In 1970, monumental legislation was passed to ensure safety of U.S. workers. This Act, known as the Occupational Safety and Health Act, or the OSH Act, established the Occupational Safety and Health Administration (OSHA) as part of the US Department of Labor.

This Act covers employers in all 50 states, the District of Columbia, Puerto Rico, and all other territories that fall under the jurisdiction of the U.S. government. So the majority of organizations within the U.S. would fall under OSHA’s domain. There are a few exceptions to this coverage, which includes persons who are self-employed, family farms that employ only immediate members of the family, federal agencies covered by other federal statutes, and state and local governments.

The mission of OSHA is to ensure, to the greatest extent possible, that every working person in the U.S. has a safe and healthy working environment, so that valuable human resources are preserved and protected. Some of the purposes are to encourage employees and employers to reduce workplace hazards; implement new safety and health programs; implement existing safety and health programs; encourage research that will lead to innovative ways to dealing with workplace safety and health problems; establish the rights of employers and employees regarding the illnesses and injuries through a system of reporting and recordkeeping; establish training programs to increase the number of safety and health professionals and to continually improve competence; establish mandatory workplace safety and health standards and enforce them; provide for development and approval of state-level workplace safety and health programs; and monitor, analyze, and evaluate state-level safety and health programs.

Reporting is an important component of ensuring workplace safety! OSHA provides for the centralization and systematization of recordkeeping and reporting for employers of 11 or more workers. There are certain types of accidents that must be reported within 8 hours of the occurrence. That would include any accident that results in a fatality or death. Also, any accident that results in the hospitalization of 3 or more employees must be reported within that 8-hour time frame. Additional reporting requirements include death of one or more workers; one or more days away from work; restricted motion or restrictions to the work that an employee can do; loss of consciousness of one or more workers; transfer of an employee to another job; medical treatment beyond in-house first aid; and other conditions listed in Appendix B of the rule. Employers are required to keep injury and illness records for each location where they do business.

OSHA compliance officers are authorized to enter at reasonable times any site, location, or facility where work is taking place; inspect at reasonable times any condition, facility, machine, equipment, materials, etc.; and question in private any employee or other person formally associated with the organization. OSHA personnel may show up unannounced! They do need to show their credentials to the organization’s management. Under special circumstances, employers may be given up to a maximum of 24-hours’ notice of an inspection. Remember, it is OSHA’s job to help ensure the safety of the workplace!

Depending on what the OSHA inspector finds as far as organizational compliance to the law, the employer may be issued a citation for an OSHA violation. These violations include citations for…

Other-than-serious violation which is a violation that has a direct relationship to job safety and health, but probably will not cause death or serious physical harm. There could be a penalty of up to $7,000 for each violation.

A serious violation is one where there is a high probability that death or serious physical harm may result and the employer knew or should have known about the hazard. The penalty for this type of violation may be adjusted depending on the employer’s good faith, history of prior violations, and the gravity of alleged violations.

A willful violation is one where the employer intentionally and knowingly commits a safety hazard and makes no effort to try to mitigate the circumstances. A maximum penalty of $5,000 per incident may be imposed.
A repeat violation can result in a fine for each repeat infraction of the standard, regulation, rule, or order if found still out of compliance when re-inspected.

Failure to correct a prior violation is known as failure to abate and may bring a civil penalty for each day that the violation continues beyond the abatement date.

De Minimis violations are those that have no direct bearing on the safety and health. They are documented but not included in citations.

Both employees and employers have rights under OSHA. Keep in mind that safety is the responsibility of everyone involved in the workplace! Employees have the right to complain about safety hazards in the workplace, and employers need to correct any safety issues. At the same time, employees are expected to adhere to safe working practices. All of this goes hand and hand to ensure a safe work environment and that all employees leave with their “parts and pieces” that they came to work with in the morning!

Some important legal terms are discussed in the textbook. We do have to keep in mind that legislation is continually being updated and changed. It is important to “stay in the know” as far as these regulatory changes. Often the organization’s safety professionals may be critical to litigation proceedings regarding negligence of the employer when an accident occurs. That is why it is important to be familiar with these terms.

Workers’ compensation was developed to allow injured employees to be compensated without the need for litigation. The main objectives include replacement of income, rehabilitation, accident prevention, and cost allocation.

When employees are injured on the job, they may be unable to work. Workers’ compensation is meant to replace the lost income adequately and promptly. This income replacement is viewed as a replacement of current and future income, less taxes at a ratio of 2/3.

The goal is that the injured worker will return to work. This return may or may not be to the same job they previously held. Rehabilitation is meant to provide the necessary medical care at no cost to the injured employee until he or she is deemed fit to return to work. It will also provide vocational training or retraining as necessary.

Preventing accidents is a main focus for workers’ compensation. Investing in accident prevention programs should help to keep compensation costs down. The benefit is that employees would have lower insurance premiums from fewer accidents.

Risks associated with the different occupations vary. The principle of cost allocation is to spread the costs of workers’ compensation appropriately and proportionately among industries ranging from most to least hazardous.