

Public Employees Occupational Safety and Health Act (PEOSHA)

The New Jersey Department of Labor and Workforce Development

The New Jersey Public Employees' Occupational Safety and Health Act provides job safety and health protection for public workers through the promotion of safe and healthful working conditions throughout the State. The Department of Labor and Workforce Development has sole responsibility for the administration of the State PEOSH plan. The Department of Health is a partner in the program with responsibilities for health related issues. Requirements of the Act include the following:

Employers

Every public employer shall provide each employee with employment and a place of employment free from recognized hazards that may cause serious injury, physical harm, or death to the employees, and shall comply with occupational safety and health standards promulgated under the Act.

Employees

Every public employee shall comply with all occupational safety and health standards and all regulations under the Act that apply to his or her own actions and conduct on the job.

Inspections

The Departments of Labor and Workforce Development and Health and Senior Services conduct job site inspections to ensure compliance with the Act. The Act requires that a representative of the employer and a representative authorized by the employees have the opportunity to accompany the appropriate compliance officer for the purpose of aiding the inspection. The employer must pay normal wages to the employee representative for the time spent on this activity.

Where there is no authorized employee representative, the compliance officer must consult with a reasonable number of employees concerning safety and health conditions in the workplace.

Complaints

Employees or their representatives have the right to file a complaint with or request an inspection by the Department of Labor and Workforce Development or the Department of Health and Senior Services if they believe unsafe or unhealthful conditions exist in their workplace. Complaints of unsafe and unhealthful conditions can be made 24 hours a day by calling the Department of Labor PEOSHA at 1-800-624-1644. Complaints regarding health conditions may be communicated to the Department of Health at 609-984-1863.

The complainant's name will be withheld upon request.

The Act provides that employees may not be discharged or discriminated against in any way for filing health and safety complaints or otherwise exercising their rights under the Act.

Any employee who believes he or she has been discriminated against may file a complaint with the Department of Labor and Workforce Development.

Orders to Comply

The commissioner is authorized to issue an Order to Comply to an employer when it is determined that the employer has violated the Act. Each order will specify a time period within which the employer must correct the violation.

The Order to Comply shall be prominently displayed at or near the place of violation cited in the Order so that it is clearly visible to the affected employees.

Penalties

The Act provides penalties of \$7,000 per day for each violation against employers who fail to comply with an Order issued by the Commissioner of Labor. Willful or repeat violations may result in penalties to a maximum of \$70,000 for each violation.

Voluntary Activity

Employee safety and health should not be dependent upon PEOSHA inspections. Accordingly, the Act encourages labor and management to enter into cooperative arrangements to promote safe and healthful work environments free from hazards.

The Department of Labor arranges on-site training, at no cost, to assist employers in attaining compliance with the occupational safety and health regulations. To request training, contact the Department of Labor and Workforce Development at 1-800-624-1644 or 609-633-3957.

Posting Instructions

This notice shall be posted in a conspicuous place as required by N.J.A.C 12:110-3.5(c) where notices are customarily posted.

More Information

You can obtain additional information and copies of the Act, specific PEOSHA safety and health standards, and other applicable regulations from your employer or by contacting the Department of Labor and Workforce Development at 1-800-624-1644 or 609-292-7036.



Additional copies of this poster or any other required posters may be obtained by contacting the New Jersey Department of Labor and Workforce Development, Office of Constituent Relations, CN 110, Trenton, New Jersey 08625-0110, 609/777-3200

