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Occupational Safety and Health Act

THE LAW: Federal legislation designed to ensure the safety and health of American workers

DATE: Passed on December 29, 1970

SIGNIFICANCE: The Occupational Safety and Health Act created the Occupational Safety and Health Administration, an agency of the U.S. Department of Labor. The administration has two principal functions: setting standards and conducting workplace inspections to ensure that employers are complying with those standards and providing a safe and healthful workplace for their employees.

The Occupational Safety and Health Act of 1970 extends to all employers and their employees in the fifty states, the District of Columbia, Puerto Rico, and all other territories under the jurisdiction of the federal government. The act does not cover self-employed persons; farms that employ only immediate family members of the farmer; working conditions regulated by other federal agencies, such as mining, nuclear energy, nuclear weapons manufacture, and many segments of the transportation industry; or employees of state and local governments.

FEDERAL OSHA STANDARDS

The mission of the Occupational Safety and Health Administration (OSHA) is to prevent work-related injuries, illnesses, and deaths. It seeks to accomplish this mission by enforcing rules (called “standards”). OSHA standards may require employers to adopt certain practices to protect workers on the job. It is employers’ responsibility to become familiar with standards applicable to their industries, to eliminate hazardous conditions to the extent possible, and to comply with the standards. Compliance may include ensuring that employees use protective equipment when required for safety or health. Employees must also comply with the rules and regulations applicable to their own actions and conduct.

States with OSHA-approved job safety and health programs must set standards that are at least as ef-

fective as the equivalent federal standard. Most of the state-plan states have adopted standards identical to the federal ones. New York, New Jersey, Connecticut, and the Virgin Islands have plans covering only public employees. In 2000, the United States Postal Act made the U.S. Postal Service the only quasi-governmental entity under the purview of OSHA.

Standards fall into four major categories, each of which imposes requirements that are unique to particular industries. The categories are general industry, construction, maritime (including shipyards, marine terminals, and longshoring), and agriculture. Areas that impose similar requirements on all industry sectors are those dealing with access to medical and exposure records, personal protective equipment, and communication. Employers must grant employees access to any of their medical records maintained by the employer and to any records maintained by the employer dealing with the employee’s exposure to toxic substances.

HAZARDOUS MATERIALS

For each industry segment except agriculture, employers are required to provide employees, at no cost to the employees, with personal protective equipment designed to protect them against certain hazards. This equipment might include protective helmets for construction and cargo handling work, eye protection, hearing protection, hard-toed shoes, special goggles for welders, or gauntlets for ironworkers. The hazardous-communication provision of the law requires that manufacturers conduct an evaluation of the hazardous materials they manufacture or import. If a product is found to be hazardous under the terms of the standard, containers of the material must be appropriately labeled and the first shipment of the material to a new customer must be accompanied by a material safety data sheet. Employers must then train their employees to recognize and avoid the hazards presented. Any hazard not covered by an industry-specific standard may be covered by a general industry standard. Generally, employers must keep their workplace free of hazards that may cause death or serious bodily injury to employees.

OTHER STANDARDS

OSHA also imposes regulations covering activities such as record keeping, reporting, and posting. Records of job-related injuries and illnesses must be maintained by all employers except those in low-hazard industries such as retail, real estate, finance, and insurance. Employees are granted several important rights, including the right to complain in confidence to OSHA about the safety and health conditions in their workplace, to contest the time allowed by OSHA to correct the violations, and to participate in OSHA work inspections. To enforce OSHA'S standards, the agency's compliance and safety officers, chosen for their knowledge and experience of occupational hazards, are authorized to conduct workplace inspections of establishments covered by the act. States with their own occupational safety and health programs conduct inspections using qualified state inspectors. Fines and sanctions may be assessed for violations of the act, depending on the severity of the violation. Citations and penalties can be reviewed and may be appealed by employers and employees.

Much debate about OSHA's regulations and enforcement policies revolves around the cost of regulations and enforcement rather than the actual benefit in reduced rates of worker injury, illness, and death. OSHA has come under criticism for the ineffectiveness of its penalties, particularly criminal penalties (available only when a willful violation of a standard results in the death of a worker). The maximum penalty is a misdemeanor conviction carrying a maximum jail term of six months.

INDUSTRIAL SAFETY REGULATIONS

Some of the changes in industrial safety regulation that are attributed to OSHA include guards on all parts of machinery where contact is possible, defining maximum concentrations of chemicals and dusts in the workplace, broader use of protective personal equipment, requirements for locking energy sources in the "off" position when performing



OSHA officials are called in to investigate accidents such as this crane collapse at a construction site in Grand Junction, Colorado, in March, 2007. (AP/Wide World Photos)

repairs or maintenance, and requirements for air sampling and use of a "buddy system" when working inside tanks, manholes, pits, bins, and other enclosed areas. In addition, employers must communicate with employees regarding the hazardous chemical products used in the workplace and must engage in process safety management to reduce large-scale industrial accidents, especially in the petrochemical industry. OSHA has issued a standard designed to prevent health care workers from exposure to blood-borne pathogens such as hepatitis B and the human immunodeficiency virus (HIV) and requires safeguards for workers in trenches and excavations at a depth of more than five feet.

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FURTHER READING

- Collins, Larry R., and Thomas D. Schneid. *Physical Hazards of the Workplace*. Boca Raton, Fla.: Lewis, 2001. Comprehensive list of potential workplace hazards and how to avoid them.
- Hofmann, David A., and Lois E. Tetrick, eds. *Health and Safety in Organizations: A Multilevel Perspective*. San Francisco: Jossey-Bass, 2003. Examination of different portions of management and the labor force and the role of each in protecting workers from harm.