The Occupational Safety and Health Administration (OSHA) is the federal agency responsible for protecting the health and safety of workers. It makes sure that employers comply with occupational safety and health regulations and keep the workplace safe.

Federal OSHA encourages states to develop and operate their own OSHA programs. These state health and safety programs are approved, monitored, and partially funded by federal OSHA. State programs (also called “state plans”) must be at least as protective as federal OSHA.

There are currently 26 states and U.S. territories operating state OSHA programs.

These include:

- Alaska
- Arizona
- California
- Connecticut*
- Hawaii
- Indiana
- Iowa
- Kentucky
- Maryland
- Michigan
- Minnesota
- New Jersey*
- New Mexico
- New York*
- North Carolina
- Oregon
- Puerto Rico
- South Carolina
- Tennessee
- Utah
- Vermont
- Virginia
- Virgin Islands
- Washington
- Wyoming

State OSHA programs must cover public (state and local government) employees as well as private sector employees. (*Note: The CT, NJ and NY plans cover only public sector employees. Federal OSHA covers private employers in these states.) In states without a state plan, federal OSHA only covers the private sector employees so public school employees are not covered. You can find your state OSHA program by going to www.osha.gov/dcsp/osp.

Almost all workers are protected by OSHA—either through federal OSHA, or if they have a state OSHA program in their state, by their state plan. However, some workers are not covered:

- People who are self-employed.
- Family members of farm owners who work on the family farm.
- Public employees (including school employees) in states without their own state OSHA program. In these states, their state Department of Labor or other agency may have a special program to protect public employees.
- Federal employees. These workers are covered by their own agencies which have to follow federal OSHA requirements.
Federal and state OSHA programs have regulations (called “standards”) which define a minimum level of protection for workers. OSHA conducts inspections of workplaces to enforce these standards. There are also written materials, educational programs and a free Consultation Service to help employers and employees understand OSHA standards.

What Are Employer Responsibilities Under OSHA?

Employers must:

- Provide their employees with work and workplaces that are safe and healthy.
- Correct any hazardous conditions that they know may result in serious injury to their employees. Failure to do so could result in criminal charges, monetary penalties, and even jail time.
- Comply with all applicable OSHA standards, including any training requirements. For example, provide information and training on any chemicals used or stored at the workplace in a language and manner that are understandable to employees.
- Notify the nearest OSHA office of any serious injury or fatality that occurs on the job, or any serious illness caused by the job. Any in-patient hospitalization of 3 or more employees as a result of a work-related incident must also be reported right away.
- Display OSHA's Safety and Health Protection on the Job poster so that workers are aware of their basic rights and responsibilities.

What Are Employee Responsibilities?

- Follow all safety rules and instructions.
- Use safety equipment and protective clothing when needed.
- Look out for the health and safety of co-workers.
- Keep work areas clean and neat.
- Know what to do in an emergency.
- Report any health and safety hazards to the employer.
How Does OSHA Help Employers?

The OSHA Consultation Service provides technical assistance to employers on health and safety problems. Consulting services include free on-site visits, assistance in complying with OSHA standards, educational seminars, and publications. Although primarily a service for employers, the Consultation Service is also available to workers.

The Consultation Service can give employers information on how to improve workplace injury and illness prevention programs and how to participate in OSHA’s Voluntary Protection Program (VPP). The VPP is a certification program that recognizes employers whose occupational safety and health efforts are especially effective and meet certain guidelines.

The Consultation Service is separate from the OSHA Enforcement Unit, and consultants are not involved with enforcement activities such as inspections, citations, and fines. All communications between the employer and the Consultation Service are confidential and are not shared with enforcement staff. In exchange for this free consultation, however, employers must agree to correct in a timely manner any serious hazards that are identified. To find the OSHA Consultation Directory, go to www.osha.gov.dcsp/smallbusiness/consult.html.

OSHA publications provide information about OSHA programs, standards, and general health and safety topics. You can obtain copies of OSHA publications by going to www.osha.gov/pls/publications.

What Are OSHA Standards?

Standards (technically called “regulations”) describe what employers must do to protect workers from various workplace hazards. Some standards are general and apply to nearly all workplaces, such as the Hazard Communication standard. Other standards are about specific hazards found only in some workplaces, such as the Lead, Asbestos, and Fall Protection standards. Specific standards set out detailed rules that must be followed or minimum levels of protection that must be achieved for a particular hazard.

OSHA’s specific standards cover a wide variety of workplace safety issues, including:

- Tripping and falling hazards
- Toxic substances
- Machine hazards
- Heat illness prevention
- Hazardous equipment
- Electrical hazards
• Hazardous waste
• Infectious diseases
• Fire and explosion hazards
• Trenches
• Confined spaces
• Use of respirators
• Specific operations

Finding OSHA Standards

You can find out about standards that may apply to your workplace by visiting the OSHA website at www.osha.gov. To find standards on the OSHA website (in English):

1. Go to www.osha.gov
2. Click on “Regulations” at the top of the page.
4. Scroll down until you see the name of the standard you are looking for and click on it. You can also type a word or phrase into the Search Bar. You can also type a standard number into the search bar if you already know it. The full text of all OSHA standards are online.
5. To find out how OSHA has interpreted a standard or an issue type in “Letters of Interpretation” into the Search Bar.

How Are OSHA Standards Enforced?

OSHA enforces job safety and health standards by conducting inspections and, in some cases, issuing citations and fines. OSHA inspects workplaces when it receives a report of a death or serious injury, or when there is a complaint by an employee or employee representative.
OSHA may also inspect workplaces that are on its list of “high hazard” industries. In this case, OSHA randomly selects a workplace for inspection. OSHA may also inspect an employer because it has been identified as having a higher injury rate than other employers in its industry.

How Are OSHA Complaints Handled?

A complaint about a workplace hazard can be filed with OSHA by phone, fax, mail, or online. A “formal” complaint is one where the employee or employee representative gives OSHA his/her name. If the person gives a name, OSHA is required to keep it confidential.

If a worker wants to remain anonymous and does not give a name, the complaint is considered a “non-formal” complaint. Complaints from the public, including former employees of a company, are also considered non-formal.

Each complaint is classified by the OSHA Enforcement district office to determine what inspection priority the complaint should be given. Complaints about an “imminent” hazard that puts a worker in immediate danger of being killed or seriously injured are given immediate priority for investigation. Work-related deaths are also investigated immediately. OSHA gives non-formal complaints lower priority.

What Happens During a OSHA Inspection?

OSHA inspectors first request permission from an employer to conduct an inspection. If permission is refused, OSHA can obtain an inspection warrant. OSHA inspectors will request that a worker representative be contacted and invited to accompany the employer and inspector on the inspection. If a worker representative is not available, the inspector must interview workers in private during the inspection. The inspection process begins with an opening conference between the OSHA inspector and the employer to gather preliminary information, discuss the reason for the inspection, describe what areas it will cover, explain the procedure, and obtain the employer’s consent to the inspection. The OSHA inspector then conducts a “walkaround” inspection. This may include looking at written records and/or conducting air monitoring. After the inspection is complete, the OSHA inspector holds a closing conference with the employer to discuss any alleged violations that were found and any requirements for correcting the hazardous conditions. The inspector will also explain any citations or fines that will be proposed.

What Happens After a OSHA Inspection?

After an inspection, if OSHA believes that an employer has violated any standards or regulations, the agency issues a citation. Citations describe the alleged violations, list any proposed penalties (fines), and give a deadline for correcting the hazards.
There are several categories of violations: serious, willful, repeat, failure to abate, or other-than-serious. Penalties are based on the category as well as the severity and extent of the violation. For a “serious” violation, the penalty can be up to $25,000. Penalties can be adjusted based on the size, good faith, and history of the employer. OSHA has specific criteria it uses to evaluate an employer’s good faith.

The citation must be posted by the employer at or near each place where a serious violation occurred. For other violations, the citation must be posted in a place readily seen by all employees. It must be posted for a period of three working days or until the problem is corrected, whichever is longer.

Can Employers Appeal OSHA Citations?

Yes. Employers who receive a citation may appeal to OSHA’s Area Director and then to the Occupational Safety and Health Review Commission to try to change the violations cited, the penalties proposed, the deadline for correcting hazards, or the solutions required. The appeal must be made in writing within 15 working days of receiving the citation.

Unions and/or affected workers can apply to have “party status” during the employer’s appeal. They can speak at hearings and file written comments. Also, unions and/or affected workers can file their own appeals on certain issues, such as the deadline for correcting the hazards and the particular solutions OSHA has required for abatement.

This factsheet was adapted in part from the Division of Occupational Safety and Health’s “User’s Guide to Cal/OSHA” and “Peterson and Cohen’s Cal/OSHA Sourcebook 2004.” Some material is from “Know Your Rights Under OSHA” by the National Committees for Occupational Safety and Health Network. The content and language were reviewed by OSHA staff.