



# Working with OSHA

OSHA is a small agency, with approximately 1000 federal inspectors and 1400 state inspectors to cover about eight million workplaces. It is important for you to know your rights and for employers to be aware of their responsibilities under OSHA. This training will help you know whether your employer is complying with OSHA standards, what rights you have related to job safety and health, and where you can go if you need help.

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# OSHAcademy Course 744 Study Guide

## Working with OSHA

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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 744.

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 is a small agency, with approximately 1000 federal inspectors and 1400 state inspectors to cover about eight million workplaces. As you can see from these numbers, OSHA cannot be everywhere. That is why it is important for you to know your rights and for employers to be aware of their responsibilities under OSHA. This training will help you know whether your employer is complying with OSHA standards, what rights you have related to job safety and health, and where you can go if you need help.



Even though OSHA has had an impact on worker safety and health, significant hazards and unsafe conditions still exist in U.S. workplaces.

According to Bureau of Labor Statistics, each year:

- ) Approximately 4,500 workers die on the job.
- ) Nearly three million serious workplace injuries and illnesses are recorded.
- ) The cost of fatal and non-fatal work injuries is over \$200 billion.
- ) Fewer than 40% of eligible workers apply for workers compensation benefits.

When you know your rights, and when employers act responsibly to prevent hazards, the result will be fewer worker deaths, injuries and illnesses. Training and education are key in making this happen.

The purpose of this course is to provide workers with introductory information about OSHA, and it emphasizes the structure, function, worker rights, and processes OSHA uses to help keep employees safe in the workplace.

## Module 1: History and Mission

### History of OSHA

OSHA stands for the Occupational Safety and Health Administration, an agency of the U.S. Department of Labor (DOL). OSHA's responsibility is worker safety and health protection. The U.S. Congress created OSHA under the Occupational Safety and Health Act of 1970 (the OSH Act).



President Nixon and Congress passed the law that established OSHA "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."

Review this [Introduction to OSHA](#) presentation.

### Important Events

OSHA began because, until 1970, there were no national laws for safety and health hazards. Some events that led to the OSHA law include:

- ) The [1911 Triangle Shirtwaist Company fire](#) in New York City killed 146 of 500 employees in one of the worst work-related disasters in our country's history. Factory workers, mainly young, female immigrants working long hours for low wages, died because doors were locked and there were no fire escapes. This tragedy outraged the public, who called for safety and health reform. Frances Perkins, who later became the first Secretary of Labor, investigated the Triangle fire and tried to find ways to prevent future occurrences. 1911 Triangle Fire
  
- ) 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.



Photo courtesy: Kheel Center, Cornell University

- ) 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.

### Statistics When OSHA Was Created

Although precise statistics were not kept at the time, it is estimated that around 14,000 workers were killed on the job in 1970, or 38 per day. Many thought that the only solution to was a Federal law with the same rules and enforcement for everyone.

### Nixon Enacts Law

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.



The OSH Act is also known as Public Law 91-596. It covers all private sector employers and their workers in the 50 states and all territories and jurisdictions under federal authority. Employers and workers in many fields, including but not limited to manufacturing, construction, longshoring, agriculture, law, medicine, charity and disaster relief are covered by OSHA. Religious groups are covered if they employ workers for secular purposes, such as maintenance or gardening.

### Rule Making Process

Before OSHA can issue a standard, it must go through an extensive and lengthy process that includes substantial public engagement, notice and comment periods. This is known as OSHA's "rulemaking process."

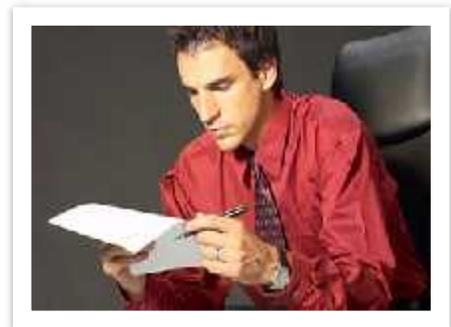
Each stage contains an approximate timeline of the process, and details of the requirements OSHA must follow before each stage can be completed. The icons on the flowchart help guide the viewer through the type of requirement - legal, internal or executive order - that dictates OSHA's actions in each stage of the process.

OSHA can begin standards-setting procedures on its own initiative or in response to petitions from other parties, including

- ) The Secretary of Health and Human Services (HHS),
- ) The National Institute for Occupational Safety and Health (NIOSH),
- ) state and local governments,
- ) nationally recognized standards-producing organizations and employer or labor representatives, and
- ) any other interested parties.



Click on the image to browse the rulemaking process through an easy-to follow flowchart.



## Who is Not Covered by the Rules

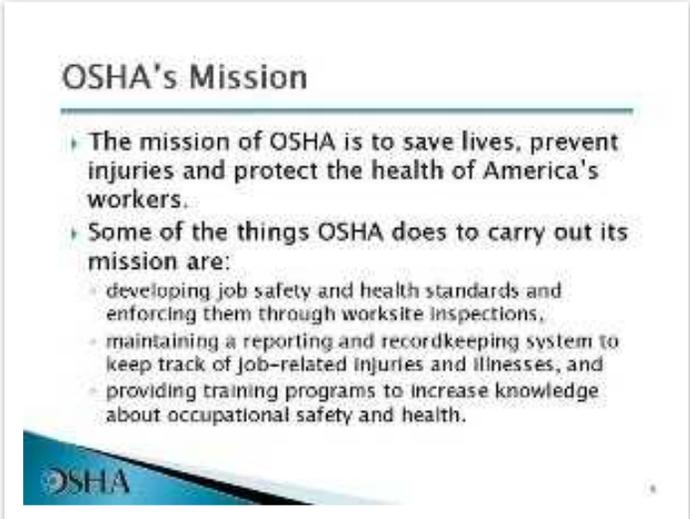
Which groups do not come under Federal OSHA's coverage?

- J self-employed
- J immediate members of farming families not employing outside workers
- J mine workers, certain truckers and transportation workers, and atomic energy workers who are covered by other federal agencies
- J public employees in state and local governments, although some states have their own plans that cover these workers

## 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 save lives, prevent injuries and protect the health of America's workers.

To achieve this, federal and state governments work together with more than 100 million working men and women and eight million employers. Some of the things OSHA does to carry out its mission are



**OSHA's Mission**

- ▶ The mission of OSHA is to save lives, prevent injuries and protect the health of America's workers.
- ▶ Some of the things OSHA does to carry out its mission are:
  - developing job safety and health standards and enforcing them through worksite inspections,
  - maintaining a reporting and recordkeeping system to keep track of job-related injuries and illnesses, and
  - providing training programs to increase knowledge about occupational safety and health.

OSHA

- J developing job safety and health standards and enforcing them through worksite inspections,
- J maintaining a reporting and recordkeeping system to keep track of job-related injuries and illnesses, and
- J providing training programs to increase knowledge about occupational safety and health.



## Module #1 Quiz

Use this quiz to self-check your understanding of the module content. You can also go online and take this quiz within the module. The online quiz provides the correct answer once submitted.

- 1. OSHA's mission is to \_\_\_\_.**
  - a. protect the safety and health of the general public
  - b. protect the safety and health of America's workers
  - c. ensure all workers receive the federal minimum wage
  - d. ensure all workers receive adequate workers' compensation payments
  
- 2. The creation of OSHA provided this important right to workers \_\_\_\_.**
  - a. the right to equal employment opportunities
  - b. the right to privacy
  - c. the right to pension benefits
  - d. the right to a safe and healthful workplace
  
- 3. Which terrible event in 1911 that killed 146 workers resulted in public outrage and call for reforms?**
  - a. Triangle Shirtwaist Company fire
  - b. Bopul Chemical explosion
  - c. Bombing of Pearl Harbor
  - d. World War I
  
- 4. Which of the following are not covered by Federal OSHA rules?**
  - a. Mine workers
  - b. Construction workers
  - c. Service industry workers
  - d. Oil and gas workers

**5. OSHA-approved job safety and health programs operated by individual states instead of federal OSHA are called \_\_\_\_\_.**

- a. independent OSHA plans
- b. non-federal OSHA plans
- c. state plans
- d. state OSHA law

## Module 2: Worker Rights

The Occupational Safety and Health Act of 1970 gave workers many new rights related to safety and health. OSHA standards which have been issued since then, such as the Hazard Communication or “Right to Know” standard, provide additional rights.

### Right to a Safe & Healthful Workplace

Most importantly, the creation of OSHA provided workers the right to a safe and healthful workplace. Section 5(a)(1) of the OSH Act states:

(a) Each employer

(1) 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, and

(2) 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 to this act which are applicable to his own actions and conduct.

A safe and healthful workplace means that hazards are removed and workers are trained. If a hazard cannot be removed completely, protection (for example, respirators or earplugs) must be provided.

Some examples of a safe/healthful workplace include the following components.

- ) Fall protection and training are provided and required when working at high levels on a construction site.
- ) Machines and equipment with rotating and moving parts are guarded.





## Safety Data Sheets

The Hazard Communication Standard (HCS) requires chemical manufacturers, distributors, or importers to provide Safety Data Sheets (SDSs) (formerly known as Material Safety Data Sheets or MSDSs) to communicate the hazards of hazardous chemical products. As of June 1, 2015, the HCS will require new SDSs to be in a uniform format.



## Injuries and Illnesses in Your Workplace

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 have the right to review the current log, as well as the logs stored for the past 5 years. The employer must provide this 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."

The right to review the log includes former employees, their personal representatives, and authorized employee representatives.

"Privacy concern cases" are those involving an intimate body part, mental illness, HIV, etc. For more detail, see 1904.29(b)(7).

You also have the right to view the annually posted summary of the injuries and illnesses (OSHA 300A).

For more information on OSHA Recordkeeping, check out [OSHAcademy Course 708, Recordkeeping Basics](#).

## Complaining or Requesting Hazard Correction

Workers may bring up safety and health concerns in the workplace to their employers without fear of discharge or discrimination, as long as the complaint is made in good faith. OSHA regulations [29CFR 1977.9(c)] protect workers who complain to their employer 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.

Workers are often closest to potential safety and health hazards and have a vested interest in reporting problems so that the employer gets them fixed. If reported workplace hazards are not getting corrected by the employer, employees should then contact OSHA.

Note: 1977.9(c) states:

*“The principles of the Act would be seriously undermined if employees were discouraged from lodging complaints about occupational safety and health matters with their employers. Such complaints to employers, if made in good faith, therefore would be related to the Act, and an employee would be protected against discharge or discrimination caused by a complaint to the employer.”*

### Training Rights

You have a right to get training from your employer on a variety of health and safety hazards and standards that your employer must follow. We’ve already discussed the training required under OSHA’s Hazard Communication (Right to Know) standard. Other required training includes lockout-tagout, bloodborne pathogens, noise, confined spaces, fall hazards in construction, personal protective equipment, and a variety of other subjects.



### Refusal to Work

Workers have the right to refuse to do a job if they believe in good faith that they are exposed to an imminent danger. "Good faith" means that even if an imminent danger is not found to exist, the worker had reasonable grounds to believe that it did exist.

The United States Supreme Court issued a ruling which more clearly defined a worker's right to refuse work where an employee has reasonable apprehension that death or serious injury or illness might occur as a result of performing the work. However, as a general rule, you do not have the right to walk off the job because of unsafe conditions.

For more information, see the [Refusing to Work Because Conditions are Dangerous](#) fact sheet.

## Hazardous 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; and
- ) 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. 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.

## Filing Complaints with OSHA

You may file a complaint with OSHA if you believe a violation of a safety or health standard or an imminent danger situation exists in your workplace. You may request that your name not be revealed to your employer. You can file a complaint on OSHA's website, in writing or by calling 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.



If you file a complaint, you have the right to find out OSHA's action on the complaint and request a review if an inspection is not made.

**How to file an OSHA complaint:** If you, your co-workers and/or your union representative determine an OSHA inspection is needed to get workplace hazards corrected, you have several options.

- J You can download the complaint form from OSHA's website, complete it and mail or fax it to OSHA. A written, signed complaint submitted to the OSHA area or State Plan office is most likely to result in an onsite inspection.
- J You can file a complaint online. However, most online complaints are handled by OSHA's phone/fax system, which means they are resolved informally over the phone.
- J You can call or visit your local regional or area office to discuss your concerns. After the discussion, OSHA staff can give or send you a complaint form if you wish to file a complaint.
- J Note that if a hazard is life-threatening, call the Regional or local office or 1-800-321-OSHA immediately.

Read [Your Rights as a Whistleblower](#) fact sheet.

**Completing the complaint form:** Be specific and include appropriate details: The information on the complaint form may be the only description of the hazard that the inspector will see before the inspection. The inspector will base his or her research and planning on this information.

- J Establishment Name, Address, and Type of Business: Be thorough and specific. The inspector's research on the company and the industry's hazards will be based on this information.
- J Hazard Description/Location: The hazard description is the most important part of the form. Your answer should explain the hazards clearly. If your complaint is about chemicals, identify them whenever possible and attach copies of labels or SDSs if you can. Identify the location of the hazard so the inspector will know where to look.
- J Has this condition been brought to the attention of the employer or another government agency? You should indicate on the form if you have tried to get the employer to fix the hazard before filing the complaint. Also, if another agency, such as a local fire or building department, has been notified of these hazards, OSHA may want to consult with them.

- ) Do NOT reveal my name: OSHA will keep your name off the complaint, if you wish. Remember that discrimination for health and safety activity is illegal. If you are a union representative, you may wish to have your name on the complaint.
- ) Signature and address: It is important to sign the complaint if you want OSHA to conduct an onsite inspection. Also, your address will allow OSHA to send copies of inspection related materials to you.

For more information on filing OSHA complaints, read about these tips, scenarios and forms in [General Industry](#), [Construction](#), and [Maritime](#).

### Participating in an OSHA Inspection

If an OSHA inspection is conducted in your workplace, you have the right to have your representative accompany the inspector on the inspection. You also have the right to talk to the inspector privately. You may point out hazards, describe injuries, illnesses or near misses that resulted from those hazards and describe any concern you have about a safety or health issue. You also have the right to find out about inspection results and abatement measures, and get involved in any meetings or hearings related to the inspection. You may also object to the date set for the violation to be corrected and be notified if the employer files a contest.



Note: If an employer disagrees with the results of the OSHA inspection, he or she may submit a written objection to OSHA, called a Notice of Contest.

### Retaliation Rights

Workers have a right to seek safety and health on the job without fear of punishment. That right is spelled out in Section 11(c) of the OSH Act. The law says the employer shall not punish or discriminate against employees for exercising such rights as complaining to the employer, union, OSHA, or any other government agency about job safety and health hazards.



Workers are also protected for participation in OSHA inspections, conferences, hearings, and other OSHA-related activities. Workers also have the right to refuse to do a job if they believe in good faith that they are exposed to an imminent danger. "Good

faith" means that even if an imminent danger is not found to exist, the worker had reasonable grounds to believe that it did exist. Since the conditions necessary to justify a work refusal are very stringent, refusing work should be an action taken as a last resort. If time permits, the condition should be reported to OSHA or the appropriate government agency.

If you believe you have been punished for exercising your safety and health rights, you must contact OSHA within 30 days.

### **Worker Responsibilities**

OSHA holds employers responsible for the safety and health conditions in the workplace and does not cite workers for violations. However, Section 5(b) of the OSHA Act states that each employee shall comply with occupational safety and health standards and all applicable rules, regulations and orders.



Workers are encouraged to follow all appropriate safety and health rules, and wear protective equipment while working.

## Module #2 Quiz

Use this quiz to self-check your understanding of the module content. You can also go online and take this quiz within the module. The online quiz provides the correct answer once submitted.

- 1. Among the rights related to OSHA recordkeeping, workers have the right to review which of the following?**
  - a. All first aid treatment forms
  - b. All Workers Compensation forms
  - c. The OSHA 300 Log and the OSHA 300A Summary
  - d. Medical and exposure records for all workers
  
- 2. A Safety Data Sheet (SDS) gives information about \_\_\_\_.**
  - a. hazardous chemicals
  - b. injuries in the workplace
  - c. medical examinations
  - d. machinery maintenance
  
- 3. During an OSHA inspection, which of the following is true?**
  - a. Worker representatives are not permitted to accompany the inspector
  - b. You may not describe safety and health concerns you have to the inspector
  - c. Employers determine which workers are interviewed
  - d. You have the right to talk to the inspector privately
  
- 4. The right of workers to seek safety and health on the job without fear of punishment is spelled out in which of the following?**
  - a. State laws
  - b. The OSHA standards
  - c. Section 11(c) of the OSH Act
  - d. The General Duty Clause

**5. If you believe you have been punished for exercising your safety and health rights, you must contact OSHA within \_\_\_\_\_.**

- a. 15 days
- b. 30 days
- c. 60 days
- d. 90 days

## Module 3: Employer Responsibilities

### Workplace Free From Recognized Hazards

Establishing a safe and healthful workplace requires every employer to make safety and health a priority. In general, OSHA requires employers to do the following.

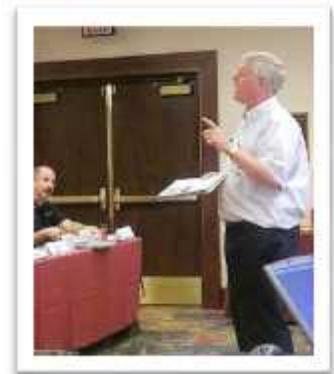


- ) Maintain conditions and adopt practices reasonably necessary to protect workers on the job. The first and best strategy is to control the hazard at its source. Engineering controls do this, while other controls that generally focus on the worker who is exposed to the hazard. The basic concept behind 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.
- ) Be familiar with the standards that apply to their workplaces, and comply with these standards.
- ) Ensure workers are provided with and use personal protective equipment when 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, an additional method of control is the use of protective clothing or equipment. This is collectively called personal protective equipment, or PPE. PPE may also be appropriate for controlling hazards while engineering and work practice controls are being installed.

### Providing Required OSHA 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.

For additional training information, click [here](#) to access Training Requirements in OSHA Standards and Training Guidelines.



Many OSHA standards specifically require the employer to train workers in the safety and health aspects of their jobs. Other OSHA standards make it the employer's responsibility to limit certain job assignments to those who are "certified," "competent," or "qualified" —meaning that they have had special previous training, in or out of the workplace.

OSHA believes training is an essential part of protecting workers from injuries and illnesses.

### General Training

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 the construction industry include training for workers:

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

### Specific Training

There are also more specific training requirements, particularly in standards put into effect since 1990. For example, OSHA's scaffold standard and fall protection standard each has a separate section on training requirements that is intended to clarify the general training requirements in 1926.21(b)(2).

The scaffold requirement says that employers shall have each employee who performs work while on a



scaffold trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards. It goes into detail about what the training must cover. The fall protection standard has similar requirements.

OSHA's Hazard Communication standard applies to both General Industry and Construction workers and requires that employers provide workers with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new physical or health hazard is introduced. In addition, as we discussed earlier, chemical-specific information must always be available through labels and safety data sheets (SDSs).

OSHA requires the use of personal protective equipment (PPE) to reduce employee exposure to hazards when engineering and administrative controls are not feasible or effective in reducing these exposures to acceptable levels. Employers are required to determine if PPE should be used to protect their workers.

### **Keeping Injury and Illness Records**

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 11 or more employees-20 percent of the establishments OSHA covers-must keep records of work-related injuries and illnesses.

All the following should be accomplished in a recordkeeping program:

- ) Set up a reporting system.
- ) Provide copies of logs, upon request.
- ) Post the annual summary.
- ) Report to OSHA within 24 hours all work-related hospitalizations, all amputations, and all losses of an eye that occur within 24 hours of the work-related incident.

Workplaces in low-hazard industries such as retail, service, finance, insurance, and real estate are exempt from recordkeeping requirements.

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.”

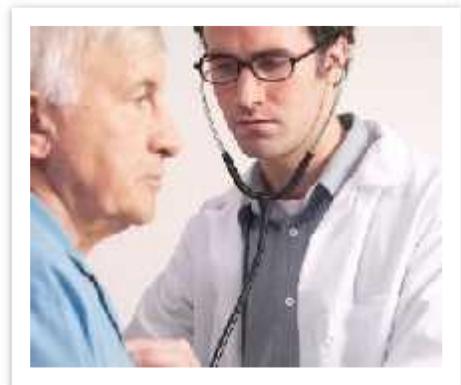
The Log of Work-Related Injuries and Illnesses (commonly called the OSHA 300 Log) is used to list injuries and illnesses and track days away from work, restricted, or transferred.

The Injury and Illness Report (Form 301) is used to record more information about each case. Employers can use a workers’ compensation or insurance form, if it contains the same information.

The Summary (OSHA Form 300A) shows the totals for the year in each category. A company executive must certify that he or she has examined the OSHA Log and believes that the annual summary is correct and complete. The summary must be posted from February 1 to April 30 of each year in a place where notices to workers are usually posted, such as an employee bulletin board.

### **Providing Medical Exams when Required by OSHA Standards**

We discussed access to medical records earlier when covering worker rights. When you are working with chemicals or other hazardous substances, your employer may be required to conduct monitoring or provide medical examinations that involve you.



An example of this would be if you are working with lead, such as removing or stripping substantial quantities of lead-based paints on large bridges and other structures. Plumbers, welders, and painters are among those workers most exposed to lead. Your employer must give you copies of medical or exposure records involving you if you request them.



### **Discrimination against Workers who Exercise their Rights**

Section 11(c) of the Act prohibits your employer from discharging or in any manner retaliating against you or any worker for exercising your rights under the Act.

We've covered many of your rights under OSHA earlier. Can you recall some of them?  
Depending upon the circumstances of the case, "discrimination" can include:

- ) firing or laying off
- ) demoting
- ) denying overtime or promotion
- ) disciplining
- ) reducing pay or hours
- ) other actions

If you believe your employer has discriminated against you because you exercised your safety and health rights, contact your local OSHA Office right away. The OSH Act gives you only 30 days to report discrimination.

#### **Posting OSHA Citations and Abatement Verification Notices**

An OSHA citation informs the employer and workers of the standards violated, the length of time set for correction, and proposed penalties resulting from an OSHA inspection. 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 have to 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.



## Providing and Paying for PPE

As we mentioned earlier, OSHA requires the use of personal protective equipment (PPE) to reduce employee exposure to hazards when engineering and administrative controls are not feasible or effective in reducing these exposures to acceptable levels.

Employers are required to determine if PPE should be used to protect their workers. OSHA also requires that employers pay for most required PPE, except for uniforms, items worn to keep clean, weather-related gear, logging boots, and non-specialty safety toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, as long as the employer permits the items to be worn off the job-site.



For more information, read [Employers Must Provide and Pay for PPE](#) handout.

### Module #3 Quiz

Use this quiz to self-check your understanding of the module content. You can also go online and take this quiz within the module. The online quiz provides the correct answer once submitted.

- 1. One of the main responsibilities employers have under OSHA is to \_\_\_\_.**
  - a. provide training required by OSHA standards
  - b. reduce air pollution in the environment
  - c. conduct energy audits
  - d. notify OSHA of any workplace injury or illness
  
- 2. OSHA requires that employers pay for most required personal protective equipment (PPE), including which of the following?**
  - a. Uniforms
  - b. Logging boots
  - c. Hard hats
  - d. Weather-related gear
  
- 3. Which of the following is used to list work-related injuries and illnesses and track days away from work, restricted, or transferred?**
  - a. OSHA 300 Log
  - b. OSHA 301 Report
  - c. OSHA Form 300A
  - d. OSHA 301A Log
  
- 4. To maintain and adopt practices reasonably necessary to protect workers, employer should first employ \_\_\_\_.**
  - a. engineering controls
  - b. administrative controls
  - c. barriers
  - d. personal protective equipment

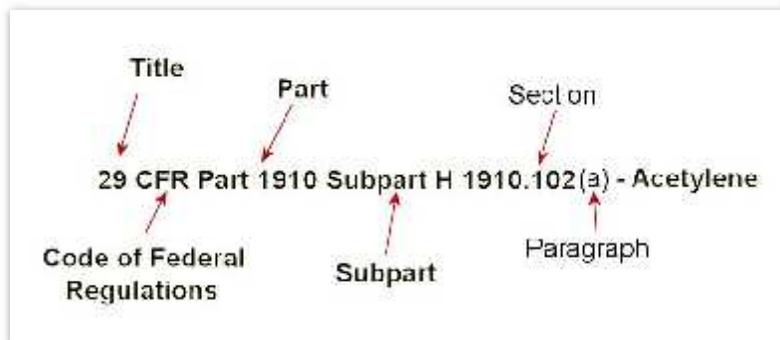
**5. The OSHA Act gives an employee \_\_\_\_\_ to report discrimination.**

- a. two weeks
- b. 30 days
- c. one week
- d. 45 days

## Module 4: What the OSHA Standards Say

### Code of Federal Regulations

OSHA issues standards under the Code of Federal Regulations (CFR) which are published by the Federal Register. The CFR contains 50 Titles and is updated once a year. Each Title is divided into Chapters. Chapters are divided into Parts, and finally, Parts are organized into Sections. Under each Part, such as Part 1926, major blocks of information are broken into subparts. For example, Subpart H is the standard for Acetylene and is covered in 29 CFR 1910.102. See the image below for the complete reference.



### Organizing OSHA Standards

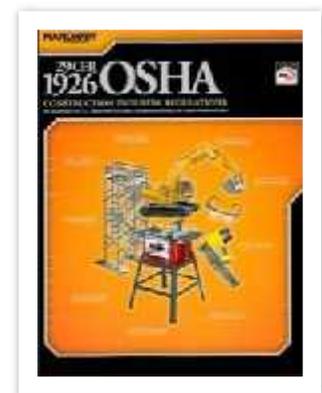
CFR 29 Part 1910 is known as the General Industry Standards. Some of the types of industries covered by the General Industry standards are manufacturing, the service sector, and health care.

Part 1926 covers the Construction Industry.

Parts 1915, 1917 and 1918 cover the Maritime Industry.

Part 1928 covers Agriculture Industry.

All OSHA standards are available on [OSHA's website](#). You can look them up by the standard number or do a search by topic.



## Four “Types” of OSHA Standards

OSHA standards are also constructed so that they might apply across all industries, apply to a specific industry, allow the employer to choose hazard abatement methods, and require very specific methods of compliance. Let’s take a look at the four types below:



1. **Horizontal standards**– apply across all industries. Examples of horizontal standards would be those related to:

- a. fall protection
- b. walking/working surfaces
- c. first aid
- d. electrical hazards
- e. machine guarding
- f. respiratory protection



2. **Vertical standards**– are industry specific. Examples of vertical standards would include those applying to the following:

- a. longshore operations
- b. textiles

- c. sawmills
- d. logging
- e. construction



3. **Performance standards**– allow the employer to choose a method of compliance. An example of a performance standard would state: “One or more methods of fall protection shall be provided...”
4. **Specification standards**– which provides the exact procedure or measurement the employer must use to comply. An example of a specification standards would state, “Top edge height of top rails, or equivalent guardrail system members, shall be 42 inches (1.1 m) plus or minus 3 inches (8 cm) above the walking/working level.”

### The General Duty Clause

We discussed previously, where there are no specific OSHA standards, employers must comply with the OSH Act's "general duty clause." The General Duty Clause, Section 5(a)(1), requires that each employer "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 his employees."

### OSHA Construction Standards for Scaffolds and Fall Protection

The scaffold requirement says that employers shall have each employee who performs work while on a scaffold trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards. It goes into detail about what the training must cover. The fall protection standard has similar requirements.



## Working with Hazardous Chemicals

OSHA's Hazard Communication standard applies to both General Industry and Construction workers and requires that employers provide workers with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new physical or health hazard is introduced. In addition, as we discussed earlier, chemical-specific information must always be available through labels and safety data sheets (SDSs).



## Personal Protective Equipment (PPE)

OSHA requires the use of personal protective equipment (PPE) to reduce employee exposure to hazards when engineering and administrative controls are not feasible or effective in reducing these exposures to acceptable levels. Employers are required to determine if PPE should be used to protect their workers.



If PPE is to be used, a PPE program should be implemented. This program should address the hazards present; the selection, maintenance, and use of PPE; the training of employees; and monitoring of the program to ensure its ongoing effectiveness.

1910.132(f) (which applies to General Industry workplaces) contains detailed training requirements for workers who must wear or use PPE.

## Most Frequently Cited Standards

The following is a list of the top 10 most frequently cited standards for 2017 following inspections of worksites by federal OSHA. OSHA publishes this list to alert employers about these commonly cited standards so they can take steps to find and fix recognized hazards addressed in these and other standards before OSHA shows up. Far too many preventable injuries and illnesses occur in the workplace.

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

## Module #4 Quiz

Use this quiz to self-check your understanding of the module content. You can also go online and take this quiz within the module. The online quiz provides the correct answer once submitted.

- 1. The OSHA standards for Construction and General Industry are also known as \_\_\_\_\_.  
a. Part 1926 and Part 1910  
b. Part 1915 and Part 1917  
c. Codes 501 through 1000  
d. Construction and GI Registers**
  
- 2. Which of the following types of OSHA standards are industry specific?  
a. Horizontal  
b. Vertical  
c. Performance  
d. Specification**
  
- 3. Which of the following types of OSHA standards allows the employer to choose a method of compliance?  
a. Horizontal  
b. Vertical  
c. Performance  
d. Specification**
  
- 4. The OSHA Standard discussing machine guarding is considered a \_\_\_\_\_ standard.  
a. horizontal  
b. vertical  
c. performance  
d. specification**

**5. The \_\_\_\_\_ requires that each employer 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 his employees.**

- a. General Employer Clause
- b. Employer Duty Rule
- c. OSHA General Duty Rule
- d. General Duty Clause

## Module 5: OSHA Inspections

### Inspection Priorities

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

Since not all eight million worksites covered by OSHA can be inspected, the agency has a system of inspection priorities.

#### 1st Priority - Imminent Danger

This is a condition where there is reasonable certainty a danger exists that can be expected to cause death or serious physical harm immediately (or before the danger can be removed through normal enforcement). An example could be workers working in an unstable trench that has no shoring or sloping. In such cases, OSHA may contact the employer and try to have workers removed from the danger right away. In any case, a CSHO will make an inspection, no later than one day after the report was received.

Priority	Category of Inspection
1st	Imminent Danger
2nd	Fatality/Catastrophe
3rd	Complaints/Referrals
4th	Programmed Inspections

#### 2nd Priority - Fatalities and Catastrophes

As we learned earlier, employers must report to OSHA any worker fatality or the hospitalization of three or more employees. OSHA starts these investigations as soon as possible after getting the report. CSHOs gather evidence and interview the employer, workers, and others to determine the causes of the event and whether violations occurred.



#### 3rd Priority - Complaints and Referrals

A worker or worker representative can file a complaint about a safety or health hazard in the workplace. Generally, it is necessary for the complaint to be written and signed for OSHA to conduct an inspection. In other cases, OSHA may contact the employer by phone, email or fax.

Referrals are usually from a government agency, such as NIOSH or a local health department. They are handled the same way as complaints.

### 4th Priority - Programmed Inspections

These inspections cover industries and employers with high injury and illness rates, specific hazards, or other exposures. There may also be special emphasis programs in just one OSHA region or certain area offices, based on knowledge of local industry hazards.



OSHA may also conduct Follow-up and Monitoring Inspections. These inspections are made as needed, and take priority over programmed inspections. A follow-up is made to see if violations cited on an earlier inspection were fixed. Monitoring inspections are made to make sure hazards are being corrected and workers are protected whenever a long period of time is needed for a hazard to be fixed.



### Inspection Stages

There are four major stages of an OSHA inspection: Presenting Credentials; the Opening Conference; the Walk around; and the Closing Conference.

#### 1. Presenting Credentials

When arriving at the workplace, the CSHO finds out who is in charge and presents his or her credentials. An employer can require OSHA to get a warrant before an inspection is made.

#### 2. Opening Conference

The CSHO finds out if workers are represented and, if so, makes sure that the worker representative participates in all phases of the inspection. If the employer

Selecting worker representatives	
IF	THEN
Workers are represented by a recognized bargaining representative	The union usually designates the worker representative to accompany the CSHO
There is a plant safety committee and no recognized bargaining representative	The worker members of that committee or the workers at large will designate the worker representative
There is neither a recognized bargaining representative nor a plant safety committee	The workers themselves may select their representative, or the CSHO will determine if any other worker would be suitable to be a representative
There is no authorized worker representative	The CSHO must consult with a reasonable number of workers concerning safety and health matters in the workplace

or worker representative objects to a joint conference, separate conferences are held.

The opening conference is generally brief so that the CSHO may quickly start the walk around.

In the opening conference, the CSHO:

- ) explains why OSHA selected the worksite for inspection;
- ) obtains information about the company, including a copy of the hazard assessment to see what personal protective equipment is necessary;
- ) explains the purpose of the visit, the scope of the inspection, walk around procedures, worker representation, private worker interviews, and the closing conference; and
- ) determines whether the facility falls under any inspection exemption through a voluntary compliance program (for example, if an OSHA-funded consultation visit is in progress).

At the start of the inspection, the CSHO checks the injury and illness records. The CSHO also checks that the OSHA poster is displayed and that the OSHA Summary of Injuries and Illnesses is posted from February 1 to April 30 each year. Other records related to safety and health issues may be requested.

### **3. The Walk Around**

After the opening conference, the CSHO, along with the employer and worker representatives, proceed through the workplace, inspecting work areas for potentially hazardous working conditions. Apparent violations are brought to the attention of employer and worker representatives as the CSHO observes and documents them. The CSHO may also interview workers, take photographs or video, and monitor worker exposure to noise, air contaminants, or other substances. The CSHO will conduct all worker interviews in private, although workers may request that a union representative be present.



### **4. Closing Conference**

After the walk around, the CSHO holds a closing conference with the employer and the worker representatives, either jointly or separately. When the employer does not want to have a joint conference, the CSHO will normally hold the conference with the worker representative first, so that worker input is received before employers are informed of proposed citations.



During the closing conference, apparent violations that have been observed on the walk around and estimated times for correction are discussed. Employers are informed of their rights and responsibilities related to the inspection. Both employer and worker representatives are told of their rights to take part in any future meetings and their contest rights. No citations are given out at this time. They are sent in the mail at a later date (no later than 6 months after the inspection).

### Citations and Penalties

The CSHO takes the findings back to the office and writes up a report. The Area Director reviews it and makes the final decision about the citations and penalties. Citations inform the employer and workers of



- ) regulations and standards the employer allegedly violated,
- ) any hazardous working conditions covered by the OSH Act's General Duty Clause,
- ) the proposed length of time set for abatement of hazards, and
- ) any proposed penalties.

Citations are sent by certified mail to the facility. The employer must post a copy of each citation at or near the place the violation occurred for 3 days or until it is fixed. Employers must also inform workers and their representatives of the correction they make.

Penalties are based on violation type. OSHA may cite the following violations and propose the following penalties:

<b>Violation Categories and Possible Penalties</b>		
<i>Type of Violation</i>	<i>Minimum Penalty Per Violation</i>	<i>Maximum Penalty Per Violation</i>
Other-than-serious		\$7,000
Serious	\$100*	\$7,000
Posting		\$7,000
Willful	\$5,000	\$70,000
Willful, with fatality, first conviction		\$250,000/\$500,000 or six months in prison or both **
Willful, with fatality, second conviction		\$250,000/\$500,000 or one year in prison or both **
Repeated	\$5,000	\$70,000
Failure to abate		\$7,000 per day

\* Set as OSHA policy in the Field Inspection Reference Manual (FIRM)  
 \*\* The monetary criminal fine is set by *Title 18 of the U.S. Code* (Crimes and Criminal Procedure), Section 3571, which states that individuals found guilty of an offense may not be fined more than \$250,000, and organizations not more than \$500,000.

OSHA may also assess penalties to employers for the following:

- ) **Failure to Abate:** OSHA may also propose an additional penalty of up to \$7,000 for each day an employer fails to correct a previously cited violation beyond the required date.
- ) **Falsifying Information:** Under the OSH Act, an employer providing false information to OSHA can receive a fine of up to \$10,000 or up to 6 months in jail, or both.
- ) **Violation of Posting:** The employer has to post citations and abatement verification for three days or until the hazard is corrected. The posting has to be near the violation or at a central location. Failure to follow these instructions can result in a penalty of up to \$7,000 for each violation.

OSHA may adjust a penalty downward depending on the gravity of the violation, the employer's good faith (efforts to comply with the Act), history of previous violations, and size of business.

## Appeals Process

Employers and workers each have rights to disagree with (or appeal) parts of an OSHA citation. Workers and their representatives may request an informal conference with OSHA to discuss the inspection, citations, penalties or a notice of contest (if filed by the employer). Workers may also contest the abatement time for any violation and an employer's petition for modification of abatement (PMA), but they cannot contest citations or penalties. If you, as a worker, plan to contest an abatement time, you should provide information to support your position.



The employer has more rights than workers related to citations. Employers may request an informal conference with OSHA to discuss the case. They can also reach a settlement agreement with OSHA that adjusts citations and penalties in order to avoid prolonged legal disputes.

## Contesting Citations

If an employer decides to contest the citation, the abatement date, and/or the proposed penalty, this must be done, in writing, within the 15-working day contest period. The area director forwards the notice of contest to the Occupational Safety and Health Review Commission (OSHRC). An administrative law judge decides the case.



Employers also have the right to request an extension of time for an abatement date if they cannot meet the time stated on the citation for a cited item.

Both workers and the employer have the right to participate in the hearing and request a further review of the judge's decision by the commission.

## Module #5 Quiz

Use this quiz to self-check your understanding of the module content. You can also go online and take this quiz within the module. The online quiz provides the correct answer once submitted.

- 1. What type of OSHA inspection is conducted when immediate death or serious harm is likely?**
  - a. Complaint
  - b. Programmed
  - c. Referral
  - d. Imminent danger
  
- 2. When the employer receives an OSHA citation, it must be \_\_\_\_\_.** 
  - a. copied and mailed to each worker
  - b. posted for 3 days or until the violation is fixed
  - c. contested and filed with the courts
  - d. signed and returned to OSHA
  
- 3. When can you expect an OSHA inspection to occur?**
  - a. Anytime
  - b. When you least expect it
  - c. During reasonable times
  - d. During workdays
  
- 4. In which of the following stages of an OSHA inspection does the CSHO determine who is in charge?**
  - a. Presenting credentials
  - b. Opening conference
  - c. Walkaround
  - d. Closing conference

- 5. Workers and their representatives may request \_\_\_\_\_ with OSHA to discuss the inspection, citations, penalties or a notice of contest.**
- a. a company conference
  - b. an informal conference
  - c. a public hearing
  - d. a formal hearing

## Module 6: Workplace Resources

### 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. If possible, you should first discuss safety and health problems with your employer. You can also talk over your concerns with other workers or your union representatives (if there is a union).
- ) **Safety Data Sheet (SDS) for information on chemicals** – Earlier in this course, we talked about the Safety Data Sheet, also called an SDS, and what information it supplies. If you are working with a chemical, the SDS can give you important information about its hazards and the precautions and personal protective equipment needed to work safely with it.
- ) **Labels and warning signs** – Labels and 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. However, signs are not intended to take the place of actual hazard correction. For example, a “Danger” sign on an unguarded piece of machinery does not meet OSHA requirements because the hazard is still present. OSHA standards such as those for hazard communication, egress, confined space and Bloodborne Pathogens require labels and signs. The employer must make sure that each sign or label posted can be understood by all workers, so the signs must be bilingual if workers do not understand or read English.
- ) **Employee orientation manuals or other training materials** – Orientation manuals and training materials about your job should include information about how to work safely. As we discussed earlier in this session, employers are required to provide training to workers exposed to certain hazards, including chemicals, falls, and confined spaces. All manuals and training materials should be written clearly and spell out what you need to know about your job hazards. They can also serve as a resource if you have questions or concerns at a later date.

- ) **Work tasks and procedures instruction** – A written job or task instruction can provide information about the proper and safe way to perform a job. OSHA considers some jobs and tasks very hazardous, such as locking out machinery, and requires employers to have written procedures. 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.

You will find that the [OSHA website](#) has a lot of safety and health information and links to resources that can help you.

For example, from the Home Page, you can:

- ) Find information in Spanish from the OSHA en Español page;
- ) Locate Fact Sheets and QuickCards by going to the Publications page;
  - o OSHA Fact Sheets provide basic background information on safety and health hazards; and
  - o QuickCards are small, laminated cards that provide brief, plain language safety and health information for workers. For example, there are QuickCards on fall hazards, carbon monoxide, and pneumatic nail gun safety.

You can contact OSHA by calling or visiting your local area or regional office for safety and health information or to discuss filing a complaint. Compliance Assistance Specialists in the area offices conduct many training sessions and have training materials and information that can be useful.

Open the following [Safety and Health Resources](#) handout to get valuable links to many more OSHA resources from OSHA, NIOSH, universities, professional organizations, and unions.

You can also learn more about the OSHA website by opening the [Navigating the OSHA Website](#) handout.



### OSHA On-Site Consultation

OSHA's On-site Consultation Program offers free and confidential advice to small and medium-sized businesses in all states across the country, with priority given to high-hazard worksites. In FY 2015, responding to requests from small employers looking to create or improve their injury and illness prevention programs, OSHA's On-site Consultation Program conducted approximately 28,000 visits to small business worksites covering over 1.4 million workers across the nation.

On-site Consultation services are separate from enforcement and do not result in penalties or citations. Consultants from state agencies or universities work with employers to identify workplace hazards, provide advice on compliance with OSHA standards, and assist in establishing injury and illness prevention programs.

Because consultation is a voluntary activity, you must request it. The consultant will discuss your specific needs with you and set up a visit date based on the priority assigned to your request, your work schedule, and the time needed for the consultant to adequately prepare to serve you.

- )] The consultant will start with an opening conference with you before beginning the walk through.
- )] The consultant will study your entire workplace, pointing out safety or health risks (some which may not have an applicable OSHA standard).
- )] After the walk-through, the consultant will review the findings with you before leaving.



- ) Finally, the consultant will send you a detailed written report explaining the findings and confirming any abatement periods agreed upon. They may also contact you from time to time to check your progress.

### OSHA's SHARP

The On-site Consultation Program's Safety and Health Achievement Recognition Program (SHARP) recognizes small business employers who operate an exemplary injury and illness prevention program. Acceptance of your worksite into SHARP from OSHA is an achievement of status that singles you out among your business peers as a model for worksite safety and health.



Upon receiving SHARP recognition, OSHA exempts your worksite from OSHA programmed inspections during the period that your SHARP certification is valid.

### OSHA's VPP

The Voluntary Protection Programs (VPP) promote effective worksite-based safety and health. In the VPP, management, labor, and OSHA establish cooperative relationships at workplaces that have implemented a comprehensive safety and health management system. Approval into VPP is OSHA's official recognition of the outstanding efforts of employers and employees who have achieved exemplary occupational safety and health.



### National Institute for Occupational Safety and Health (NIOSH)

NIOSH is OSHA's sister agency, with a focus on research and training. NIOSH can be a great resource for workers.

NIOSH also conducts Health Hazard Evaluations (HHEs) of workplaces in cases where workers are getting sick from an unknown cause or are exposed to an agent or working condition that is not regulated by OSHA. A worker can request an HHE if he or she is currently an employee at the workplace of concern and has the signatures of two other workers.



## Other Resources

Other resources that can help you get information on safety and health concerns include:

- J OTI Education Centers (OTIEC) and other University occupational and environmental health programs. The OTIECs offer the most popular OSHA courses and a variety of safety and health programs including community outreach efforts, Spanish-language courses, and youth initiatives.
- J Doctors, nurses, and other health care providers can be a resource on the health effects of toxic substances, proper medical and first aid treatment, and other health-related issues. If you are discussing a health concern with your health care provider, try to provide them with as much information about the chemical or substance as possible. For example, if you are getting headaches at work, try to get the names and SDSs or labels of the chemicals to which you are exposed.
- J Public libraries have books, journals and magazines on various safety and health topics, as well as internet access.
- J Other local, community-based resources, such as the National Council for Occupational Safety and Health (COSH) and local COSH groups in California, New England, the Northeast, the Midwest and the South, can be a valuable resource. COSH organizations around the U.S. are committed to promoting worker health and safety through training, education, and advocacy.

## Module #6 Quiz

Use this quiz to self-check your understanding of the module content. You can also go online and take this quiz within the module. The online quiz provides the correct answer once submitted.

- 1. If possible, you should first discuss safety and health problems with \_\_\_\_.**
  - a. OSHA
  - b. the employer
  - c. the union representation
  - d. local authorities
  
- 2. Which of the following programs recognizes small business employers who operate an exemplary injury and illness prevention program?**
  - a. Top Safety and Health Achiever's Program (TSHAP)
  - b. OSHA BEST Performers Program (BPP)
  - c. Voluntary Compliance Program (VCP)
  - d. Safety and Health Achievement Recognition Program (SHARP)
  
- 3. On-site Consultation services are \_\_\_\_.**
  - a. low-cost
  - b. available every day
  - c. confidential
  - d. provided as needed
  
- 4. OSHA Consultation services are separate from enforcement \_\_\_\_ penalties or citations.**
  - a. and may reduce
  - b. and will always eliminate
  - c. but may include
  - d. and do not result in

**5. Which of the following agencies is OSHA's sister agency, with a focus on research and training?**

- a. National Institute for Occupational Safety and Health (NIOSH)
- b. Bureau of Mine Enforcement and Education (BMEE)
- c. National Association of Safety and Health Educators (NASHE)
- d. American Society of Safety Educators (ASSE)

## 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](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>