

Page 36-52

## **Module 1: Introduction to OSHA**

### **Module Description**

The Occupational Safety and Health Administration (OSHA) was established to protect the health of the American workers. In 1971, the Occupational Safety and Health Act was created to give structure to the worker protection activities. OSHA holds the employer responsible for providing a workplace that is free from recognized hazards. This module will give an understanding of OSHA, employer responsibilities, and employee rights in the workplace.

### **Module Learning Objectives**

At the conclusion of this module, you should be able to:

- Explain why OSHA is important to workers.
- Explain worker rights under OSHA.
- Discuss employer responsibilities under OSHA.
- Discuss the use of OSHA standards.
- Explain how OSHA inspections are conducted.
- Utilize helpful worker safety and health resources.

# **Lesson 1: Introduction to OSHA**

## **Lesson Focus**

This lesson focuses on the following topics:

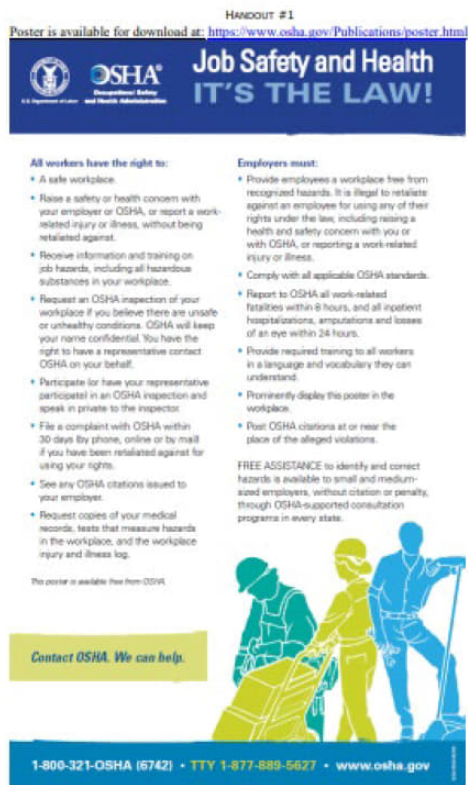
- OSHA's Mission
- State Plans
- OSHA Standards
- Employer Responsibilities
- Workers' Rights & Responsibilities
- Enforcing Standards
- Reporting Safety Hazards
- Whistleblower Protections
- Worker Resources

## **OSHA's Mission**

### **History of OSHA**

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. The U.S. Congress created OSHA under the Occupational Safety and Health Act of 1970 (the OSH Act). Congress passed the law and 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."

The current mission of OSHA is "to save lives, prevent injuries, and protect the health of America's workers". It is the employer's responsibility to keep the workplace free from any known or recognized hazard that is likely to cause injury or illness to their worker.



<https://www.osha.gov/Publications/poster.html>

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, long shoring, 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.

## Who is Covered by the OSH Act?

- OSHA covers all employees and their employers in the 50 states and certain territories and jurisdictions under federal government 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 as defined in the Outer Continental Shelf Lands Act.

- Coverage is provided either directly by federal OSHA or through an OSHA-approved state program.
- Section 19 of the OSH Act makes federal agency heads responsible for providing safe and healthful working conditions for their employees. OSHA conducts federal workplace inspections in response to employee reports of hazards.
- The OSH Act also requires federal agencies to comply with standards consistent with those for private sector employers. Under a 1998 amendment to the Act, it covers the U.S. Postal Service the same as any private sector employer.

### **Which Groups Do Not Come Under OSHA's Coverage?**

Those groups that are not covered by OSHA include:

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

#### **More Information:**

OSHA provisions cover the private sector only. However, some federal agencies have created their own health and safety programs, which are at least as stringent as U.S. OSHA. These state programs cover state and local government employees.

OSHA does not cover the self-employed or immediate members of farm families that do not employ outside workers; worker conditions that are regulated under worker safety or health requirements of other federal agencies; or employees of state and local governments, although some states have their own occupational safety and health plans that cover these 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:

- 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
- Providing training programs to increase knowledge about occupational safety and health

OSHA also assists the States in their efforts to assure safe and healthful working conditions, through OSHA-approved job safety and health programs operated by individual states. State plans are OSHA-approved job safety and health programs created by individual states instead of federal OSHA.

States with approved plans cover most private sector employees as well as state and local government workers in the state. State plan programs respond to accidents and employee complaints and conduct unannounced inspections, just like federal OSHA. And, some states have OSHA-approved plans that cover only state and local government workers.

## State Plans

### Safety and Health Programs

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 plans and precludes state enforcement of OSHA standards, unless the state has an approved plan. OSHA approves and monitors all state plans. The state plans must be at least as effective as federal OSHA requirements.

State plans covering the private sector also must cover state and local government employees. OSHA rules also permit states and territories to develop plans that cover only public sector (state and local government) employees. In these cases, private sector employment remains under federal OSHA jurisdiction. Twenty-two states and territories operate complete plans and six cover only the public sector.

Click for [more information](#).

## OSHA's Impact

Since OSHA's creation in 1970, the nation has made substantial progress in occupational safety and health. OSHA and its many partners in the public and private sectors have, for example:

- Cut the work-related fatality rate to historic lows for 2002 to 2004.
- From 2003 to 2004, reduced the number of workplace injuries and illnesses by 4 percent and lost workday case rates dropped by 5.8 percent in that same period.
- In 2005, OSHA conducted close to 39,000 inspections and issued just over 85,000 citations for violations.
- In 2004, the Consultation Program made over 31,000 visits to employers.

## OSHA Standards

OSHA standards are rules that describe the methods that employers must use to protect their employees from hazards. There are OSHA standards for Construction work, Agriculture, Maritime operations, and General Industry, which are the standards that apply to most worksites. These standards limit the amount of hazardous chemicals workers can be exposed to, require the use of certain safe practices and equipment, and require employers to monitor hazards and keep records of workplace injuries and illnesses.

Examples of OSHA standards include, but are not limited to 29 CFR 1910, 1926, and 1928 (OSHA standards are [online](#)). General Duty Clause, Section 5(a) (1) explain that this is used when there is not a specific OSHA standard that applies to the situation.

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

- 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, 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.
- Be familiar with the standards that apply to their workplaces, and comply with these standards.
- Ensure that 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 may be 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.

- Comply with the OSH Act'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."

An example of the OSHA standard is 29 CFR 1910. 95 Occupational Noise Exposure. Noise in the workplace can cause adverse effects to the worker's hearing when the noise reaches over 85db for an 8 hour Time Weighted Average (TWA). The damage from continuous loud noise exposure is permanent. OSHA requires that hearing conservations programs are used for workplaces that exceed the 85 dB TWA and for employers to provide Personal Protective Equipment at no cost to the workers. Earplugs/Earmuffs must be used to reduce noise hazards in the workplace.

Though PPE is provided for workers at no cost to them, the employer should look for engineering controls such as sound proofing or using sound barriers to reduce the noise. Additionally, the standard requires that the worker will have annual Audiometric Testing and training regarding occupational noise. Other standards address issues such as:

- Chemicals
- Protective equipment
- Fall protection
- Guarding of open sided platform
- Scaffolding
- Right to know

## Employer Responsibilities

OSHA standards mandate that employers must:

- Provide a workplace free from recognized hazards and comply with OSHA standards
- Provide training required by OSHA standards
- Keep records of injuries and illnesses
- Set up a reporting system;



- Provide copies of logs (i.e., OSHA 300), upon request;
- Post the annual summary;
- Report within 8 hours any work-related fatalities and within 24 hours, all work-related: inpatient hospitalizations, amputations, and losses of an eye.
- Provide medical exams when required by OSHA standards and provide workers access to their exposure and medical records
- Not discriminate against workers who exercise their rights under the Act
- Post OSHA citations and abatement verification notices
- Provide and pay for most Personal Protective Equipment (PPE)



HANDOUT #2

### Employers Must Provide and Pay for PPE



#### Personal Protective Equipment (PPE)

The Occupational Safety and Health Administration (OSHA) requires that employers protect you from workplace hazards that can cause injury or illness. Controlling a hazard at its source is the best way to protect workers. However, 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.

PPE is equipment worn to minimize exposure to a variety of hazards. Examples include items such as gloves, foot and eye protection, protective hearing protection (earplugs, muffs), hard hats and respirators.

Employer Obligations	Workers should:
<ul style="list-style-type: none"> <li>✓ Performing a "hazard assessment" of the workplace to identify and control physical and health hazards.</li> <li>✓ Identifying and providing appropriate PPE for employees.</li> <li>✓ Training employees in the use and care of the PPE.</li> <li>✓ Maintaining PPE, including replacing worn or damaged PPE.</li> <li>✓ Periodically reviewing, updating and evaluating the effectiveness of the PPE program.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Properly wear PPE</li> <li>✓ Attend training sessions on PPE</li> <li>✓ Care for, clean and maintain PPE, and</li> <li>✓ Inform a supervisor of the need to repair or replace PPE.</li> </ul>

#### Employers Must Pay for Personal Protective Equipment (PPE)

On May 15, 2008, a new OSHA rule about employer payment for PPE went into effect. With few exceptions, OSHA now requires employers to pay for personal protective equipment used to comply with OSHA standards. The final rule does not create new requirements regarding what PPE employers must provide.

The standard makes clear that employers cannot require workers to provide their own PPE and 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 that the equipment is adequate to protect the worker from hazards at the workplace.



#### Examples of PPE that Employers Must Pay for Include:

- Metatarsal foot protection
- Rubber boots with steel toes
- Non-prescription eye protection
- Prescription eyewear inserts/lenses for full face respirators
- Goggles and face shields
- Fire fighting PPE (helmet, gloves, boots, proximity suits, full gear)
- Hard hats
- Hearing protection
- Welding PPE



## HANDOUT #2 Employers Must Provide and Pay for PPE



### Payment Exceptions under the OSHA Rule

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 provided that 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.

### OSHA Standards that Apply

#### OSHA General Industry PPE Standards

- 1910.132: General requirements and payment
- 1910.133: Eye and face protection
- 1910.134: Respiratory protection
- 1910.135: Head protection
- 1910.136: Foot protection
- 1910.137: Electrical protective devices
- 1910.138: Hand protection

#### OSHA Construction PPE Standards

- 1926.28: Personal protective equipment
- 1926.95: Criteria for personal protective equipment
- 1926.96: Occupational foot protection
- 1926.100: Head protection
- 1926.101: Hearing protection
- 1926.102: Eye and face protection
- 1926.103: Respiratory protection

There are also PPE requirements in shipyards and marine terminals and many standards on specific hazards, such as 1910.1030: Bloodborne pathogens and 1910.146: Permit-required confined spaces.

OSHA standards are online at [www.osha.gov](http://www.osha.gov).

## Workers' Rights & Responsibilities

### Workers' Rights

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: "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."

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.

OSHA Provides Workers the Right to:	
WORKERS RIGHTS	A safe and healthful workplace
	Know about hazardous conditions
	Information about injuries and illnesses in your workplace
	Complain or request hazard correction from employer
	Training as provided in the OSHA standards
	Hazard exposure and medical records
	File a complaint with OSHA
	Participate in an OSHA inspection
	Be free from retaliation for exercising safety and health rights

## Workers' Rights: 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 must include the physical and health hazards of the chemicals and how workers can protect themselves; including specific procedures the employer has implemented to protect workers, such as work practices, emergency procedures, and personal protective equipment

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

## Safety Data Sheets

Safety data sheets provide invaluable information about hazardous substances. SDSs contain the following sections:

- Section 1—Identification of the Substance or Mixture and of the Supplier
- Section 2—Hazard(s) Identification
- Section 3—Composition and Information on Ingredients



- Section 4—First Aid Measures
- Section 5—Fire-Fighting Measures
- Section 6—Accidental Release Measures
- Section 7—Handling and Storage
- Section 8—Exposure Controls and Personal Protection
- Section 9—Physical and Chemical Properties
- Section 10—Stability and Reactivity
- Section 11—Toxicological Information
- Section 12—Ecological Information (Non-Mandatory)
- Section 13—Disposal Considerations (Non-Mandatory)
- Section 14—Transport Information (Non-Mandatory)
- Section 15—Regulatory Information
- Section 16—Other Information

### **Workers' Rights: Right to Information about 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."

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

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

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



## **Workers' Rights: Anti-Discrimination Provisions**

The OSH Act prohibits employment retaliation against an employee who complains to an employer regarding a workplace safety issue or condition, files a complaint related to workplace safety or health conditions, initiates a proceeding, contests an abatement date, requests information from OSHA, or testifies under the Act. In certain circumstances, an employee may refuse to work under seriously threatening health or safety conditions.

## **Workers' Rights: Right to Training**

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 may include lockout-tagout, bloodborne pathogens, noise, confined spaces, fall hazards in construction, personal protective equipment, and a variety of other subjects.

Some examples of a safe and healthful workplace when training is in place include:

- Trenches are inspected and have appropriate protective systems in place when necessary.
- Proper confined space entry procedures, testing, equipment is present and used appropriately.
- Noise levels are controlled. When levels remain at unsafe levels, workers are given hearing tests and are provided training and hearing protection.
- Protection from chemical hazards is provided, including an evaluation of chemicals used, a written program, Safety Data Sheets, worker protection (for example, respirators or gloves), and information and training.

## **Workers' Rights: Right to Hazardous Exposure Records 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:

- Some 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 potentially 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.

### **Workers' Rights: Right to File a Complaint 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 web site, 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. You can contact OSHA by calling 1-800-321-OSHA.

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.

### **Workers' Rights: Right to Participate 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 concerns 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.

**Contest:** 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.






## Reporting Safety Hazards

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 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 in order to preserve the protections provided under the OSH Act. The *How OSHA Responds to a Complaint* table provides information on how OSHA responds to the way a complaint is reported.



Ways to Report Workplace Hazards	
 <b>Contact</b>	Contact your team leader, supervisor, manager, safety committee, etc.
 <b>Phone</b>	Call the Regional or local office or 1-800-321-OSHA. [Provide your local office number.]
 <b>Fax or Mail</b>	Obtain the complaint form online at <a href="http://www.osha.gov">www.osha.gov</a> or from the local OSHA office.
 <b>In Person</b>	Visit the local OSHA Office. [A current list is of OSHA offices is at <a href="http://www.osha.gov">www.osha.gov</a> ]
 <b>Online</b>	File complaints online at the OSHA website at <a href="http://www.osha.gov">www.osha.gov</a>

How OSHA Responds to a Complaint	
<i>If the Complaint is...</i>	<i>Then OSHA will...</i>
Filed over the phone, is not signed, or is not a serious hazard	Contact the employer by phone, fax, or email
About a serious hazard	Conduct an inspection at the worksite
Written, signed and submitted to the OSHA area or State Plan office	Most likely, conduct an onsite inspection
Submitted online	Handle most complaints using the OSHA phone/fax system, which means they may even be resolved by phone

## Enforcing Standards

OSHA enforces standards through inspections. The current budget is small—all together nationwide (with our State partners) there are only about 2,400 inspectors for over 7 million workplaces. At this rate, it would take about 100 years for us to inspect every workplace once.

Therefore, OSHA targets the most dangerous workplaces; industries with fatalities and serious injuries (e.g. grain handling in Colorado) and construction (i.e., falls).

The OSHA inspection process consists of an opening conference, a walkthrough and a closing conference with the employer. Results can take up to 6 months, after which OSHA may issue citations. These may include fines and will include dates by which hazard must be abated.



When an OSHA inspection is conducted in the workplace, workers have the right to have a worker representative accompany the inspector on the inspection. Workers can talk to the inspector privately. They 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. Workers also can find out about inspection results and abatement measures, and get involved in any meetings or hearings related to the inspection. Workers may also object to the date set for the violation to be corrected and be notified if the employer files a contest.

## Whistleblower Protections

The OSH Act protects workers who complain to their employer, OSHA or other government agencies about unsafe or unhealthful working conditions in the workplace or environmental problems. Workers cannot be transferred, denied a raise, have their hours reduced, be fired, or punished in any other way because they exercised any right given to them under the OSH Act. Help is available from OSHA for whistleblowers.

OSHA recommend that the following message be posted for OSHA outreach students:

*If you have been punished or discriminated against for using your rights, you must file a complaint with OSHA within 30 days of the alleged reprisal for most complaints. No form is required, but you must send a letter or call the OSHA Area Office nearest you to report the discrimination within 30 days of the alleged discrimination.*

Handout [3]

[https://www.osha.gov/OshDoc/data\\_General\\_Facts/whistleblower\\_rights.pdf](https://www.osha.gov/OshDoc/data_General_Facts/whistleblower_rights.pdf)

## Worker Resources

There are many resources available to workers who want to find out more information about safety or health issues both inside and outside of their workplace.

Because of the rights provided to workers, they can utilize some sources inside the workplace, such as:

- Employer or supervisor, co-workers and union representatives;
- Safety Data Sheet (SDS);
- Labels and warning signs; and/or
- Employee orientation manuals or other training manuals.

Handout [4] <https://www.osha.gov/Publications/3334we-can-help-sm.pdf>

Samples of outside of the workplace worker safety and health resources are:

- Many at OSHA [online](#) such as, OSHA Compliance Assistance Specialists in the area offices.
- NIOSH is OSHA's sister agency. Workers can request NIOSH conduct 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.
- 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.

## Lesson Summary

In 1971, the Occupational Safety and Health Act was created to give structure to the worker protection activities. OSHA holds the employer responsible for providing a workplace that is free from recognized hazards.

The current mission of OSHA is "to save lives, prevent injuries, and protect the health of America's workers". It is the employer's responsibility to keep the workplace free from any known or recognized hazard that is likely to cause injury or illness to their workers.

Workers have the right to know what hazardous materials they are required to work around. Workers must have a way to report hazardous conditions, injuries and illnesses.

Employers must provide training for the workers to inform them on hazard recognition and hazard control. Additional to training, the employers must have medical screening and monitoring when employees are exposed to certain hazards.