

# WORKING CONSTRUCTION:

## Your Rights, Your Employer's Obligations



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# OSH ACT OF 1970

Working in construction can be dangerous, which is why the Occupational Safety and Health Administration (OSHA) was created by the Occupational Safety and Health (OSH) Act of 1970. According to its website, OSHA's mission statement is "to assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance." Beyond that, the agency is also tasked with enforcing a variety of whistleblower statutes and regulations. OSHA's regulations and workplace safety inspections have been shown to reduce the cost and rate of injuries without causing an adverse effect on employment, sales, credit ratings, or business survival.



## Employer Responsibilities as Defined by OSHA

The law requires employers to follow all of OSHA's safety and health standards. According to OSHA's guidelines for a safe workplace, employers must:

- Provide their workers with a workplace free of serious hazards.
- Try to eliminate or reduce hazards by making feasible changes in working conditions rather than solely relying on protective equipment such as masks, gloves, or earplugs (such as switching to safer chemicals, enclosing processes to trap harmful fumes, or using ventilation systems to clean the air, when applicable).
- Inform workers about chemical hazards through training, labels, alarms, color-coded systems, chemical information sheets and other methods.
- Provide safety training to workers in a language and vocabulary they can understand.
- Keep accurate records of work-related injuries and illness.
- Perform tests in the workplace, such as air sampling, required by some OSHA standards.
- Provide workers with personal protective equipment at no cost to them.
- Provide hearing exams or other medical tests when required by OSHA standards.
- Post OSHA citations and annually post injury and illness summary data where workers can see them.
- Notify OSHA within eight hours of a workplace fatality.
- Notify OSHA within 24 hours of all work-related inpatient hospitalizations, all amputations, and all instances when an employee loses an eye.
- Prominently display the official OSHA Job Safety and Health—It's the Law poster that describes rights and responsibilities under the OSH Act.
- Not retaliate or discriminate against workers for using their rights under the law, including their right to report a work-related injury or illness.



## Employee Rights as Defined by OSHA

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The law also provides employees with a set of rights under OSHA and the OSH Act. According to OSHA's list of employee rights, employees have the right to:

- Review all appropriate standards, rules, regulations, and requirements that should be available through the employer at the workplace.
- Have access to relevant employee exposure and medical records.
- Request an inspection from OSHA if they feel the workplace is not operating within OSHA standards.
- Have an employee representative (chosen by the union or employees if there is no union) accompany the OSHA compliance officer during the inspection.
- Receive a copy of the tests done to discover hazards in the workplace.
- Have their names withheld from their employer if they sign and file a written complaint.
- Be free of any retaliatory action taken by their employer because of an OSHA complaint.
- Review records of work-related injuries and illnesses.



## OSHA is responsible for enforcement

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OSHA is responsible for the enforcement of its standards. Compliance Safety and Health Officers conduct inspections and assess fines for regulatory violations. OSHA is a relatively small agency, employing approximately 2,400 inspectors to inspect more than 8 million workplaces, and according to the AFL-CIO, it would take OSHA 129 years to inspect all workplaces under its jurisdiction. This means that OSHA must prioritize their inspections to first focus on workplaces in particularly hazardous industries, workplaces that have recently seen multiple hospitalizations or a workplace fatality, and workplaces that have employees who have filed complaints or a request for an OSHA inspection.

In the situation where a workplace does not meet OSHA standards, it's important that employees request an OSHA inspection, since they rely on inspection requests and filed complaints to prioritize inspections. Noncompliance with OSHA standards and regulations can lead to injury, illness, or death.



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If you have been injured on the job, or believe that your rights, guaranteed to you through OSHA, have been violated, it's important that you contact a construction accident attorney immediately. At the Pottenger Law Firm, we handle our cases on a contingency basis, meaning we only get paid if we win your case. Call us today for a free consultation, or visit our website.