

Occupational safety and health administration: history, purpose, inspections, and...

[Law](#), [Security](#)



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Introduction

When thinking of key elements that make employees happy in a work environment, safety is the biggest element that comes to mind. Employees want to feel safe in their workspace where they spend a large amount of their time. There was a time when employees did not have the comfort of knowing the space where they worked was safe or healthful. Everything began to change leading up to when the Occupational Safety and Health Administration (OSHA) was established. Throughout this paper, I will cover the history and the sad reality that led up to the establishment of the Occupational Safety and Health Administration. I will also cover the purpose of OSHA, an analysis of inspections conducted by OSHA, and workplace conditions since the establishment of OSHA.

History

Working conditions were unsafe and unhealthy before the Occupational Safety and Health Administration Act and the establishment of the

Occupational Safety and Health Administration. Workers were placed in environments that were considered hazardous and could/did cause serious injury or death. The conditions that the workers endured during that time were primarily caused by the changes in production due to the Industrial Revolution. The Industrial Revolution, which began around the mid-1700s and went into the 1800s, changed the way that things were being produced and how people were living their lives. Before the Industrial Revolution, the United States was considered a society ruled by agriculture where most things that were needed were made by the hands of the people themselves. The United States then shifted towards “ a society fueled by mass production and the factory system.” When the Industrial Revolution began massive machines were built that made it possible to mass-produce goods, mainly in factories and mills. The Industrial Revolution “ brought about changes in many industries including iron and coal, steam, transportation, textiles, and agriculture...”

During the Industrial Revolution people started immigrating to the United States in hope of a better life. Desperate to make a living people were willing to work in dangerous conditions and for poor wages. During this time child labor was very common, mainly in factories and mills. Women were also a huge percentage of the working force in dangerous factories and mills. It was during this time; accidents began to influence legislative change. The Pemberton Mill disaster is one of the worst known industrial accidents that occurred on January 10, 1860, in Lawrence, Massachusetts. On that day the Pemberton Mill, “ a large cotton goods factory, collapsed without warning,

killing an estimated 145 workers and injuring another 166..." most of the deaths and injuries were women and children. That wasn't the only major accident that occurred during that time. On May 2, 1878, an explosion inside the Washburn Mill in Minneapolis claimed the lives of 18 workers. This tragedy inspired many changes within the milling industry including ventilation systems and devices to detect and prevent any further tragedies.

These incidents are merely a portion of a large number of accidents that were claiming people's lives during that time due to poor safety and health conditions. The first step towards change to work-place conditions was made by the state of Massachusetts. In 1877 Massachusetts was the first state in the nation to pass safety and health legislation that required guard belts, protection on elevators, and adequate fire exits in factories and mills. By the end of the 1800s, more states followed Massachusetts lead in providing some sort of positive change in the working conditions. Nine states began to support employees in the workforce by providing factory inspectors, thirteen states began requiring machine guards, but twenty-one " made limited provision for health hazards." During this period railroad work had one of the highest death and injury rates compared to other work. In 1893 in response to the high number of injuries and fatalities caused by railroad work, congress passed the Safety Appliance Act which required air brakes and automatic couplers on all trains in the United States. " It was the first federal law intended primarily to improve work safety... by 1900 when new equipment was widely diffused, risks to trainmen had fallen dramatically."

Although some changes were made, workplace injuries and fatalities were still occurring because there were no laws that required employers to compensate for injuries or illnesses on the job. The only way for employees to get any sort of compensation was for them to sue their employers but winning was proven difficult. It was tough for employees to prove that they were not the ones that assumed the risk or that they had not been injured by the actions of fellow employees. Then in 1903, the U. S. Bureau of Labor began to publish “ graphically detailed studies of occupational fatalities and illnesses in the dusty trades, as well as other safety and health topics.” These publications put pressure on Congress to be on the employees’ side and believe their allegations against employers in health and injury-related lawsuits. In 1910 New York became the first state to pass a workmen’s compensation law. The law automatically compensated all injuries to employees at a fixed rate, instead of the employee having to sue for damages and in court and “ prove” that their employer was responsible. This law boosted business interest in employer’s safety and between 1911 and 1921 according to Samuel Gompers, “ forty-four states passed compensation laws.

Fast forward 50 years to the 1970s when Congress began to consider what was then called the “ OSH Act”, there were “ approximately 14, 000 occupational fatalities being reported each year, as well as 2. 5 million job-related disabilities and 300, 000 new cases of job-related illnesses.” “ In response to dangerous working conditions across the nation and as a culmination of decades of reform...” The Occupational Health and Safety Act

was signed into law on December 29, 1970, by President Richard M. Nixon. This law later led to the establishment of OSHA the Occupational Safety and Health Administration on April 28, 1971.

What Does OSHA Do

The purpose of OSHA is to assure the safety and health of workers in the United States by “ setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health.” OSHA is in charge of establishing and enforcing public standards, to protect the employees as well as employers. Under the OSH Act, employers hold the responsibility to have a safe and healthy work environment for their employees. OSHA also provides worldwide leadership in occupational labor safety and health. The administration finds and shares the most effective ways to prevent workplace injuries and illnesses as well as helping prevent employee fatalities.

There are three basic strategies authorized by the Occupational Safety and Health Act that OSHA uses to help employers and their employees decrease work-related injuries, illnesses, and deaths. The three strategies include: “ Strong, fair and effective enforcement; education and compliance assistance; and partnerships, alliances, and other cooperative voluntary programs.” OSHA sticks to the three strategies to “ conduct a wide range of programs and activities” that promote workplace safety and health. OSHA ensures that they encourage employers and their employees to reduce

workplace hazards and to upkeep new safety and health management systems and if need be, improve any existing programs.

One major role that OSHA has is developing state-mandated job safety and health standards. Once developed they enforce these standards using certain strategies such as workplace inspections, citations to employers, penalties, and sometimes a combination of the three. OSHA also ensures that employers and employees are well aware of the standards that are to be met, they do this by “ promoting safe and healthful work environments through cooperative programs including the Voluntary Protection Programs, OSHA Strategic Partnerships, and Alliances.”

OSHA is also in charge of establishing responsibilities and rights for employees to ensure safe and healthy work conditions. The administration also establishes recordkeeping requirements in case of any on the job illnesses, injuries, or deaths. The agency ensures that all regulations and requirements are being met by employers and if they see improvement is needed, they can establish training programs that are fit for safety and health education lacking in the workplace. Training programs and developments made by OSHA are all made to assure the “ competence of occupational safety and health personnel.”

OSHA Inspections

As stated above, one of the biggest roles of the Occupational Safety and Health Administration is to develop mandated job safety and health standards, one of the biggest ways that OSHA does that is by conducting

workplace inspections. These inspections are conducted by what they call “ compliance safety and health officers... they are experienced, well trained, industrial hygienists and safety professionals.” The goal of these officers is to assure that employers are being compliant with the requirements of OSHA. The officers conduct inspections to help employers and employees reduce work-related hazards and prevent illnesses, injuries, and deaths.

Although compliance safety and health officers conduct inspections without any notice to the employer, the employer has the right to require the officer to obtain an “ inspection warrant” before the employer will allow the officer access into the workplace. “ OSHA has jurisdiction over approximately 7 million worksites”, so the agency makes it their goal to focus their inspections on the most hazardous workplaces in a certain order of priority. The top priority for the officers is “ Imminent danger situations”, those are hazards that could cause death and or serious physical harm to employees. In that case, employers are asked to immediately fix the hazards or to remove the employees in danger until the hazard can be permanently fixed. Second, officers look for “ Severe injuries and illnesses.” Officers can find these types of situations easily since employers are required to report “ all work-related fatalities within 8 hours, all work-related inpatient hospitalizations, amputations or losses of an eye within 24 hours.” Third, on the priority list is “ Worker Complaints.” Just as they sound, these are hazard or violation allegations made by employees (can be made anonymously). The fourth priority for officers is what’s called “ referrals”, which are “ referrals of hazards from other federal, state or local agencies, individuals,

organizations, or even the media.” Fifth on the list is “ Targeted inspections”, these inspections are aimed at “ specific high-hazard industries” which vary. The inspections are also able to target workplaces that have experienced a high number of injuries, illnesses or deaths. Last, on the priority list is “ follow-up inspections”, these are exactly what they sound like, a follow-up of a previous inspection where citations were given to an employer.

The process of conducting an inspection begins with an investigation. Low priority complaints, with permission of the individual that complained, can be investigated over the telephone/fax with the employer. Usually, an OSHA officer will call the employer and describe the safety and health concerns with them, following the phone call they will send a fax to the employer that includes all the allegations that were made. Then, the employer is responsible for replying to the officer in writing within five weekdays. The response must include any problems the employer was able to identify and planned solutions or actions that were taken. If OSHA agrees with the response of the employer then they see no need to conduct an on-site inspection. Usually, with high priority allegations, an on-site inspection is required. The on-site inspection requires preparation, presentation of credentials, an opening conference, a walkaround, and finally a closing conference. The results of an inspection are usually citations, fines, or penalties “ within six months of the violations occurred.” Employers have the right to appeal citations issued by OSHA. A settlement may be agreed upon to “ resolve the matter and eliminate the hazard.” Just as employers have rights, employees also have rights. Under OSHA employees have the right to

working conditions that don't pose a risk or threat to them. They have the right to training and information regarding any hazards in their workplace (in their language of choice). Employees also have the right to review records of any work-related injuries and illnesses the employer has encountered. They have the right to file a complaint with OSHA and ask for OSHA to investigate their workplace if they feel it be necessary. And lastly, employees have the right to exercise these rights without retaliation.

After the Establishment of OSHA

Since being established, OSHA has reduced work-related illnesses, injuries, and deaths in the United States. "...workplace fatalities have been cut by more than 50 percent and workplace injuries and illness rates have declined by 40 percent... at the same time, U. S. employment has more than doubled and now includes over 115 Million workers at 7. 2 million worksites." The establishment of OSHA has brought about major progress in occupational safety and health all across the nation. OSHA and their partners " in the public and private sector", have helped cut workplace-related fatalities and reduce the number of workplace injuries and illnesses by 4 percent. Since being established OSHA has been able to conduct more than 39, 000 inspections, and they have issued over 85, 000 citations for violations. Those inspections and citations have helped create safer and healthier work environments for employees across the nation. Workplace injuries, illnesses, and fatalities are still happening to this day, but OSHA works hard every day to prevent the numbers from increasing and only work on decreasing the numbers.

The establishment of OSHA has had increasingly positive effects on employees and their well-being along with increased benefits that the employers receive. The tragic history leading up to the establishment of OSHA makes the work they do even more important. The goal of the Occupational Safety and Health Administration is to assure the safety and health of workers across the United States. When employees are safe, healthy, and whole they are happy all while the business in which they work is also benefitting directly. Safe, healthy, and whole employees mean that the employer will experience lower workers comp costs, medical expenses are lower, there is a “decreases payout for return to work programs”, and fewer costs for job accommodations in case of injured employees. Some indirect costs are tied to safe, healthy and whole employees such as: “increased productivity, lower costs in training replacement workers and decreases costs for overtime.”