

● **HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW**

STATUTORY CITATION: Haw. Rev. Stat. §§ 396-1 – 396-20

RELATED REGULATIONS: Hawaii Admin. Rules, § 12-208-1

GENERAL SUMMARY: The Hawaii Occupational Safety and Health Law requires employers, with few exceptions, to furnish their employees with a job and workplace that are safe and free from recognized hazards, and employers must utilize such equipment and adopt such practices as are necessary to meet this general requirement. The law also imposes employer recordkeeping duties, spells out the safety-related rights and responsibilities of workers, and gives the enforcement agency broad authority to prescribe and enforce specific regulations needed to carry out the law's intent.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state labor department has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Hawaii's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) but may be applied to any agricultural operation in the state, without respect to the number of workers employed.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — Occupational Safety and Health Division, Department of Labor and Industrial Relations, Honolulu, Hawaii 96813 (808-586-9110). In addition to its rulemaking functions, the Department is responsible for conducting inspections and investigations necessary to enforce compliance. Acting in response to a complaint or on their own initiative, representatives of the Department have the right to enter any place of employment at reasonable times, to inspect workplace equipment and facilities, to inspect books and records, to question the employer and any employee, and take other steps to assure adequate protection of the life, safety and health of the workers.

The Department may also investigate the cause of all work-related injuries that result in disability or death, and may make reasonable orders and recommendations with respect to the cause.

The Department may issue administrative citations, or may apply to the state circuit courts for injunctive relief, to compel corrective action by employers. The law authorizes both civil money penalties and criminal sanctions against violators.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — None.