

Your OSHA Rights and Responsibilities



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OSHAcademy Course 644 Study Guide

Your OSHA Rights and Responsibilities

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Contact OSHAcademy to arrange for use as a training document.

This study guide is designed to be reviewed off-line as a tool for preparation to successfully complete OSHAcademy Course 644.

Read each module, answer the quiz questions, and submit the quiz questions online through the course webpage. You can print the post-quiz response screen which will contain the correct answers to the questions.

The final exam will consist of questions developed from the course content and module quizzes.

We hope you enjoy the course and if you have any questions, feel free to email or call:

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Course Introduction

OSHA stands for the Occupational Safety and Health Administration, an agency of the U.S. Department of Labor. OSHA's responsibility is worker safety and health protection.

According to the OSHA Act every employer has a legal obligation to furnish employment (work) and a place of employment (workplace) free from known hazards that could cause serious injury or death.

Given OSHA historical events and current information, you will be able to explain the importance of OSHA in providing a safe and healthful workplace to workers covered by OSHA. Specifically, you will be able to:

1. explain why OSHA is important to workers
2. explain worker rights under OSHA
3. discuss employer responsibilities under OSHA
4. discuss the use of OSHA standards
5. explain how OSHA inspections are conducted
6. utilize helpful worker safety and health resources

The course provides basic knowledge of: OSHA's history and mission, worker rights under OSHA, employer responsibilities under OSHA, OSHA standards, OSHA inspections, and safety and health resources, including how to file an OSHA complaint.

Modules and Learning Objectives

Module 1 - OSHA History

Learning objectives in this module include:

- J Describe the events that led to the creation of OSHA and related standards.
- J Describe OSHA's mission and purpose and the components of the OSH Act of 1970.
- J Discuss general employee rights under OSHA law.
- J Discuss the basic OSHA employers responsibilities to maintain a safe and healthful workplace.

Module 2 - Employee Rights

Learning objectives in this module include:

- J Discuss the employee right to know about hazardous chemicals in the workplace.
- J Discuss the employee right to information about injuries and illnesses.
- J Discuss the employee right to raise safety concerns with the employer and OSHA.
- J Discuss the employee right to refuse dangerous work.
- J Discuss the employee right to receive training.
- J Discuss the employee right to examine medical records and receive medical exams.
- J Discuss the employee right to file a complaint to OSHA without fear of retaliation.
- J Discuss the employee right to participate in OSHA inspections.

Module 3 - Employer Responsibilities

Learning objectives in this module include:

- J Discuss general employer responsibilities under OSHA.
- J Discuss the specific OSHA employer responsibilities to provide training and PPE.
- J Discuss the employer responsibility to keep injury and illness records.
- J Discuss the employer responsibility to provide medical exams and monitoring.

-) Discuss the employer posting responsibilities.

Module 4 - Standards and Inspections

Learning objectives in this module include:

-) Identify the four general industries for which OSHA has created standards.
-) List the most frequently cited OSHA violations.
-) Describe OSHA's organization and coverage.
-) List and discuss the various types of OSHA Inspections.
-) Discuss the citations and associated penalties issued by OSHA.
-) List and describe the steps in the OSHA inspection process.
-) Discuss the ways you can get help within and outside the workplace.

Module 1: OSHA History and Employee Rights

Why is OSHA Important to You?

OSHA began because, until 1970, there were no national laws for safety and health hazards. In 1970, an estimated 14,000 workers were killed on the job – about 38 every day. Some historical events that led to the OSHA law include:

-) The 1911 Triangle Shirtwaist Company fire in New York City killed 146 employees at the time in one of the worst work-related disasters in our country's history. Factory workers, mainly young female immigrants, died because doors were locked and there were no fire escapes. This tragedy outraged the public, who called for safety and health reform.
-) Production for World War I caused a crisis in workplace safety and health conditions. The government created a Working Conditions Service to help states inspect plants and reduce hazards.
-) In the 1930's, as part of President Roosevelt's New Deal, additional laws increased the federal government's role in job safety and health. But the federal role was mainly to provide service and information to state governments.
-) By the late 1950's, the Federal-State partnership could no longer deal with the growing workforce and increasing hazards. Additional federal laws were enacted, but only covered certain industries.

4,836 workers were killed on the job in 2015 — on average, more than 93 a week or more than 13 deaths every day. Worker injuries and illnesses are down-from 10.9 incidents per 100 workers in 1972 to 3.0 per 100 in 2015. Worker deaths in America are down-on average, from about 38 worker deaths a day in 1970 to 13 a day in 2015.

Quiz Instructions

Read the material in each section to discover the correct answer to questions. Circle the correct answer. When you're finished go online to take the final exam. This exam is open book, so you can use this study guide.

1. What was the historic tragedy that outraged the public, who called for safety and health reform?

- a. World War II
- b. The 1911 Triangle Shirtwaist Company Fire
- c. The New Deal failures
- d. The sinking of the Titanic

The OSH Act

Many thought the only solution to the high accident rates was a Federal law with the same rules and enforcement for everyone. On December 29, 1970, President Nixon signed the [OSH Act](#).

This Act created OSHA, the agency, which formally came into being on April 28, 1971. With the creation of OSHA, for the first time, all employers in the United States had the legal responsibility to provide a safe and healthful workplace for employees. And, there were now uniform regulations that applied to all workplaces.

What impact has OSHA had on safety?

-) Worker injuries and illnesses are down-from 10.9 incidents per 100 workers in 1972 to 3.0 per 100 in 2015.
-) Worker deaths in America are down-on average, from about 38 worker deaths a day in 1970 to 13 a day in 2015.

2. Who signed the OSHA Act of 1970?

- a. President Nixon
- b. President Roosevelt
- c. President Bush
- d. President Johnson

OSHA's Mission

Now that you know a little bit about why OSHA was created, let's talk about OSHA's mission. The mission of OSHA is to assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance.

OSHA and its state partners have approximately 2100 inspectors, plus complaint discrimination investigators, engineers, physicians, educators, standards writers, and other technical and support personnel spread over more than 200 offices throughout the United States. This staff establishes protective standards, enforces those standards, and reaches out to employers and employees through technical assistance and consultation programs.

Some of the things OSHA does to carry out its mission are:

-) developing job safety and health standards and enforcing them through worksite inspections
-) providing training programs and educational materials to increase knowledge about occupational safety and health
-) providing on-site safety and health consultation services for small business
-) promoting the Safety and Health Achievement Program (SHARP) to recognized exemplary employers
-) offering cooperative programs under which employers work cooperatively with OSHA
-) partnering with employers under the OSHA Strategic Partnerships and Alliances (OSP) program

-)] recognizing employers who have demonstrated excellence under the Voluntary Protection Program (VPP)

3. To fulfill its mission, OSHA does all the following, except _____.

- a. developing standards and enforcing them through inspections
- b. promoting self-enforcement through grants and loans to employers
- c. providing on-site safety and health consultation services
- d. providing training programs and educational materials

What Rights Do You Have Under OSHA?

You have the right to:

-)] safe and healthful workplace
-)] be free from retaliation for exercising safety and health rights
-)] raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against
-)] receive information and training on job hazards, including all hazardous substances in your workplace
-)] request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions
-)] refuse to do a task if you believe it is unsafe or unhealthful
-)] participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector
-)] file a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights
-)] see any OSHA citations issued to your employer

-) request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log

4. Which of the following is NOT one of your rights under OSHA law?

- a. Be free from retaliation for exercising safety
- b. Participate in an OSHA inspection
- c. Receive safety information and training
- d. Refuse to do work if you feel it is not necessary

Employer Responsibilities

-) Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
-) Comply with all applicable OSHA standards.
-) Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses of an eye within 24 hours.
-) Provide required training to all workers in a language and vocabulary they can understand.
-) Prominently display the “OSHA poster” in the workplace.
-) Post OSHA citations at or near the place of the alleged violations.

Note: Free assistance to identify and correct hazards is available to small and medium sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

We will discuss employee rights in more detail in Module 2.

5. Each of the following is an employer responsibility, except _____.

- a. reporting work-related fatalities and injuries
- b. paying an annual protection fee to OSHA
- c. displaying the OSHA poster in the workplace
- d. complying with all applicable OSHA standards

Module 2: Employee Rights

Employee Rights

OSHA was created to provide workers the right to a safe and healthful workplace. Let's look at what the Occupational Safety and Health Act of 1970 (OSH Act) says about employer and employee duties.

OSH Act of 1970 Section 5(a) Duties

(a) Each employer --

-) shall furnish to each of his employees' employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;
-) shall comply with occupational safety and health standards promulgated under this Act.

(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

Employer obligations: Section 5(a) says employers must:

-) furnish safe employment (work, jobs) and a safe place of employment (the workplace, worksite);
-) provide workplaces that are free of hazards that are known or should have been known by the employer;
-) provide workplaces that are free of hazards that could cause death or serious physical harm to employees; and
-) comply with occupational safety and health standards promulgated under this Act.

Employee obligations: The section says employees must:

-) comply with OSHA standards, and

-) comply with employer rules, regulations, and orders which are applicable to his own actions and conduct.

1. According to the OSH Act, the employer must keep the workplace free from _____ that can cause death or serious harm.

- a. employee innovations
- b. all conditions
- c. recognized hazards
- d. a lack of common sense

Your Right to Know About Hazardous Chemicals

Another important right is the Right to Know about hazardous substances in your workplace. Employers must have a written, complete hazard communication program that includes information on:

-) container labeling
-) Safety Data Sheets (SDSs)
-) worker training

Training must include the physical and health hazards of the chemicals and how workers can protect themselves.

More than 30 million workers in the United States are potentially exposed to one or more chemical hazards. There are an estimated 650,000 existing hazardous chemical products, and hundreds of new ones are being introduced annually. This poses a serious problem for exposed workers and their employers.

The [OSHA Hazard Communication Standard \(HCS\) - 29 CFR 1910.1200](#) provides workers exposed to hazardous chemicals with the identities and hazards of those materials, as well as appropriate protective measures. When workers have this information, they can take steps to protect themselves from experiencing adverse effects from exposure.

The program must also include a list of the hazardous chemicals in each work area and the means the employer uses to inform workers of the hazards of non-routine tasks. The program

must explain how the employer will inform other employers of hazards to which their workers may be exposed (for example, contract workers).

2. There are an estimated _____ existing hazardous chemical products.

- a. 1200
- b. 30,000
- c. 650,000
- d. 6.5 million

Your Right to Information About Injuries/Illnesses

OSHA's Recordkeeping rule requires most employers with more than 10 workers to keep a log of injuries and illnesses. The log, which is also called the OSHA 300, must contain all work-related injuries and illnesses resulting in lost workdays, restricted work or transfer to another job, as well as any incident requiring more than first aid treatment.

-) You or your personal/authorized representative have the right to report an injury and review the current log, as well as logs stored for the past 5 years.
-) The employer must provide this information by the end of the next workday. The names and other information on the log may not be removed, unless the case is a "privacy concern case."
-) You also have the right to view the annually posted summary of the injuries and illnesses (OSHA 300A).

Since you are often closest to potential safety and health hazards, you have a vested interest in reporting problems so that the employer gets them fixed. If the hazard is not getting corrected, you should then contact OSHA.

For more on OSHA recordkeeping download the [OSHA 300, 300A and 301 forms and instructions](#).

3. XYZ is a small company that has nine employees. Does this company need to have an OSHA log of injuries and illnesses?

- a. Yes
- b. No
- c. Yes, if in construction
- d. No, unless NIOSH requests it

Right to Raise Safety Concerns

You may bring up safety and health concerns in the workplace to your employer without fear of discharge or discrimination, as long as the complaint is made in good faith. Check out this [video](#): An Oregon OSHA compliance officer just happened to be on a construction site. Would you, as an employee, raise the same concerns as those raised by the Oregon OSHA inspector? If you have concerns, make sure you tell your safety committee, supervisor, or safety manager.

OSHA regulations protect workers who raise concerns to their employer or to OSHA about unsafe or unhealthful conditions in the workplace. You cannot be transferred, denied a raise, have your hours reduced, be fired, or punished in any other way because you have exercised any right afforded to you under the OSH Act.

If you become aware of a hazard where you're working, be sure to notify your immediate supervisor. If you are not comfortable doing that for some reason, contact the safety manager or a member your safety committee.

4. If you bring up safety concerns, your employer may not retaliate against you if your complaint is _____.

- a. made in good faith
- b. made while at work
- c. reported within 30 days
- d. determined to be valid

Right to Refuse Dangerous Work

You may file a complaint with OSHA concerning a hazardous working condition at any time. However, you should not leave the worksite merely because you have filed a complaint.

If the condition clearly presents a risk of death or serious physical harm, there is not sufficient time for OSHA to inspect, and, where possible, you have brought the condition to the attention of your employer, you may have a legal right to refuse to work in a situation in which you would be exposed to the hazard. OSHA cannot enforce union contracts that give employees the right to refuse to work.

Your right to refuse to do a task is protected if ALL the following four conditions are met:

1. Where possible, you have asked the employer to eliminate the danger, and the employer failed to do so; and
2. You refused to work in "good faith." This means that you must genuinely believe an imminent danger exists; and
3. A reasonable person would agree that there is a real danger of death or serious injury; and
4. There isn't enough time, due to the urgency of the hazard, to get it corrected through regular enforcement channels, such as requesting an OSHA inspection.

If the above conditions are met, you should take the following steps:

-) Ask your employer to correct the hazard, or to assign you other work;
-) Tell your employer you won't perform the work unless and until the hazard is corrected; and
-) Remain at the worksite until ordered to leave by your employer.

5. If, after a discussion about safety, you are required by your employer to work on a phone tower that is 60 feet above ground without fall protection, what right do you have under OSHA?

- a. No right: you must do the task
- b. Walk off the worksite
- c. Refuse to do the task
- d. Start a sit-down strike

Right to Training

You have a right to get training from your employer on a variety of health and safety hazards and the standards your employer must follow.

We've already discussed the training required under OSHA's Hazard Communication (Right to Know) standard. Other required training includes chemical hazards, equipment hazards, noise, confined spaces, fall hazards in construction, personal protective equipment, and a variety of other subjects.

The training must be in a language and vocabulary workers can understand.

It is a good idea to keep a record of all safety and health training. Documentation demonstrates employer due diligence and can also supply an answer to one of the first questions OSHA will ask if they conduct an inspection or accident investigation: "Did the employee receive adequate training to do the job?" Remember, as far as OSHA is concerned, if it isn't in writing, it didn't get done.

For more information on OSHA's training requirements download Publication 2254, [Training Requirements in OSHA Standards](#). You may also want to take OSHAcademy courses:

-) [703 Introduction to OSH Training](#)
-) [721 OSH Training Development](#)
-) [723 Conducting OSH Training](#)

These courses are part of OSHAcademy's [36-Hour OSH Trainer Program \(Train-the-Trainer\)](#).

6. Why is it a good idea to properly document all safety training?

- a. Employee cannot be fined for lack of training
- b. To demonstrate employee due diligence
- c. To give the safety manager something to do
- d. Because OSHA will ask for it if they inspect or investigate

Right to Examine Exposure and Medical Records

Under OSHA's standard 1910.1020, you have the right to examine and copy exposure and medical records, including records of workplace monitoring or measuring a toxic substance. This is important if you have been exposed to toxic substances or harmful physical agents in the workplace, as this regulation may help you detect, prevent, and treat occupational disease. Examples of toxic substances and harmful physical agents are:

-) metals and dusts, such as, lead, cadmium, and silica
-) biological agents, such as bacteria, viruses, and fungi
-) physical stress, such as noise, heat, cold, vibration, repetitive motion, and ionizing and non-ionizing radiation

OSHA standards require employers to measure exposure to harmful substances, and workers or their representatives have the right to observe the testing and examine the results. If the exposure levels are above the limit set by the standard, the employer must tell workers what will be done to reduce their exposure.

7. Which of the following records must the employer provide to employees?

- a. Exposure and medical records
- b. Profit and loss statements
- c. Safety and health statistics
- d. Days without a serious injury data

Your Right to File a Complaint

You and your representative have a right to file a confidential complaint with OSHA if you believe a violation of a safety or health standard that threatens physical harm, or is an imminent danger situation, exists in the workplace. Important points to remember include:

-) The complaint will be formalized in writing, and signed by you or your representative.
-) You must set forth reasonable and specific grounds for the notice of complaint.
-) You may request that your name, or that of your representative not be revealed to the employer.
-) OSHA will notify the employer about the complaint, and conduct a special inspection if there are reasonable grounds to believe a violation or danger exists.
-) You have the right to find out OSHA's action on the complaint and request a review if an inspection is not made.

You can file a complaint [online at OSHA's website](#), in writing or by telephone to the nearest OSHA area office. You may also call the office and speak with an OSHA compliance officer about a hazard, violation, or the process for filing a complaint.

For more information on filing a complaint with OSHA, visit [OSHA's Filing a Complaint](#) page.

8. If you file a complaint with OSHA, what must you do before OSHA will consider conducting a special inspection to verify the complaint?

- a. You must give the names of witnesses to the violation
- b. You must set forth reasonable and specific grounds
- c. You must swear that the information given is true
- d. You must report to OSHA within 45 days after the violation occurred

Right to Participate in OSHA Inspections

During an OSHA inspection, you or your representative has the following rights:

-) Have a representative of employees, such as the safety steward of a labor organization, go along on the inspection;
-) Talk privately with the inspector; and
-) Take part in meetings with the inspector before and after the inspection.

When there is no authorized employee representative, the OSHA inspector must talk confidentially with a reasonable number of workers during the inspection. Workers are encouraged to:

-) Point out hazards;
-) Describe injuries, illnesses, or near misses that resulted from these hazards and describe any concerns about a safety or health issue;
-) Discuss past worker complaints about hazards; and
-) Inform the inspector of working conditions that are not normal during the inspection.
-) Find out about inspection results, abatement measures and may object to dates set for violation to be corrected.

9. If an employee or employee representative cannot participate in an inspection, what must OSHA do?

- a. Continue the inspection with employer representatives only
- b. Terminate the inspection and cite the employer
- c. Reschedule the inspection
- d. Speak with a reasonable number of employees

Right to be Free from Retaliation

Workers have the right to be free from retaliation for exercising safety and health rights called "protected activities."

-) Workers have a right to seek safety and health on the job without fear of punishment.

-) This right is spelled out in Section 11(c) of the OSH Act.
-) Workers have 30 days to contact OSHA if they feel they have been punished for exercising their safety and health rights.

Protected activities: You may file a complaint with OSHA if your employer retaliates against you by taking unfavorable personnel action because you engaged in protected activity relating to workplace safety or health. Examples of protected activities include complaints about the following:

-) workplace safety and health
-) asbestos
-) cargo containers
-) airlines and commercial motor carrier
-) consumer products food safety
-) environmental issues
-) financial reform and health insurance reform, and securities laws
-) motor vehicle safety and public transportation
-) nuclear, pipeline, railroad, and maritime safety

10. How long do you have to contact OSHA if you believe you have been punished for exercising your safety and health rights?

- a. 10 days
- b. 30 days
- c. Five weeks
- d. Two months

Examples of retaliatory actions by your employer may include:

- applying or issuing a policy which provides for an unfavorable personnel action due to activity protected by a whistleblower law enforced by OSHA
- blacklisting
- demoting
- denying overtime or promotion
- disciplining
- denying benefits
- failing to hire or rehire
- firing or laying off
- intimidation
- making threats
- reassignment to a less desirable position, including one adversely affecting prospects for promotion
- reducing pay or hours
- suspension

How OSHA Determines Whether Retaliation Took Place

The investigation must reveal:

- The employee engaged in protected activity;
- The employer knew about or suspected the protected activity;
- The employer took an adverse action; and

) The protected activity motivated or contributed to the adverse action.

If the evidence supports the employee's allegation and a settlement cannot be reached, OSHA will generally issue an order, which the employer may contest, requiring the employer to reinstate the employee, pay back wages, restore benefits, and other possible remedies to make the employee whole.

For more information on your rights as a Whistleblower, download [OSHA's Factsheet](#).

11. Each of the following is a possible employer retaliatory action, except _____.

- a. reassignment to an equivalent position
- b. firing or laying off
- c. denying overtime or promotion
- d. reducing pay or hours

Module 3: Employer Responsibilities

Your employer has many responsibilities or obligations detailed within the OSH Act and other standards. OSHA's job is to protect employees, not necessarily employers. If there is a serious accident in the workplace, OSHA will investigate to determine if the employer did not adequately meet their obligations under the law. By doing so, OSHA's ultimate goal is to protect you, the employee.

With this in mind, your employer must meet the following obligations to employees:

- J Provide a workplace free from recognized hazards and comply with OSHA standards.
- J Provide training required by OSHA standards.
- J Keep records of injuries and illnesses.
 - o Set up a reporting system.
 - o Provide copies of logs, upon request.
 - o Post the annual summary.
 - o Report within 8 hours any accident resulting in a fatality.
 - o Report any work-related hospitalization, amputation or loss of an eye within 24 hours.
- J Provide medical exams when required by OSHA standards and provide workers access to their exposure and medical records.
- J Not discriminate against workers who exercise their rights under the Act (Section 11(c)).
- J Post OSHA citations and hazard correction notices.
- J Provide and pay for most PPE.

We'll discuss each of these important obligations in the next several sections. For more information about management responsibilities, see the following OSHAcademy courses:

- J [700 Introduction to Safety Management](#)

- J [712 Safety Supervision and Leadership](#)
- J [800 Introduction to Construction Safety Management](#)
- J [900 Oil and Gas Safety Management](#)

1. If a fatality occurs in your workplace, how soon must you report it to OSHA?

- a. Immediately
- b. Within 8 hours
- c. Within 24 hours
- d. As soon as possible

Employer General Responsibilities

Your employer must provide a workplace free from recognized hazards and comply with OSHA standards. Establishing a safe and healthful workplace requires every employer to make safety and health a core value. In general, OSHA requires employers to:

- J Maintain conditions and adopt practices reasonably necessary to protect you on the job. The first and best strategy is to control the hazard at its source. Engineering controls do this, unlike other controls that generally focus on the worker who is exposed to the hazard. The basic concept behind engineering controls is that, to the extent feasible, the work environment and the job itself should be designed to eliminate hazards or reduce exposure to hazards.
- J Be familiar with the standards that apply to their workplaces, and comply with these standards.
- J Ensure you are provided with, and use, personal protective equipment (PPE), when needed. PPE is needed when exposure to hazards cannot be engineered completely out of normal operations or maintenance work, and when safe work practices and other forms of administrative controls cannot provide sufficient additional protection. PPE may also be appropriate for controlling hazards while engineering and work practice controls are being installed, and

-) Comply with the OSHA's General Duty Clause where no specific standards apply. The general duty clause, or [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."

2. Establishing a safe and healthful workplace requires every employer to make safety and health _____.

- a. a legal obligation
- b. a core value
- c. the #1 priority
- d. profitable for stakeholders

Employers Must Provide Training

We already discussed your right to receive training from your employer on a variety of health and safety hazards and standards, such as chemical right to know, fall protection, confined spaces, and personal protective equipment.

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 authorized, certified, competent, or qualified - meaning that they have had special previous training, in or out of the workplace as follows:

-) **Authorized Person** - means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the jobsite.
-) **Certified Person** - is one who has passed stringent written and practical exams related to the work that will be performed. OSHA requires the organization providing the examinations be accredited.
-) **Competent Person** - means one who can identify existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

- J **Qualified Person** - means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project.

OSHA construction standards include a general training requirement, which states: "The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury." Additional general training requirements for construction include training for workers:

- J required to handle or use poisons, caustics, and other harmful substances;
- J who may be exposed to job sites where harmful plants or animals are present;
- J required to handle or use flammable liquids, gases, or toxic materials; or
- J required to enter confined or enclosed spaces.

3. Which of the following is defined as being capable of identifying existing and predictable hazards in the surroundings or working conditions?

- a. Authorized person
- b. Certified person
- c. Competent person
- d. Qualified person

Employers Must Keep Records of Injuries and Illnesses

Recordkeeping is an important part of an employer's responsibilities. Keeping records allows OSHA to collect survey material, helps OSHA identify high-hazard industries, and informs you, the worker, about the injuries and illnesses in your workplace. About 1.5 million employers with more than 10 employees must keep records of work-related injuries and illnesses. Workplaces in certain low-hazard industries such as retail, education, finance, insurance, and real estate may be partially exempt from routine recordkeeping requirements.

For more information on updated exemptions see this [OSHA Fact Sheet](#).

To meet OSHA requirements, employers must do the following:

-) Set up a reporting system.
-) Provide copies of logs, upon request.
-) Post the annual summary.
-) Report within 8 hours any accident resulting in a fatality.
-) Report all work-related hospitalizations, amputations, and loss of an eye within 24 hours.

For specific information on exactly which cases must be recorded, you can go to [Title 29 of the Code of Federal Regulations \(CFR\) Part 1904, Recording and Reporting Occupational Injuries and Illnesses](#).

4. Which of the following industries might be partially exempt by OSHA from routine recordkeeping?

- a. A lumber company
- b. A steel manufacturing company
- c. A construction company
- d. An elementary school

Employers Must Provide Medical Exams

Your employer must provide medical exams, when required by OSHA standards, and provide you access to your exposure and medical records.

We discussed access to medical records earlier when covering worker rights. When you are working with chemicals or other hazardous substances that require the use of respiratory protection, your employer may be required to conduct monitoring or provide medical examinations that involve you. Below are two examples.

Respiratory protection: Before wearing a respirator, you must first be medically evaluated using the mandatory medical questionnaire or an equivalent method. The employer may also be required to provide a follow-up medical examination.

Workers exposed to lead: Medical exams must be made available according to the following schedule to all employees exposed at or above the action level for more than 30 days in any consecutive 12 months.

-) At least annually for employees who have had a blood lead level at or above 40 ug/dl at any time during the preceding 12 months;
-) As soon as possible for employees with signs or symptoms of lead intoxication, pregnant employees, and employees who demonstrate difficulty in breathing during a respirator fit test or during respirator use; and
-) As medically appropriate for employees removed from lead exposure.

Your employer must give you copies of medical or exposure records involving you if you request them.

5. What is required before you may use a respirator at work?

- a. A medical evaluation
- b. Proof of experience using respirators
- c. Psychological testing
- d. A baseline blood test

Employers Must Post OSHA Citations and Hazard Correction 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.

Your employer must post a copy of each citation at or near places where the violations occurred for 3 days or until the violation is fixed (whichever is longer).

Employers also must inform workers of what they have done to fix the violation, allow workers to examine and copy abatement documents sent to OSHA, and tag cited movable equipment to warn workers of the hazard.

6. How long must your employer post OSHA inspection citations?

- a. For one month to ensure employees are informed
- b. 3 days or until the citation is fixed
- c. 5 days or until OSHA cancels the citation
- d. Until the citation has been fixed

Employers Must Provide PPE

OSHA requires employers protect you from workplace hazards that can cause injury or illness. When engineering, work practice and administrative controls are not feasible or do not provide sufficient protection, employers must provide personal protective equipment (PPE) to you and ensure its use.

-) With few exceptions, OSHA requires employers to pay for personal protective equipment used to comply with OSHA standards.
-) Employers cannot require workers to provide their own PPE
-) The worker's use of PPE they already own must be completely voluntary.
-) Even when a worker provides his or her own PPE, the employer must ensure the equipment is adequate to protect the worker from hazards at the workplace.

Employers are not required to pay for some PPE in certain circumstances:

-) Non-specialty safety-toe protective footwear (including steel-toe shoes or boots) and non-specialty prescription safety eyewear if the employer permits such items to be worn off the job site. (OSHA based this decision on the fact that this type of equipment is very personal, is often used outside the workplace, and that it is taken by workers from jobsite to jobsite and employer to employer.)
-) Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots.

-) Ordinary clothing, skin creams, or other items, used solely for protection from weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.
-) Items such as hair nets and gloves worn by food workers for consumer safety.
-) Lifting belts because their value in protecting the back is questionable.
-) When the employee has lost or intentionally damaged the PPE and it must be replaced.

7. Which of the following personal protective equipment items must be paid for and provided by the employer?

- a. Respiratory protection when working around asbestos
- b. Hair nets and gloves worn by food workers for consumer safety
- c. Non-specialty prescription eyewear if worn off the worksite
- d. PPE that has been lost or intentionally damaged

Module 4: OSHA Standards and Inspections

What are OSHA Standards

OSHA standards are:

-) rules that describe the methods employers must use to protect employees from hazards
-) designed to protect workers from a wide range of hazards

OSHA writes standards (also called "rules") for four industrial groups: general industry, construction, maritime, and agriculture. Where there are no specific standards, employers must comply with the General Duty Clause of the OSH Act.

OSHA issues standards for a wide variety of workplace hazards, including:

-) toxic substances
-) electrical hazards
-) fall hazards
-) hazardous waste
-) machine hazards
-) infectious diseases
-) fire and explosion hazards
-) dangerous atmospheres

OSHA standards appear in the Code of Federal Regulations (CFR). The OSHA standards are broken down into Parts:

-) Part 1910 is known as the General Industry Standards; some of the types of industries covered by the General Industry standards are manufacturing, the service sector, and health care.
-) Part 1926 covers the Construction industry.

) Parts 1915, 1917 and 1918 are Maritime Industry standards.

- 1. Where there are no specific OSHA standards, employers must comply with ____.**
- a. vertical rules in the general industry standards
 - b. the standard that covers their specific industry
 - c. the General Duty Clause of the OSH Act
 - d. general industry rules (1910)

Most Frequently Cited Standards

Through the years, the same standards seem to be most frequently cited by OSHA. Their position on the list below varies from year to year, but they are all on the Top 10 list each year.

Notice the Fall Protection and Hazard Communication standards: these two standards are usually at or near the top, so make sure you have an effective hazard communication program. It is smart safety management to give priority to each of the top 10 in your safety program. After all, the following statement is true:

"That which OSHA sees the most, cites the most."

Look at the following list to get a sense of the most common workplace violations for 2017:

1. [1926.501 - Fall Protection - Construction](#)
2. [1910.1200 - Hazard Communication - General Industry](#)
3. [1926.451 - Scaffolding - Construction](#)
4. [1910.134 - Respiratory Protection - General Industry](#)
5. [1910.147 - Lockout/Tagout - General Industry](#)
6. [1926.1053 - Ladders - Construction](#)
7. [1910.178 - Powered Industrial Trucks - General Industry](#)
8. [1910.212 - Machine Guarding - General Industry](#)
9. [1926.503 - Fall Protection - Training](#)

10. [1910.305 - Electrical, Wiring Methods - General Industry](#)

2. Which two standards are always at the top of OSHA's Top Ten Most Cited List?

- a. Scaffolding and Electrical Wiring
- b. Hazard Communication and Fall Protection
- c. Machine Guarding and Respiratory Protection
- d. Lockout/Tagout and Powered Industrial Trucks

OSHA Coverage

The OSH Act covers most private sector employers and their workers, in addition to some public-sector employers and workers in the 50 states and certain territories and jurisdictions under federal authority. Those jurisdictions include the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Northern Mariana Islands, Wake Island, Johnston Island, and the Outer Continental Shelf Lands.

Private Sector Workers

OSHA covers most private sector employers and workers 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 Plans

State plans are OSHA-approved job safety and health programs operated by individual states instead of Federal OSHA. The OSH Act encourages states to develop and operate their own job safety and health programs and precludes state enforcement of OSHA standards unless the state has an approved program. OSHA approves and monitors all state plans and provides as much as 50 percent of the funding for each program. State-run safety and health programs must be at least as effective as the Federal OSHA program.

To find the contact information for the OSHA Federal or state plan office nearest you, call 1-800-321-OSHA (6742) or go to www.osha.gov.

3. State plan OSHA-approved job safety and health programs must be _____ the Federal OSHA program.

- a. at least as effective as
- b. similar to
- c. written using the same language as
- d. more specific than

OSHA Inspections

The OSH Act authorizes OSHA compliance safety and health officers (CSHOs) to conduct non-notice workplace inspections at reasonable times. OSHA conducts inspections without notice, except in rare circumstances (e.g. Imminent Danger) In fact, anyone who tells an employer about an OSHA inspection in advance can receive fines and a jail term.

Inspection Priorities

OSHA cannot inspect all 7 million workplaces it covers each year so it focuses inspection resources on the most hazardous workplaces in the following order of priority:

1. **Imminent danger situations:** Hazards that could cause death or serious physical harm receive top priority. Compliance officers will ask employers to correct these hazards immediately or remove endangered employees.
2. **Fatalities or hospitalizations:** Employers must report work-related fatalities within 8 hours and work-related inpatient hospitalizations, amputations, or loss of an eye within 24 hours. CSHOs gather evidence and interview the employer, workers, and others to determine the causes of the event and whether violations occurred.
3. **Worker Complaints:** A worker or worker representative can file a complaint about a safety or health hazard in the workplace. Allegations of hazards or violations also receive a high priority. Employees may request anonymity when they file complaints.
4. **Referrals:** Hazards are referred from other federal, state or local agencies, individuals, organizations or the media. Referrals usually are from a government agency, such as [NIOSH](#) or a local health department.

5. **Targeted inspections:** These inspections are aimed at specific high-hazard industries or individual workplaces that have experienced high rates of injuries and illnesses.
6. **Follow-up inspections:** The primary purpose of a follow-up inspection is to determine if the previously cited violations have been corrected.

4. Which of the following types of OSHA inspections has the highest priority?

- a. Targeted inspections
- b. Worker complaint inspections
- c. Fatalities or hospitalizations
- d. Imminent danger situations

Citations and Penalties

Willful violation: A willful violation is cited when the employer intentionally and knowingly commits the violation. It is also cited when the employer commits a violation with plain indifference to the law. OSHA may propose penalties of up to \$124,709 for each willful violation.

Repeated violation: This violation is cited by OSHA when it is the same as a similar or previous violation. OSHA may propose penalties of up to \$124,709 for each repeated violation.

Serious violation: OSHA cites a serious 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.

Other-than-serious violation: An other-than-serious violation is cited when the violation has a direct relationship to safety and health, but probably would not cause death or serious physical harm. OSHA may propose penalties of up to \$12,471 for each serious, other than serious, and repeated violation.

Failure to abate: When the employer fails to abate a violation, a maximum fine of \$12,471 may be proposed for per day unabated beyond the abatement date. Generally, there is a 30-day maximum limit.

Falsifying information: An employer that provides false information to OSHA can receive a fine up to \$12,471 or up to six months in jail, or both.

OSHA cites employers, not employees: It's important to know the OSHA Act does not provide for the issuance of citations or the proposal of penalties against employees. Employers are responsible for employee compliance with the standards.

Penalty Adjustments: OSHA may adjust penalties downward depending upon the employer's size (maximum number of employees), good faith, and the history of previous violations. Adjustments may be applied as follows:

-) A 10 percent reduction may be given for history.
-) A maximum of 25 percent reduction is permitted for good faith; and
-) A maximum of 70 percent reduction is permitted for size.

5. How much may an employer be penalized if they repeat a violation?

- a. Up to \$70,000
- b. Up to \$124,709
- c. Up to \$12,471
- d. Up to \$7,000

The OSHA Inspection Process

Preparation - Before conducting an inspection, OSHA compliance officers research the inspection history of a worksite using various data sources, review the operations and processes in use and the standards most likely to apply. They gather appropriate personal protective equipment and testing instruments to measure potential hazards.

Presentation of credentials - The on-site inspection begins with the presentation of the compliance officer's credentials, which include both a photograph and a serial number.

Opening Conference - The compliance officer will explain why OSHA selected the workplace for inspection and describe the scope of the inspection, walkaround procedures, employee representation and employee interviews. The employer then selects a representative to accompany the compliance officer during the inspection. An authorized representative of the employees, if any, also has the right to go along. In any case, the compliance officer will consult privately with a reasonable number of employees during the inspection.

The Walkaround - Following the opening conference, the compliance officer, employee representative and the employer representative will walk through the portions of the workplace covered by the inspection, inspecting for hazards that could lead to employee injury or illness. The compliance officer interviews employees and will also review worksite injury and illness records and the posting of the official OSHA poster.

Closing Conference - After the walkaround, the compliance officer holds a closing conference with the employer and the employee representatives to discuss the findings. The compliance officer discusses choices an employer may take following an inspection, which could include an informal conference with OSHA or contesting citations and proposed penalties. The compliance officer also discusses consultation services and employee rights.

Results - When an inspector finds violations of OSHA standards or serious hazards, OSHA may issue citations and fines. Citations describe OSHA requirements allegedly violated, list any proposed penalties and give a deadline for correcting the alleged hazards.

Appeals - When OSHA issues a citation to an employer, it also offers the employer an opportunity for an informal conference to discuss citations, penalties, abatement dates or any other information pertinent to the inspection. Employers have 15 days after receipt of citations and proposed penalties to formally contest the alleged violations and/or penalties.

6. At what point does the OSHA on-site inspection begin?

- a. Once all representatives have been briefed and the walkaround begins
- b. Once the compliance officer has completed the opening conference
- c. Upon arrival of the compliance officer to the worksite
- d. With the presentation of the compliance officer's credentials

Sources Within the Workplace/Worksite

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

-) **Employer or supervisor, co-workers and union representatives** - OSHA encourages workers and employers to work together to reduce hazards.

-) **Safety Data Sheet (SDS) for information on chemicals** - If you are working with a chemical, the SDS can give you important information about its hazards, precautions and personal protective equipment needed to work safely with it.
-) **Labels and warning signs** – Labels and warning signs can show hazard information to workers and can be useful in providing additional information and making you aware of a potential safety or health hazard.
-) **Employee orientation manuals or other training materials** – Orientation manuals and training materials about your job should include information about how to work safely.
-) **Work tasks and procedures instruction** – If you have questions about a new job or task, or a job or task that has changed, be sure to ask for the written procedures and for additional training on them.

Sources Outside the Workplace/Worksite

If you cannot find out the safety and health information you need in your workplace, there are many resources available outside the workplace.

-) **[OSHA's website](#)**: You can find OSHA regulations, the A-Z Index, FAQ Page, training, eTools and other services that can be a great help to you.
-) **Consultants**: We believe one of the smartest things you can do, as a safety professional, is to communicate and establish a relationship with OSHA, workers' compensation insurer, and private consultants. You should also communicate with other safety professionals within the industry and in professional associations.
-) **NIOSH: [The National Institute for Occupational Safety and Health](#)** is an agency within the Centers for Disease Control and Prevention (CDC). You can review the A-Z index for many topics on safety and health research and findings.

7. What is a very smart thing for you to do as a safety professional?

- a. Communicate with OSHA consultants
- b. Stay away from the OSHA website
- c. Realize safety is just a matter of luck
- d. Try to stay invisible from OSHA

Endnotes

1. Information on the 1911 Triangle Factory Fire was obtained from Cornell University. (2011). Retrieved from: <http://www.ilr.cornell.edu/trianglefire/story/introduction.html>
2. Occupational Safety and Health Administration. (2011). Introduction to OSHA Instructor Guide. Retrieved from: https://www.osha.gov/dte/outreach/intro_osh/intro_to_osh_guide.html
3. Occupational Safety and Health Administration. (1998). Training Requirements in OSHA Standards and Training Guidelines. Retrieved from: <https://www.osha.gov/Publications/2254.html>