

Introduction:

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Worker Protection is the Law of the Land

You have the right to a safe workplace. The Occupational Safety and Health Act of 1970 (OSH Act) was passed to prevent workers from being killed or otherwise harmed at work. The law requires employers to provide their employees with working conditions that are free of known dangers. The OSH Act created the Occupational Safety and Health Administration (OSHA), which sets and enforces protective workplace safety and health standards. OSHA also provides information, training and assistance to employers and workers.

Workers' Rights under the OSH Act

The OSH Act gives workers the right to safe and healthful working conditions. It is the duty of employers to provide workplaces that are free of known dangers that could harm their employees. This law also gives workers important rights to participate in activities to ensure their protection from job hazards. Workers have a right to:

- File a confidential complaint with OSHA to have their workplace inspected.
- Receive information and training about hazards, methods to prevent harm, and the OSHA standards that apply to their workplace. The training must be done in a language and vocabulary workers can understand.
- Review records of work-related injuries and illnesses that occur in their workplace.
- Receive copies of the results from tests and monitoring done to find and measure hazards in the workplace.
- Get copies of their workplace medical records.
- Participate in an OSHA inspection and speak in private with the inspector.
- File a complaint with OSHA if they have been retaliated or discriminated against by their employer as the result of requesting an inspection or using any of their other rights under the OSH Act.
- File a complaint if punished or discriminated against for acting as a “whistleblower” under the additional 20 federal statutes for which OSHA has jurisdiction.

A job must be safe or it cannot be called a good job. OSHA strives to make sure that every worker in the nation goes home unharmed at the end of the workday, the most important right of all.

Employer Responsibilities

Employers have the responsibility to provide a safe workplace. Employers **MUST** provide their employees with a workplace that does not have serious hazards and must follow all OSHA safety and health standards. Employers must find and correct safety and health problems. OSHA further requires that employers must try to eliminate or reduce hazards first by making feasible changes in working conditions – switching to safer chemicals, enclosing processes to trap harmful fumes, or using ventilation systems to clean the air are examples of effective ways to get rid of or minimize risks – rather than just relying on personal protective equipment such as masks, gloves, or earplugs.

Employers **MUST also:**

- Inform employees about hazards through training, labels, alarms, color-coded systems, chemical information sheets and other methods.
- Train employees in a language and vocabulary they can understand.
- Keep accurate records of work-related injuries and illnesses.
- Perform tests in the workplace, such as air sampling, required by some OSHA standards.
- Provide hearing exams or other medical tests required by OSHA standards.
- Post OSHA citations and injury and illness data where workers can see them.
- Notify OSHA within eight hours of a workplace fatality or when three or more workers are hospitalized.
- Prominently display the official OSHA poster that describes rights and responsibilities under the OSH Act.

Who Does OSHA Cover?

• Private Sector Workers

Most employees in the nation come under OSHA's jurisdiction. OSHA covers most private sector employers and employees in all 50 states, the District of Columbia, and other U.S. jurisdictions either directly through Federal OSHA or through an OSHA-approved state plan. State-run health and safety plans must be at least as

effective as the Federal OSHA program. To find the contact information for the OSHA Federal or State Program office nearest you, call 1-800-321-OSHA (6742) or go to www.osha.gov.

- **State and Local Government Workers**
- **Federal Government Workers**

Not Covered under the OSH Act

- Self-employed;
- Immediate family members of farm employers; and
- Workplace hazards regulated by another federal agency (for example, the Mine Safety and Health Administration, Federal Aviation Administration, Coast Guard).

**You Have the Right to a Safe and Healthful Workplace
(US Map Inserted Here In Magazine)**

OSHA Standards: Protection on the Job

OSHA standards are rules that describe the methods that employers must use to protect their employees from hazards. There are four groups of OSHA standards: General Industry, Construction, Maritime, and Agriculture. (General Industry is the set that applies to the largest number of workers and worksites). These standards are designed to protect workers from a wide range of hazards.

These standards also limit the amount of hazardous chemicals, substances, or noise that workers can be exposed to; require the use of certain safe work practices and equipment; and require employers to monitor certain hazards and keep records of workplace injuries and illnesses.

Examples of OSHA standards include requirements to:

- Provide fall protection, such as a safety harness and lifeline;
- Prevent trenching cave-ins;
- Ensure the safety of workers who enter confined spaces such as manholes or grain bins;
- Prevent exposure to high levels of noise that can damage hearing;

- Put guards on machines;
- Prevent exposure to harmful levels of substances like asbestos and lead;
- Provide workers with respirators and other needed safety equipment (in almost all cases, free of charge);
- Provide healthcare workers with needles and sharp instruments that have built-in safety features to prevent skin punctures or cuts that could cause exposure to infectious diseases; and
- Train workers using a language and vocabulary they understand about hazards and how to protect themselves.

Employers must also comply with the General Duty Clause of the OSH Act. This clause requires employers to keep their workplaces free of serious recognized hazards and is generally cited when no specific OSHA standard applies to the hazard.

- Worker Rights in State-Plan States
- Right to be Provided Protective Equipment Free of Charge
- Right to Information
- Right to Know about Chemical Hazards
- Right to Know about Laws and Your Rights
- Right to Get Copies of Workplace Injury and Illness Records
- Right to Exposure Data
- Right to Your Medical Records

OSHA Worksite Investigations

OSHA conducts on-site inspections of worksites to enforce the OSHA law that protects workers and their rights. Inspections are initiated without advance notice, conducted using on-site or telephone and facsimile investigations, and performed by highly trained compliance officers. Worksite inspections are conducted based on the following priorities:

- Imminent danger;
- A fatality or hospitalizations;
- Worker complaints and referrals;
- Targeted inspections – particular hazards, high injury rates; and
- Follow-up inspections.

Inspections are conducted without employers knowing when or where they will occur. The employer is not informed in advance that there will be an inspection, regardless of whether it is in response to a complaint or is a programmed inspection.

A Four-Point Workplace Program

1. Management Commitment and Employee Involvement

As the owner or manager of a small business, your attitude toward job safety and health will be reflected by your employees. If you are not interested in preventing employee injury and illness, your employees will probably not give safety and health much thought either.

Therefore, it is essential that you demonstrate at all times your personal concern for employee safety and health, and the priority you place on them in your workplace. Your policy must be clear. Only you can show its importance through your own actions.

You can demonstrate the depth of your commitment by involving your employees in planning and carrying out your efforts. If you seriously involve your employees in identifying and resolving safety and health problems, they will bring their unique insights and energy to achieving the goals and objectives of your program. The men and women who work for you are among the most valuable assets you have. Their safety, health and goodwill are essential to the success of your business. Having them cooperate with you in protecting their safety and health not only helps to keep them healthy—it makes your job easier. Here are some actions to consider:

- Post your policy on worker safety and health next to the OSHA Workplace Poster where all employees can see it. (See Model Policy Statements.)
- Hold a meeting with all employees to communicate your safety and health policy, and discuss your objectives for safety and health.
- Make sure that your support is visible by getting personally involved in the activities that are part of your safety and health program. For example, personally review all inspection and accident reports and ensure that follow-up occurs when needed.
- Ensure that you, your managers and your supervisors follow all safety requirements that apply to all employees, even if you are only in an area briefly. If, for instance, you require a hard hat, safety glasses and/or safety shoes in an area, wear them yourself when you are in that area.
- Take advantage of your employees' specialized knowledge and encourage them to buy into the program by having them make inspections, conduct safety training, or investigate accidents.
- Make clear assignments of responsibility for every part of your safety and health program, and make sure everyone understands them. The more people who are involved, the better. A good rule of thumb is to assign safety and health responsibilities in the same way you assign production responsibilities. Make it a special part of everyone's job to work safely.

- Give those with safety and health responsibility enough people, time, training, money and authority to get the job done.
- Don't forget your safety and health program after you make assignments; make sure the job gets done. Recognize and reward those who do well and correct those who don't.
- At least once a year, review what you have accomplished in meeting your objectives and re-evaluate whether you need new objectives or program revisions.
- Institute an accountability system where all personnel will be held accountable for not following work rules designed to promote workplace safety and health.

2. Worksite Analysis

It is your responsibility to know what items or substances you have in your workplace that could hurt your workers. Worksite analysis is a group of processes that helps you make sure that you know what you need to keep your workers safe. For help in getting started with these processes, you can call on your state on-site Consultation Program and have an experienced health and safety professional visit your workplace for free and confidentially. Locations for each state are listed on OSHA's website. Also, OSHA's booklet, Job Hazard Analysis, may be helpful.

Here are some actions to consider:

- Request a consultation visit from your state on-site consultation Program covering both safety and health to get a full survey of the hazards that exist in your workplace and those that could develop. You can also contract for such services from expert private consultants if you prefer.
- Establish a way to get professional advice when you make changes to procedures or equipment, to ensure that the changes are not introducing new hazards into your workplace.
- Find ways to keep current on newly recognized hazards in your industry.
- Periodically review with employees each job, analyzing it step-by-step to see if there are any hidden hazards in the equipment or procedures.
- Set up a self-inspection system to check your hazard controls and evaluate any new hazards. Your state consultant can assist you in establishing an effective system.
- Make sure your employees feel comfortable in alerting you or another member of management when they see things that look dangerous or out of place.
- Learn how to conduct a thorough investigation when things go wrong. This will help you develop ways to prevent recurrences. Extensive information can be found on OSHA's website under "Accident Investigation" in the index.
- Review several years of injury or illness records to identify patterns that can help you devise strategies to improve your safety and health program.

Periodically review several months of experience to determine if any new patterns are developing.

3. Hazard Prevention and Control

Once you have identified your existing and potential hazards, you are ready to implement the systems that prevent or control those hazards. Your state Consultation Program can help you do this. Whenever possible, hazards should be eliminated. Sometimes that can be done through substitution of a less toxic material or engineering controls. When you cannot eliminate hazards, systems should be established to control them.

Here are some actions to consider:

- Set up safe work procedures based on an analysis of the hazards in your workplace and ensure that employees understand and follow them. It is a good idea to involve employees in the analysis that results in those procedures. (See Codes of Safe Practices.)
- Be ready to enforce the rules for safe work procedures. Ask your employees to help you establish a disciplinary system that will be fair and understood by everyone.
- Where necessary, ensure that personal protective equipment (PPE) is used and that your employees know why they need it, how to use it and how to maintain it.
- Provide for regular equipment maintenance to prevent breakdowns that can create hazards. Ensure that preventive and regular maintenance are tracked to completion.
- Plan for emergencies, including fire and natural disasters. Conduct frequent drills to ensure that all employees know what to do under stressful conditions.
- Ask your state consultant to help develop a medical program that fits your worksite. Involve nearby doctors and emergency facilities by inviting them to visit your workplace and help you plan the best way to avoid injuries and illness during emergency situations.
- Ensure the ready availability of medical personnel for advice and consultation on matters of employee health.

This does not mean that you must provide health care, but you must be prepared to deal with medical emergencies or health problems connected to your workplace.

To fulfill the above requirements, consider the following:

- Develop an emergency medical procedure to handle injuries, transport ill or injured workers and notify medical facilities. Posting emergency numbers is a good idea.
- Survey the medical facilities near your place of business and make arrangements for them to handle routine and emergency cases. Cooperative

agreements may be possible with nearby larger workplaces that have on-site medical personnel and/or facilities.

- Ensure that your procedure for reporting injuries and illnesses is understood by all employees.
- Perform routine walkthroughs of the worksite to identify hazards and to track identified hazards until they are corrected.
- If your business is remote from medical facilities, you are required to ensure that adequately trained personnel are available to render first aid. First aid supplies must be readily available for emergency use. Arrangements for this training can be made through your local Red Cross chapter, your insurance carrier, your local safety council, and others.
- Check battery charging stations, maintenance operations, laboratories, heating and ventilating
- Operations and any corrosive materials areas to make sure the required eye-wash facilities and showers are operational.
- Consider retaining a local doctor or an occupational health nurse on a part-time or as needed basis for advice on medical and first aid planning.

4. Training for Employees, Supervisors, and Managers

An effective accident prevention program requires proper job performance from everyone in the workplace.

As an owner or manager, you must ensure that all employees know about the materials and equipment they work with, known hazards and how to control the hazards.

Each employee needs to know that:

- no employee is expected to undertake a job until he or she has received job instructions on how to do it properly and is authorized to perform that job. Also,
- no employee should undertake a job that appears unsafe.

You may be able to combine safety and health training with other training, depending upon the types of hazards in your workplace.

Here are some actions to consider:

- Ask your state consultant to recommend training for your worksite. The consultant may be able to conduct training while he or she is there.
- Make sure you have trained your employees on every potential hazard that they could be exposed to and how to protect themselves. Then verify that they really understand what you taught them.
- Pay particular attention to your new employees and to employees who are moving to new jobs. Because they are learning new operations, they are more likely to get hurt.

- Train your supervisors to understand all the hazards faced by the employees and how to reinforce training with quick reminders and refreshers, or with disciplinary action if necessary.
- Make sure that your top management staff understands their safety and health responsibilities and how to hold subordinate supervisory employees accountable for theirs.

Model Policy Statements

The following statements provide examples that can be used or modified by employers to help prevent employee injury and illness:

“The Occupational Safety and Health Act of 1970 clearly states our common goal of safe and healthful working conditions. The safety and health of our employees continues to be the first consideration in the operation of this business.”

“Safety and health in our business must be a part of every operation. Without question it is every employee’s responsibility at all levels.”

“It is the intent of this company to comply with all laws. To do this we must constantly be aware of conditions in all work areas that can produce injuries. No employee is required to work at a job he or she knows is not safe or healthful. Your cooperation in detecting hazards and, in turn, controlling them is a condition of your employment. Inform your supervisor immediately of any situation beyond your ability or authority to correct.”

“The personal safety and health of each employee of this company is of primary importance. The prevention of occupationally-induced injuries and illnesses is of such consequence that it will be given precedence over operating productivity whenever necessary. To the greatest degree possible, management will provide all mechanical and physical facilities required for personal safety and health in keeping with the highest standards.”

“We will maintain a safety and health program conforming to the best practices of organizations of this type. To be successful, such a program must embody the proper attitudes toward injury and illness prevention on the part of supervisors and employees. It also requires cooperation in all safety and health matters, not only between supervisor and employee, but also between each employee and his or her co-workers. Only through such a cooperative effort can a safety program in the best interest of all be established and preserved.”

“Our objective is a safety and health program that will reduce the number of injuries and illnesses to an absolute minimum, not merely in keeping with, but surpassing, the best experience of operations similar to ours. Our goal is zero accidents and injuries.”

