

# Osha standards essay sample



**ASSIGN  
BUSTER**

### 1. Who is responsible for establishing OSHA standards?

The Occupational Safety and Health Administration sets health and safety standards and insures these standards are implemented by employers through plant and office inspections. The addition or deletion of occupational health and safety standards is declared by the Secretary of Labor. Interested parties may submit written comments regarding a proposal. In establishing standards, the Secretary of Labor must set forth standards to prevent employees from suffering substantial harm to their health even if the employee worked at this job for most of his or her adult life.

### 2. If an employer is unable to comply with an OSHA standard, what alternative is available to the employer? If an employer is unable to comply with an OSHA standard they may request a temporary variance from the Secretary of Labor explaining that cannot fully comply by the effective date, due to shortages of materials, equipment or professional or technical personnel, or can prove their facilities or methods of operation provide employee protection “ at least as effective” as that required by OSHA. Employers must make every effort to comply as soon as possible. The time limit is one year, which may be renewed twice.

### 3. Human Resource Dilemma, Ch 18, #1, p. 433 (Steven Goldberg). Steven Goldberg, who is Jewish, is a factory worker at Uranus Umbrella Company. His work shift has been changed on weekdays to 11: 00 a. m. to 7: 00 p. m. He asks for an accommodation to have his shift adjusted on Fridays to allow him to return home before sunset. Uranus claims this accommodation would place it in violation of the seniority provision of the collective bargaining agreement it has with Steven’s union. How would you advise Uranus? I would

explain to Steven that, an employer must provide an effective reasonable accommodation when a qualified individual with a disability needs an accommodation, unless providing the reasonable accommodation would create an “ undue hardship”. Unfortunately his religion does not qualify him as disabled nor would it create an undue hardship. Furthermore, unions and employers should be able to devise an accommodation for the employee that is consistent with the provisions of a collective bargaining agreement. According to the EEOC Guidance, the determination of what is an appropriate accommodation is to be made on a case-by-case basis, tailored to match the specific needs of the disabled individual with the essential functions of the given job.

I would advise Steven to confirm if accommodation could in fact be made specific to his religious circumstance since each employee has different circumstances I believe that would be a fair request. Unfortunately, I don't think they will accommodate him because there are other employees that require accommodation that fall into the specified criteria. Human Resource Dilemma, Ch 19, #2, p. 452 (Veronica at Didi's). Veronica is a waitress at Didi's Diner. She is paid \$2. 13 per hour, and she is entitled to keep all of her tips, which average \$8. 50 per hour. Is Didi's in compliance with the FLSA? Didi's is in fact in compliance with FLSA guidelines. The Fair Labor Standards Act (FLSA) requires payment of at least the federal minimum wage to cover, nonexempt employees. An employer of a tipped employee is only required to pay \$2. 13 an hour in direct wages if that amount plus the tips received equals at least the federal minimum wage, the employee retains all tips and the employee customarily and regularly receives more than \$30 a month in

tips. If an employee's tips combined with the employer's direct wages of at least \$2.13 an hour do not equal the federal minimum hourly wage, the employer must make up the difference. Human Resource Dilemma, Ch 20, #1, 470 (Paradise School).

At Paradise Elementary School, the cleaning staff uses a strong chemical containing bleach to clean the restrooms. Breathing masks are provided, but the workers refuse to wear them because the children laugh. The principal is concerned that this may constitute an OSHA violation. How would you advise her? Not wearing PPE is unacceptable behavior regardless of the reason. Personal protective equipment is important because it protects employees from possible injury. I would advise the principal to allow no exceptions to the safety policy and procedures. I would advise her to conduct monthly safety training sessions explaining their contributions to the school and hard work is valued and remaining injury free important to the school's goals. I would remind her to enforce the written rules and procedures because it is her job to keep her employees safe. I would also have her inform employees that effective Jan. 12, 2009 OSHA can issue per-employee citations. This would be bad for not just the employee but also the school on a whole. Regardless of children laughing at them, employees have to make good choices for their own safety and if they refuse or neglect to be in compliance they can be terminated.

## References

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