

# OSHA 101

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# OSH Act of 1970

- PURPOSE:

" . . . to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources."

# The Act's Coverage

- Extends to all employers and their employees in the 50 states, and all other territories under Federal Government jurisdiction
- Coverage provided either directly by federal OSHA or through an OSHA-approved state program
- Needs Employer & Employee Relationship

# State and Local Governments

- OSHA regulations do not apply to state and local governments in their role as employers
- **Examples**-City, County, State, Police, Firefighters, Public Teachers
- OSHA regulations do apply to most federal agencies
- **Examples not apply**-National Security, Arm Forces in Combat, CIA, FBI

# OSHA Regulations

- General Industry – CFR Part 1910
- Construction Industry – CFR Part 1926
- Maritime – CFR Parts 1915, 1917 & 1918
- Agriculture – CFR Part 1928

# INSPECTION PRIORITIES

- **Imminent Danger**
  - Any condition that can be expected to cause death or serious physical harm immediately
- **Fatalities / Catastrophes**
  - Reporting requirements
- **Employee Complaints**
- Referrals
- Programmed Inspections

# COMPLAINT INSPECTION

- Any employee or **representative** of employees who believe that a violation of the Act exists may file a complaint with OSHA
  
- **Things to know-**
  1. Settle internally
  2. Information required
  3. Leaving name & phone
  4. Photos, Daily Diary, Interviews
  5. Credibility

# COMPLAINT INVESTIGATION (Phone/Fax)

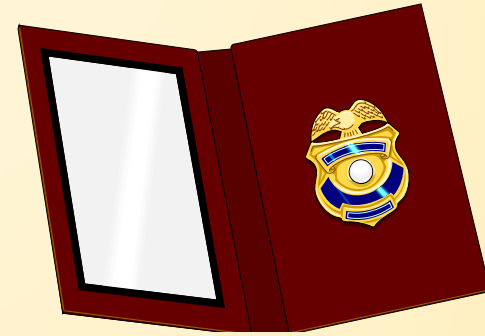
1. OSHA advises employer of alleged hazard by telephone and fax
2. Employer is required to provide a satisfactory written response (5 days)
3. OSHA provides copies of employer response to complainant



# COMPLAINT INSPECTION

- Any employee or **representative** of employees who believe that a violation of the Act exists may request an OSHA inspection
  1. Reduced to writing
  2. Alleging a specific hazard
  3. Signed by the employee or representative
  4. Credibility

# Inspector's Credentials



- CSHO displays credentials
- Asks to meet an appropriate employer representative
- CSHO will ask for union rep.
- Employer can call local OSHA office to verify

# The Inspection Process

- Opening Conference
- Walkthrough
- Closing Conference
- Citations and Penalties
- Informal Conference



# Opening Conference

- CSHO explains the purpose and scope of the visit
- CSHO asks for an employer representative to accompany them during the inspection
- CSHO requests union rep to participate in inspection
- Request for records and programs



# Walk Around

- CSHO walks through site to address complaint items
- Inspection may cover part or all of a site
- Both employer and employee representatives participate as they choose
- CSHO determines route and duration of the inspection



# Walk Around

- Employees are privately interviewed about safety and health conditions and practices
- Employees are protected from discrimination for exercising their rights
- Managers are also interviewed



# Walk-around

- CSHO points out unsafe or unhealthful conditions
- CSHO discusses feasible corrective actions
- Violations corrected immediately may reflect employer's good faith for penalty consideration



# Closing Conference

- CSHO reviews all observed unsafe and unhealthful conditions
- CSHO reviews courses of action available to the employer following an inspection
- Employees cannot contest violations or penalties
- Employees can contest abatement period





# Closing Conference



- CSHO will not indicate any specific penalty but informs employer of appeal rights
- Good time for the employer to produce records of compliance efforts and provide information to help determine timeframes for abatement

# Closing Conference



- CSHO may determine if second closing conference is necessary (air monitoring)
- Separate closing conference if employee representative does not participate

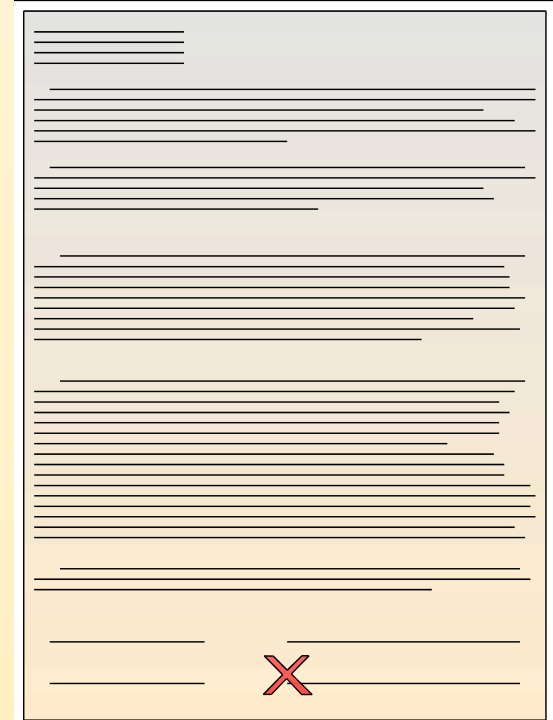
# CSHO & Area Director



- CSHO will report findings
- Area Director determines whether citations will be issued and whether penalties will be proposed

# Citations

- Inform the employer and employees of the regulations and standards alleged to have been violated
- Inform the employer and employees of the proposed length of time set for their abatement

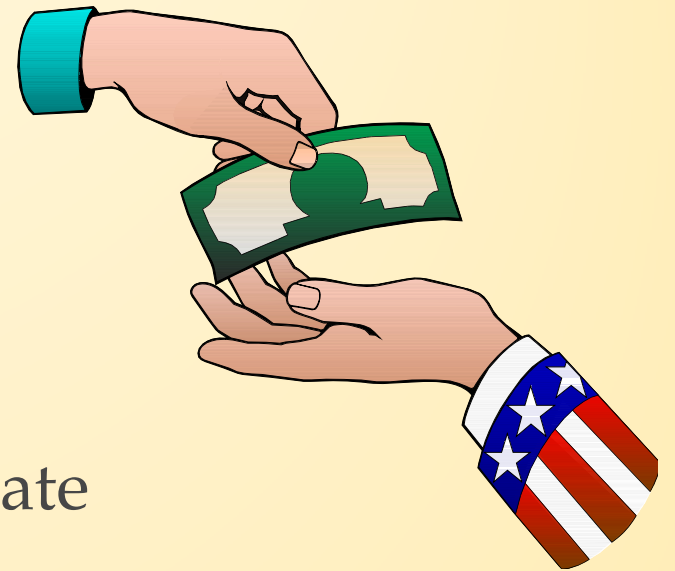


# Citations

- Employer will receive citations and notices by certified mail
- Employer must post a copy of each citation at or near the place the violation occurred for 3 days or until it is abated
- Copy of citations mailed to Union

# Penalties

- Other-than-serious
- Serious
  - \$12,675 per violation
- Failure-to-abate
  - \$12,675 per day beyond abatement date
- Willful
- Repeat
  - \$126,749 per violation



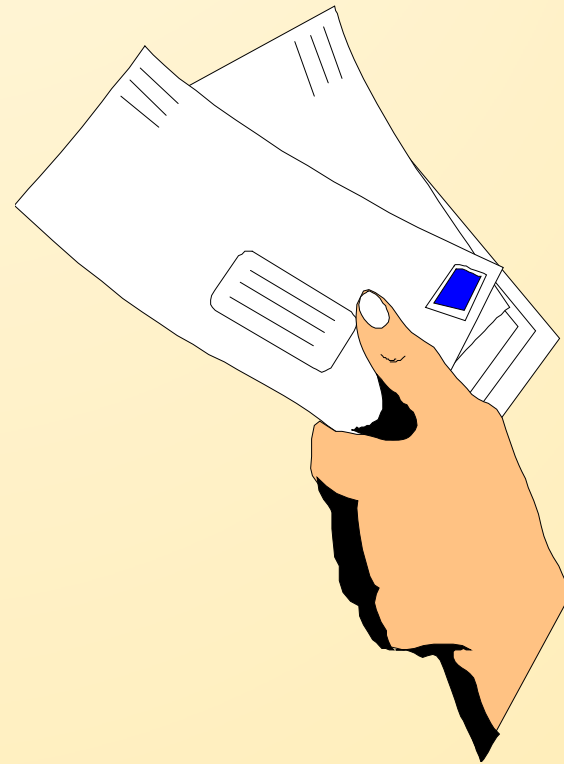
# Informal Conference



- Employer may request an informal conference with the Area Director - Unions will be advised of Date
- Area Director is authorized to enter into settlement agreements
- Area Director may revise citations and penalties to avoid prolonged legal disputes for speedier hazard abatement

# Notice of Contest

- Employer has 15 working days to contest the citation, penalty, or abatement period
- Must be in writing and clearly define basis for filing
- Unions may request 3<sup>rd</sup> party status





# Review Procedure



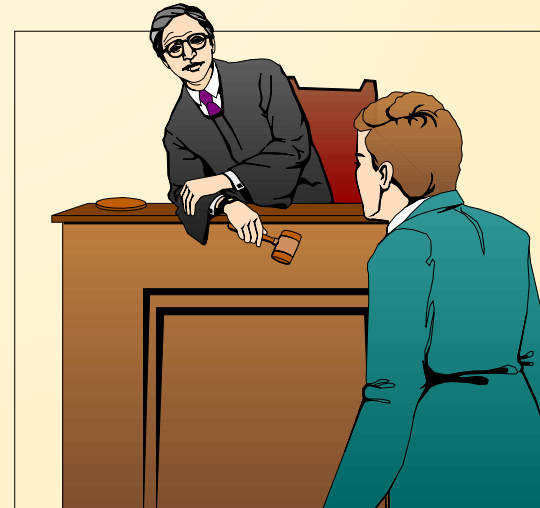
- If timely, the Notice of Contest is forwarded to the OSHRC
- OSHRC is an independent agency not associated with OSHA
- Case assigned to an administrative law judge (ALJ)

# Review Procedure



- Hearing scheduled near the employer's workplace
- Employer and employees have the right to participate
- OSHRC does not require employer to have an attorney

# Review Procedure



- Once the ALJ has ruled, any party may request further review by OSHRC
- OSHRC rulings may be appealed before the U.S. Court of Appeals

# Whistleblower Rights

- Section 11(c) of the OSH Act provides protection for employees who exercise a variety of rights guaranteed under the Act, such as filing a S&H complaint with OSHA, participating in an inspection, etc.
- Complainant has 30 days from the date of the adverse action to file a Whistleblower complaint.
- OSHA enforces 22 Whistleblower Statutes

# Questions

