

OSHA 300 LOG

Under the OSH Act you have the right to review your facility's OSHA 300 Log, which is a log of work-related deaths, illnesses and injuries that result in: restricted work or job transfer, days lost from work, or requires more than first aid or significant medical attention. Analyzing this data is a key component of any successful health and safety strategy. To correct any health and safety hazard, you must learn about the hazard, document exposure, and gather information. The log can tell you:

- Where the most serious hazards exist
- Who is getting ill or injured—what units are experiencing the most injuries and illnesses
- Work practices leading to injury and illness
- Health effects
- High risk occupations

The log can't tell you anything about work-related injuries and illnesses that were not reported, which is why it is so important to document every exposure. By analyzing the data, you can identify problems for change, training needs, and compile data for potential OSHA complaints. Other sources of data include safety committee reports, incident reports, workers' compensation data, and absenteeism records.

RESOURCES:

ANA Workplace Health and Safety Guide for Nurses. (2001) Order at: www.nursingworld.org/anp/pdescr.cfm?cnum=14#WPHS21CM2

ANA: www.nursingworld.org/osh

NIOSH: www.cdc.gov/niosh

OSHA: www.osha.gov
To file an OSHA complaint:
www.osha.gov/as/opa/worker/complain.html

Call (800) 274-4ANA
and ask for information about
joining your state nurses association.



8515 GEORGIA AVENUE
SUITE 400
SILVER SPRING, MD 20910-3492

WWW.NURSINGWORLD.ORG

Your Health and Safety Rights



Occupational Health & Safety Series

A DANGEROUS JOB

Over the last decade, health care has rapidly become one of the most dangerous industries in the United States. In 2004 the healthcare and social assistance sector was second only to the manufacturing industry in rates of occupational injury and illness, making it **more dangerous to work in a hospital than in construction and more dangerous to work in a nursing home than in a mine**. The good news is that there are laws and regulations that protect us from occupational hazards. We have a responsibility to learn more about these rights and to make sure they are being enforced in the workplace. Nurses across the country have successfully reduced or eliminated hazards by working with their colleagues to enforce their rights.

OSHA AND NIOSH

In 1970, Congress passed the Occupational Safety and Health (OSH) Act, which created the Occupational Safety and Health Administration (OSHA). OSHA, a regulatory agency under the U.S. Department of Labor, is responsible for establishing and enforcing standards and providing worker training and education. The OSH Act assures “every working man and woman a safe and healthful workplace.” The Act applies to all private employers, and OSHA protection also exists for federal employees and some state employees—if they work in a state with an OSHA-approved safety and health plan. OSHA can inspect, cite and fine employers for any violations of the OSH Act or for failing to comply with OSHA standards.

The OSH Act also created the National Institute for Occupational Safety and Health (NIOSH), a research and educational institute within the Centers for Disease Control and Prevention. In addition to conducting research, providing education and technical assistance and issuing exposure limits and guidelines, NIOSH conducts Health Hazard Evaluations (HHEs) when requested by an employer, a group of employees or a union. You can request an HHE when employees are becoming ill from an unknown cause or unregulated toxic substance or practice.

OSHA PROTECTIONS

OSHA standards are enforceable by law. The following standards apply to health care: bloodborne pathogens, hazard communications, access to employee exposure and medical records, exposure to ethylene oxide, formaldehyde permissible exposure limit, and respiratory protection. For the specifics of these standards, visit OSHA’s Web site: www.osha.gov. There are also OSHA guidelines for TB, exposure to hazardous drugs, and workplace violence. In addition, OSHA published a technical bulletin on latex allergy. NIOSH has recently published an alert on prevention of occupational exposure to hazardous drugs.

Whistleblower Protection

Section 11(c) of the OSH Act provides protection from punishment for speaking out against unsafe or illegal practices in the workplace. If you believe you have been punished for your actions (filing a grievance or complaint with OSHA or any other government agency about job safety and health hazards, or for participating in OSHA inspections, hearings or other OSHA-related activities), you should contact the nearest OSHA office within 30 days of learning of the discriminatory act.

Filing a Complaint

If your employer is not meeting its responsibilities under the OSH Act, you can file a complaint with OSHA. However, it is best to act in concert with others. While you are not required to discuss your concerns with your employer before filing a complaint, you should try to work with your employer to correct hazards. Often, documenting the hazards, showing that OSHA standards have been violated, and offering possible solutions can convince management to correct hazards. Contact your state nurses association before filing a complaint, as the staff there have access to more information and resources.

You should file a complaint when:

- Immediate enforcement is needed.
- The hazard is well recognized.
- The employer is not complying with OSHA standards.

General Duty Clause

Under the General Duty Clause of the OSH Act, employers must provide a “safe and healthful workplace.” Thus, even if a standard does not exist, you can file a complaint based on this clause. You must show that:

- A recognized hazard is causing harm.
- Effective control measures exist.
- Control methods are feasible.

ANA FIGHTING FOR YOUR RIGHTS

Enforcing existing rights and lobbying for additional rights is an ANA priority. ANA firmly believes that nurses should not have to risk their lives and health while caring for patients. ANA works with OSHA to make sure violations are fully investigated. In addition, ANA testified in support of needed protections for nurses including an ergonomics standard, a TB standard, and exposure limits for hazardous chemicals. ANA works with state nurses associations to educate nurses about their health and safety rights and with organizations to conduct research. Every registered nurse can contribute to the fight for a healthy workplace by documenting all injuries and illnesses and making sure our rights are enforced in the workplace.