

## ● OCCUPATIONAL SAFETY AND HEALTH LAWS

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

*RELATED REGULATIONS:* 16 Va. Admin. Code § 25-190-1928

*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. Apart from the rulemaking and enforcement provisions is additional legislative language requiring employers (1) to furnish their employees with a job and workplace free from recognized hazards which could cause death or serious physical harm, and (2) to comply with all state occupational safety and health standards applicable to their respective operations.

*PROVISIONS APPLICABLE TO AGRICULTURE:* Using the statutory authority referred to above, the state safety and health codes board has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Virginia'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** — 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*.