

OSHA Training Institute

Introduction to OSHA

INSTRUCTOR GUIDE

“Introduction to OSHA”

2 HOUR LESSON

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TRAINER PREPARATION GUIDANCE

The Introduction to OSHA lesson of the Outreach Training Program includes an instructor guide for the trainer, a slide presentation, and student handouts. This lesson is for General Industry, Construction and/or Maritime Industry training.

Using the Instructor Guide (IG): The IG consists of instructions for trainer preparation, a detailed lesson plan, instructor references for student Handouts #3 and #12a, #12b, and #12c, along with test questions and answers. The IG contains detailed content, activities, references and notes for the trainer. **It is not intended to be a script that is read verbatim to the students. Rather, trainers should review the entire guide (including referenced materials and internet links) prior to conducting training, and use it as a resource in their planning and presentation.** The instructor presentation and preparation materials not included in this package may be downloaded from the OSHA website at <http://www.osha.gov>. The OSHA standards may also be purchased from the Government Printing Office (GPO) Bookstore at <http://bookstore.gpo.gov>.

The learning objectives: The Introduction to OSHA lesson was developed based on the terminal (TO) and enabling objectives (EO) below. These objectives are the expected student outcomes; therefore, the trainer may not vary from these objectives when planning the training session.

TO: Given OSHA historical events and current information, the student will be able to explain the importance of OSHA in providing a safe and healthful workplace to workers covered by OSHA.

Specifically, the student will be able to:

- EO 1:** Explain why OSHA is important to workers
- EO 2:** Explain worker rights under OSHA
- EO 3:** Discuss employer responsibilities under OSHA
- EO 4:** Discuss the use of OSHA standards
- EO 5:** Explain how OSHA inspections are conducted
- EO 6:** Utilize helpful worker safety and health resources

Using the Slide Presentation: The Microsoft PowerPoint™ 2003 file consists of 48 slides, which may be used by the trainer as a visual aid during the session. However, the focus of the training should be on discussion and interaction with the students, not on the PowerPoint™ slides. The presentation was developed using Microsoft PowerPoint™ 2003; therefore, it is compatible with this and higher versions of the product.

Using the Student Handout Packet: The packet contains 12 numbered handouts representing 16 files in the packet, since there are 3 versions (one for General Industry, one for Construction and one for Maritime) of 2 of the handouts (Handout #8, How to Read the OSHA Standards and Handout #12, Filing an OSHA Complaint). Along with your copy, copies of the Student Handout Packet should be made for each student.

An overview of the handouts and their use are tabled below. Step-by-step instructions are contained in the IG in the Detailed Content and Notes sections of the lesson.

Handout	Use
#1. Weekly Fatality/Catastrophe Report	Topic 1: Use during the Fatality/Catastrophe Small Group Activity. You may also download a Fatality/Catastrophe list of weekly reports from the OSHA website.
#2. OSHA Poster	Topic 2: Discuss the worker rights included on the poster, as well as additional worker rights.
#3. MSDS Example	Topic 2: Conduct a group discussion on MSDSs and chemicals used in the workplace. Appendix A, MSDS Explanation, may be used for instructor reference.

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Handout	Use
#4. Your Rights as a Whistleblower Fact Sheet	Topic 2: Highlight when covering the worker right to be free from retaliation for exercising safety and health rights.
#5. Refusing to Work Because Conditions are Dangerous	Topic 2: Refer to when covering the worker right to refuse to do a job if the worker believes in good faith that they are exposed to an imminent danger.
#6. OSHA 300 Log example	Topic 3: Use when conducting the OSHA-300 Log Classroom Exercise.
#7. Employers Must Provide and Pay for PPE	Topic 3: Discuss when covering the employer requirement to provide and pay for PPE.
#8. How to Read the OSHA Standards: a. General Industry; b. Construction; c. Maritime Industry	Topic 4: Use when conducting the OSHA Standards Classroom Exercise. Select the version (a, b or c) which is appropriate for your audience.
#9. Safety and Health Resources	Topic 6: Refer to when discussing safety and health resources outside the workplace/worksite.
#10. Navigating the OSHA Website	Topic 6: Discuss when covering the OSHA website.
#11. Identifying Safety and Health Problems in the Workplace	Topic 6: Refer to when discussing filing a complaint to get workplace hazards corrected.
#12. Filing an OSHA Complaint includes tips for completion, scenario and form: a. General Industry*; b. Construction*; c. Maritime Industry*	Topic 6: Highlight when conducting the Filing an OSHA Complaint Small Group Activity. Select the version (a, b or c) which is appropriate for your audience. Appendix B, Handout #12a, #12b, #12c Answer Sheet, may be used for instructor reference.

*You may develop an alternate scenario for the activity covering filing a complaint (Handout #12a, #12b, or #12c). If so, the following information should be included:

- Company name, address and telephone number (and site information, if a different location)
- Management official in charge
- Type of business
- Description of the hazard or hazards, including location and number of workers exposed
- Whether the hazard has been brought to the attention of management or other government agency

For the alternate scenario, you can use a situation with which you are familiar, or you can access OSHA accident summaries for scenario ideas at: www.osha.gov/pls/imis/accidentsearch.html

Media and/or Teaching Methods

The “Introduction to OSHA” 2-hour session has been set up as a facilitated, interactive training session. Students are given small “chunks” of information, and then are able to test their understanding of the subject matter via activities and workshops. Several practice sessions included are designed to increase student awareness and enable them to apply what they have learned when they return to their workplaces.

Ideal Setting or Conditions for the Training Session

The ideal setting for this course is a classroom or other area where students have space to break into groups.

Disclaimer

This material is intended for training purposes only. Its purpose is to provide basic information about OSHA to workers and to inform workers of their rights under OSHA. This material is not a substitute for any provision of the Occupational Safety and Health Administration or any standards issued by OSHA.

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Lesson Overview

The purpose of this two-hour lesson is to provide workers with introductory information about OSHA. This Instructor Guide is intended to be used when presenting General Industry, Construction, and/or Maritime Industry outreach courses. The lesson is comprised of the following six topics:

1. Why is OSHA important to you?
2. What rights do you have under OSHA?
3. What responsibilities does your employer have under OSHA?
4. What do the OSHA standards say?
5. How are OSHA inspections conducted?
6. Where can you go for help?

The lesson provides basic knowledge of: OSHA’s history and mission, worker rights under OSHA, employer responsibilities under OSHA, OSHA standards, OSHA inspections, and safety and health resources, including how to file an OSHA complaint.

 Materials Needed:	 Training Preparation:	 Student Handout Packet:
<p><i>Listed in presentation order</i></p> <ul style="list-style-type: none">▪ Flip chart and markers▪ Presentation slides▪ Student handout package▪ OSH Act▪ Copy of the OSHA Standards, General Industry, Construction, or Maritime▪ Check Yourself Test Questions	<ul style="list-style-type: none">▪ <i>All About OSHA</i> publication▪ Complaint scenario [Handouts #12a, #12b, and #12c] answers▪ Cornell University Library site on the Triangle Fire: http://www.ilr.cornell.edu/trianglefire/▪ MSDS explanation▪ NIOSH website: http://cdc.gov/niosh▪ OSHA website: http://www.osha.gov▪ State Job Safety and Health Programs Fact Sheet▪ Training Requirements in OSHA Standards and Training Guidelines publication	<ol style="list-style-type: none">#1. Weekly Fatality/Catastrophe Report#2. OSHA Poster#3. MSDS Example#4. Your Rights as a Whistleblower Fact Sheet#5. Refusing to Work Because Conditions are Dangerous#6. OSHA 300 Log example#7. Employers Must Provide and Pay for PPE#8. How to Read the OSHA Standards: a. General Industry; b. Construction; c. Maritime Industry#9. Safety and Health Resources#10. Navigating the OSHA Website#11. Identifying Safety and Health Problems in the Workplace#12. Filing an OSHA Complaint includes tips for completion, scenario and form: a. General Industry; b. Construction, c. Maritime Industry

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Topic 1: Why is OSHA important to you?

- A. History of OSHA
- B. OSHA’s mission
- C. Importance of this training

Instruction for Topic 1:

1. Ask the class “Questions to Ask” and discuss.
2. Conduct Small Group Activity: Weekly Fatality/Catastrophe Report as an introduction to the training session. See page 2 (below).
3. Discuss “Detailed Content” section.
4. Conduct the Classroom Exercise OSHA Coverage. See page 5.
5. Have the class answer the Questions for Review.



Questions to Ask:

- When, during your work experience, did you first hear about OSHA?
- What did you think about OSHA then?
- What do you think OSHA’s job is?



Small Group Activity

Fatality/Catastrophe (FAT/CAT) Report

Have the class break up into groups of 3-5 people.

1. Refer students to the Weekly Fatality/Catastrophe Report and explain its purpose. (Emphasize that this represents one week of worker fatalities reported to OSHA.) Show where the current report is located on the website, if available.
2. Tell the class to look at the list and see if they know or have heard of any similar incidents or near misses. Allow a minute or so for the class to scan the report.
3. Ask each group to discuss an incident from the report, or a similar incident that they know of or have heard about on their job.
4. After a few minutes, bring class back together.
5. Ask for a few volunteers to share an experience they may have heard of, what they discussed in their group, and how an incident was or may have been prevented.

NOTES:

Refer to Handout #1: Weekly Fatality/Catastrophe Report and/or Fatality/Catastrophe list of weekly reports online at:

http://www.osha.gov/dep/fatcat/dep_fatcat.html

Sum up the exercise by stating that hazard prevention is OSHA’s priority. If workers know their rights, and employers meet their responsibilities, lives and limbs can be saved. Focus on how important this training is to the participants.

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Detailed Content for Topic 1:

A. 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.”

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.
- 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.
- 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.

NOTES:

If Internet access is available, and time permits, briefly explore the Cornell University Library web exhibit on the Triangle Fire (<http://www.ilr.cornell.edu/trianglefire/about.html>) with the class. There are also videos about the fire on YouTube.com

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- By the 1960’s, 14,000 workers died every year and more than 2.2 million workers were not able to work from injuries and illnesses.

Many thought that the only solution was a Federal law with the same rules and enforcement for everyone. 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.

Which groups do not come under OSHA’s coverage?

- 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.

NOTES:



Ask the class if anyone has seen the OSH Act. Tell them that they can find it on OSHA’s website. Show them the website, if internet access is available, or have a hard copy of the Act to show them.

The OSH Act covers Federal workers by conducting inspections in response to complaints, but OSHA cannot propose monetary fines against federal agencies.

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Classroom Exercise OSHA Coverage

Covered by OSHA?		Worker
YES	NO	1. Harry Adams, a miner at Below Ground Inc.
YES	NO	2. Adrian Smith, one of 3 employees of ABC landscaping.
YES	NO	3. Taylor Dell, an accountant in business for herself.
YES	NO	4. Rob Jones, one of 10 carpenters working for Woody, Inc.

B. 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:

- 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 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 operated 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.

NOTES:



Ask the class the questions on coverage and discuss the responses.

Answers:

1. No, miners are covered by MSHA;
2. Yes.
3. No, the self-employed are not covered.
4. Yes.

Refer to the OSHA website for additional information on State Programs and a State Plan directory.

If you are conducting training in a location with state jurisdiction, discuss the Federal/State relationship in more detail. Refer to the State Job Safety & Health Programs Fact Sheet for additional information.

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C. Importance of this training

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

Each year:

- On average, 15 workers die every day from job injuries
- Over 5,600 Americans die from workplace injuries annually
- Over 4 million non-fatal workplace injuries and illnesses were reported; and

The estimated cost of occupational injuries and illnesses are from \$145 billion to \$290 billion a year for direct and indirect costs

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.

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.



Questions for Review

1. Why was OSHA necessary?
2. What is OSHA's mission?
3. Why is this training important?

NOTES:

During discussion of OSHA's impact and what remains to be done, re-emphasize the fatalities reported to OSHA in a one week timeframe from the Small Group Activity conducted earlier.

Figures are from the AFL-CIO Report, *Death on the Job: The Toll of Neglect*, April, 2009. According to the report, “these estimates are based upon only injuries that are disabling and that are reported by employers, and understate the full extent of occupational injuries and illnesses and their associated costs.”

Answers:

1. *Workplace injuries, illnesses and death were increasing and no uniform or comprehensive law existed to protect against workplace hazards.*
2. *To save lives, prevent injuries and protect the health of America's workers.*
3. *You'll know your rights, if there are hazards in your workplace, and where to get help.*

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Topic 2. What rights do you have under OSHA?

- A. Right to a safe and healthful workplace
- B. Right to know about hazardous chemicals
- C. Right to information about injuries and illnesses in your workplace
- D. Right to complain or request hazard correction from employer
- E. Right to training
- F. Right to hazard exposure and medical records
- G. Right to file a complaint with OSHA
- H. Right to participate in an OSHA inspection
- I. Right to be free from retaliation for exercising safety and health rights
- J. Worker responsibilities

Instruction for Topic 2:

1. Refer to the *OSHA Poster* and discuss the worker rights included. Note that there are additional rights that will be discussed in this session.
2. Discuss “Detailed Content” section.
3. Conduct Classroom Exercise on the Material Safety Data Sheet (MSDS). See page 9.
4. Have the class answer the Questions for Review.

Detailed Content for Topic 2

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.

NOTES:

Refer to Handout #2: Copy of OSHA Poster

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A. 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: “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.

Some examples of a safe/healthful workplace include:

- 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.

If not discussed, provide additional examples, such as:

- Trenches are inspected and have protective systems in place.
- Proper confined space entry procedures, testing, equipment, and training are present.
- Noise levels are controlled. When levels are still high, 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, Material Safety Data Sheets, worker protection (for example, respirators or gloves), and information and training.

NOTES:



Ask the class if they have seen the OSHA poster in their workplace. If so, ask where it is posted.

Tell the class that all employers covered by the OSHA Act must display the OSHA poster. (Employers in states operating OSHA-approved state plans should obtain and post the state's equivalent poster.)



Ask the class to provide examples of how a safe and healthful workplace is provided [or should be provided] at their workplace or worksite.

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B. 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,
- Material Safety Data Sheets (MSDSs), and
- Worker training. The 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).



Classroom Exercise MSDS

1. Refer to the MSDS example and, using the MSDS explanation for reference, have a brief group discussion on MSDSs and chemicals. Some questions to start the discussion include:
 - a. What information does the MSDS provide?
 - b. Has anyone seen an MSDS in their workplace?
 - c. Were the instructions on the MSDS followed in their workplace?
 - d. Has anyone worked with hazardous substances without an MSDS?

NOTES:

Refer to Handout #3: MSDS
Example for student. Use Appendix A: MSDS Explanation if needed.

Sum up the exercise by emphasizing that the MSDS provides important information to workers about hazardous chemicals in the workplace.

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C. 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).

D. Right to complain or request hazard correction from your employer

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.

Since you are often closest to potential safety and health hazards, you have a vested interest in reporting problems so that the employer gets them fixed. If the hazard is not getting corrected, you should then contact OSHA.

NOTES:



Ask the class if their employer has set up a way for them to report injuries and illnesses.

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).



Ask the class if they have ever reported a hazard to their supervisor. If so, what was the outcome?

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.”

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E. 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’re 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.

F. 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:

- 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 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.

NOTES:

Access means the right to examine and copy medical and exposure records.

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G. 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.

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.

H. 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 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.

NOTES:

Filing a complaint is covered later in this session.

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.

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I. Right to be free from retaliation for exercising safety and health 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.

J. 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.

NOTES:

Refer to Handout #4: Your Rights as a Whistleblower Fact Sheet

Refer to Handout #5: Refusing to Work because Conditions are Dangerous

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Questions for Review

1. What does an MSDS tell you?
2. What are some worker rights related to injury and illness reporting?
3. Name some standards or hazards where workers must be trained.

Answers:

1. *Chemical name, hazardous ingredients, physical and chemical characteristics, fire and explosion hazards, compatibility and reactivity, health hazards, precautions for safe use and handling, and control measures.*
2. *Know how to report injuries/illnesses, see the annual summary, review the log.*
3. *Lockout/Tagout, fall hazards in construction, hazard communication, confined spaces, bloodborne pathogens, and personal protective equipment.*

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Topic 3. What responsibilities does your employer have under OSHA?

- A. Provide a workplace free from recognized hazards and comply with OSHA standards
- B. Provide training required by OSHA standards
- C. Keep records of injuries and illnesses
 - Set up a reporting system
 - Provide copies of logs, upon request
 - Post the annual summary
 - Report within 8 hours any accident resulting in a fatality or the hospitalization of 3 or more workers
- D. Provide medical exams when required by OSHA standards and provide workers access to their exposure and medical records
- E. Not discriminate against workers who exercise their rights under the Act (Section 11(c))
- F. Post OSHA citations and abatement verification notices
- G. Provide and pay for PPE

Instruction for Topic 3:

1. Discuss “Detailed Content” section.
2. Ask the class about safety and health training they have received on the job.
3. Conduct the Classroom Exercise on the OSHA 300 Log. See page 20.
4. Have the class answer the Questions for Review.

DETAILED CONTENT for Topic 3:

A. Provide a workplace free from recognized hazards and comply with OSHA standards

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

NOTES:

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- 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 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.], and
- 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.”]

B. Provide training required by OSHA standards

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.

NOTES:

See the publication, Training Requirements in OSHA Standards and Training Guidelines for additional information.

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

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 construction 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.

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).

NOTES:



Ask the class about safety and health training they have received prior to this

course.

See 1926.21(b)

See 1926.454(a) and 1926.503(a) OSHA construction standards for scaffolds and fall protection.

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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 material safety data sheets (MSDSs).

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.

NOTES:

See 1910.1200(h), OSHA standard for Hazard Communication information and training.

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C. Keep records of injuries and illnesses

Including:

- Set up a reporting system
- Provide copies of logs, upon request
- Post the annual summary
- Report within 8 hours any accident resulting in a fatality or the hospitalization of 3 or more workers

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

Reporting and Recording Checklist

Employers must:

- ✓ Report each worker death
- ✓ Report each incident that hospitalizes 3 or more workers
- ✓ Maintain injury & illness records
- ✓ Inform workers how to report an injury or illness to the employer
- ✓ Make records available to workers
- ✓ Allow OSHA access to records
- ✓ Post annual summary of injuries & illnesses

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 forms your employer must keep are:

- 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.

NOTES:

Employers exempt from recordkeeping requirements must still report deaths and the hospitalization of 3 or more to OSHA.

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- 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.



Classroom Exercise OSHA 300 Log

1. Refer to the completed OSHA 300 Log example and emphasize that this form provides the following information about the workplace:
 - How many workers are getting injured or ill
 - The types of injuries and illnesses reported
 - The jobs and departments where the most severe injuries or illnesses are occurring
2. Point out where the following information can be located on the OSHA-300:
 - Employee’s name: Column (B) – Note that employers cannot remove names
 - Job Title: Column (C) – Can show the most dangerous jobs
 - Where the event occurred: Column (E) – Can show the most hazardous departments
 - Describe the injury or illness, parts of body affected, and object/substance that directly injured or made person ill: Column (F) – Can show the types of injuries/illnesses and how people are getting sick or hurt
 - Page totals for Columns (G), (H), (I), & (J) – Shows the total number of injuries and illnesses occurring

NOTES:

Refer to Handout #6: OSHA 300 Log example

Sum up the exercise by emphasizing that it is important that OSHA injury and illness records be correctly maintained. Also, workers have a right to see the OSHA 300 Log and the posted OSHA 300A Summary.

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D. Provide medical exams when required by OSHA standards and provide workers access to their exposure and medical records

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.

E. Not discriminate against workers who exercise their rights under the Act (Section 11(c))

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, and 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.

NOTES:



Ask the class to recall some of their rights under OSHA. Rights include: right to a workplace free of hazards, receiving training, access to injury/illness and medical records, complaining to your employer or OSHA about a safety and health problem, participating in an OSHA inspection, and participating or testifying in any proceeding related to an OSHA inspection.

OSHA also administers the whistleblower provisions of 17 other statutes, protecting workers who report violations of various trucking, airline, nuclear power and environmental laws.

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F. Post 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.

G. Provide and pay 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.

NOTES:

See Abatement Verification Regulation, 1903.19, for additional information.

Refer to Handout #7: Employers Must Provide and Pay for PPE



Ask the class if anyone wears personal protective equipment on their job and discuss the requirement for employers to provide and pay for PPE. The Employer Payment for Personal Protective Equipment rule was effective on February 13, 2008 and had to be implemented by May 15, 2008.

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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 hat,
- Hearing protection, and
- Welding PPE.



Questions for Review

1. What are some of the responsibilities employers have related to OSHA recordkeeping?
2. Which section of the OSH Act prohibits employers from discriminating against workers for exercising their safety and health rights?
3. What are some types of PPE that employers must pay for?

NOTES:

Answers:

1. *Employers must set up a reporting system and inform workers of how to report, maintain an OSHA-300 log and make it available to workers, post the annual summary and report fatalities and the hospitalization of 3 or more workers to OSHA.*
2. *Section 11(c)*
3. *Hardhats, hearing protection, etc.*

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Topic 4. What do the OSHA standards say?

- A. Types of standards
- B. How the standards are organized

Instruction for Topic 4:

1. Discuss “Detailed Content” section.
2. Conduct the Classroom Exercise on how to read the OSHA Standards. See page 25.
3. Have the class answer the Questions for Review.

DETAILED CONTENT for Topic 4:

A. Types of standards

Now, let’s talk briefly about the OSHA standards. OSHA standards fall into four categories: General Industry, Construction, Maritime, and Agriculture.

OSHA issues standards for a wide variety of workplace hazards, including:

- Toxic substances,
- Electrical hazards,
- Fall hazards,
- Hazardous waste,
- Machine hazards,
- Infectious diseases,
- Fire and explosion hazards, and
- Dangerous atmospheres.

In addition, as 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.

NOTES:

Discuss/Show: Copy of the OSHA standards book (General Industry or Construction)

General Duty Clause violations cited by OSHA can be found on OSHA’s website at:

<http://www.osha.gov/oshstats/index.html>

You can query by Hazard Category, such as Crushing, Chemical or Guarding to locate actual violations cited. One example, from a search using “Crushing,” is: “An employee was exposed to crushing hazards when a scissor lift rolled down a ramp, pinning him against a backhoe while he was attempting to move the lift off a flatbed. Emergency procedures such as chocking were not followed.”

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B. How the standards are organized

OSHA standards appear in the Code of Federal Regulations (CFR). The OSHA standards are broken down into Parts. 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 are Maritime Industry standards. Discuss the following:

- The CFR is divided into Titles. OSHA’s standards are in Title 29.
- Under each Part, such as Part 1926, major blocks of information are broken into subparts. For example, Subpart C is named General Safety and Health Provisions. Subpart C contains sections 1926.20 through 1926.35.
- All OSHA standards are available on OSHA’s website. You can look them up by the standard number or do a search by topic.



Classroom Exercise OSHA Standards

1. Ask the class to briefly look at “How to Read the OSHA Standards” handout.
2. Ask the class the questions on the standards and discuss the responses.

Questions

For General Industry:

1. What is the Subpart for Personal Protective Equipment?
2. What is the Subpart for Machinery and Machine Guarding?
3. What topic does 1910, Subpart H cover?

For Construction:

1. What is the Subpart for Fall Protection?
2. What is the Subpart for Fire Protection and Prevention?
3. What topic does 1926, Subpart K cover?

NOTES:

If time permits and Internet access is available, show the class how to locate OSHA standards online.

You may also wish to show the class how to locate the Most Frequently Cited (MFC) Standards online at:
<http://www.osha.gov/pls/imis/citedstandard.html>

Note: From the MFC website, to search SIC, use C for Construction or D for Manufacturing, Maritime SICs include 373 and 449.

Refer to Handout #8a, #8b or #8c: Use #8a for General Industry; Use #8b for Construction; Use #8c for Maritime Industry

Standards Answers:

General Industry:

1. *Subpart I*
2. *Subpart O*
3. *Hazardous Materials in General Industry*

Construction:

1. *Subpart M*
2. *Subpart F*
3. *Electrical Standards in Construction*

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For Maritime Industry:

1. What is the 29 CFR 1915 Subpart for Tools and Related Equipment?
2. What is the 29 CFR 1917 Subpart for Personal Protection?
3. What topic does 29 CFR 1918, Subpart H cover?



Questions for Review

1. What are the OSHA Construction standards also called?
2. What are the General Industry standards also called?
3. What are 29 CFR Parts 1915, 1917 and 1918 referred to as?

Standards Answers:

Maritime Industry:

1. *Subpart H*
2. *Subpart E*
3. *Handling Cargo*

Answers

1. *Part 1926*
2. *Part 1910*
3. *Maritime Industry Standards*

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Topic 5. How are OSHA inspections conducted?

- A. Inspection priorities
- B. Stages of an inspection
- C. Citations and penalties
- D. Appeals process

Instruction for Topic 5:

1. Discuss “Detailed Content” section.
2. Ask the class if anyone has been at work during an OSHA inspection. If so, ask them to briefly share their experience.
3. Have the class answer the Questions for Review.

Detailed Content for Topic 5:

A. 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.

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

NOTES:

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- 1st. **Imminent Danger** has top priority. 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.
- 2nd. **Fatalities and Catastrophes** are next in priority. 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. **Complaints and Referrals** are OSHA’s third priority. 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 usually are from a government agency, such as NIOSH or a local health department. They are handled the same way as complaints.
- 4th. **Programmed Inspections** are the fourth priority. 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.

NOTES:

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OSHA also conducts 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.

B. Stages of an inspection

There are four major stages of an OSHA inspection: Presenting Credentials; the Opening Conference; the Walkaround; 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 or worker representative objects to a joint conference, separate conferences are held.

NOTES:

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

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

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, walkaround 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 Walkaround

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.

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4. Closing Conference

After the walkaround, 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 walkaround 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).

C. 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.

NOTES:

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

VIOLATION TYPE	PENALTY
WILLFUL A violation that the employer intentionally and knowingly commits or a violation that the employer commits with plain indifference to the law.	OSHA may propose penalties of up to \$70,000 for each willful violation, with a minimum penalty of \$5,000 for each willful violation.
SERIOUS A violation where there is substantial probability that death or serious physical harm could result and that the employer knew, or should have known, of the hazard.	There is a mandatory penalty for serious violations which may be up to \$7,000.
OTHER-THAN-SERIOUS A violation that has a direct relationship to safety and health, but probably would not cause death or serious physical harm.	OSHA may propose a penalty of up to \$7,000 for each other-than-serious violation.
REPEATED A violation that is the same or similar to a previous violation.	OSHA may propose penalties of up to \$70,000 for each repeated violation.

OSHA may also assess penalties to employers for the following:

- **Failure to Abate.** OSHA may 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.

NOTES:

Criminal Willful violations, which involve the death of a worker, may have a penalty of up to \$250,000 for an individual and \$500,000 for an organization, or by up to 6 months in jail.



Ask the class if they can think of an example of:

- a serious violation. (An example would be not providing guarding or fall protection for workers on a 25 foot scaffold. The resulting fall would most likely result in death, broken bones and/or other serious injuries.)
- an “other-than-serious” violation. (An example of this type of violation could be an area with poor housekeeping, creating a tripping hazard. The most likely result would be abrasions or bruises. However, this would only be the case if there were no sharp objects, broken glass, etc. in the area.),

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- **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.

D. 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.

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.

NOTES:

Employers 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. This is called a petition for modification of abatement, or PMA

If a violation or abatement date is contested by the employer, the situation does not have to be fixed until there is a final legal order. If only the penalty is contested, the violation must be fixed by the date in the citation.

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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.



Questions for Review

1. Give an example of a reason why OSHA would conduct an inspection at your workplace.
2. What are the types of OSHA violations?

NOTES:

Answers

1. *If a worker files a complaint, if there is a fatality, if there is an imminent danger situation, etc.*
2. *Willful, serious, other-than-serious, repeated and Criminal/Willful.*

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Topic 6. Where can you go for help?

- A. Sources within the workplace/worksite
- B. Sources outside the workplace/worksite
- C. How to file an OSHA complaint

Instruction for Topic 6:

1. Discuss “Detailed Content” section.
2. Conduct Small Group Activity: Completing an OSHA Complaint. See page 40.
3. Have the class answer the Questions for Review

Detailed Content for Topic 6:

A. 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 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).
- **Material Safety Data Sheet (MSDS) for information on chemicals** – Earlier in this session, we talked about the Material Safety Data Sheet, also called an MSDS, and what information it supplies. If you are working with a chemical, the MSDS can give you important information about its hazards and the precautions and personal protective equipment needed to work safely with it.

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- **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.

NOTES:

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B. 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.

- **OSHA website: <http://www.osha.gov> and OSHA offices**

If you have internet access, 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.
 - OSHA Fact Sheets provide basic background information on safety and health hazards, and
 - 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.

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

NOTES:

Refer to Handout #9: Safety & Health Resources

Refer to Handout #10: Navigating the OSHA Website

OSHA website: <http://www.osha.gov> ; Show the links to OSHA en Español, Fact Sheets and QuickCards, etc. If time permits, show how to conduct a search on a safety and health topic or hazard. For example, if you put “Lead” in the Search Box, you get results including the standards in General Industry and Construction, as well as Safety and Health Topics pages and a publication on lead exposure in construction.

Locate the appropriate OSHA area or regional office contact information for your audience and provide it to the class.

Show the class the NIOSH website: www.cdc.gov/niosh

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

- 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.
- 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 MSDSs or labels of the chemicals to which you are exposed.
- Public libraries have books, journals and magazines on various safety and health topics, as well as internet access.
- 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.

NOTES:

For additional information on OTI Education Centers, see <http://www.osha.gov/dte/edcenters/index.html>

For additional information on COSH groups, see: <http://www.coshnetwork.org/>

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C. How to file an OSHA complaint

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

- 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.
- 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.
- You can telephone 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.
- Note that if a hazard is life-threatening, call the Regional or local office or 1-800-321-OSHA immediately.

Completing the complaint form

Highlight the following about the complaint form prior to the Small Group Activity:

- 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.
- Establishment Name, Address, & 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.

NOTES:

A representative can also be an attorney or any person acting in a bona fide representative capacity, such as clergy, social workers, spouses, government officials and nonprofit groups.

Refer to Handout #11:

Identifying Safety and Health Problems in the Workplace

The complaint will be evaluated by OSHA to determine if an inspection will be conducted. For OSHA to conduct an inspection, there must be reasonable grounds to believe that a violation of the OSH Act or an OSHA standard exists.

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- 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 MSDSs if you can. Identify the location so the inspector will know where to look.
- 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.



Small Group Activity Filing an OSHA Complaint

Have the students break into groups of 3-5 people.

1. Refer to the Complaint form handouts which include the form, tips for completing the form, and complaint scenarios.
2. Have the class discuss the complaint scenario in their groups.
3. Ask each group to determine what information would be important to put on the complaint form and if any additional information is needed. Use the complaint scenario answers as a reference.
4. After a few minutes, bring class back together.
5. Ask for volunteers to share the information their groups decided was important and what other information should be added.

NOTES:

Refer to Handout #12a, #12b, or #12c Filing an OSHA Complaint: Use #12a for General Industry; Use #12b for Construction; Use #12c for Maritime Industry

Explain to the students the handout consists of tips on completing the form, the scenario specific to their industry, and the OSHA-7 Complaint form.

Sum up the activity by stressing that it is important to be specific and accurate when completing an OSHA complaint, as this is the information the CSO will use to research, plan and begin the investigation.

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Questions for Review

1. What are some resources inside the workplace that will help you find information on safety and health issues?
2. What are some resources outside the workplace that will help you find information on safety and health issues?

Answers:

1. *Co-workers, union rep, supervisor, MSDS, labels, manuals, etc.*
2. *OSHA, NIOSH, Educational Centers, Community Organizations, etc.*

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Session Summary

During this session, you have been introduced to basic information about your safety and health at work. We have covered:

- The importance of OSHA, including the history of safety and health regulation leading to the creation of OSHA and OSHA’s mission;
- Worker rights under OSHA;
- Employer responsibilities;
- OSHA standards;
- OSHA inspections; and
- Safety and health resources, including how to file a complaint.

NOTES:



Ask the class if there is any material that needs to be covered in more detail.

