

Note to Section 4

When printing the sample OSHA poster (numbered page 3), “Shrink oversized pages to paper size” must be selected in the PRINT menu.

Do not print the entire file with the “Shrink” button selected, because header and footer margins can be affected. It is best to print the file in normal mode (i.e., do not click “Shrink” or “Expand”). Then, discard the poster and reprint that page only with “Shrink oversized pages to paper size” activated. Reinsert that page into the document.

GENERAL DUTY

Employers often ask, “Does OSHA require us to . . .” Unless the question is covered by a specific standard, the answer often depends on conditions unique to the particular activity or workplace – in other words, a definite “maybe.”

The OSH Act has a “General Duty Clause,” section 5(a)(1), 29 U.S.C. 654(b)(1), which provides that

(a) Each employer –

(1) 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 recognized hazard is a danger recognized by the employer’s industry or industry in general, by the employer, or by common sense. The general duty clause does not apply if there is an OSHA standard dealing with the hazard, unless the standard does not adequately address the hazard.

Safety and Health Programs

What this translates to is simply, ‘ you have a duty to look for hazards and if you discover any, address them to make the workplace safe.’ This open-ended requirement doesn’t allow us to bury our heads in the sand and hope for the best. It requires us to diligently try and give our employees a safe workplace.

Although Federal OSHA does not specifically require a comprehensive written safety program, they strongly encourage it. A systematic and formal approach to safety and health assures the greatest chance of a successful program. This manual is intended to assist the distributor in developing such a program.

Workers’ Rights

Employees must be informed of their right to expect a safe and healthy workplace. They also have other rights relating to this – such as the right to complain to OSHA if they believe their bosses are ignoring their responsibilities. As an employer, you are required to inform your employees of these rights by posting the OSHA “Workers’ Rights” poster, OSHA Form 3165.

Included in this section is a sample Workers' Rights poster, explaining workers rights and responsibilities, which you are required to post in a conspicuous place (bulletin board, lunch room, etc.) You may download the file and print the poster yourself on 8 ½ x 14" paper. It is available at:
<http://www.nwsa.com/Secure/safetyenviromdir.htm>

Help is Available

In addition to the OSHA Consultation Program and many publications available (See §38), the NWSA website contains of wealth of information and links to other sites offering interactive software, online safety advisory programs, etc. Also, Safety Consultant is available for consultation by phone, fax, email, or if desired, a personal visit can be arranged.

Mike Lopez
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P.O. Box 48; Trussville, AL 35173
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You Have a Right to a Safe and Healthful Workplace. IT'S THE LAW!

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in the inspection.
- You can file a complaint with OSHA within 30 days of discrimination by your employer for making safety and health complaints or for exercising your rights under the *OSH Act*.
- You have a right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.



The *Occupational Safety and Health Act of 1970 (OSH Act)*, P.L. 91-596, assures safe and healthful working conditions for working men and women throughout the Nation. The Occupational Safety and Health Administration, in the U.S. Department of Labor, has the primary responsibility for administering the *OSH Act*. The rights listed here may vary depending on the particular circumstances. To file a complaint, report an emergency, or seek OSHA advice, assistance, or products, call 1-800-321-OSHA or your nearest OSHA office: • Atlanta (404) 562-2300 • Boston (617) 565-9860 • Chicago (312) 353-2220 • Dallas (214) 767-4731 • Denver (303) 844-1600 • Kansas City (816) 426-5861 • New York (212) 337-2378 • Philadelphia (215) 861-4900 • San Francisco (415) 975-4310 • Seattle (206) 553-5930. Teletypewriter (TTY) number is 1-877-889-5627. To file a complaint online or obtain more information on OSHA federal and state programs, visit OSHA's website at www.osha.gov. If your workplace is in a state operating under an OSHA-approved plan, your employer must post the required state equivalent of this poster.

1-800-321-OSHA www.osha.gov

U.S. Department of Labor  • Occupational Safety and Health Administration • OSHA 3165

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