

## ● OCCUPATIONAL SAFETY AND HEALTH LAWS

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

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

*GENERAL SUMMARY:* Chapter 3, Subchapters 4 and 5 of the state labor statutes provide, in part, that (1) insofar as practicable no employee should suffer diminished health, functional capacity or life expectancy as a result of his or her work experience, (2) all employers in Vermont must furnish their employees with a job and workplace which are free from recognized hazards that could cause death or significant physical harm to their workforce, and (3) employers must comply with safety and health standards adopted by the state labor commissioner and applicable to their respective places of employment.

*PROVISIONS APPLICABLE TO AGRICULTURE:* Using the statutory authority referred to above, the labor commissioner has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Vermont'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 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)*. Aside from the agency's role in developing rules related to occupational safety, representatives of VOSHA are authorized to enter and inspect any place of employment in the state, either in response to a specific employee complaint or on their own initiative. If inspection or investigation yields evidence of a violation of these provisions, 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 statutes also prescribe criminal penalties for certain serious or willful violations.

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