NYS Department of Labor
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STATE OF NEW YORK DEPARTMENT OF LABOR

Labor Law Information Relating to

PUBLIC EMPLOYEES

job safety and health protection

The New York State Public Employee Safety and Health Act of 1980 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the State. Requirements of the Act include the following:

EMPLOYERS: The Act requires that employers furnish employees a workplace free from recognized hazards and in compliance with the safety and health standards applicable to the employer's workplaces and other regulations issued by the Commissioner of Labor under the Act.

EMPLOYEES: The Act requires that employees comply with all safety and health standards and other regulations issued under the Act that apply to their actions and conduct on the job.

ENFORCEMENT: The New York State Department of Labor's Division of Safety and Health (DOSH) is responsible for administering and enforcing the Act. The Commissioner issues safety and health standards, and Safety and Health Inspectors and Hygienists conduct on-site inspections to ensure compliance with the Act.

INSPECTION: The Act requires that a representative of the employer and a representative authorized by the employees be given an opportunity to accompany the DOSH Inspector or Hygienist for the purpose of aiding the inspection.

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

ORDER TO COMPLY: If the DOSH Inspector or Hygienist believes an employer has violated the Act, an order to comply will be issued to the employer. Each order will specify a time period within which the violation must be corrected. If the violation remains uncorrected, the employer may be subject to monetary penalties.

The DOSH order to comply must be prominently displayed at or near the place of violation to warn employees of dangers that may exist.

COMPLAINT: Employees or their representatives have the right to file a complaint, in writing, with the nearest DOSH office requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. DOSH will withhold, on request, names of employees complaining.

Any interested person or representative of such person or groups of persons may bring to the attention of the State Department of Labor a complaint regarding the administration or enforcement of the Public Employees Safety and Health Program. The State Department of Labor will investigate each complaint and will notify the complainant in writing of the results of such investigation as well as further channels for complaint. Such complaints may also be made to the United States Department of Labor, Occupational Safety and Health Administration, 201 Varick Street, New York, New York 10014.

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

Employees who believe that they have been discriminated against may file a complaint with the nearest DOSH office within 30 days of the alleged discrimination.

VOLUNTARY ACTIVITY: The Department of Labor encourages employers and employees to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces.

Such cooperative action would initially focus on the identification and elimination of hazards that could cause death, injury or illness to employees and supervisors. On a voluntary basis, employers may request that the DOSH office furnish consultant services to assist the employer in meeting job-site compliance with safety and health standards.

MORE INFORMATION: Additional information may be obtained from the nearest DOSH DISTRICT OFFICE listed below:

ALBANY 12240
State Office Bldg. Campus
Tel: (518) 457-5508

BINGHAMTON 13901
44 Hawley St.
Tel: (607) 721-8211

BUFFALO 14202
65 Court Street
Tel: (716) 847-7133

GARDEN CITY 11530
400 Oak Street, Suite 101
Tel: (516) 228-3970

NEW YORK CITY 10014-0683
345 Hudson Street
PO Box 683
Tel: (212) 352-6116

ROCHESTER 14607
109 S. Union Street
Tel: (585) 258-4570

SYRACUSE 13202
450 South Salina Street
Tel: (315) 479-3212

UTICA 13501
207 Genesee Street
Tel: (315) 793-2258

WHITE PLAINS 10605
120 Bloomingdale Road
Tel: (914) 997-9514

George E. Pataki
Governor

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