

● OCCUPATIONAL SAFETY AND HEALTH LAWS (*FIELD SANITATION*)

STATUTORY CITATION: Vt. Stat. Title 21, §§ 201 – 232

RELATED REGULATIONS: Vt. Code R. 24-050-039

GENERAL SUMMARY: Chapter 3, Subchapter 5 of the state labor laws authorizes the state labor commissioner and the state human services secretary to develop and enforce safety and health rules consistent with the federal Occupational Safety and Health Act.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the rulemaking authority mentioned above, the labor commissioner has adopted standards requiring certain agricultural employers to provide field workers with drinking water, toilets, and handwashing facilities at the place of employment. Vermont's field sanitation standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Agricultural Field Sanitation*) and likewise apply only to those farm establishments that employ more than 10 employees on any given day in hand-labor operations in the field.

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 submit a discrimination complaint to the state enforcement agency at any time within 30 days of the violation, and the Department has 90 days thereafter to investigate the charges and notify the worker of its findings. As an alternative, the worker may bring suit against the employer in civil court, using a private attorney or public legal service provider.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Vermont Occupational Safety and Health Administration (VOSHA), Vermont Department of Labor, Montpelier, Vermont 05601 (802-828-5084)*. If inspection or investigation yields evidence of a violation of the field sanitation standards, VOSHA may issue a citation, describing the nature of the infraction and giving the employer a reasonable time to take corrective action. A citation, along with any proposed administrative fine, may be enforced by the agency in court. The law also prescribes criminal penalties for certain serious or willful violations.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.