

## OSHA Scope of the Act

### I. Purpose and intent

The declared purpose and intent of the Federal Occupational Safety and Health Act is to ensure every working man and woman in the nation safe and healthful working conditions and to preserve our human resources.

### II. Coverage

- A. The provisions of the law apply to every employer engaged in a business affecting interstate commerce who has one or more employees.
- B. The law applies in all 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake, Johnston Island, Outer Continental Shelf Lands and the Canal Zones.

### III. Employer's duties

Each employer shall furnish each employee employment and a place of employment free from recognized hazards, causing or likely to cause death or serious injury.

- A. Comply with all safety and health standards of the Act.
- B. Make all employees aware of their rights and obligations under the Act.
- C. Train employees in the proper use of personal protective equipment.
- D. Ensure that only trained and experienced personnel are permitted to operate machinery and equipment.
- E. Permit inspection of premises or operations by the compliance officer.
- F. Apprise employees of all hazards to which they are exposed.
- G. Provide monitoring of locations where employees are exposed to toxic materials.

### IV. Employees rights

The Act guarantees certain rights to employees, including:

- A. Inspection made if they believe a violation of a safety or health standard threatens physical harm, or that an imminent danger exists.
- B. Have regulations posted informing them of protections afforded by the Act.
- C. Have an employee representative accompany the compliance officer in his inspection of a work place.
- D. Question, and be questioned by, the compliance officer regarding any job or safety violation of the Act.
- E. Have access to all employer records relating to monitoring and measurement of toxic materials and be provided with a record of their own personal exposure.
- F. Medical examination or other tests to determine whether their health is adversely affected by such exposure.
- G. Be informed of citations made to employers; be aware of the time allowed for abatement of violations; be advised of variance requests asked for or granted.

### V. Forms

Federal regulations provide for recordkeeping requirements, including utilization of the following:

#### A. Poster

The employees must be informed of the Act by posting in a prominent place a copy of the OSHA Poster.

**B. Log and summary of occupational injuries and illnesses**

OSHA Form 300: Required for employers with 11 or more employees in the following industries: Agriculture, Forestry, Fishing, Construction, Manufacturing, Transportation, Public Utilities, Wholesale Trade. Employers may post only the last page of the log to satisfy employee access provision.

**C. Supplementary record**

1. OSHA Form 101 or state “Employers First Report of Injury”: required for employers with 11 or more employees.

2. Detailed report on each accident.

Note: The following SIC Codes are exempted from B & C – 55-67, 72, 73, 78, 81-86, 88 and 89.

**VI. Standards**

In addition to a general duty clause to provide a safe place to work, the Code of Federal Regulations (CFR) provides for specific standards to be met.

**A. General industry (CFR 1910)**

**B. Specific industries**

1. Construction (CFR 1926)
2. Ship building, breaking and repairing (CFR 1915, 1916, 1917)
3. Longshoring (CFR 1918)

**VII. Citations**

Failure to comply with provisions of the Act will result in citations based on the seriousness of the violation.

**A. Serious**

1. Substantial probability of death or serious physical harm.

2. Employer knew, or should have known hazard existed.

3. Examples:

- a. Broken leg
- b. Sprain

**C. Special**

1. Willful
2. Repeated
3. Uncorrected

**D. Imminent danger**

1. Reason to expect a serious injury to occur.
2. Court order may be obtained to shut down operation.

**E. De Minimis notice**

**VIII. Penalties**

In addition to requiring the abatement of violations within a specific time period, citations will also provide for penalties, as follows:

- A. Up to \$7,000 for serious or nonserious violations.
- B. Up to \$70,000 and six (6) months in jail for willful violations, involving a death.
- C. Up to \$7,000 per day for violations unabated.
- D. Adjustments:
  1. Gravity factor
  2. Good faith
  3. Business size
  4. History of violations
  5. Correction within abatement period.

Contact your local Great American Loss Prevention Specialist for additional information.

The loss prevention information and advice presented in this brochure are intended only to advise our insureds and their managers of a variety of methods and strategies based on generally accepted safe practices, for controlling potentially loss producing situations commonly occurring in business premises and/or operations. They are not intended to warrant that all potential hazards or conditions have been evaluated or can be controlled. They are not intended as an offer to write insurance coverage for such conditions or exposures, or to imply that Great American Insurance Company will write such coverage. The liability of Great American Insurance Company is limited to the specific terms, limits and conditions of the insurance policies issued.