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INTRODUCTION TO OSHA PART 2

MODULE DESCRIPTION

This module will explain the importance of OSHA in providing a safe and healthful workplace to workers covered by its regulations.

OBJECTIVES

After completing this module, students will be able to:

- Discuss employer responsibilities under OSHA
- Discuss the use of OSHA Standards
- Explain how OSHA inspections are conducted
- Utilize helpful worker safety and health resources

MODULE OUTLINE

1. 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. ♦
- 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
 - 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.
- 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.
- 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.
- 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:
 - An OSHA citation informs the 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

2. 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.

3. 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.
- 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.
- 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.
- 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
 - 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.
 - Walk around
 - 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.
- Closing Conference
 - After the walk around, 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 walk around 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.
- 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
- 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.
 - 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

○ 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.

4. 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

5. 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

- 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