

FEDERAL & STATE  
REGULATIONS  
OSHA / WISHA

## **OSHA**

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The Occupational Safety and Health Act of 1970 (OSHAct) established the Occupational Health and Safety Administration (OSHA) within the Department of Labor. Organized labor worked hard to support the creation of OSHA. OSHA's job is to write and enforce health and safety laws (standards, rules, regulations) to protect workers. OSHA standards apply to all employers regardless of size.

### **Employer Responsibilities**

#### **Your employer must:**

- • **Provide a safe and healthy workplace.**  
The employer must provide a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees. This responsibility is commonly referred to as the “**general duty clause**” [Section 5 (a) (1)] of the OSHAct.
- • **Comply with OSHA standards.**  
Employers must comply with OSHA regulations contained in either the **General Industry Standards (29CFR1910)** or the **Construction Industry Standards (29 CFR1926)**. If there is a conflict between two standards, the most protective standard must be used and enforced. Remember that **all** construction standards are applicable on hazardous waste sites.

### **Employee Responsibilities:**

#### **You must ...**

- • **Follow your employer's safety rules -**  
Employees must wear provided personal protective equipment and follow the employer's safety rules. You cannot be cited or fined by OSHA, but your employer can discipline you for violating work place safety rules.
- • **Bring safety and health concerns to the attention of your union or management-**  
Tell your job steward, supervisor, or business agent about health and safety concerns on the job. **Section 11(c) of the OSHAct** prohibits disciplining or discriminating against any worker for using their OSHA rights, including filing a complaint. Your union can also help you to use your rights.

## *Legal Rights & Responsibilities*

### ■ **Know about health hazard information.**

You have the right to be notified if you are exposed to occupational hazards and to be notified of the results of occupational health studies conducted by the employer or by OSHA.

You or your union representative should submit a written request for all instrument readings or levels of contaminants found. A copy of the lab report should also be requested from OSHA.

### ■ **File a discrimination complaint.**

If you have been discriminated against for using your OSHA rights, you have the right to file a complaint with the OSHA area office within 30 days. This time limit is strictly enforced.

### ■ **Access your medical records.**

You have the right to see and to copy any medical records about you that the employer has. **Your employer is required by 1926.33 (and 1910.1020) to maintain your medical records for 30 years after you leave employment.** If you are employed for less than one year, the employer can maintain your records or give them to you when you leave the job. (See Chapter 8, pages 12-14.)



# Accident Prevention Program (APP)

WAC 296-800-140

## Rule

WAC 296-800-14005

Develop a formal, written accident prevention program (APP)

### You must

- Develop a formal accident prevention program that is outlined in writing. The program must be tailored to the needs of your particular workplace or operation and to the types of hazards involved.



#### Note:

The term "accident prevention program" refers to your written plan to prevent accidents, illnesses, and injuries on the job. Your accident prevention program may be known as your safety and health plan, injury prevention program, or by some other name.

### You must

- Make sure your Accident Prevention Program contains at least the following elements:
  - A safety orientation:
    - A description of your total safety and health program.
    - On-the-job orientation showing employees what they need to know to perform their initial job assignments safely.
    - How and when to report on-the-job injuries including instruction about the location of first-aid facilities in your workplace.
    - How to report unsafe conditions and practices.
    - The use and care of required personal protective equipment (PPE).
    - What to do in an emergency, including how to exit the workplace.
    - Identification of hazardous gases, chemicals, or materials used on-the-job and instruction about the safe use and emergency action to take after accidental exposure.
  - A safety and health committee (WAC 296-800-130)

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# Accident Prevention Program (APP)

WAC 296-800-140

## Rule

WAC 296-800-14020

Develop, supervise, implement, and enforce safety and health training programs that are effective in practice

### You must

- Develop, supervise, implement, and enforce training programs to improve the skill, awareness, and competency of all your employees in the field of occupational safety and health.
- Make sure training includes on-the-job instruction to employees prior to their job assignment about hazards such as:
  - Safe use of powered materials-handling equipment such as forklifts, backhoes, etc.
  - Safe use of machine tool operations
  - Use of toxic materials
  - Operation of utility systems



### Helpful Tool:

#### Training Documentation Form

The sample Training Documentation Form can help you verify in writing that each employee who needs training has received and understood it. You can find a copy of this sample form in the Resource Section of this book.

# Employer Responsibilities: Safe Workplace

WAC 296-800-110

## Rule

### WAC 296-800-11005

#### Provide a workplace free from recognized hazards

##### You must

- Provide your employees a workplace free from recognized hazards that are causing, or are likely to cause, serious injury or death.



##### Note:

A hazard is recognized if it is commonly known in the employer's industry, or if there is evidence that the employer knew or should have known of the existence of the hazard, or if it can be established that any reasonable person would have recognized the hazard.

### WAC 296-800-11010

#### Provide and use means to make your workplace safe

##### You must

- Provide and use safety devices, safeguards, and use work practices, methods, processes, and means that are reasonably adequate to make your workplace safe.
  - Don't remove, displace, damage, destroy or carry off any safety device, safeguard, notice or warning, furnished for use in any employment or place of employment.
  - Don't interfere with use of any of the above.
  - Don't interfere with the use of any method or process adopted for the protection of any employee.
  - Do everything reasonably necessary to protect the life and safety of your employees.





# Employer Responsibilities: Safe Workplace

WAC 296-800-110

## Rule

WAC 296-800-11015

Prohibit employees from entering, or being in, any workplace that isn't safe

### You must

- Prohibit employees from entering, or being in, any workplace that isn't safe.

WAC 296-800-11020

Construct your workplace so it's safe

### You must

- Not construct, or cause to be constructed, a workplace that isn't safe.
  - This rule applies to employers, owners, and renters of property used as a place of employment.

WAC 296-800-11025

Prohibit alcohol and narcotics from your workplace

### You must

- Prohibit alcohol and narcotics from your workplace, except in industries and businesses that produce, distribute, or sell alcohol and narcotic drugs.
- Prohibit employees under the influence of alcohol or narcotics from the worksite.



#### Exemption:

Employees who are taking prescription drugs, as directed by a physician or dentist, are exempt from this section, if the employees aren't a danger to themselves or other employees.

# Employer Responsibilities: Safe Workplace

WAC 296-800-110

## Rule

### WAC 296-800-11030

Prohibit employees from using tools and equipment that aren't safe

#### You must

- Take responsibility for the safe condition of tools and equipment used by employees.



#### Note:

This applies to all equipment, materials, tools, and machinery whether owned by the employer or under control of another firm or individual.

### WAC 296-800-11035

Establish, supervise, and enforce rules that lead to a safe and healthy work environment that are effective in practice

#### You must

- Establish, supervise, and enforce rules that lead to a safe and healthy work environment that are effective in practice.



## **ELEMENTS OF A WRITTEN SAFETY AND HEALTH PLAN**

General requirements according to the OSHA Hazard Communication Standard (HAZ COM) [29 CFR 1910.120(b)(b)(ii)] include:

- Safety and health analysis for site tasks and operations
- Employee training
- Personal protection equipment selection and maintenance
- Medical surveillance program
- Environmental and personnel monitoring strategy and protocol
- Site control measures
- Equipment and personnel decontamination
- Emergency Response Plan
- Confined Space entry procedures
- Spill Containment Program
- Organizational Structure for Safety

# Employee Responsibilities

WAC 296-800-120

## Rule

### EMPLOYEE'S RESPONSIBILITY:

To play an active role in creating a safe and healthy workplace and comply with all applicable safety and health rules



#### Note:

Employees may discuss and participate in any WISHA safety and health related practice and may refuse to perform dangerous tasks without fear of discrimination. Discrimination includes: dismissal, demotion, loss of seniority, denial of a promotion, harassment, etc. (see Chapter 296-360 WAC, Discrimination) pursuant to RCW 49.17.160 for a complete description of discrimination and the department's responsibility to protect employees.

### WAC 296-800-12005

#### Employees must

- Study and follow all safe practices that apply to their work.
- Coordinate and cooperate with all other employees in the workplace to try to eliminate on-the-job injuries and illnesses.



#### Helpful Tool:

##### Report of a Workplace Hazard

Employees are encouraged to use the Report of a Workplace Hazard form to help carry out the accident prevention program in their workplace. You can find a copy of the form in the Resource Section of this book.

- Apply the principles of accident prevention in their daily work and use proper safety devices and protective equipment as required by their employment or employer.

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<http://www.lni.wa.gov/>

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# Employee Responsibilities

WAC 296-800-120

## Rule

### WAC 296-800-12005 (Continued)

- Take care of all personal protective equipment (PPE) properly.
- Not wear torn or loose clothing while working around machinery.



**Note:**

Things such as clothing, hair, and jewelry can get caught in machinery and be a hazard on the job.



### Employees must

- Report promptly to their supervisor every industrial injury or occupational illness.
- Not remove, displace, damage, or destroy or carry off any safeguard, notice, or warning provided to make the workplace safe.
- Not interfere with the use of any safeguard by anyone in the workplace.
- Not interfere with the use of any work practice designed to protect them from injuries.
- Do everything reasonably necessary to protect the life and safety of employees.



**Helpful Tool:**

**Employees Rights under WISHA**

Refer to this Helpful Tool to see a brief description of your WISHA rights as an employee. WISHA protects employees' rights to participate in the creation of a safe and healthy workplace without fear of discharge, retaliation, or discrimination. To learn more about employees' WISHA rights, see WAC 296-360-010 and RCW 49.17.160. You can find a copy of this form in the Resource Section of this book.



# Safety Committees & Safety Meetings

WAC 296-800-130

## Summary

### IMPORTANT:

This rule requires you to have a method of communicating and evaluating safety and health issues brought up by you or your employees in your workplace. Larger employers must establish a safety committee. Smaller employers have the choice of either establishing a safety committee or holding safety meetings with a management representative present.

There is a difference between a safety committee and a safety meeting.

- A safety committee is an organizational structure where members represent a group. This gives everyone a voice but keeps the meeting size to an effective number of participants.
- A safety meeting includes all employees and a management person is there to ensure that issues are addressed. Typically, the safety committee is an effective safety management tool for a larger employer and safety meetings are more effective for a smaller employer.

### YOUR RESPONSIBILITY:

**To establish a safety committee or hold safety meetings to create and maintain a safe and healthy workplace for all employees**

#### You must

Establish and conduct safety committees  
WAC 296-800-13020 .....Page 130-2

Follow these rules to conduct safety meetings  
WAC 296-800-13025 .....Page 130-4



# Safety Committees & Safety Meetings

WAC 296-800-130

## Rule

WAC 296-800-13020

Establish and conduct safety committees

### You must

IF:	THEN:
You employ 11 or more employees on the same shift at the same location	You must establish a safety committee

### You must

(1) Establish a safety committee.

- Make sure your committee:
  - Has employee-elected and employer-selected members.
    - The number of employee-elected members must equal or exceed the number of employer-selected members.



**Note:**

Employees selected by the employees bargaining representative or union qualify as employee-elected.

- The term of employee-elected members must be a maximum of one year. (There is no limit to the number of terms a representative can serve.)
- If there is an employee-elected member vacancy, a new member must be elected prior to the next scheduled meeting.
- Has an elected chairperson.
- Determines how often, when, and where, the safety committee will meet.

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# Safety Committees & Safety Meetings

WAC 296-800-130

## Rule

### WAC 296-800-13020 (Continued)



**Note:**

- Meetings should be one hour or less, unless extended by a majority vote of the committee.
- If the committee cannot agree on the frequency of meetings, the department of labor and industries regional safety consultation representative should be consulted for recommendations. (See the resources section of this book for contacts.)

### You must

**(2)** Cover these topics.

- Review safety and health inspection reports to help correct safety hazards.
- Evaluate the accident investigations conducted since the last meeting to determine if the cause(s) of the unsafe situation was identified and corrected.
- Evaluate your workplace accident and illness prevention program and discuss recommendations for improvement, if needed.
- Document attendance.
- Write down subjects discussed.

**(3)** Record meetings.

- Prepare minutes from each safety committee and:
  - Preserve them for one year
  - Make them available for review by safety and health consultation personnel of the Department of Labor and Industries.



# Safety Committees & Safety Meetings

WAC 296-800-130

## Rule

WAC 296-800-13025

Follow these rules to conduct safety meetings

### You must

IF:	THEN:
You have 10 or less employees <b>or</b> If you have 11 or more that meet these conditions: <ul style="list-style-type: none"><li>• Work on different shifts and 10 or less employees are on each shift</li></ul> <b>or</b> <ul style="list-style-type: none"><li>• Work in widely separated locations and 10 or less employees are at each location</li></ul>	You may choose to hold a safety meeting instead of a safety committee

### You must

(1) Do the following for safety meetings:

- Make sure your meetings:
  - Are held monthly. You may meet more often to discuss safety issues as they come up.
  - Have at least one management representative.

(2) Cover these topics

- Review safety and health inspection reports to help correct safety hazards.
- Evaluate the accident investigations conducted since the last meeting to determine if the cause(s) of the unsafe situation was identified and corrected.



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# Safety Committees & Safety Meetings

WAC 296-800-130

## Rule

### WAC 296-800-13025 (Continued)

- Evaluate your workplace accident and illness prevention program and discuss recommendations for improvement, if needed.
- Document attendance.
- Write down subjects discussed.



**Note:**

There are no formal documentation requirements for safety meetings except for writing down who attended and the topics discussed.

