

ARTICLE 7. DISCRIMINATION AGAINST EMPLOYEES EXERCISING THEIR RIGHTS UNDER THE INDIANA OCCUPATIONAL SAFETY AND HEALTH ACT (IC 22-8-1.1)

Rule 1. Applicability and Purpose

610 IAC 7-1-1 Applicability

Authority: IC 22-1-1-8; IC 22-8-1.1-48.1  
Affected: IC 22-8-1.1

Sec. 1. This article applies to any individual or type of organization, including the state and all its political subdivisions, that has in its employ one (1) or more individuals. (Department of Labor; 610 IAC 7-1-1; filed Nov 6, 2006, 8:47 a.m.: 20061206-IR-610060159FRA; readopted filed Nov 30, 2012, 11:14 a.m.: 20121226-IR-610120578RFA)

610 IAC 7-1-2 Purpose

Authority: IC 22-1-1-8; IC 22-8-1.1-48.1  
Affected: IC 22-8-1.1-38.1

Sec. 2. Subject to contrary provisions of Indiana law, it is the intention of the Indiana commissioner of labor to enforce IC 22-8-1.1-38.1 in the same manner the United States Department of Labor enforces 29 U.S.C. 660(c). (Department of Labor; 610 IAC 7-1-2; filed Nov 6, 2006, 8:47 a.m.: 20061206-IR-610060159FRA; readopted filed Nov 30, 2012, 11:14 a.m.: 20121226-IR-610120578RFA)

Rule 2. Incorporation by Reference

610 IAC 7-2-1 Incorporation by reference

Authority: IC 22-1-1-8; IC 22-8-1.1-48.1  
Affected: IC 22-8-1.1

Sec. 1. (a) The commissioner of labor hereby incorporates 29 CFR 1977.1 – 29 CFR 1977.22 of 29 CFR 1977\* (Discrimination Against Employees Exercising Rights Under the Williams-Steiger Occupational Safety and Health Act of 1970) as in effect on January 1, 2006, by reference.

(b) References in 29 CFR 1977 to "business affecting commerce" or "commerce power" are ignored for the purposes of enforcing IC 22-8-1.1-38.1.

(c) When interpreting this article, including all matters incorporated by reference, the following shall apply:

(1) "The Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.)" or "Act" shall refer to the Indiana Occupational Safety and Health Act (IC 22-8-1.1, et seq.). References to specific sections of The Occupational Safety and Health Act of 1970 shall be interpreted to refer to the corresponding section under IC 22-8-1.1 as set out in Table 1.

Table 1.

| Occupational Safety and Health Act of 1970                                                                               | Indiana Code section |
|--------------------------------------------------------------------------------------------------------------------------|----------------------|
| §6(b)                                                                                                                    | IC 22-8-1.1-15.1     |
| §6(d)                                                                                                                    | IC 22-8-1.1-20.1     |
| §6(f)                                                                                                                    | IC 22-8-1.1-19       |
| §8                                                                                                                       | IC 22-8-1.1-24.1     |
| §10(c)                                                                                                                   | IC 22-8-1.1-28.2     |
| §11(a)                                                                                                                   | IC 22-8-1.1-35.5     |
| §11(c)                                                                                                                   | IC 22-8-1.1-38.1     |
| (2) "Secretary of Labor" shall refer to the commissioner of the Indiana department of labor.                             |                      |
| (3) "Occupational Safety and Health Review Commission" shall refer to the board of safety review created by IC 22-8-1.1. |                      |

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(4) "Department of Labor" shall refer to the Indiana department of labor.

(5) "United States District Court" shall refer to a circuit or superior court of Indiana.

(6) "Place of Filing" in 29 CFR 1977.15(c) shall be replaced to read "Complaint should be filed with the Indiana Department of Labor, Indiana Government Center-South, 402 West Washington Street, Room W-195, Indianapolis, Indiana 46204; 317-233-5159."

(d) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control.

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Labor, Indiana Government Center-South, First Floor, Indianapolis, Indiana 46204. (*Department of Labor; 610 IAC 7-2-1; filed Nov 6, 2006, 8:47 a.m.: 20061206-IR-610060159FRA; readopted filed Nov 30, 2012, 11:14 a.m.: 20121226-IR-610120578RFA*)

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