If you believe your workplace is unsafe or unhealthy due to air quality, you can tell your employer about your concerns to make the workplace safer. If you do not get results, you do not have to quit.

You can **contact Oregon Occupational Safety and Health Administration (OSHA)**. You do not have to give them your name to make the complaint. Call (503) 378-3272 or (800) 922-2689, or file online at <https://osha.oregon.gov/workers/Pages/index.aspx>.

You can also contact your local legal aid office: <https://oregonlawhelp.org/find-legal-help>. An advocate may be able to give you advice or refer you to someone for assistance.

### Working outside

- OSHA has specific regulations regarding the health and safety requirements for employers who employ people in fire prevention and suppression. Contact OSHA for more information.
- Employers can require their employees to work outside in poor air quality, despite the fact that employers have a general obligation to provide their employees a safe and healthy work place.
- See if your employer is following the specific recommendations Oregon has given employers:
  - Closing outdoor work activity when air quality in an area becomes “unhealthy,” or reaches an Air Quality Index of at least 151.
  - Allowing workers with underlying health conditions to stay home.
  - Re-arranging work schedules, hours and tasks in a way that enables workers to get relief from smoky outdoor air.
  - Providing N95 masks, where and when appropriate, and informing workers of their proper use and care.

### Working Indoors

- OSHA regulations cover certain air contaminants, but nothing covers indoor air quality during wildfire season.
- OSHA recommends, but does not require, employers to take steps, including:
  - Checking a building’s ventilation system to make sure it has received routine maintenance, such as filter changes.
  - Treating the air with purifiers or filters.
- You can report concerns to your safety committee.
- You can file a complaint as discussed above.

### What if I don't feel safe working? Can I refuse to work without losing my job?

Depending on your circumstances, your job may be protected if you are unable to work for health reasons:

- All full-time workers in Oregon should have at least 40 hours of sick leave per year. You can use your accrued leave if you have worked for your employer for at least 90 days. You can use sick

time if you or a family member is sick, injured, experiencing mental illness, or need to visit the doctor. If your employer has at least 10 employees (at least 6 employees if the employer has a location in Portland), you have a right to paid sick leave.

- If your employer has at least 25 employees and you have been working for at least six-months and averaging at least 25 hours per week, you may have rights under the Oregon Family Leave Act (OFLA). It does not provide paid leave, but it protects employees' jobs while they take up to 12 weeks off because they or a family member develop a "serious health condition" or because a child develops any illness or injury requiring home care.
- If you require medical attention because of an injury at work, or an illness developed as a result of your work, you may have a claim for workers' compensation. Your job should be protected while you are unable to work. You can report workplace injuries to your employer or doctor.
- If you have a physical condition that puts you at a higher risk of illness due to poor air quality, you may be able to request accommodations from your employer.
- There are certain circumstances when you can refuse to work under unsafe or unhealthy conditions and still be protected. For example, if you believe that your work conditions pose an imminent risk of serious injury or death, there is no chance that the employer will take steps to remove the unsafe conditions, and there is no opportunity to seek help from OSHA or other agency, then the law may protect your job if you refuse work.

If you are unable to work, you should notify your employer as soon as possible. Be sure to follow your employer's absence policy and let them know why you are unable to work. If you are unable to work because of a workplace injury, you can report the injury to your employer or your doctor. If you have questions about your rights in this situation, try to talk to an attorney before you refuse to work, if possible.

### **What if my employer retaliates against me for taking work off or complaining about unsafe work conditions?**

If your employer terminates you or otherwise discriminates against you for complaining about unsafe or unhealthy conditions, or for taking work off for reasons that are protected by law, you may have a claim for retaliation. You can contact the Oregon Bureau of Labor and Industries at 971-673-0761 or any attorney with questions. Keep in mind there are time limitations to file a complaint, so it's usually best to pursue your claims as quickly as possible.

### **What if I don't have work authorization? Do these laws still protect me?**

Yes. Workplace safety and anti-discrimination laws protect all workers, regardless of immigration status. If your employer discriminates against you, your immigration status may affect the type of remedies a court can award you. If you have questions about your rights, talk to an attorney.

**If you would like to talk to an attorney about your rights, you can find contact information for a legal aid office near you at <https://oregonlawhelp.org/find-legal-help>.**