

Introduction to OSHA (Part 2)

Employer Responsibilities under OSHA

- Providing a workplace free from recognized hazards and complying with OSHA standards
 - Maintain conditions and adopt practices reasonably necessary to protect workers on the job
 - Be familiar with the standards that apply to their workplaces, and comply with these standards
 - Ensure that workers are provided with and use Personal Protective Equipment (PPE) when needed
 - **General Duty Clause:** Section 5(a)(1) of the Act requires each employer to “furnish a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees.”

Employer Responsibilities under OSHA cont.

- Providing training required by OSHA standards: Many OSHA standards specifically require the employer to train workers in the safety and health aspects of their jobs. Other OSHA standards make it the employer's responsibility to limit certain job assignments to those who are "certified," "competent," or "qualified" – meaning that they have had special, previous training, in or out of the workplace.
 - Construction Training Standards
 - Required to handle or use poisons, caustics, and other harmful substances
 - Who may be exposed to job sites where harmful plants or animals are present

Employer Responsibilities under OSHA cont.

- Required to handle or use flammable liquids, gases, or toxic materials
- Required to enter into confined or enclosed spaces.
- Hazard Communication standard applies to both General Industry and Construction workers
 - Requires that employers provide workers with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new physical or health hazard is introduced.
 - In addition chemical-specific information must always be available through labels and MSDSs.

Employer Responsibilities under OSHA cont.

- Personal Protective Equipment (PPE) Standards
 - OSHA requires the use of PPE to reduce employee exposure to hazards when engineering and administrative controls are not feasible or effective in reducing these exposures to acceptable levels.
 - If PPE is to be used, a PPE program should be implemented. This program should address the hazards present; the selection, maintenance, and use of PPE; the training of employees; and monitoring of the program to ensure its ongoing effectiveness.

Employer Responsibilities under OSHA cont.

- Keeping records of injuries and illnesses
 - The steps that employers must follow are:
 - Setting up a reporting system
 - Providing copies of logs, upon request
 - Posting the annual summary
 - Reporting within eight (8) hours any incident resulting in a fatality or the hospitalization of three or more workers
 - The forms your employer must keep are:
 - The Log of Work-Related Injuries and Illnesses (commonly called the **OSHA 300 Log**) is used to list injuries and illnesses and track days away from work, restricted work, or transferred employees
 - The Injury and Illness Report (Form 301) is used to record more information about each case
 - The Summary (OSHA Form 300A) shows the totals for the year in each category. The summary must be posted from February 1 to April 30 of each year in a place where notices to workers are usually posted.

Employer Responsibilities under OSHA cont.

- Providing medical exams when required by OSHA standards and providing workers access to their exposure and medical records
- Not discriminating against workers who exercise their rights under the Act [Section 11(c)]
- Posting OSHA citations and abatement verification notices:
 - employer and workers of the standards violated, the length of time set for correction, and proposed penalties resulting from an OSHA inspection.
 - The employer must post a copy of each citations at or near places where the violation occurred for three (3) days, or until the violation is fixed (whichever is longer).
- Providing and paying for PPE

OSHA Standard Categories

- OSHA standards fall into four categories:
 - General Industry
 - Construction
 - Maritime
 - Agriculture
- Where there are no specific OSHA standards, employers must comply with the OSH Act's “**General Duty Clause**”
- OSHA standards appear in the **Code of Federal Regulations (CFR)** and then are broken down into parts.

Workplace Inspections

- The OSH Act authorizes OSHA compliance safety and health officers (CSHOs) to conduct workplace inspections at reasonable times.
- OSHA conducts inspections without advance notice, except in rare circumstances.



Workplace Inspections cont.

- The agency has a system of inspection priorities:
 - First priority is Imminent Danger: This is a condition where there is a reasonable certainty a danger exists that can be expected to cause death or serious physical harm immediately.
 - Second priority is Fatality/Catastrophe: Employers must report to OSHA any worker fatality or the hospitalization of three or more employees. OSHA initiates these investigations as soon as possible after receiving the report.
 - Third priority is Complaints/Referrals: A worker or worker representative can file a complaint about a safety or health hazard in the workplace.
 - Fourth priority is Programmed Inspections: These inspections cover industries and employers with high injury and illness rates, specific hazards, or other exposures.

Workplace Inspections cont.



- OSHA also conducts Follow-up and Monitoring Inspections.
 - A Follow-up is made to see if violations cited on an earlier inspection were fixed.
 - Monitoring inspections are made to make sure hazards are being corrected and workers are protected whenever a long period of time is needed for a hazard to be fixed.

Workplace Inspections cont.

- Stages of an Inspection:
 - Presenting Credentials
 - When arriving at the workplace, the CSHO finds out who is in charge and presents his or her credentials
 - An employer can require OSHA to get a warrant before an inspection is made



Workplace Inspections cont.

- Opening Conference, the CSHO:
 - Explains why OSHA selected the worksite for inspection
 - Obtains information about the company, including a copy of the hazard assessment to see what PPE is necessary
 - Explains the purpose of the visit, the scope of the inspection, walk around procedures, worker representation, private worker interviews, and the closing conference
 - Determines whether the facility falls under any inspection exemption through a voluntary compliance program
 - CSHO checks the injury and illness records and checks that the OSHA poster is displayed.



Workplace Inspections cont.

- Walkaround
 - The CSHO, along with the employer and worker representatives, proceed through the workplace, inspecting work areas for potentially hazardous working conditions.
 - The CSHO may also interview workers in private, take photographs or video, and monitor worker exposure to noise, air contaminants, or other substances.



Workplace Inspections cont.



- Closing Conference
 - After the walkaround, the CSHO holds a closing conference with the employer and the worker representative
 - During the closing conference, apparent violations that have been observed on the walkaround and estimated times for correction are discussed.
 - The employers are informed of their rights and responsibilities related to the inspection
 - No citations are given out at this time. They are sent in the mail at a later date, no later than six (6) months after the inspection.

Workplace Inspections cont.

- Citations
 - Inform the employer and workers of:
 - Regulations and standards the employer allegedly violated
 - Any hazardous working conditions covered by the OSH Act's General Duty Clause
 - The proposed length of time set for abatement of hazards
 - Any proposed penalties
 - Sent by certified mail to the facility
 - Employer must:
 - Post a copy of each citation at or near the place the violation occurred for three days or until it is fixed
 - Inform workers and their representatives of the correction they make

Workplace Inspections cont.

- Penalties – are based on violation types.
 - OSHA may cite the following violations and propose the following penalties:
 - **Willful violation:** employer intentionally and knowingly commits a violation or commits a violation with a plain indifference the law. OSHA may propose penalties of up to \$70,000 for each willful violation, with a minimum of \$5,000 for each occurrence
 - **Serious violation:** there is a substantial probability that death or serious physical harm could result and that the employer knew, or should have known, of the hazard. For this violation type OSHA issues a mandatory penalty that may go as high as \$7,000.
 - **Other-than-Serious violation:** has a direct relationship to safety and health, but probably would not cause death or serious physical harm. For this violation type, OSHA may propose a penalty of up to \$7,000.
 - **Repeated violation:** is the same or similar to a previous violation. For a repeated violation, OSHA may propose penalties of up to \$70,000 for each repeated violation.

Workplace Inspections cont.

- Additional Penalties:
 - **Failure to Abate:** OSHA may propose additional penalties of up to \$7,000 for each day an employer fails to correct a previously cited violation beyond the required date
 - **Falsifying Information:** Under the OSH Act, an employer providing false information to OSHA can receive a fine of up to \$10,000 or up to six (6) months in jail, or both
 - **Violation of Posting:** The employer has to post citations and abatement verification for three days or until the hazard is corrected. Failure to follow these instructions can result in a penalty of up to \$7,000 for each violation

Workplace Inspections cont.

- The Appeals Process
 - For Workers: Workers may contest the abatement time for any violation and employer's **petition for modification of abatement (PMA)**, but they cannot contest citations or penalties.
 - For Employers: The employer has more rights than workers related to citations:
 - Employers may request an informal conference with OSHA to discuss the case
 - Reach a settlement agreement with OSHA and adjusts citations and penalties
 - If an employer decides to contest the citation, the abatement date, and/or the proposed penalty, this must be done, in writing, within the 15-working day contest period.

Sources for Safety and Health Information

- Sources in the Workplace:
 - Employer/Supervisor, Co-workers, and Union Representatives
 - MSDS for Information on Chemicals
 - Labels and Warning Signs
 - Employee orientation manuals or other training materials
 - Work tasks and procedures instruction
- Sources outside the Workplace:
 - OSHA Website and OSHA Offices
 - National Institute for Occupational Safety and Health (NIOSH)
 - OTI Education Centers
 - Health Providers
 - Public Libraries
 - Local, Community-based Resources

Filing an OSHA Complaint:

- If you, your co-workers, and/or your union representative determine that an OSHA inspection is needed to get workplace hazards corrected, you have more than one option for filing a complaint:
 - You can download the complaint form from OSHA's website, complete it, and mail or fax it to OSHA
 - You can file a complaint online
 - You can telephone or visit your local regional or area office to discuss your concerns

Filing an OSHA Complaint cont.

- Completing the Complaint Form
 - Be Specific and include appropriate details
 - Establishment Name, Address, and Type of Business
 - Hazard Description/Location
 - Has this condition been brought to the attention of the employer or another government agency?
 - Do NOT reveal my name: OSHA will keep your name off the complaint, if you wish
 - Signature and Address