

2—The Occupational Safety and Health Act of 1970

is no provision for government sanctions against an employee for failure to comply with the employee's duty. While some may view the latter as unjust, significantly, it was not one of the controversial issues in the formative stages of the Act.

Both management and organized labor have long agreed that safety and health on the job is a management responsibility. The business community generally did not want the law structured to provide for government sanctions against an erring employee because there are measures which management can invoke against an employee who obstructs the employer's efforts to provide a safe workplace.

While the law expressly places upon each employee the obligation to comply with the standards, final responsibility for compliance with the requirements of the Act remains with the employer. Employers thus should take all necessary action to assure employee compliance with the promulgated standards and establish within their safety system a means whereby they become aware of situations where employees are not complying with applicable standards.

The OSHA poster

The OSHA poster (see Fig 2-1) must be prominently displayed in a conspicuous place in the workplace where notices to employees are customarily posted. The poster informs employees of their rights and responsibilities under the Act.

Employee rights

While the employee has the legal duty to comply with all the standards and regulations issued under the OSHA Act, there are many employee rights that are also incorporated in the Act. Since these rights may affect labor relations as well as labor negotiations, employers as well as employees should be aware of the employee rights contained in the Act. Employee rights fall into three main areas and are related to (a) standards, (b) access to information, and (c) enforcement.

With respect to standards:

- 1 Employees may request OSHA to begin proceedings for adoption of a new standard or to amend or revoke an existing one.

- 2 Employees may submit written data or comments on proposed standards and may appear as an interested party at any hearing held by OSHA.
- 3 Employees may file written objections to a proposed federal standard and/or appeal the final decision of OSHA.
- 4 Employees must be informed when an employer applies for a variance of a promulgated standard.
- 5 Employees must be afforded the opportunity to participate in a variance hearing as an interested party and have the right to appeal OSHA's final decision.

With respect to access to information.

1. Employees have the right to information from the employer regarding employee protections and obligations under the Act.
2. Affected employees have a right to information from the employer regarding the toxic effects, conditions of exposure and precautions for safe use of all hazardous materials in the establishment by means of labeling or other forms of warning where such information is prescribed by a standard.
3. If employees are exposed to harmful materials in excess of levels set by the standards, the affected employees must be so informed by the employer and the employer must also inform the employees thus exposed what corrective action is being taken.
4. If a compliance officer determines that an alleged imminent danger exists, he must inform the affected employees of the danger and that he is recommending that relief be sought by court action if the imminence of such danger is not eliminated.
5. Upon request, employees must be given access to records of their history of exposure to toxic materials or harmful physical agents which are required to be monitored or measured and recorded.
6. If a standard requires monitoring or measuring hazardous materials or harmful physical agents, employees must be given the