

safety and health protection on the job

MARYLAND OCCUPATIONAL SAFETY and HEALTH ACT

PRIVATE SECTOR

The Maryland Occupational Safety and Health Act of 1973 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the State. Requirements of the Act include the following:

- Employers:** Each employer shall furnish to each of his or her employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious harm to employees; and shall comply with occupational safety and health standards issued under the Act.
- Employees:** Each employee shall comply with all occupational safety and health standards, rules, regulations and orders issued under the Act that apply to his or her own actions and conduct on the job.
- The Commissioner of Labor and Industry has the primary responsibility for administering the Act and issuing occupational safety and health standards. MOSH Safety and Health Inspectors conduct jobsite inspections to ensure compliance with the Act.
- Inspection:** The Act requires that a representative authorized by the employees be given an opportunity to accompany the MOSH Inspector for the purpose of aiding the inspection.
- Where there is no authorized employee representative, the MOSH Inspector shall consult with a reasonable number of employees concerning safety and health conditions in the workplace.
- Complaint:** Employees or their representatives have the right to file a complaint with the Commissioner requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. The Commissioner will withhold names of employees complaining on request.
- The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act.
- An employee who believes he or she has been discriminated against may file a complaint with the Commissioner and/or the Federal Occupational Safety and Health Administration Regional Office within 30 days of the alleged discrimination.

- Citation:** If upon an inspection the Commissioner believes an employer has violated the Act, a citation alleging such violations shall be issued to the employer. Each citation shall specify a time period within which the alleged violation must be corrected.

The MOSH citation must be prominently displayed at or near the place of alleged violation for three days, or until it is corrected, whichever is later, to warn employees of dangers that may exist there.

- Proposed Penalty:** The Act provides for mandatory civil penalties against employers of up to \$7,000 for each serious violation and for optional penalties of up to \$7,000 for each nonserious violation. Civil penalties of up to \$7,000 per day may be proposed for failure to correct violations within the proposed time period. Also, any employer who willfully or repeatedly violates the Act may be assessed civil penalties of up to \$70,000 for each such violation.

Criminal penalties are also provided for in the Act. Any willful violation resulting in death of an employee, upon conviction, is punishable by a fine of not more than \$10,000 or by imprisonment for not more than six months, or by both. Conviction of an employer after a first conviction doubles these maximum penalties.

- Voluntary Activity:** While providing penalties for violation, the Act also encourages efforts by labor and management to reduce injuries and illnesses arising out of employment. The Commissioner of Labor and Industry encourages employers and employees to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces and industries.

Such cooperative action would initially focus on the identification and elimination of hazards that could cause death, injury, or illness to employees and supervisors. There are many public and private organizations that can provide information and assistance in this effort, if requested.

STATE OF MARYLAND

MARTIN O'MALLEY

Governor

ANTHONY G. BROWN

Lieutenant Governor

LEONARD J. HOWIE III

Secretary of Labor, Licensing and Regulation

ADDITIONAL INFORMATION AND COPIES OF THE ACT, SPECIFIC MARYLAND OCCUPATIONAL SAFETY AND HEALTH STANDARDS, AND OTHER APPLICABLE REGULATIONS MAY BE OBTAINED FROM

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Complaints about State Program administration may be made to Regional Administrator, Occupational Safety and Health Administration, The Curtis Center, Suite 740 West, 170 S. Independence Mall West, Philadelphia, PA 19106-3309