

# Employers Must Provide a Workplace Free of Recognized Hazards

- >> Section 5(a)(1), The General Duty Clause of the Occupational Safety and Health Act of 1970 (OSHAct) provides these rights to all U.S. private sector workers. Federal and other public employers and employees are exempt from OSHA coverage. However, the OSHAct does establish a mechanism that encourages states to develop and adopt “State OSHA Plans” so that the states may “assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws” by providing grants to the states to assist in identifying their workplace safety and health needs and responsibilities, as well as developing improved methods to administer and enforce the state occupational safety and health laws. In cases where a state receives permission from federal OSHA to implement a proposed “State OSHA Plan”, except for federal workers, the “State OSHA Plan” provides coverage of all public sector workers. To date, as listed below, 24 states and two possessions of the U.S. (Puerto Rico and the Virgin Islands) have developed State plans. In addition, actions taken by the Executive and Congressional branches of the federal government have provided occupational safety and health protections to federal workers.
- >> The issue of occupational safety and health coverage is of particular importance to CWA. At present, the Union represents more than 110,000 public workers within 26 states, Washington, D.C., and Puerto Rico. Of these, more than 67,000 are employed in 21 states and Puerto Rico that provide workplace safety and health coverage for public workers; whereas, some 43,000 work in 25 states and Washington, D.C., that do not provide occupational safety and health coverage for public workers.
- >> The Bush Administration has done nothing to support workplace safety and health coverage for public workers who work in those states and Washington, D.C., that do not provide occupational safety and health protections for public workers. In addition, the Bush Administration has failed to fulfill its mandate of ensuring that private sector employers provide their employees with safe and healthful workplaces.
- >> The Bush Administration has refused to put flight attendants under OSHA jurisdiction, as had been planned in the previous administration. Flight attendants need many of the protections of the Occupational Safety and Health Act, but unlike most other American workers, they do not have them. The rate of reportable injuries for flight attendants has been higher than that in either mining, agriculture or construction.

## STATES WITH APPROVED “STATE OSHA PLANS”

Alaska, Arizona, California, Connecticut\*, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Jersey\*, New Mexico, New York\*, North Carolina, Oregon, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, Wyoming

Also: Puerto Rico, Virgin Islands

\*Enforcement in public sector only



Contact the CWA Occupational Safety and Health Department at [www.cwasafetyandhealth.org](http://www.cwasafetyandhealth.org).