



Tough new Federal law

Six months ago the National Club Assn. noted that the Occupational Safety and Health Act (OSHA) of 1970 was "the toughest piece of legislation business has ever had to cope with."

The truth of this prediction is substantiated by a recent report from the fledgling Federal job safety agency. In the first six months of its operation it inspected 9,300 establishments. It issued 5,536 citations, or 60 per cent of the establishments inspected, and levied \$361,692 in proposed fines.

Private clubs, along with all other employers engaging in business affecting commerce, are now covered by the job safety laws and must contend with nearly 400 pages of rules and standards. And this is only the beginning!

Under the new law, job safety standards are being developed and set by the Secretary of Labor, who has until April 18, 1973, to promulgate them. In the interim, "National Consensus" standards are in effect and are being enforced. The interim standards include those prescribed by the Walsh-Healey Act and the National Fire Protection Assn.

The act also contains provisions for standards that require:

- ☐ That no employee dealing with toxic materials or harmful physical agents will suffer impairment.
- ☐ Development and prescription of labels or other appropriate forms of warning so that employees know all the health hazards to which they are exposed.
- ☐ Prescription of suitable protective equipment.
- ☐ Monitoring or measuring of employee exposure to hazards.
- ☐ Prescription of the type and

frequency of medical examination or other tests for employees exposed to health hazards.

Each club must also keep certain prescribed records and must be prepared to submit them on demand. Records must be maintained of all work-related deaths, injuries and illnesses. Although minor injuries requiring only first aid need not be reported, a record must be made if they involve medical treatment, loss of consciousness, restriction of work or motion or transfer to another job.

The records required of employers include:

1. A diary or log of all reportable injuries and illnesses (OSHA No. 100).
2. An annual review of all reportable deaths, injuries and illnesses (OSHA No. 102).
3. A statistical report to the Secretary of all work injuries and illnesses of which records are required.

Three categories of inspection priority have been established. First priority goes to investigation of deaths. Second, to employee complaints and third, to target industries that have been selected because of their poor safety records.

Any employee who believes that a violation of job safety or health standard exists may request an inspection by sending a signed, written notice to the Department of Labor. A copy of the complaint must be furnished to the employer, but the name of the complainant need not be supplied.

To enforce the standards, Labor Department safety inspectors may enter any establishment covered by the act at any reasonable time to inspect the premises and any pertinent structures, machines and equipment. The act permits the employer

and a representative of the employees to accompany the inspector during any physical inspection. The agency has ruled, however, that inspectors do not have to allow union representatives to accompany them on tours of plants.

Although the act provides that "Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct" (Sec. 5b), recent developments have caused some concern in this area.

Clearly, the act, as quoted above, does not rule out disciplinary action against an employee who refuses to comply with safety regulations or to use safety equipment provided by his employer. It is equally clear from discussions with officials at OSHA that responsibility for enforcement will be placed on the employer. In short, the employer must not only provide safe premises and post rules of conduct and safety standards, but he must also see that the employees read the rules and standards, understand them and carry them out.

It is also necessary to keep in mind that the act does not in any way affect any workmen's compensation law or enlarge or diminish the common law or statutory rights, duties or liabilities of employers and employees under any law.

The full impact of this law on clubs is still not completely clear. Although it appears that its major implications will center on the clubhouse, particularly the kitchen operation, and the maintenance of the golf course, because of the use of heavy cutting equipment, herbicides, insecticides and fertilizers, it would also seem to have a potential effect on the pro shop and its club cleaning equipment, golf cars, locker rooms; in fact almost any part of the club that uses equipment or machinery and potentially dangerous liquids and chemicals. Club executives would do well to keep close tabs on this new agency. ☐

The National Club Assn. has moved its headquarters to 1129 20th Street, N.W., Suite 602, Washington, D.C. 20005. The phone number remains (202) 466-8424.