

OSHA was founded because there were no national rules controlling safety and health hazards until 1970. In 1970, an average of 38 workers perished every day; and in 2016, an average of 14 workers died every day. 5,190 people were killed in the workplace in 2016! And how about injuries? Close to 3 million workers were injured in 2016.

Thankfully, workplace fatalities have decreased by more than half since 1970, and occupational injury and sickness rates have decreased by half as well. And at the same time, employment in the United States has nearly doubled!

WHO IS OSHA?

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

Worker safety and health are OSHA's responsibilities. President Nixon signed the Occupational Safety and Health Act, called the OSH Act, on December 29, 1970. This Act established OSHA, which was originally created on April 28, 1971.

PURPOSE

OSHA's purpose is to ensure that every worker is provided with safe and healthy working conditions. This was achieved by establishing and enforcing standards and providing training, outreach, education, and assistance.

OSHA Creates and enforces job safety and health standards through worksite inspections. OSHA also maintains a reporting and recordkeeping system to track job-related accidents and illnesses.

Training programs are also provided to help raise understanding about occupational safety and health. And that's what we're doing here today!

STATE SAFETY LAWS

State safety laws are often superseded by federal OSHA regulations.

The OSH Act, on the other hand, empowers states to operate their own safety and health plans with federal OSHA clearance.

Regarding private employers, twenty-two states, including Puerto Rico, have done so.

Another five states, as well as the Virgin Islands, manage their own public-employer safety and health systems.

STATE LAWS

A state must implement safety laws that are comparable to federal OSHA's, in order to receive federal OSHA approval. It isn't necessary for the standards to be identical, but they do have to be as effective.

OSHA STANDARDS

OSHA regulations are guidelines. And these guidelines outline how employers must protect their employees from dangers. The regulations are in place to safeguard workers from a variety of dangers. And the regulations can be found in the United States Code of Federal Regulations, also called CFR.

EMPLOYER REQUIREMENTS

Employers must follow the General Duty Clause of the OSH Act when there are no specific OSHA regulations. These requirements mandate employers to monitor for specific dangers and keep records of workplace accidents and illnesses.

The mandates also limit the number of hazardous chemicals, substances, or sounds to which workers are exposed to.

Essentially, these requirements demand employers adopt certain safe-work practices and safe equipment for workers to work with.

Employers must stay in compliance with the OSHA Standards. Some of these would be To monitor specific dangers and keep records of workplace accidents and illnesses; limit the number of hazardous chemicals, substances, or sounds to which workers are exposed; and Demand the adoption of certain safe work practices and equipment.

To look at some of OSHA's most frequently cited standards, they're available on the internet. You can either type in your browser the website URL you see on your screen right now, or just type OSHA's Frequently Cited Standards into a Google Search and it should be the first link you see. To find information on the OSHA website:

1. First select the number of employees in the business.
2. You can choose ALL or one of the options.
3. Then, under Federal or State Jurisdiction, choose Federal or a specific state from the dropdown menu.
4. And for a list of industrial groups, type N A I C S and leave the rest blank.
5. Industry sectors or sub-sectors can be identified using the two- to six-digit codes.

EMPLOYER RESPONSIBILITIES

As we alluded to previously, it's the employer's responsibility to provide a workplace free of recognized dangers and in compliance with OSHA requirements. This includes:

- Providing OSHA-mandated training
- Keeping track of any injuries or illnesses
- Allowing records to be accessed by OSHA.
- Explain to employees how to report an injury or illness to their boss.
- Require medical exams as needed by OSHA regulations and give workers access to their exposure and medical records.
- Employers must not discriminate against employees who exercise their rights under the Act
- The workplace must display the OSHA poster, citations, and notices of hazard rectification.
- Employers must supply and pay for the majority of personal protective equipment, called PPE; and
- Assess whether PPE should be utilized to protect workers.

WORKER RIGHTS AND RESPONSIBILITIES

Worker Rights and Responsibilities have their own set of requirements. Workers have the right to:

- A safe and healthy workplace
- Know about hazardous conditions and hazardous chemicals
- Information about workplace injuries and illnesses
- Complain or request hazard correction from an employer
- OSHA-required training
- Examine exposure and medical records
- File a complaint with OSHA
- Participate in an OSHA inspection
- Be free from retaliation for exercising safety and health rights
- Work in a safe, healthy environment
- Take part in activities that safeguard their safety on the job.

EMPLOYER RESPONSIBILITIES

It's the employers responsibility to ensure their workplaces are free of recognized hazards that could harm their workers. Employers must evaluate the workplace to see if any risks exist or are likely to exist. If dangers are discovered, staff must be informed and instructed on how to avoid them and-or wear personal protective equipment to protect themselves.

A "safe and healthy workplace" entails the elimination of dangers and the training of employees. And, if a hazard cannot be eliminated, safety equipment must be provided to employees.

Employers must furnish each employee, with a place of employment that is free from recognized dangers that are causing, or which can cause, or which are likely to cause, death or serious physical harm to their employees. This is called the "General Duty Clause".

- Employers must evaluate the workplace to see if any risks exist or are likely to exist.
- Employers and workers must identify and analyze hazards in the following ways.
- Conduct initial and frequent workplace inspections to identify reoccurring hazards.
- Collect and review information regarding the dangers present or expected to be present in the workplace.
- Investigate injuries, illnesses, incidents, and near misses to determine the underlying hazards, their causes, and safety and health program flaws.
- Group similar incidents and identify trends in injuries, illnesses, and hazards reported.
- Consider hazards associated with emergency or non-routine situations; and
- Determine the severity and likelihood of incidents that could result from each hazard identified and use this information to prioritize.

EMPLOYEES RIGHT TO RECEIVE INFORMATION ON INJURIES/ILLNESSES

Workers have the Right to Receive Information on Injuries and Illnesses. Most firms with more than 10 employees are required by OSHA's Recordkeeping Rule to keep a log of injuries and illnesses. Workers have the right to report injuries and illnesses, as well as study the current log and logs from the previous five years.

THE RIGHT TO FILE A COMPLAINT

Workers also have the Right to File a Complaint or Make a Request. As a worker, you're free to raise workplace safety and health concerns with your employers without fear of being fired or discriminated against, as long as the complaint is made in good faith.

Workers who report dangerous or unhealthy working conditions to their employer or OSHA are protected under OSHA laws.

THE RIGHT TO RECEIVE TRAINING

Workers have a right to receive training from their employers on a variety of health and safety concerns and industry requirements. Lockout/Tagout, bloodborne diseases, noise, confined spaces, fall hazards, and personal protective equipment, among other topics, are all included in the required training. Training is one thing; however, workers must be able to grasp the terminology and vocabulary used in training.

THE RIGHT TO EXAMINE EXPOSURE AND MEDICAL RECORDS

Workers have the right to examine exposure and medical records. Both employees and former employees who have been exposed to poisonous substances or damaging physical agents at work are entitled to see their medical and exposure records.

Toxic substances and damaging physical agents, as far as exposure includes:

- Bacteria
- Viruses
- Fungi are examples of biological agents.
- Noise
- Heat
- Cold
- Vibration
- Repetitive action and ionizing and non-ionizing radiation are all examples of physical stress.

THE RIGHT TO FILE AN OSHA COMPLAINT

Employees have the right to file an OSHA Complaint.

If, as an employee, you believe there is a breach of safety or health requirements in the workplace or an imminent risk situation, you can register a complaint with OSHA.

You have the option of not having your name revealed to the employer; and if you submit a complaint, you have the right to learn about OSHA's response and request a review if an inspection is not conducted.

THE RIGHT TO PARTICIPATE IN AN OSHA INSPECTION

An employee representative can accompany an OSHA inspector. Workers may point out hazards, detail accidents, illnesses, or near misses from those hazards, and express any safety or health concerns. Workers have the option of speaking with the inspector in private.

And, they can have access to inspection reports and abatement methods and the ability to protest deadlines for resolving infractions.

THE RIGHT TO BE RETALIATION FREE

Being retaliation-free means you, as an employee can exercise your safety and health rights without fear of retaliation, discrimination, or punishment.

In fact, If you believe you've been penalized for exercising your safety and health rights, you have 30-days to contact OSHA and submit a complaint.

WORKER RESPONSIBILITIES

OSHA holds businesses accountable for workplace safety and health but does not cite employees for breaches. Occupational safety and health standards, as well as applicable laws, regulations, and instructions, must be followed by each employee.

Employees are required by OSHA to:

- Observe OSHA safety requirements.
- Follow the employer's health and safety guidelines; and
- Wear prescribed personal protective equipment while at work.

ENFORCING STANDARDS

OSHA uses inspections to enforce requirements. OSHA focuses on the most hazardous workplaces, such as those with a high rate of fatalities, major injuries, and construction. Such as falls, for instance.

INSPECTIONS

OSHA compliance safety and health officers, called CSHO, are authorized by the OSH Act to perform workplace inspections at reasonable times.

Except under exceptional situations, OSHA conducts inspections without prior notification. In fact, anyone who informs an employer in advance of an OSHA inspection faces fines and a jail sentence.

PENALTIES AND CITATIONS

If OSHA feels an employer has broken any standard, order, rule, or regulation after an inspection or inquiry, a citation is issued with a reasonable period for abatement or repair.

A civil penalty could accompany the citation.

REPORTING

Workers should first contact team leaders, supervisors, managers, safety committees, or other comparable resources to report a safety issue.

Anyone with information regarding workplace safety or health danger should contact OSHA. When possible, however, it's a good idea to encourage your employer to eliminate the hazard and prevent further exposure before OSHA intervenes.

PROTECTION FOR WHISTLEBLOWERS

Employers are prohibited from discriminating against employees who exercise their rights under the OSH Act.

Filing an OSHA complaint, participating in an inspection or speaking with an inspector, requesting access to an employer's exposure and injury data, raising a safety or health complaint with the employer, and testifying in a proceeding are all examples of these rights.

Workers have 30 days from the alleged adverse action to submit a complaint with OSHA if they have been retaliated against or discriminated against for exercising their rights.

Rehiring or reinstatement of the employee to their previous position with back pay may be appropriate relief.

The following actions may be considered discriminatory or unfavorable if conducted against a worker who utilizes their OSHA rights:

- Layoffs or firings
- Blacklisting
- Demoting
- Refusal of overtime or a promotion
- Discipline
- Denial of benefits
- Inability to hire or rehire
- Intimidation
- Threats
- Reassignment hurting promotion opportunities; and Compensation or hours reduction,

RESOURCES

Workers seeking more knowledge about workplace safety or health issues can use a variety of resources both inside and outside the workplace.

Examples of available workplace safety and health resources would be:

- Safety data sheets (SDSs) for chemical information
- Employer or supervisor, coworkers, and union representatives
- Labels and warning signs for employees
- Employee orientation guides or other training materials; and Instructions for work activities and processes.

Examples of resources outside of the workplace would be:

- OSHA offices and website
- OSHA area offices have Compliance Assistance Specialists
- OSHA's sibling organization, the National Institute for Occupational Safety and Health, or NIOSH

- Employees can request a Health Hazard Evaluation from NIOSH if they are unwell from an unknown cause or are exposed to an agent or working condition that OSHA does not regulate
- Public libraries and other community-based resources
- OSHA Training Institute Education Centers; and Doctors, nurses, and other health care providers