

● OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972

STATUTORY CITATION: Tenn. Code §§ 50-3-101 – 50-3-2001

RELATED REGULATIONS: Tenn. Comp. R. & Regs. 0800-01-07

GENERAL SUMMARY: Tennessee's Occupational Safety and Health Act, in part, makes it the duty of most employers in the state to provide their employees with working conditions and a workplace which are free from potentially life-threatening or other serious hazards, and imposes on employers the responsibility to comply with the specific safety and health standards adopted by the state enforcement agency which apply to their respective places of employment.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the Act's broad rulemaking authority, the state labor department has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Tennessee'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 likewise apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

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 has been subjected to retaliation may file a complaint with the enforcement agency within 30 days after such violation occurs.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Safety Compliance Section, Occupational Safety and Health Division, Tennessee Department of Labor and Workforce Development, Nashville, Tennessee 37243 (615-741-2793; toll-free 844-224-5818)*. On the agency's own initiative or in response to an employee's complaint or request for inspection, representatives of TOSHA are authorized to enter any premises where workers are employed and inspect all conditions, structures, equipment and materials which have a bearing on worker safety and health. If an inspection or investigation reveals evidence of a violation of the Act or a related standard or regulation, the agency must cite the employer and set a deadline for corrective action. TOSHA has explicit authority to assess monetary penalties for any such violation. Certain serious infractions may also be prosecuted as criminal offenses.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*