

● **KENTUCKY OCCUPATIONAL SAFETY AND HEALTH ACT**

STATUTORY CITATION: Ky. Rev. Stat. §§ 338-011 – 338.991

RELATED REGULATIONS: 803 Ky. Admin. Regs. 2:600, §§ 1 – 2

GENERAL SUMMARY: The Kentucky Occupational Safety and Health Act imposes on most employers in the state the duty to furnish their employees with a job and workplace free from life- and health-threatening hazards, and authorizes adoption and enforcement of state safety and health standards covering any industry or occupation in the state. Employers and employees are obligated to comply with any such standard applicable to their respective employment.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state agency has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Kentucky'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*) and apply to all agricultural employers, employees and workplaces.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who suffers such discriminatory or retaliatory treatment may file a complaint with the Division.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Division of Occupational Safety and Health Compliance, Kentucky Department of Workplace Standards, Frankfort, Kentucky 40601 (502-564-3218)*. In response to a complaint or on its own initiative, representatives of the Division may, without delay and advance notice, enter any place of employment at any reasonable time to inspect working conditions, question the employer and workers, and review records to determine the cause of or prevent the occurrence of any occupational injury or illness. At the same time, any covered employee who believes a violation of a state occupational safety and health standard has occurred, or that imminent danger exists, may request an inspection by giving written notice to the Division. After inspection and confirmation of a violation, the Division may issue a citation or abatement order, enforceable in court. Failure to correct a safety and health hazard carries both civil and criminal penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.