

## THE LEGAL FRAMEWORK OF WORKPLACE SAFETY: AN ANALYSIS OF OCCUPATIONAL SAFETY AND HEALTH STANDARDS IN THE UNITED STATES

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### Abstract

Occupational Safety and Health (OSH) standards are foundational to protecting workers from workplace hazards and risks. In the United States, this framework is anchored by the Occupational Safety and Health Administration (OSHA), a federal agency within the Department of Labor, established by the Occupational Safety and Health Act of 1970 (OSH Act). This article examines the historical context that necessitated the OSH Act, the statutory duties it imposes on employers, the various standards enforced by OSHA, and the comprehensive mechanisms for enforcement, investigation, and penalty. Furthermore, it details the crucial rights afforded to employees, including protection against retaliation, and analyses landmark court cases that have shaped the interpretation and application of the OSH Act, underscoring its enduring role in reducing workplace injuries, illnesses, and fatalities.

### Keywords:

Occupational Safety and Health Act (OSH Act), OSHA, Workplace Safety, Employee Rights, General Duty Clause, Enforcement, Landmark Cases, Occupational Safety and Health Review Commission (OSHRC)

### I. Introduction

Occupational safety and health (OSH) standards are regulations designed to shield workers from inherent hazards and risks present in the workplace. The primary entity responsible for setting and enforcing these standards in the United States is the Occupational Safety and Health Administration (OSHA), a federal agency operating under the Department of Labor. OSHA was officially established in 1971 with the fundamental mission of guaranteeing a safe and healthy working environment for American workers.

OSHA's jurisdiction extends to setting and enforcing safety and health standards for most private-sector employers and workers, as well

as some public-sector employees across the 50 states and certain federal territories and jurisdictions. The standards encompass a broad spectrum of risks, including physical hazards such as noise and vibration, chemical and biological dangers, and ergonomic issues related to repetitive motion or heavy lifting. Employers are mandated to comply with these standards, provide necessary personal protective equipment (PPE), and offer training and education on workplace hazards and protective measures. Enforcement is carried out through inspections, investigations of complaints and accidents, and the issuance of citations and fines for non-compliance. Since its inception, OSH standards have been instrumental in significantly decreasing

workplace injuries, illnesses, and fatalities in the country, although the continuous emergence of new hazards necessitates regular updates to the standards.

## II. Historical Foundation of OSH Legislation

The establishment of the robust OSH framework was a direct response to a long history of catastrophic workplace disasters and mounting public pressure for reform. A pivotal moment in this history was the 1911 Triangle Shirtwaist Company fire in New York City, which resulted in the deaths of 146 out of 500 employees. The tragedy, where young, female immigrant workers perished due to locked doors and a lack of fire escapes, sparked public outcry and demands for safety and health reform.

In the early 20th century, production demands during World War I highlighted a crisis in workplace safety and health conditions. Consequently, the government established a Working Conditions Service (1913-1919) to assist states with plant inspections and hazard reduction. Further legislative efforts were made during President Franklin D. Roosevelt's New Deal era in the 1930s, which increased the federal government's involvement in job safety and health, though this role was largely advisory and informational to state governments. The 1936 Walsh-Healey Public Contracts Act was enacted by Congress, but its scope was limited to specific industries, excluding significant portions of the public and private sectors. For three decades, expansion of workplace safety laws was often hampered by opposition from employers who deemed replacing injured or deceased workers cheaper than creating safe workplaces.

By the late 1950s, the federal-state partnership proved inadequate for the challenges posed by a growing workforce and increasing hazards, leading to additional federal laws that only covered specific industries. The crisis reached its peak in the 1960s, with approximately 14,000 workers dying annually and over 2.2 million becoming unable to work due to injuries and illnesses. A 1965 U.S. Public Health Service report,

*Protecting the Health of Eighty Million Americans*, emphasized that a new chemical entered the workplace every 20 minutes and established a strong link between cancer and the workplace, calling for a major national campaign.

In January 1968, President Lyndon B. Johnson (LBJ) declared hazardous workplace conditions a "national crisis" and submitted a bill that mandated nationwide safety standards and authorized federal inspectors to investigate and penalize violators. While LBJ's proposal stalled, President Richard Nixon later announced support for a modified version. The resulting compromise led to the creation of the Occupational Safety and Health Administration (OSHA) for inspections, and a separate, appointed group to review industry violation cases. President Nixon signed the Occupational Safety and Health Act into law on December 29, 1970, marking a watershed moment for worker protection.

## III. Objectives and Scope of the OSH Act

The OSH Act established clear objectives for OSHA, designed to proactively and reactively address occupational safety and health. Key objectives include:

- Providing research data to inform policy and standards.
- Maintaining a recordkeeping and reporting system to effectively monitor job-related injuries and illnesses.
- Developing mandatory job safety and health standards.
- Establishing and providing training programs to increase the competency of occupational safety and health personnel.
- Providing for the development, analysis, evaluation, and approval of safety programs.
- Reducing workplace hazards and implementing new or improved methods for workplace safety and health.

- Establishing separate but dependent responsibilities and rights for employers and employees.

While broad in its scope, Section 4 of the OSH Act specifies certain entities that are not covered. Exemptions include the self-employed and immediate members of farm families. Additionally, mine workers, certain truckers and transportation workers, and atomic energy workers covered by other federal agencies, as well as public employees in state and local governments, are not covered under the OSH Act.

#### IV. Core Statutory Duties and Standards

##### A. Employer and Employee Duties (Section 5)

Section 5 outlines the general duties of both the employer and the employee. The primary responsibility of the employer, often referred to as the **General Duty Clause**, is to furnish each employee with employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm. Employers must also comply with occupational safety and health standards promulgated under the Act. Conversely, each employee has a duty to comply with occupational safety and health standards and all rules, regulations, and orders applicable to their own actions and conduct issued pursuant to the Act. The General Duty Clause is of particular importance as it is cited when a specific OSHA standard does not apply to a serious recognized hazard in the workplace.

##### B. OSHA Standards: Protection on the Job

OSHA standards are the specific rules detailing the methods employers must implement to protect employees from hazards. These standards are categorized into four groups: General Industry, Construction, Maritime, and Agriculture. The General Industry set applies to the largest number of workers and worksites.

These standards serve to protect workers from a wide array of hazards. They limit the allowable exposure levels to hazardous chemicals, substances, or noise; require the use of specific

safe work practices and equipment; and mandate employers to monitor certain hazards and maintain records of workplace injuries and illnesses.

Examples of standard requirements include:

- Providing safety measures such as a safety harness and lifeline for fall protection.
- Preventing cave-ins during trenching operations.
- Ensuring the safety of workers entering confined spaces like manholes or grain bins.
- Preventing exposure to excessive noise levels that could result in hearing damage.
- Requiring machine guards to protect workers.
- Preventing exposure to harmful levels of substances like lead and asbestos.
- Mandating the provision of healthcare workers with needles and sharp instruments featuring built-in safety features to prevent punctures that could cause exposure to infectious diseases.
- Requiring employers to provide training to workers about hazards and protection methods, delivered in a language and vocabulary they can comprehend.

#### V. Enforcement and Compliance

##### A. Investigation, Inspection, and Reporting Procedure (Section 8)

OSHA enforces the law through unannounced on-site inspections conducted by highly trained compliance officers. Inspections are prioritized based on the severity of the potential situation:

- Imminent danger.
- A fatality or the hospitalization of three or more employees.
- Worker complaints and referrals.

- Targeted inspections focused on particular hazards or high injury rates.
- Follow-up inspections.

Employers are not informed in advance of an inspection. Section 8 of the Act mandates specific reporting requirements for employers. All employers must report a work-related employee death within eight hours, or the hospitalization of three or more employees as a result of a work-related incident. This requirement also extends to reporting all fatal on-the-job heart attacks. Furthermore, employers are required to communicate workplace hazards to employees. By regulation, employers must maintain a record of every non-consumer chemical product used in the workplace, and detailed technical bulletins, historically known as material safety data sheets (MSDSs), must be posted and made available for employees to avoid chemical hazards. The employer must also log every job-related injury or illness requiring medical treatment (beyond first aid) on OSHA Form 300 ("OSHA Log"). An annual summary (OSHA Form 300A) must be posted for three months, and records must be kept for at least five years.

### **B. Worker Complaints and Rights during Inspection**

Worker complaints of a potential workplace hazard or violation can trigger an on-site inspection. Workers or their representatives may file a written complaint with OSHA if they believe a serious hazard exists or that the employer is not complying with OSHA standards.

A critical protection for employees is the right to request an inspection without OSHA disclosing their identity to the employer. Retaliation by an employer, such as firing, demoting, or transferring a worker for filing a complaint or using other OSH Act rights, is a violation of the Act. Written, signed complaints reporting a serious hazard and submitted to the closest OSHA area office are prioritized and more likely to lead to an on-site inspection.

During an inspection, workers or their representatives have several rights:

- The right to have an employee representative, such as a labour organization's safety steward, accompany the inspector.
- The right to talk privately with the inspector.
- The right to participate in meetings with the inspector both before and after the inspection.
- In the absence of an authorized employee representative, the inspector must confidentially talk with a reasonable number of workers.

Workers are encouraged to point out hazards, describe resulting injuries or illnesses, discuss past complaints, and inform the inspector of any non-normal working conditions during the inspection.

### **C. Protection Against Retaliation (Section 11)**

Section 11(c) of the OSH Act expressly forbids any employer from discharging, retaliating, or discriminating against an employee for exercising rights under the Act. These protected activities include filing a complaint with OSHA, requesting an inspection, participating in an inspection, testifying in any related proceeding, seeking access to employer records, and raising safety or health issues with the employer.

Protection from retaliation means an employer cannot punish a worker by taking "adverse action". Examples of prohibited adverse actions include:

- Firing or laying off.
- Blacklisting.
- Demoting.
- Denying overtime or promotion.
- Disciplining.
- Making threats or intimidation.
- Reducing pay or hours.

## VI. Administrative and Punitive Framework

### A. The Occupational Safety and Health Review Commission (OSHRC)

The Occupational Safety and Health Review Commission (OSHRC) is an independent federal agency established under Section 12 of the OSH Act. The Commission is composed of three members, appointed by the President with the advice and consent of the Senate, chosen for their training, education, or experience in carrying out the Commission's functions. One member is designated by the President to serve as Chairman.

Members serve six-year terms, though the terms of the first members were staggered at two, four, and six years. A vacancy occurring before the end of a term is filled only for the remainder of that unexpired term. The President has the authority to remove a Commission member for reasons such as inefficiency, neglect of duty, or malfeasance in office.

### B. Penalties (Section 17)

Section 17 of the OSH Act defines the civil and criminal penalties for violations.

#### • Civil Penalties:

- Any employer who **wilfully or repeatedly** violates Section 5 requirements, a standard, rule, or order may face a civil penalty of not more than for each violation, with a minimum penalty of for each wilful violation.
- An employer who fails to correct a violation within the permitted period may be assessed a civil penalty of not more than for each day the failure or violation continues.

#### • Criminal Penalties:

- An employer who **wilfully violates** a standard, rule, or order, and that violation causes the death of an employee, may be

punished upon conviction by a fine of not more than, or by imprisonment for not more than six months, or by both.

- If the conviction is for a violation committed after a first conviction, the punishment increases to a fine of not more than or imprisonment for not more than one year, or both.

## VII. Specific Standards and Employee Rights

### A. Detailed Standards: Walking-Working Surfaces (1910.22)

Among the numerous OSH standards, 1910.22, covering walking-working surfaces, provides a detailed example of regulatory specificity in the General Industry standards. This standard ensures that:

- All places of employment, passageways, storerooms, and working surfaces are maintained in a clean, orderly, and sanitary condition.
- Workroom floors are kept clean and, where feasible, dry; in wet processes, drainage must be maintained, and dry standing places must be provided.
- Surfaces are kept free of hazards like sharp objects, loose boards, spills, and ice.
- Walking-working surfaces can support the maximum intended load.
- A safe means of access and egress is provided and used by each employee.
- Surfaces are regularly inspected, maintained in a safe condition, and hazardous conditions are corrected or repaired before being used again. If immediate repair is not possible, the hazard must be guarded.

The standard also dictates specific requirements for stairways, including:

- The provision of handrails, stair rail systems, and guardrail systems.

- A minimum vertical clearance of 6 feet, 8 inches above any stair tread.
- The use of standard stairs for regular and routine travel between levels, with spiral, ship, or alternating tread-type stairs restricted to situations where standard stairs are not feasible.
- Stairway landings and platforms must be at least the width of the stair and 30 inches in depth.

### B. Essential Rights of Employees

Beyond the right to complain and be protected from retaliation, employees have specific rights concerning their health and safety information:

- **Right to Be Provided Protective Equipment Free of Charge:** In situations where hazards cannot be completely eliminated, personal protective equipment (PPE) such as respirators, goggles, earplugs, or gloves is used. Employers are responsible for identifying when PPE is needed and must provide most protective equipment free of charge to the employee.
- **Right to Know About Chemical Hazards:** The Hazard Communication standard (known as the “right-to-know” standard) requires employers to inform and train workers on hazardous chemicals in their work area in a language and vocabulary they understand. Employers must maintain a current list of hazardous chemicals, properly label containers, and have Safety Data Sheets (SDSs) available for workers and their representatives.
- **Right to Know About Laws and Rights:** Employers must display the official OSHA Poster, *Job Safety and Health: It's the Law*, in a conspicuous place where workers can see it.
- **Right to Get Copies of Workplace Injury and Illness Records:** In higher-hazard industries with over ten employees,

employers are required to keep accurate records of serious work-related injuries and illnesses on the OSHA Form 300 Log. Workers and their representatives have the right to receive copies of the full OSHA Form 300 log and the annual summary (Form 300A).

- **Right to Exposure Data and Medical Records:** Many OSHA standards require environmental tests (exposure monitoring) to determine if workers are exposed to harmful levels of substances like lead, asbestos, or noise. Workers are granted the right to obtain the results of these tests. Similarly, where OSHA standards require medical tests (e.g., for hearing loss or decreased lung function), workers have a right to their medical records.

### VIII. Judicial Interpretation: Landmark Cases

The application and reach of the OSH Act have been significantly shaped by landmark judicial decisions.

- **Whirlpool Corp. v. Marshall (1977):** The U.S. Supreme Court addressed whether the OSH Act authorized OSHA to mandate employers to keep accurate records of work-related injuries and illnesses. The Whirlpool Corporation challenged this requirement, arguing it was an unconstitutional violation of due process and overly burdensome. The Court upheld that the OSH Act does authorize OSHA to require the maintenance of injury and illness records, establishing a critical precedent for the legal obligation of accurate recordkeeping in promoting workplace safety.
- **Industrial Union Department, AFL-CIO v. American Petroleum Institute (The Benzene Case) (1980):** This case questioned OSHA's authority to regulate benzene, a toxic chemical, as a hazardous substance. OSHA had issued

a standard limiting worker exposure based on evidence linking the chemical to leukaemia and other health problems. The Supreme Court ruled that OSHA had broad authority to regulate hazardous substances and could rely on scientific evidence to support its regulatory decisions. This decision was fundamental in establishing the legal framework for OSHA's ongoing regulation of hazardous chemicals.

- **National Realty & Construction Co. v. Occupational Safety and Health Review Commission.** This case involved an employer challenging OSHA's authority to conduct warrantless inspections of workplaces. The court held that the Fourth Amendment's prohibition against unreasonable searches and seizures did not apply to OSHA inspections, affirming the agency's ability to conduct inspections without a warrant.
- **Martin v. OSHRC (1991):** An employee challenged an OSHA citation for violating a fall protection standard, arguing the citation was invalid since he had not been personally cited or injured. The court held that employees possess the right to challenge OSHA citations, even if not personally cited, reinforcing the employee's right to a safe workplace and clarifying the importance of worker involvement in safety.
- **Secretary of Labor v. Excel Mining, LLC:** The employer in this case challenged an OSHA citation for inadequate ventilation in an underground coal mine, claiming it should have been based on the Mine Safety and Health Act (MSHA). The court determined that OSHA had authority to issue citations for hazards covered by the OSH Act even when MSHA also had jurisdiction. This clarified the overlapping jurisdiction between OSHA and MSHA in certain contexts and held employers

accountable under both statutes for failing to provide a safe workplace.

## IX. Conclusion

The Occupational Safety and Health Act of 1970 and its enforcing agency, OSHA, constitute a comprehensive and essential federal framework for protecting American workers. Built upon a history of industrial tragedies, the legislation mandates specific duties for employers, establishes four groups of enforceable standards, and provides a robust system of inspection, investigation, and penalties. Through the explicit delineation of employee rights—including the right to know about hazards, access records, and protection from retaliation—the Act empowers workers to participate in ensuring their own safety. Furthermore, judicial review in landmark cases has consistently affirmed OSHA's broad authority to regulate hazards, enforce recordkeeping, and ensure compliance, even in complex areas like overlapping jurisdictions. While OSH standards have significantly contributed to reducing workplace harm, the challenge of addressing evolving hazards requires OSHA to regularly update its standards, ensuring the agency's foundational mission remains effective in a changing industrial landscape.

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