

Wage and Hour Notice to Employees and OSH Notice to Employees must be posted together.

OSH Notice to Employees

Safety and Health

N.C. Department of Labor Responsibilities

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

The OSH Division has the following responsibilities and powers:

- **Inspections**—The OSH Division conducts workplace inspections that can be triggered by complaints, accidents or because the workplace has been randomly selected for an inspection.
- **Citations**—Following an inspection, the employer may be cited for one or more violations of the OSHA standards. The employer will be given a timetable to correct the violation to avoid further action.
- **Penalties**—An employer can be fined up to \$7,000 for each “serious” violation. Serious violations that involve injury to a person under 18 years of age could result in fines up to \$14,000 per 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.

A penalty of up to \$70,000 may be issued for each willful or repeat violation of an OSHA standard.

Criminal penalties of up to \$10,000 may apply against employers who are found guilty of willfully violating any standard, rule or regulation that has resulted in an employee’s death.
- **OSHA Standards**—The division adopts all federally mandated OSHA standards verbatim or can rewrite them to meet state conditions, as long as the new version is at least as strict as the federal standard.

A copy of any specific standard adopted by the OSH Division is available free of charge. The entire “General Industry” or “Construction Industry” standards are available for a nominal cost by calling **1-800-625-2267 or 919-707-7876**.

Employer Rights and Responsibilities

Public and private sector employers have a “general duty” to provide their employees with workplaces that are free of recognized hazards likely to cause serious injury or death. Employers must comply with the OSHA safety and health standards adopted by the Labor Department.

- **Inspections**—An employer has the legal right to refuse to allow an inspector to enter the workplace without an administrative inspection warrant. If this occurs, the inspector will obtain a warrant to conduct the inspection. The employer has the right to accompany the inspector during the physical inspection.
- **Discrimination**—It is illegal to retaliate in any way against an employee for raising a health or safety concern, filing a complaint, reporting a work-related injury or illness, or assisting an inspector. The department will investigate and may prosecute employers who take such action.
- **Citations**—If an OSH inspection results in one or more citations, the employer is required to promptly and prominently display the citation(s) at or near the place where the violation allegedly occurred. It must remain posted for three working days or until the violation has been corrected or abated, whichever is longer.
- **Contesting Penalties**—Once an employer has been cited, he or she may request an “informal conference” with OSH officials to discuss the penalty, abatement or other issues related to the citation. This request must be made within 15 working days after the citation is received.

The employer may formally contest (by filing a “Notice of Contest”) the citation(s) or proposed penalty to the N.C. Occupational Safety and Health Review Commission. The Review Commission is an independent body that hears and decides contestments by employers and employees concerning citations, abatement periods and penalties.

Employers wishing to know more about the procedures for filing a “Notice of Contest” should contact the Review Commission. Telephone: **919-733-3589**. Website: **www.oshrb.state.nc.us**.

Injury and Illness Records

Employers with 11 or more employees, unless specifically exempted, are required to maintain updated occupational injury and illness records of their employees. Recordkeeping forms and information concerning these requirements may be obtained from the Education, Training and Technical Assistance Bureau, N.C. Department of Labor. Call **1-800-625-2267 or 919-707-7876**.

Accident and Fatality Reporting

—An employer must report the following:
Within eight hours: Any work-related fatality.
Within 24 hours:
• Any work-related in-patient hospitalization of one or more employees.
• Any work-related amputation.
• Any work-related loss of an eye.

To report an accident, call the OSH Division at **1-800-625-2267 or 919-779-8560**.

Employee Rights and Responsibilities

Public and private sector employees must comply with occupational safety and health standards, rules, regulations, and those orders issued under OSHA that relate to their own actions and conduct.

- **Complaints**—An employee has a right to make a complaint regarding workplace conditions he or she believes are unsafe, unhealthy or in violation of OSHA standards. When an OSH inspector is in an employee’s workplace, that employee has a right to point out unsafe or unhealthy conditions and to freely answer any questions asked by the inspector. When making a complaint, the employee may request that his or her name be kept confidential.

To make a complaint, call 1-800-625-2267 or 919-779-8560. Complaints also can be made online at www.labor.nc.gov.

- **Contesting Abatement**—Employees may contest any abatement period set as a result of an OSH inspection at their workplace. An employee has the right to appear before the Review Commission to contest the abatement period and seek judicial review.

Other OSHA Information

• **Federal Monitoring**—The OSH Division is monitored by the U.S. Department of Labor. Federal authorities ensure that continued state administration is merited. Any person who has a complaint about the state’s administration of OSHA may contact the Regional Office of the U.S. Department of Labor, 61 Forsyth St. S.W., Suite 6T50, Atlanta, GA 30303.

• **Additional Information or Questions** —Anyone having a question about any of the above information may write or call:

N.C. Department of Labor
Occupational Safety and Health Division
1101 Mail Service Center
Raleigh, NC 27699-1101
Phone: 1-800-625-2267
Fax: 919-707-7964
E-mail: ask.osh@labor.nc.gov
www.labor.nc.gov



Josh Dobson
Josh Dobson
Commissioner of Labor

This notice must be posted conspicuously. This poster is available free of charge to all North Carolina workplaces. Call 1-800-625-2267 or 919-707-7876 or order online.

1-800-NC-LABOR
(1-800-625-2267)
www.labor.nc.gov

Unemployment Insurance

NCDOL does not handle matters relating to unemployment insurance. If you would like information about unemployment insurance policies or procedures, please contact the Department of Commerce, Division of Employment Security, P.O. Box 25903, Raleigh, NC 27611-5903, 1-888-737-0259; www.ncesc.com.

N.C. Workers' Compensation Notice to Injured Workers and Employers (Form 17)

NCDOL does not handle matters relating to workers' compensation. If you would like information about workers' compensation policies or procedures, please contact the N.C. Industrial Commission at N.C. Industrial Commission, 4340 Mail Service Center, Raleigh, NC 27699-4340; 919-807-2500; www.ic.nc.gov. Form 17 must be prominently posted and must be printed in the same colors and format that appear on the Industrial Commission website. To download and print the current version of Form 17, visit www.ic.nc.gov.

To find out more information about this poster and to download all of the required state and federal posters, please visit our website at:

www.labor.nc.gov/posters/posters.htm