

# KEY FACTS ABOUT OSHA FOR VIRGINIA SMALL BUSINESSES

## (EMPLOYING 10 PEOPLE OR LESS)

### OSHA's Mission

The [Occupational Safety and Health Administration \(OSHA\)](#) was established to “ensure safe and healthful working conditions for workers by setting and enforcing standards and by providing training, outreach, education and assistance.”

All employers are required to follow OSHA guidelines.

### Overview of Employer Responsibilities:

1. Put up an OSHA poster in a visible spot
2. Proactively identify and eliminate safety hazards in the workplace
3. During training and as needed when new risks arise, inform employees of all risks that exist in the workplace, as well as the steps they should take to work safely around those risks (preferably in writing as well as verbally)
4. Report illness, injury, or death in the workplace to OSHA, in accordance with guidelines

### Small Business Exemptions

- Small businesses with 10 or fewer employees are defined as “partially exempt” by OSHA. This excludes them from certain responsibilities. (Note: Even if you don't currently have more than ten employees, if your company had more than ten employees at any time during the last calendar year, you must keep OSHA injury and illness records)
- If you have 10 or fewer employees, you do not need to keep OSHA injury and illness records. (However, it's still considered to be a best practice, and I recommend doing it.)
- As required by § 1904.39, you must report any work-related incident that results in a fatality, the in-patient hospitalization of one or more employees, an employee amputation, or an employee loss of an eye.
- If you have 10 or fewer employees, you may provide workplace safety training in verbal rather than written form (although I still recommend it written to cover all bases).

### What is an “OSHA violation”?

- An OSHA violation occurs **when a company or employee either willingly or unknowingly ignores potential and real safety hazards.**
- A violation does not always mean an incident occurred; it can be a risk that is discovered during an OSHA inspection process.

- OSHA/The Department of Labor has the right to inspect all business premises.
- An inspection generally occurs because an employee or customer has reported a violation, because there is a probability of a violation due to type of workplace, or because of a routine/random inspection
- [Fines are issued](#) for OSHA violations, and they can be **ten of thousands of dollars**.

## What Are an Employer's Responsibilities Under OSHA?

### 1. Display an OSHA Poster

- You *must* put up an OSHA poster, in a "prominent" location, informing employees of their rights and your responsibilities as an employer. An approved OSHA "It's the Law" workplace poster is [available for free online](#)

### 2. Keep a Critical Eye Out for General Hazards, and Eliminate Them Immediately

- You must provide a workplace "free of recognized hazards". Use your common sense to identify hazards, and address them as soon as you see them. For example, employers should proactively eliminate any trip, slip, or fall hazards.
- Note that this doesn't mean that the employer is at fault only if he/she "recognizes the hazard" - the employer might be unaware that it's a hazard, but if it's a hazard, it is an OSHA violation. For example, if employees are using a chemical that is hazardous, the employer is responsible for knowing that it is hazardous, and employees must be made aware of the hazard and provided with appropriate protective gear. If you have a ladder that is in poor repair but you don't know it, you're still responsible for that ladder.
- It is a best practice to **encourage your employees to let you know of any health or safety concerns they may have**. Oftentimes, they are in the best position to recognize potential hazards with the tools, chemicals, etc that they are using. This should be an open conversation, and employees who report safety concerns should always be paid attention to, and thanked for bringing their concerns to your attention. You should always investigate employee safety concerns as soon as possible, and if you find it is indeed a hazard it should be addressed right away.
- Keep an eye out for the most common types of violations. According to OSHA, the top 10 violations in 2020 were related to:
  1. Fall Protection
  2. Hazard Communication
  3. Respiratory Protection
  4. Scaffolding
  5. Ladders
  6. Control of Hazardous Energy
  7. Powered Industrial Trucks
  8. Fall Protection Training
  9. Eye and Face Protection
  10. Machinery and Machine Guarding

**3. Make sure your employees are aware of hazards and trained on how to appropriately handle hazardous chemicals and situations. This includes:**

-Hazardous substances:

- a. Hazardous substance training should include how to read SDSs (see below) and what to do when handling any incidents.
- b. Any hazardous chemical containers must be properly labeled—never remove labels or warning stickers from chemicals.
- c. Keep [Safety Data Sheets \(SDSs\)](#) for every hazardous substance that your employees may encounter. These SDSs address the effects of the chemicals, exposure prevention, and emergency treatment. They should be shown to employees in their training period, and they must be readily available to workers so that they can review them if/when needed.

-Blood-borne pathogens:

- a. Any employees who may be exposed to blood-borne pathogens during regular duty should be trained about how to deal with blood-borne pathogens in case of an emergency.
- b. This should be in the employee training, and it is recommended that you also present it to employees in written form.

-Emergency situation training

- a. Employees should be trained on what to do in emergency situations, such as how to exit the building. Again, this is required verbally as part of your employee training, and it is a best practice to also have this in written form.

-OSHA inspector training.

- a. Employees should be trained on what to do if an OSHA inspector ever visits your workplace.
- b. In most cases, you would want the employee to notify you so that you can be present, and in the meantime to comply with any requests for access made by the inspector.

### **How OSHA Relates to State Laws**

- Certain states, such as Virginia, have their own OSHA-approved [state plans](#).
- OSHA still monitors these state plans, but the state laws take precedence over federal rules.