

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

STATUTORY CITATION: Va. Code §§ 40.1-49.3 – 40.1-51.3:2

RELATED REGULATIONS: 16 Va. Admin. Code § 25-180-10

GENERAL SUMMARY: Chapter 3, Article 5 of the state labor and employment statutes authorizes the adoption of regulatory standards to protect the safety and health of Virginia's labor force, and outlines procedures for the investigation and abatement of occupational safety and health hazards.

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

SPECIAL NOTES OR ADVISORIES

RETALIATION — An employer 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. Within 60 days of any such retaliatory act, the worker may file a complaint with the state enforcement agency, which has authority to bring suit in circuit court for appropriate relief. If the agency refuses to issue a charge for the alleged violation, the worker may file a civil complaint against the employer in circuit court directly.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Occupational Safety and Health Compliance, Virginia Department of Labor and Industry, Richmond, Virginia 23219 (804-786-7776)*. If the Department has cause to believe an employer has violated any standards adopted pursuant to the state occupational safety and health laws, the employer must be promptly cited and given reasonable time to correct the violation; a civil money penalty may also be proposed at the time the citation is issued. Failure to abate a violation may result in legal action against the employer to enforce compliance and collect civil penalties. Certain willful infractions are also grounds for criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.