

# SAFETY AND HEALTH PROTECTION ON THE JOB



Chapter 88-Code of Iowa provides job safety and health protection for workers throughout the State of Iowa.

The Iowa Division of Labor Services has the responsibility for administering this Chapter. The Division of Labor adopts Federal occupational safety and health standards as State of Iowa standards. Employers and employees are required to comply with these standards.

## SAFETY ON THE JOB IS EVERYBODY'S RESPONSIBILITY!

**EMPLOYERS:** Chapter 88 requires that all employers must furnish to employees employment and a place of employment free from recognized hazards which cause or are likely to cause death or serious physical harm to employees and comply with occupational safety and health standards adopted under this Chapter.

**EMPLOYEES:** Chapter 88 requires that each employee comply with occupational safety and health standards and all rules, regulations and orders issued pursuant to this Chapter which are applicable to the employee's own actions and conduct.

## COMPLIANCE WITH SAFETY AND HEALTH REQUIREMENTS

To ensure compliance with safety and health requirements, the Iowa Division of Labor Services conducts periodic inspections of places of employment. Inspections are conducted by trained compliance safety and health officers. Chapter 88 requires that an authorized representative of the employer and a representative authorized by the employees be given an opportunity to accompany the inspector for the purpose of aiding the inspection. Where there is no authorized employee representative, the compliance safety and health officers will consult with a reasonable number of employees concerning safety and health conditions in the workplace. Employees or their representatives have the right to notify the Division and request an inspection if they believe that unsafe and unhealthful conditions exist at their workplace. In addition, employees have the right to bring unsafe conditions to the attention of the compliance safety and health officer making the inspection. Complainant's names will be kept anonymous upon request.

Employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under Chapter 88. Employees who believe they have been discriminated against may file a complaint with the Division or the U. S. Department of Labor within 30 days of the alleged discrimination. Discrimination complaints of this nature by State or local governmental employees must be submitted to the Division of Labor Services.

If upon inspection the Division of Labor Services believes that Chapter 88 has been violated, a citation of alleged violations and proposed penalties will be issued promptly to the employer. Each citation will specify a time period within which the alleged violation must be corrected.

Citations issued by the Iowa Division of Labor Services must be prominently displayed at or near the place of violation.

Chapter 88 provides for penalties of up to \$7,000 for each serious violation and penalties of up to \$7,000 for each non-serious violation. Penalties of up to \$7,000 are required for each day during which an employer fails to correct a violation within the period set in the citation. Any employer who willfully or repeatedly violates Chapter 88 is to be assessed civil penalties of not more than \$70,000 for each violation. Willful violations carry a \$5,000 minimum penalty.

Criminal penalties are also provided for in Chapter 88. A willful violation resulting in the death of an employee is a serious misdemeanor and may result in a fine of \$250 - \$1,500 or imprisonment for not more than one year, or both. Conviction of an employer after a first conviction is an aggravated misdemeanor punishable by a fine of \$500 - \$5,000 or by imprisonment for not more than two years, or both.

For assistance and information, including copies of Chapter 88 and of specific safety and health standards, contact:  
**Iowa Division of Labor Services**

1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Telephone (515) 281-3606

## COMPLAINTS ABOUT STATE PROGRAM ADMINISTRATION

Any interested person or representative of such person or group of persons may submit a complaint to the Federal government concerning the operation or administration of any aspect of the Iowa Division of Labor Services' occupational safety and health activities pursuant to Chapter 88-Code of Iowa.

Complaints may be submitted orally or in writing to:

**Assistant Regional Administrator**  
**U. S. Department of Labor**  
**Occupational Safety & Health Administration**  
**911 Walnut, Room 406**  
**Kansas City, Missouri 64106**  
**Phone: (816) 426-5861**

Any such complaint should describe the grounds for the complaint and specify the aspect or aspects of the administration or operation of Iowa's program which is believed to be inadequate.

If upon receipt of the complaint, the Assistant Regional Administrator (ARA) determines that reasonable grounds exist to believe that an investigation should be made, the ARA shall cause such investigation, including any workplace inspection, to be made as soon as practicable.

If the Assistant Regional Administrator determines there are no reasonable grounds for an investigation of a complaint, the ARA shall notify the complaining party in writing of such determination.

The Assistant Regional Administrator shall advise the complainant of the findings of any investigation conducted and any corrective action that may result.

The complainant's name and the names of other complainants shall not appear in any record published, released, or made available. The complainant's name will be deleted from any copy of the complaint which might be released or made available.

## ISSUES NOT COVERED

The Iowa Division of Labor Services will not inspect any maritime operations, including bridge construction over border rivers. These operations will be under the jurisdiction of the Federal Occupational Safety and Health Administration. All complaints regarding maritime operations should be referred to the Federal Office listed above, except those involving State or local governmental employees which continue to be covered by the Iowa Division of Labor Services.

## RIGHT-TO-KNOW

The Iowa Hazardous Chemicals Risk Right-to-Know Law gives employees a right to information regarding hazardous chemicals in the workplace. Employers are to provide this information upon request.

David Neil, Commissioner  
Iowa Division of Labor Services

## **IMPORTANT!**

This poster must be displayed in a prominent place in the establishment to which the employees normally report to work.