

Introduction to OSHA

Congress passed the Occupational Safety and Health Act of 1970 “to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources.”

The Occupational Safety and Health Administration (OSHA) is a division of the United States Department of Labor.

Since its creation in 1971, OSHA has had a big impact on worker health and safety.

Employer Responsibilities

The mission of OSHA is to save lives, prevent injuries and protect the health of America’s workers. Employers must:

- Meet their responsibility to provide a workplace free from recognized hazards
- Keep workers informed about OSHA and safety and health matters with which they are involved
- Comply, in a responsible manner, with standards, rules and regulations issued under the OSH Act
- Be familiar with mandatory OSHA standards
- Make copies of standards available to employees for review upon request
- Evaluate workplace conditions
- Minimize or eliminate potential hazards
- Provide safe, properly maintained tools and equipment and ensure that employees use them
- Warn employees of potential hazards
- Establish or update operating procedures and communicate them to employees
- Provide medical examinations when required
- Provide training required by OSHA standards
- Report a fatality, hospitalization, amputation or loss of an eye
- Keep OSHA-required records of work-related injuries and illnesses and post them appropriately
- Avoid discriminating against employees who properly exercise their rights under the OSH Act
- Provide access to employee medical records and exposure records to workers and others as required by law
- Determine if personal protective equipment (PPE) should be used to protect workers
- Pay for most required PPE

Employer Rights

- Seek free advice and on-site consultation from OSHA
- Be involved in job safety and health through industry associations
- Take an active role in developing safety and health programs
- Be assured of the confidentiality of any trade secrets

- Submit a written request to the National Institute for Occupational Safety and Health (NIOSH) for information on whether any substance in a workplace has the potential for toxic effects in the concentrations being used
- Submit information or comments to OSHA on the issuance, modification or revocation of OSHA standards and request a public hearing

Employee Responsibilities

- Read the OSHA “It’s the law!” poster (OSHA 3165) at the jobsite
- Comply with all applicable OSHA standards
- Follow all employer safety and health rules and regulations, and wear or use prescribed protective equipment while engaged in work
- Report hazardous conditions to their supervisor
- Report any job-related injury or illness to their employer, and seek treatment promptly
- Cooperate with the OSHA compliance officer conducting an inspection
- Exercise their rights under the OSH Act in a responsible manner

Employee Rights

- Receive adequate training and information
- Request information from their employer on safety and health hazards, precautions and emergency procedures
- Review copies of appropriate OSHA standards, rules, regulations and requirements that the employer should have available at the workplace
- Request that OSHA investigate if employees believe hazardous conditions or violations of standards exist in their workplace
- Observe any monitoring or measuring of hazardous materials and see any related monitoring or medical records
- Object to the abatement period set in a citation issued to their employer
- Participate in hearings conducted by the Occupational Safety and Health Review Commission
- Submit information or comments to OSHA on the issuance, modification or revocation of OSHA standards and request a public hearing
- Seek safety and health on the job without fear of punishment
- Refuse to do a job if they believe in good faith that they are exposed to imminent danger

OSHA’s Recordkeeping Requirements

As set out in the OSH Act, OSHA established an effective, centralized, nationwide system for monitoring occupational safety and health problems – a vital requirement for gauging problems and solving them.

Keeping records allows OSHA to compile survey material, helps identify high-hazard industries, and informs employees about their employers’ workplace safety record. These records also help employers identify potential sources of injuries and illnesses at their worksites – and hopefully then correct or mitigate them.

Inspections

Inspections may be conducted by OSHA compliance safety and health officers. A typical on-site inspection includes the presentation of inspector credentials, an opening conference, an inspection walk-around and a closing conference. **Inspection priorities, in order, are:**

1. **Imminent Danger:** Inspecting a workplace where a danger exists that can be expected to cause death or serious physical harm is the highest priority.
2. **Fatalities/Catastrophes:** Fatalities as well as catastrophes that result in hospitalization, amputation or loss of an eye must be reported by the employer to OSHA.
3. **Complaints/Referrals:** A worker or worker representative can file a complaint about a safety or health hazard in the workplace.
4. **Programmed Inspections:** These inspections cover industries and employers with high injury and illness rates, specific hazards or other exposures.
5. **Follow-up Inspections:** OSHA also conducts follow-up and monitoring inspections. These inspections are made as needed and take priority over programmed inspections.

Citations and Penalties

Citations inform the employer and employees of the regulations and standards allegedly violated and of the proposed time for abatement. The employer must post a copy of each citation at or near the place where the violation occurred, for 3 days or until the violation is corrected, whichever is longer.

Under the OSH Act, OSHA may cite the following violations and propose the following penalties. Note that the threshold for penalties changes annually. You can find more information on the OSHA website.

- **Other-than-Serious:** A violation that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm. OSHA may propose penalties for each other-than-serious violation
- **Serious:** A violation where there is substantial probability that death or serious physical harm could result and that the employer knew, or should have known, of the hazard. OSHA may propose mandatory penalties for each serious violation
- **Willful:** A violation that the employer intentionally and knowingly commits, or a violation that the employer commits with plain indifference to the law. OSHA may propose large penalties for each willful violation, and there is a minimum penalty for each violation

Other penalties are **Repeated** and **Failure-to-Abate**. If an employer chooses to appeal a decision, it must be done formally in writing within 15 working days of receiving the citation.

General Duty Clause

What if there is no specific standard forbidding a particular activity, but that activity can easily be identified as being dangerous and potentially harmful to a worker? Can the employer be cited? The answer is YES!

The company or employer can be cited under the “General Duty Clause” found in the OSH Act.

Resources

There are many resources available to you if you want to find out more information about a safety or health issue in your workplace.

These include:

- Your employer, supervisor and co-workers
- Safety Data Sheets (SDSs)
- Labels and warning signs
- Employee orientation manuals and other training materials
- Written procedures
- OSHA's hotline at **1-800-321-OSHA (6742)**
- The OSHA website: <http://www.osha.gov>
- Your local area or regional OSHA office
- Compliance Assistance Specialist training sessions/materials
- Health Hazard Evaluations (HHEs) conducted by the National Institute for Occupational Safety and Health (NIOSH)
- OSHA Training Institute Education Centers (OTIEC) and other university occupational and environmental health programs
- Doctors, nurses and other healthcare providers
- Public libraries