

SAFETY AND HEALTH PROTECTION ON THE JOB

The Minnesota Occupational Safety and Health Act of 1973 (Minnesota Statutes Chapter 182) provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the state. The act provides coverage for all public-sector employees, except federal, and all private-sector employees, except domestic and those under exclusive federal jurisdiction.

The Minnesota Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA), has the sole responsibility of administering the act. Minnesota OSHA adopts occupational safety and health standards and its occupational safety and health investigators conduct inspections to ensure compliance with the act.

EMPLOYERS: Must furnish to their employees conditions and places of employment free from recognized hazards that are causing or are likely to cause death, serious injury or harm to the employees; shall comply with the occupational safety and health standards issued by Minnesota OSHA.

EMPLOYEES: Must comply with all occupational safety and health standards, rules, regulations and orders issued under the act that apply to their own actions and conduct on the job.

INSPECTION: The act requires that a representative of the employer and an authorized representative of the employees be given an opportunity to accompany the occupational safety and health investigator for the purpose of aiding the inspection. The authorized employee representative, by participating in the inspection, shall not lose any privilege or payment that would have otherwise been earned and shall be given the opportunity to participate in any conference or discussion held prior to or during any inspection. Where there is no authorized employee representative available, the investigator will consult with a reasonable number of employees concerning safety and health conditions in the workplace.

CITATION: If, upon inspection, Minnesota OSHA believes an employer has violated the act, a citation alleging such violations will be issued to the employer. Each citation will specify a time period within which the alleged violation must be corrected. In the event that an investigator finds a condition or practice in any place of employment that presents substantial probability of a fatality or serious physical harm, the investigator shall, after consultation with the commissioner, issue an order that prohibits such practices until corrected. The order shall remain in effect for a maximum of 72 hours.

PENALTIES: Under the Minnesota OSH Act, an employer may be issued a penalty of up to \$7,000 for each serious violation of the act or occupational safety and health standards. An employer who willfully or repeatedly violates the act or safety and health standards may be assessed penalties of up to \$70,000 for each violation. Failure to correct a violation by the abatement date set out in a citation may result in penalties of up to \$7,000 for each day the violation remains uncorrected.

PROHIBITED DISCRIMINATION: Employees shall not be discharged or in any way discriminated against by any person for making a safety and health complaint to any person, including their employer and Minnesota OSHA, or for exercising, on their own behalf or on the behalf of others, any other right they have under the Minnesota OSH Act. An employee who believes he/she has been discriminated against for the exercise of their rights under the Minnesota OSH Act may file a complaint with Minnesota OSHA within 30 days of the alleged discrimination.

PERSONAL PROTECTIVE EQUIPMENT: When required by the standards, personal protective equipment must be provided to employees by and at the cost of the employer.

TRAINING: Training required by the standards must be made available to employees by and at the cost of the employer.

REPORTING FATALITIES/CATASTROPHES: Employers must report work-related incidents that result in the death of an employee or the in-patient hospitalization of three or more employees to Minnesota OSHA. Reports must be made within eight hours to 1-877-470-6742 or any Minnesota OSHA office. After normal business hours and on weekends and holidays, reports must be made within eight hours to the federal OSHA toll-free hotline at 1-800-321-OSHA (1-800-321-6742).

CASPA (Complaint Against State Program Administration): If you wish to register a complaint concerning the administration of the Minnesota Occupational Safety and Health Act contact:

U.S. Department of Labor – OSHA
230 S. Dearborn Street
Chicago, IL 60604
Phone: (312) 353-2220

If any serious violation causes or contributes to the death of an employee, the minimum nonnegotiable penalty is \$25,000. However, if the employer has fewer than 50 employees, they shall be assessed an initial penalty of \$5,000 and an additional penalty of \$5,000 for each of the following four years. The commissioner may elect to waive the \$5,000 penalty for any of the following four years, if the employer received no citations in the preceding calendar year. Also, if the employer has fewer than 50 employees and the employee who died owned a controlling interest in the business or enterprise, the nonnegotiable penalty does not apply unless the commissioner determines a penalty shall be assessed. If any willful, repeated or failure to correct violation causes or contributes to the death of an employee, the minimum nonnegotiable fine is \$50,000.

Criminal penalties are also provided for in the act for an employer that willfully or repeatedly violates the act or occupational safety and health standards. Upon a first conviction, a penalty of up to \$70,000 and imprisonment of up to six months may be imposed. A second conviction may be punished by a penalty of up to \$100,000 and imprisonment of up to one year. In addition, a person who knowingly makes any false statement, representation or certification in any application, record, plan or other document filed or required to be maintained by the act may be punished by a fine of up to \$20,000 and imprisonment of up to six months.

COMPLAINTS: Employees or their representatives may file a complaint with Minnesota OSHA and request an inspection if they believe unsafe or unhealthful conditions exist in their workplace. The department will withhold the names of employees filing a complaint upon request of those employees. Complaints can be filed through any Minnesota OSHA office by telephone or letter, or electronically through the federal OSHA Web site (www.osha.gov).

RIGHT TO REFUSE TO WORK: An employee acting in good faith has the right to refuse to perform tasks or work under conditions the employee reasonably believes present an imminent danger of death or serious physical harm to the employee, if the employee first requests that his/her employer correct the hazardous conditions and the conditions remain uncorrected. An employer may not discharge or otherwise discriminate against an employee who exercises this right. There is, however, no right under the Minnesota OSH Act for an employee to simply leave the workplace because of potentially unsafe conditions.

An employee who has refused, in good faith, to perform assigned tasks and who has not been reassigned to other tasks by his/her employer, shall receive pay for the tasks not performed if the employee requests the commissioner to inspect and determine the nature of the hazardous condition, and the commissioner determines the employee, by performing the tasks, would have been placed in imminent danger of death or serious physical harm.

VOLUNTARY COMPLIANCE: Minnesota OSHA encourages employers and employees to reduce hazards voluntarily and to develop and improve safety and health programs in all workplaces and industries. Employers and employees may receive assistance in achieving voluntary compliance by contacting any Minnesota OSHA office.

CONSULTATION: Workplace Safety Consultation (WSC) is a confidential, non-enforcement service that provides free safety and health consultation services to private- and public-sector employers. WSC is separate from OSHA enforcement operations. Upon employer request, a consultant will visit a worksite and provide assistance. WSC encourages employers to request a complete hazard identification survey. This type of visit covers all of an employer's worksite operations and conditions, and emphasizes illness and injury prevention for employees. The consultant also provides assistance in establishing an effective workplace safety and health management system. Limited consultation visits focusing on specific issues are also available. For more information about services available or to request a consultation visit, call (651) 284-5060 or call toll-free 1-800-657-3776.

MORE INFORMATION: Contact your employer or the nearest MNOSHA office to report unsafe conditions at worksites, learn about health and safety regulations, receive copies of specific standards and compliance guidelines or obtain more detailed information about your rights and responsibilities.

St. Paul office

443 Lafayette Road N.

St. Paul, MN 55155-4307

Toll-free: 1-877-470-OSHA (1-877-470-6742)

Phone: (651) 284-5050

Fax: (651) 284-5741

Duluth office

5 N. Third Ave. W., Suite 402

Duluth, MN 55802-1611

Phone: (218) 733-7830

Mankato office

Nichols Office Center, Suite 520

Mankato, MN 56001

Phone: (507) 389-6507

OSHA information is also available on the Department of Labor and Industry Web site, at www.doli.state.mn.us, and the federal OSHA Web site, at www.osha.gov.



This poster must be permanently posted where it will be readily observable by affected employees.



Revised September 2003