

Purpose and Applicability of Regulations

Employers in Indiana must follow Title 29, Part 1910 (Occupational Safety and Health Standards) and Part 1926 (Safety and Health Standards for Construction) of the Code of Federal Regulations that are enforced by the Indiana Department of Labor, which is the state counterpart to the U.S. Department of Labor. The purpose of these standards is to ensure the health and safety of employees while in the workplace or construction environment.



Agencies and Their Laws and Rules

The two divisions in the Indiana Department of Labor concerned with occupational and construction safety and health include INSafe and the Indiana Occupational Safety and Health Administration (IOSHA).

■ INSafe

INSafe provides confidential assistance to Indiana businesses including education, training, and consultation services. This assistance helps businesses:

- Anticipate safety and health hazards through consultations;
- Recognize hazards through training;
- Evaluate methods of hazard correction with technical assistance; and
- Control hazards, creating a safe and healthy workplace.



INSafe offers comprehensive and limited-service safety consultations for all types of businesses. This service is tailored to meet your organization's needs. It includes an on-site visit and a walk through of your facility. INSafe will detail all findings and recommendations for improvement in a written report. INSafe does not issue citations or make referrals to IOSHA enforcement, provided all noted hazards are corrected after the consultation.

INSafe provides comprehensive workplace safety and health training including:

- 10 and 30-hour OSHA courses; and
- Individual training on hazard communication, powered industrial trucks, etc.

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A training calendar is located on the Indiana Department of Labor's Web site at www.dol.IN.gov/3520.htm.

INSafe has established a program to recognize and promote safety and health management throughout the state, regardless of business size or type. This program is called the Indiana Voluntary Protection Program (VPP). VPP participants are a select group of facilities that have designed and implemented outstanding safety and health programs. Participants typically have fewer lost work days and notice improved employee motivation to work safely, which leads to better quality of work and productivity. This also reduces workers' compensation and insurance costs. VPP participants experience increased recognition from their communities as well. For more information on the VPP, call (260) 373-2860.

INSafe's Indiana Safety and Health Achievement Recognition Program (INSHARP) recognizes smaller employers with exemplary safety and employees management systems. These are companies with fewer than 250 employees on-site and no more than 500 nationwide. These companies are singled out as models for their work site safety and health and may be exempt from a scheduled IOSHA inspection for one year.

You can request a consultation by sending a letter requesting the on-site consultation. State in the letter what type of consultation is desired (full or limited), as well as:

- Type of business;
- The reason for the request; and
- Name and phone number of the contact person.

Fax your request to (317) 233-1868 or e-mail it to insafe@dol.IN.gov.

To learn more about INSafe's free programs and services, visit the Web at www.dol.IN.gov/2696.htm.

■ IOSHA

IOSHA is comprised of three sections. The *Industrial Safety Section* is responsible for public and private sector safety in the commercial, agricultural and industrial sector of the Indiana economy, in accordance with 29 CFR 1910. The section's mission is to prevent occupational disease through identification and control of potential hazards in the workplace that may cause illness to employees. A major effort is directed toward conducting inspections and investigations in workplaces to ensure compliance with occupational health standards and provide warnings of potential health risks in the work environment. Primary areas of concern are related to employee exposure to airborne contaminants and physical agents.

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The *Construction Safety Section* is responsible for employee safety in the construction industry in Indiana. Construction sites are inspected to ensure compliance with IOSHA's standards found in Title 29, Part 1926 of the Code of Federal Regulations.

The *Industrial Hygiene Section* focuses on recognition and evaluation of exposure to occupational health hazards, such as atmospheric contaminants, and chemical, biological, physical, and ergonomic hazards.

IOSHA requires that each employer:

- Furnish to each employee a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to the employee;
- Comply with promulgated rules and standards and with orders issued pursuant to the Act;
- Post this and other notices; use other appropriate measures to keep his or her employees informed of their protection and obligations under the Act, including the provisions of applicable rules and standards;
- Notify the Indiana Department of Labor within eight hours of any fatality or the hospitalization of three or more employees suffering injury or illness from the same incident. Notification may be accomplished by calling (317) 232-2693; and
- Make available to employees, for inspection and copying, all medical records and health data in the employer's possession pertaining to that employee.

Complaints:

Employees and employee representatives who believe that an unsafe or unhealthful condition exists in their workplace have the right to request an inspection by giving written notice to the Indiana Department of Labor. If a condition exists which may present an immediate danger, the Department of Labor should be notified in the most expedient manner without regard to a written notice by calling (317) 232-2655. The names of complainants will be kept confidential and not revealed upon the request of the employee.

Employees also have the right to bring unsafe or unhealthful conditions to the attention of the department representative during an inspection or investigation. The Act provides that employees may not be discharged, or in any manner discriminated against, for filing a complaint or exercising any of their rights under the Act. An employee who believes he or she has been discriminated against may file a complaint with the Indiana Department of Labor within 30 days of the alleged discrimination.

The U.S. Department of Labor is monitoring the operation of the IOSHA program to assure the effective administration of the state act. Any person may make a written complaint regarding the state administration of the state act directly to OSHA, Regional Office, 230 South Dearborn, Chicago, Illinois 60604.

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Citations:

If upon inspection or investigation, the Department of Labor, Industrial Safety Compliance Section, believes that a requirement of the Act has been violated, a citation alleging such violation and setting a time period for correction will be issued to the employer.

The citation must be prominently posted at or near the place of the alleged violation for three days or until the violation is corrected, whichever is later. The Act provides for first instance penalties of up to \$7,000 for a violation. Penalties of up to \$7,000 per day may be assessed for failure to correct a violation within a proposed abatement period. Any employer who willfully or repeatedly violates the Act may be assessed penalties of up to \$70,000 for each such violation. Employers may appeal the alleged citation, the proposed penalties, or the abatement periods to the Department of Labor.