

OSH Act 101



OSHA –
Occupational
Safety and
Health
Authority

What is OSHA?

- ▶ OSHA – OCCUPATION SAFETY AND HEALTH AUTHORITY

MISSION

- ▶ The mission of OSHA is to assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance.



Objective

- ▶ To provide workers with introductory information about OSHA and the OSH Act.

Topics:

- ▶ Why is OSHA important to you?
- ▶ What rights do you have under OSHA?
- ▶ What responsibilities does your employer have under the OSH Act?
- ▶ Safety guidelines outlined in the OSH Act.

History

- ▶ The Trinidad and Tobago Occupational Safety and Health Authority and Agency (OSHA) was formed on August 17, 2007. The Authority was established in October 2006 on the basis of the Occupational Safety and Health Act 2004 (as amended) {OSH Act}.
- ▶ The primary goal of this law (OSH Act) is to reduce workplace hazards and implement safety and health programs for both employers and their employees.



Why is OSHA Important?

- ▶ Health and safety in the workplace is one of the most highly discussed concerns in industries throughout Trinidad and Tobago and
- ▶ Employers can also benefit from having a safe and comfortable environment for their employees. To reiterate, when workers are comfortable, productivity increases, which in turn generates high profitability and ultimately growth.



Why is OSHA Important?

- ▶ Statistics from the Industrial Court revealed that there were two (2) OSH cases reported in 2009 and 2010 . One involving the collapse of scaffolding at the Customs and Excise Building in Port of Spain and the other involved the death of a worker on the job and the managing director, on behalf of the employer, pleaded guilty.
- ▶ Both cases could have been avoided if better safety measures were put in place by the employer. This is why employers need to be educated and trained on how to prevent such mishaps from occurring on the job.



Duties of OSHA

The OSH Agency is primarily concerned with ensuring compliance with the OSH legislation. The following are a list of functions that the Agency performs to accomplish its core business:

- ▶ Enforcement of OSH legislation
- ▶ Investigation of accidents and complaints in Industrial Establishments (workplaces) as defined by the OSH Act, 2004
- ▶ Review of Machinery Reports to ensure defects are corrected before mishaps
- ▶ Advises various state agencies including the Trinidad and Tobago Bureau of Standards (TTBS), Environmental Management Authority (EMA), Tourism Development Company (TDC), Provision of lectures and promotional material to facilitate compliance

What Rights Do You Have Under OSHA?

You have the right to:


- ▶ A safe and healthful workplace
- ▶ Know about hazardous chemicals
- ▶ Report injury to employer
- ▶ Complain or request hazard correction from employer
- ▶ Training
- ▶ File a complaint with OSHA
- ▶ Be free from retaliation for exercising safety and health rights



Responsibilities of The Employer Under the OSH ACT

GENERAL DUTIES OF EMPLOYERS TO THEIR EMPLOYEES

- Provision and maintenance of plant and systems;
- Handling, storage and transport of equipment, machinery, articles and substances;
- Provision of suitable PPE;
- Provision appropriate information, instruction, training and supervision;
- Provision and maintenance of appropriate access and egress to work place;
- Provision of adequate amenities and arrangements for their welfare at work



Section 3: Rights of employees to refuse work where safety or health are in danger

Application of Part

- ▶ Refusal to work does not apply to the following occupations:
 - ❖ Members of the defense force
 - ❖ Employees associated with health care
 - ❖ Employees of a laboratory
 - ❖ Employees of a power plant in conjunction with the above occupation
- ▶ However a report must be submitted to the Chief Inspector about the existence of the danger.

Refusal to Work

An employee can refuse to work if he has the following reasons:

- ▶ There is serious and imminent danger to himself
- ▶ Any machine, plant or device is likely to endanger himself or another employee.
- ▶ The physical condition of the workplace or the part in which he works or is to work is likely to endanger himself.
- ▶ Any machine, plant, device or thing he is to use or operate or the physical condition of the workplace or part thereof in which he works or is to work is in contravention of this Act or the Regulations made under it and such contravention is likely to endanger himself or another employee.

Report of Refusal

The safety and health committee then investigates the report in the presence of:

- ▶ the employee who made the report
- ▶ a person selected by the trade union who represents the employee
- ▶ an employee selected by the employees to represent them, where there is no trade union; or the employer or his representative

Investigation by the Inspector

- ▶ Within 24 hours from the time of refusal to work, the inspector must investigate the refusal in the presence of the following:
 - ▶ the employee who made the report
 - ▶ a person selected by the trade union who represents the employee
 - ▶ an employee selected by the employees to represent them, where there is no trade union; or the employer or his representative

Employee to be available

- ▶ During the investigation and the inspector's decision, the employee must be in a safe place in the industrial establishment.
- ▶ He must be readily available to assist in carrying out the investigation during working hours.

Employee deemed to be at work

- ▶ Pending the investigation and decision of the Chief Inspector, no employee shall be assigned to use or operate the equipment, machine, device or article or to work in the affected area
- ▶ until after the employer or his representative has taken remedial action, if necessary, to deal with the circumstances that caused the employee to refuse to do particular work

No discipline, dismissal, reprisal by the employer

- ▶ No employer or representative of the employer shall do as follows:
 - ▶ Dismiss or threaten to dismiss a worker;
 - ▶ Discipline or suspend or threaten to discipline or suspend a worker;
 - ▶ Impose any penalty upon a worker, or intimidate a worker,
- ▶ Because the worker
 - ▶ has acted in compliance with and has sought the enforcement of this Act or the Regulations.
 - ▶ has observed the procedures established by the employer.
 - ▶ has given evidence in a proceeding in respect of the enforcement of this Act or the Regulations.

Entitlement to be paid

During the investigation, the following persons shall be deemed to be at work and their employer shall pay them at the usual rate:

- ▶ the employee who made the report
- ▶ a person selected by the trade union who represents the employee
- ▶ an employee selected by the employees to represent them, where there is no trade union.

Section 4: Safety

Employment of Young Persons on Dangerous Machines

- ▶ There are three main stipulations regarding the employment of young persons on dangerous machines
 - 1) The person must be instructed as to the dangers arising in connection with its operation, and the precautions to be observed;
 - 2) the person must have received sufficient training on the machine;
 - 3) the person must be under adequate supervision by a person who has special knowledge on the working of the machine

Protective Clothing and Devices

- ▶ All persons entering an area in an industrial establishment where they are likely to be exposed to the risk of any bodily injury (inclusive of head, eye, etc.) shall be provided with suitable protective clothing or devices and adequate instructions in the use of such protective clothing or devices
- ▶ No person shall be permitted to be in any such area unless he is wearing such protective clothing or device.
- ▶ In every area where protective clothing or devices are required to be worn, a notice to that effect shall be conspicuously displayed.

Removal of Dust and Fumes

- ▶ If a process results in the giving off of dust and fumes to such an extent that it may be injurious or offensive, where practicable, exhaust appliances shall be provided and maintained as near as possible to the point of origin of the dust or fumes so as to prevent contamination of the air.
- ▶ Where steam is discharged into a room where persons are normally required to work, effective steps shall be taken to dissipate the steam from that room.

Dangerous Fumes and Lack of Oxygen in Confined Spaces

- ▶ General Rules of Entering a Confined Space:
- ▶ A confined space shall only be entered where :-
 - 1) there is an easy egress from all accessible parts of the confined space;
 - 2) mechanical equipment in the confined space is disconnected from its power source **AND** locked out;
 - 3) all pipes and other supply lines whose contents are likely to create a hazard are blanked off;
 - 4) the confined space is tested and evaluated by qualified personnel.

Dangerous Fumes and Lack of Oxygen in Confined Spaces

▶ Ventilation of Confined Space

- ▶ A confined space in which there exists or is likely to exist a hazardous gas, vapour, dust or fume or an oxygen content of less than 18% or more than 23% at atmospheric pressure, shall be entered only when -:
 - 1) All the previous general steps have been enacted.
 - 2) the space is purged and ventilated to provide a safe atmosphere;
 - 3) the measures necessary to maintain a safe atmosphere have been taken;
 - 4) another trained worker with appropriate rescue equipment is stationed outside the confined space

Dangerous Fumes and Lack of Oxygen in Confined Spaces

- ▶ Explosive or Flammable Gas in Confined Space
 - ▶ The confined space shall be entered only where—
 - 1) the concentration of the gas or vapour does not or is not likely to exceed 50% of the lower explosive limit of the gas or vapour; and
 - 2) the only work to be performed is that of cleaning or inspecting and of such a nature that it does not create any source of ignition.
 - Cold work may be performed in a confined space that contains or is likely to contain an explosive or flammable gas or vapour where the concentration does not, and is not likely to exceed 10 % of the L.E.L. of the gas or vapour.

Effective Safeguarding of Prime Mover

- ▶ Every flywheel directly connected to :-
 - any prime mover
 - every moving part of any prime mover,
 - every part of electric generators, motors and rotary converters,
- ▶ shall be securely fenced, whether the flywheel or prime mover is situated in an engine house or other enclosure or not.

Effective Safeguarding of Transmission Machinery

- ▶ Every part of the transmission machinery shall be securely fenced unless it is in such a position or of such construction as to be safe to every person employed or working on the premises as it would be if securely fenced.
- ▶ Efficient devices or appliances shall be provided and maintained in every room or place where work is carried on by which the power can promptly be cut off from the transmission machinery in that room or place.
- ▶ No driving belt when not in use shall be allowed to rest or ride upon a revolving shaft which forms part of the transmission machinery.

Establishment of Safety and Health Committees

- ▶ Every employer in consultation with the representatives of his employees shall establish a safety and health committee at an industrial establishment such that :—
 - 1) there are twenty-five or more persons employed at that establishment; or
 - 2) the Chief Inspector directs the establishment of such a committee at the industrial establishment where fewer than twenty-five persons are employed.

Functions of Safety and Health Committee

- ▶ Every safety and health committee established at a place of work shall—
 - 1) keep under review the measures taken to ensure the safety and health of persons at the place of work;
 - 2) investigate any matter at an industrial establishment—
 - which a member of the committee or a person employed thereat considers is not safe or is a risk to health; and which has been brought to the attention of the employer;

Functions of Safety and Health Committee

- Attempt to resolve any such matter and, if it is unable to do so, shall request the Chief Inspector to undertake an inspection of the place of work for that purpose;
- Have such other functions as may be prescribed.

Construction and Sale of New Machinery

- ▶ In the case of any machine in a factory intended to be driven by mechanical power—
 - 1) every set-screw, bolt, nut, key or keyway, on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger; and
 - 2) all spur and other toothed or friction gearing, which does not require frequent adjustment while in motion, shall be completely encased unless it is so situated as to be as safe as it would be if completely encased.

Cleaning of Machinery in Motion

- ▶ No person shall clean any part of a prime mover or of any transmission machinery while it is in motion by mechanical power or if the cleaning would expose him to risk of injury from any moving part either of that machine or of any adjacent machinery.

Health Surveillance

- ▶ Every employer shall ensure and record that his employees are provided with health surveillance as is appropriate.

Section 5: Fire

Fire

▶ In cases where an establishment has:

- i) 20 or more persons employed in a building.
- ii) 10 or more persons employed above the ground floor.
- iii) Explosive/Highly Flammable substances are stored.

They must be certified, under the act by the fire authority.

The establishment must have certification stating the following

- a) Maximum number of persons employed in establishment
- b) Explosive or highly flammable material stored or used.
- c) Nature and frequency of fire drills
- d) Purpose of premises
- e) Warning system in event of a fire
- f) Means available to fight fires
- g) Measures for escape
- h) Other factors

Also the following must be complied with:

- ▶ Means of escape should be properly maintained and have no obstructions.
- ▶ If fire authority sees it necessary that adjustments be made notice would be given to occupier to make these changes in a specified timeframe.
- ▶ Doors used as fire exits shall be left unlocked or be made easy to open.
- ▶ Doors must open outwards and sliding doors must not be the final exit

- ▶ Special exits (not normally used) must be marked with green writing on a white background.
- ▶ Exits or exit routes must be fitted with emergency lighting if insufficient lighting is likely in case of a power outage.
- ▶ Clear audible fire warning must be present
- ▶ Failure to comply with various stipulations can lead to the employer being liable to a penalty.
- ▶ These penalties include:
 - ▶ 1) Monetary fines to the occupier of establishment
 - ▶ 2) Imprisonment of up to and beyond 6 months
 - ▶ 3) Further \$1,000 fine for each day offence continues

Conclusions to Fire

- ▶ All necessary resources must be allocated to prevent any chance of a fire as well as having the ability to combat a fire in case it happens.
- ▶ Care must be taken in choice materials used throughout establishment.
- ▶ Education of employees and occupiers of buildings on hazards and prevention and evacuation routines are of most importance.