

# North Carolina Workplace Laws

## Notice to Employees

### Safety and Health on the Job (OSHA)

#### ***N.C. Department of Labor Responsibilities***

The state of North Carolina has a federally approved program to administer the Occupational Safety and Health Act (OSHA) in North Carolina. This program is administered by the N.C. Department of Labor's Division of Occupational Safety and Health (OSH).

As the OSHA administrator for this state, the OSH Division has the following responsibilities and powers:

- **Employee Complaints**—Employees or their representatives have the right to file an OSHA complaint any time they believe an unsafe or unhealthy condition exists in their workplace. Complaints dealing with an unsafe condition or accident should be made in a timely manner. Names of complainants will be kept confidential at their request.

Once an OSH inspector has arrived at the workplace, employees have the right to point out conditions that they feel are unsafe or unhealthy. Any employer who retaliates in any way against an employee for filing a complaint or assisting an inspector is breaking the law. The Department of Labor will investigate and may prosecute employers who take such action.

- **Inspections**—The OSH Division conducts workplace inspections for several reasons. They can be triggered by complaints, accidents or because that workplace has been randomly selected for a surprise inspection.

Inspections are conducted by trained and qualified safety officers and/or industrial hygienists. Authorized employer representatives and a representative authorized by the site's employees may accompany the inspector for the purpose of aiding the inspection. The inspector will talk privately to a reasonable number of employees during the inspection.

- **Citations**—Following an inspection, the employer may be cited for one or more violations of the OSHA standards. An OSHA citation may include a monetary penalty. It will always give the employer a set amount of time to correct the violation in order to avoid further action.

- **Fines and Penalties**—An employer can be fined up to \$7,000 for each "serious" violation. A fine also can be assessed for a "nonserious" violation. An additional maximum \$7,000 penalty can be assessed for each day an employer fails to correct or abate a violation after the allotted time to do so has passed.

An employer who has been found to *willfully* violate an OSHA standard can be fined up to \$70,000 per "willful" violation. This level of penalty can also be assessed against any employer who is found with a "repeated violation" at a worksite.

Criminal penalties may apply against employers who are found guilty of willfully violating any standard, rule or regulation that has resulted in an employee's death. If convicted of such a violation, the employer shall pay a penalty of up to \$10,000 or be imprisoned for six months, or both. A repeated conviction of such a case doubles these penalties.

- **OSHA Standards**—The division adopts all federally mandated OSHA regulations, called standards. The OSH Division can adopt these standards as written by the federal government or can rewrite them, as long as the new version is as strict or stricter, to meet state conditions.

The public may get a copy of any specific standard adopted by the OSH Division free of charge or buy a collection of standards such as the "General Industry" or "Construction Industry" standards for a nominal cost. Write the division or call 1-800-NC-LABOR or (919) 807-2875 for more information.