

THE MCINTYRE GROUP
INSURANCE BROKERS & CONSULTANTS

For Your Safety

Understanding OSHA and Which Workplaces Must Comply

The bill that would lead to the Occupational Safety and Health Act went into effect on April 28, 1971. When Congress passed the bill, they made it clear that their intention was to ensure that every working individual in the nation would have healthful and safe working conditions. OSHA was then formed as a division of the Department of Labor. After being formed, it was given the power to enforce and set safety and health standards for American workplaces. In addition to this, the National Institute of Occupational Safety and Health, which is a research institute for disease control, was established. OSHA describes employers as any persons engaged in businesses that affect commerce and have employees. However, political subdivisions of individual states and the United States political divisions are not included.

Nearly all workplaces must comply with OSHA. Hospitals, offices of charities, private schools, labor unions, restaurants, construction companies, law firms, manufacturers and many more types of businesses must follow OSHA's regulations. Religious organizations that have employees for secular purposes are included. Family farms, people who are self employed and workplaces that are subject to other federal laws are exempt. Some examples of workplaces that are subject to other federal laws include nuclear weapons manufacturers, airlines, railroads and mining companies. State and local governments are also exempt. However, the United States Postal Service and other federal agencies are included.

Under OSHA regulations, employers are required to:

- Comply with and be familiar with applicable standards.
- Maintain practices that keep workers reasonably safe on the job.
- Make sure employees are provided with necessary protective equipment when applicable.

This is part of the General Duty clause. When OSHA acts on the clause, there must be four elements present:

- There must be a hazard.
- The hazard has to be recognized.
- The hazard is likely to cause serious injuries or death.
- It must be possible to correct the hazard.

Since it is difficult for OSHA to make rules, the division mostly focuses on mechanical and chemical hazards instead of procedural tasks. They currently focus on falls, electrical hazards, toxic substances, digging trenches, infectious diseases, hazardous waste, explosion dangers and machine hazards.

If an employee dies due to a work-related injury, an employer must report the death to OSHA within eight hours. This is also true if there are three or more workers hospitalized as a result of a workplace accident. Workplace injuries must always be reported in a timely manner. Reports must be kept on file for five years following an injury. Any on-the-job heart attacks must also be reported immediately. It is important for employers to communicate with their workers about hazards and procedures to avoid them. Technical guides and material safety data sheets should be available to all workers.

OSHA forbids employers from retaliating, discriminating against or discharging any employees for exercising their rights outlined in Section 11. Employees have the right to contact OSHA about concerns, participate in proceedings and participate in inspections. Some states adopt their own safety and health plans, which is permitted in Section 18 of OSHA. However, the state's standards must be effective in creating healthful and safe employment.



THE MCINTYRE GROUP
INSURANCE BROKERS & CONSULTANTS

Woodland Falls Corporate Park

220 Lake Drive East, Suite 210, Cherry Hill, NJ 08002

(P) 856-482-9900 • (F) 856-482-1888 • Email: lfunari@mcintyre-group.com



Luanne Funari
Vice President,

Director of Claims Management