

## ● INDIANA OCCUPATIONAL SAFETY AND HEALTH ACT

*STATUTORY CITATION:* Ind. Code §§ 22-8-1.1-1 – 22-8-1.1-52

*GENERAL SUMMARY:* The Indiana Occupational Safety and Health Act imposes on the state's employers the general duty to establish and maintain working conditions that are reasonably safe and healthful for their employees and free from recognized hazards that could cause death or serious physical harm to the workforce. The Act creates an occupational safety standards commission in the state labor department which is authorized to adopt, modify or revoke specific safety and health standards in Indiana applicable to any or all industries or occupational groups.

*PROVISIONS APPLICABLE TO AGRICULTURE:* Using the statutory authority referred to above, the state commission has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Indiana'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*). However, except in response to an employee's complaint, the Act prohibits the state enforcement agency from conducting enforcement inspections on the property of any farm establishment that (1) employs 10 or fewer employees and does not maintain a labor camp, or (2) qualifies for a small-business exemption.

### *SPECIAL NOTES OR ADVISORIES*

**RETALIATION** — An employer may not fire, discipline or in any other way discriminate against a worker because the worker files a complaint, testifies in a related proceeding, or exercises any other right under this law.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Indiana Occupational Safety and Health Administration, Indiana Department of Labor, Indianapolis, Indiana 46204 (317-233-3605)*. In response to a worker's complaint, IOSHA personnel may enter and inspect a workplace to enforce state occupational safety and health standards. If an inspection reveals a violation of the Act or the associated regulations, the Department may issue a written safety order, describing the infractions involved and setting a deadline for abatement. Failure to respond to a safety order, as well as commitment of the violation itself, is grounds for assessment of a civil money penalty by the Department. A person who knowingly violates the Act is also subject to criminal prosecution. Worker complaints may be filed online, at [www.in.gov/dol/2733.htm](http://www.in.gov/dol/2733.htm).

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*