SAFETY AND HEALTH PROTECTION ON THE JOB

ALASKA LAW AS 18.60.010 to .105 – provides safety and health protection for workers through promotion of safe and healthful working conditions throughout the State. Requirements of the law include the following:

EMPLOYERS: Each employer shall furnish to each of his employees, employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious harm to his employees; and shall comply with occupational safety and health standards issued under the law.

EMPLOYEES: Each employee shall comply with all occupational safety and health standards, rules, regulations and orders issued under the law that apply to his own actions and conduct on the job.

The Alaska Department of Labor and Workforce Development has the primary responsibility for administering the law. It issues occupational safety and health standards, and its Compliance Officers conduct job site inspections to ensure compliance with the law.

INSPECTION: The law requires that a representative of the employer and a representative authorized by the employees be given an opportunity to accompany the Compliance Officer for the purpose of aiding the inspection. Pursuant to AS 18.60.087, time spent by an employee aiding the inspection shall be considered as time worked, and the employee shall be compensated accordingly.

Where there is no authorized employee representative, the Compliance Officer must consult with a reasonable number of employees concerning safety and health conditions in the workplace.

COMPLIANCE COMPLAINT: Employees or their representatives have the right to file a complaint in writing with the nearest Alaska Department of Labor and Workforce Development office requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. Their names will be withheld upon request.

Employees and their representatives have a right to call an inspector's attention to possible violations in writing or orally.

The law 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 law.

DISCRIMINATION COMPLAINT: An employee of a private employer who believes he has been discriminated against may file a complaint with the nearest Alaska Department of Labor and Workforce Development office within 30 days of the alleged discrimination and/or may file a complaint with the nearest U.S. Department of Labor (USDOL), OSHA, office within the same time period.

An employee of a public employer who believes he has been discriminated against may file a complaint only with the nearest Alaska Department of Labor and Workforce Development office within 30 days of the alleged discrimination. (U.S.DOL OSHA has jurisdiction only with respect to private employment, and discrimination complaints by public employees will not be accepted by U.S.DOL OSHA).

CITATION: If upon inspection the Compliance Officer believes an employer has violated the law, a citation alleging such violations will be issued to the employer. Each citation will specify a time period within which the alleged violation must be corrected.

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

PROPOSED PENALTY: The law provides for mandatory penalties against employers of up to $7000 for each serious violation and for optional penalties of up to $7,000 for any other violations. 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 law may be assessed penalties of up to $70,000 for each violation.

Criminal penalties are also provided for in the law. Any willful violation resulting in death of an employee upon conviction is punishable by a fine not more than $10,000 or by imprisonment for not more than 6 months, or by both. Conviction of an employer after a first conviction doubles these maximum penalties.

VOLUNTARY ACTIVITY: While providing penalties for violations, the law also encourages efforts by labor and management, before an inspection, to reduce injuries and illnesses arising out of employment.

The Alaska Department of Labor and Workforce Development 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. Upon request of employer, the Alaska Department of Labor and Workforce Development will furnish a consultant who will inspect the premises and identify hazards without assessing penalties

MORE INFORMATION: Additional information and copies of the law, specific safety and health standards, and other regulations may be obtained from the Alaska Department of Labor and Workforce Development, Division of Labor Standards & Safety, Alaska Occupational Safety and Health at the addresses shown at the bottom of this page.

PROGRAM COMPLAINT: Under a plan approved July 31, 1973 by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), the State of Alaska is providing job safety and health protection for workers throughout the State. OSHA will monitor the operation of this plan to assure that continued approval is merited. Any person may make a complaint regarding the State administration of this plan directly to the U.S. Department of Labor, OSHA, Region X, 1111 Third Avenue, Suite 715, Seattle, WA 98101-3212. Telephone (206) 553-5930

IT'S YOUR RIGHT TO KNOW
About toxic and hazardous substances and physical agents

AS 18.60.068 requires this information be displayed in a prominent place on business premises.

- Employers must inform employees about the locations and nature of operations, which could result in exposure to toxic or hazardous substances or physical agents.
- Employers must train employees in the health effects of the toxic or hazardous substances and physical agents to which they are exposed and in the purpose, proper use, and limitations of personal protective equipment.
- Employers must keep on file and make available during the work-shift, Material Safety Data Sheets (MSDS) for each toxic or hazardous substance or physical agent to which employees may be exposed. Employers must remove employees from exposure to the substance or physical agent if an MSDS cannot be obtained and provided to employees within 15 calendar days of a request.

The Alaska Department of Labor and Workforce Development will provide assistance to employers in the form of Material Safety Data Sheets (MSDS), program development aids, on-site program review, and safety seminars.

For more information, employers, employees and concerned citizens may contact the Alaska Department of Labor and Workforce Development, Labor Standards and Safety Division, Occupational Safety and Health, http://www.labor.state.ak.us/lss/oshhome.htm.

♦ **Consultation & Training 1-800-656-4972** ♦ **Enforcement 1-800-770-4940** ♦ **24-hour OSHA hotline 1-800-321-6742**

1111 West 8th Street, Suite 304
P.O. Box 111149
Juneau, AK 99811-1149
(907) 465-4855

3301 Eagle Street, Suite 305
Anchorage, AK 99503
(907) 269-4940

675 7th Avenue, Station J
Fairbanks, AK 99701-4596
(907) 451-2890

AS 18.60.058 (a) requires that employers must notify either AKOSH or OSHA within eight hours of a fatality or in-patient hospitalization.
AKOSH 1-800-770-4940 or **24-hour OSHA hotline 1-800-321-6742**

ALASKA DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT