

Purpose and Applicability of Regulations

Employers in Indiana must follow Title 29, Part 1910 (Occupational Safety and Health Standards) and Part 1926 (Safety and Health Standards for Construction) of the Code of Federal Regulations that are enforced by the Indiana Department of Labor, which is the state counterpart to the U.S. Department of Labor. The purpose of these standards is to ensure the health and safety of employees while in the workplace or construction environment.



Agencies and Their Laws and Rules

The two divisions in the Indiana Department of Labor concerned with occupational and construction safety and health include INSafe and the Indiana Occupational Safety and Health Administration (IOSHA).

■ INSafe

INSafe works with Indiana's employers, employees, labor unions, professional groups, trade organizations and others to ensure workplace health and safety.



Consultation Services

INSafe provides confidential assistance to Indiana businesses including education, training, and consultation services. This assistance helps businesses:

- Anticipate safety and health hazards through consultations.
- Recognize hazards through training.
- Evaluate methods of hazard correction with technical assistance.
- Control hazards, creating a safe and healthy workplace.

INSafe offers comprehensive and limited-service safety consultations for all types of businesses. This service is tailored to meet an organization's needs. It includes an on-site visit and a walk through of the facility. INSafe will detail all findings and recommendations for improvement in a written report. INSafe does not issue citations or make referrals to IOSHA enforcement, provided all noted hazards are corrected after the consultation. More information about INSafe's consultation services is available at www.IN.gov/dol/2386.htm.

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Training

INSafe provides comprehensive workplace safety and health training including:

- 10-hour and 30-hour Occupational Safety and Health Administration courses.
- Individual training on hazard communication, powered industrial trucks, etc.

A training calendar is located on the Indiana Department of Labor's website at www.IN.gov/dol/2383.htm.

Indiana Safety and Health Achievement Recognition Program (INSHARP)

INSafe's INSHARP recognizes smaller employers with exemplary safety and employee management systems. These are companies with fewer than 250 employees on-site and no more than 500 nationwide. These companies are singled out as models for their work site safety and health and may be exempt from a scheduled IOSHA inspection for one year.

Interested companies can request a consultation by sending a letter requesting the on-site consultation. State in the letter what type of consultation is desired (full or limited), as well as:

- Type of business
- The reason for the request
- Name and phone number of the contact person

More information on INSHARP is available at www.IN.gov/dol/2382.htm or may be obtained by e-mailing insharp@dol.IN.gov or calling (317) 232-2688.

■ Indiana Occupational Safety and Health Administration (IOSHA)

IOSHA is comprised of three sections:

Industrial Safety Section

The *Industrial Safety Section* is responsible for public and private sector safety in the commercial, agricultural and industrial sector of the Indiana economy, in accordance with 29 CFR 1910. The section's mission is to prevent occupational injury and disease through identification and control of potential hazards in the workplace that may cause harm to employees. A major effort is directed toward conducting inspections and investigations in workplaces to ensure compliance with occupational health standards and provide warnings of potential health risks in the work environment. Primary areas of concern are related to physical hazards and employee exposure to airborne contaminants and physical agents.

Construction Safety Section

The *Construction Safety Section* is responsible for employee safety in the construction industry in Indiana. Construction sites are inspected to ensure compliance with IOSHA's standards found in Title 29, Part 1926 of the Code of Federal Regulations.

Industrial Hygiene Section

The *Industrial Hygiene Section* focuses on recognition and evaluation of exposure to occupational health hazards, such as atmospheric contaminants, and chemical, biological, physical, and ergonomic hazards.

IOSHA requires that each employer:

- Provide a workplace free from serious recognized hazards and comply with standards, rules and regulations issued under the Indiana Occupational Safety and Health (IOSH) Act (IC 22-8-1.1).
- Post the IOSHA poster, available at www.IN.gov/dol/2366.htm, and other notices; use other appropriate measures to keep his or her employees informed of their protection and obligations under the IOSH Act, including the provisions of applicable rules and standards.
- Notify the Indiana Department of Labor within eight hours of any fatality or the hospitalization of three or more employees suffering injury or illness from the same incident. Notification may be accomplished by calling (317) 232-2693.
- Make available to employees, for inspection and copying, the employee's medical records and exposure records.

Complaints

Employees and employee representatives who believe that an unsafe or unhealthful condition exists in their workplace have the right to request an inspection by giving written notice to the Indiana Department of Labor. If a condition exists which may present an immediate danger, the Indiana Department of Labor should be notified in the most expedient manner without regard to a written notice by calling (317) 232-2655. The names of complainants will be kept confidential and not be revealed upon the request of the employee.

Employees also have the right to bring unsafe or unhealthful conditions to the attention of the compliance officer during an inspection or investigation. The IOSH Act provides that employees may not be discharged, or in any manner discriminated against, for filing a complaint or exercising any of their rights under the IOSH Act. An employee who believes he or she has been discriminated against may file a complaint with the Indiana Department of Labor within 30 days of the alleged discrimination.

The U.S. Department of Labor's Occupational Safety and Health Administration is monitoring the operation of the IOSHA program to assure the effective administration of the IOSH Act. Any person may make a written complaint regarding the state administration of the IOSH Act directly to OSHA, Regional Office, 230 South Dearborn, Chicago, Illinois 60604.

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Citations

If upon inspection or investigation, the Indiana Department of Labor's IOSHA believes that a requirement of the IOSH Act has been violated, a citation alleging such violation and setting a time period for correction will be issued to the employer. The citation must be prominently posted at or near the place of the alleged violation for three days or until the violation is corrected, whichever is later. The IOSH Act provides for first instance penalties of up to \$7,000 for a violation. Penalties of up to \$7,000 per day may be assessed for failure to correct a violation within a proposed abatement period. Any employer who willfully or repeatedly violates the IOSH Act may be assessed penalties of up to \$70,000 for each such violation. Employers may appeal the alleged citation, the proposed penalties, or the abatement periods to the Indiana Department of Labor.

Voluntary Protection Program

IOSHA has established the Indiana Voluntary Protection Program (VPP) to recognize and promote safety and health management throughout the state, regardless of business size or type. Participants are a select group of facilities that have designed and implemented outstanding safety and health programs. They typically have fewer lost work days and notice improved employee motivation to work safely, which leads to better quality of work and productivity. This also reduces workers' compensation and insurance costs. VPP participants experience increased recognition from their communities as well. More information and an application packet is available at www.IN.gov/dol/vpp.htm, or call (260) 373-2860 for assistance.

Free Technical Assistance

For assistance with occupational safety and health questions or to request free, professional on-site consultation services, contact a safety or health consultant with the Indiana Department of Labor's INSafe division by e-mailing insafe@dol.IN.gov or by calling (317) 232-2688. Visit INSafe's website at www.IN.gov/dol/insafe.htm for more information.