

THE GENERAL DUTY CLAUSE (GDC)



OSHA was created by enactment of the Occupational Safety and Health Act within the US Department of Labor in 1970. The Act's fundamental goal is to structure employer requirements that lead to the creation of a safe and healthful workplace. "Safe" is meant to imply "injury-free," while "healthful" denotes the absence of industrial illness potential.

The General Duty Clause (GDC) is the keystone of OSHA regulations. Unlike many OSHA requirements for recordkeeping and written programs, which may apply only to employers of greater than 10 employees, the GDC applies to all employers, regardless of size or number of employees. In summary, it states:

Employer shall

Furnish a place of employment which is free from recognized hazards and comply with occupational safety and health standards under this Act.

Employee shall

Comply with occupational safety and health standards and all rules & regulations which are applicable to his/her own actions and conduct.



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How does the employer create a safe and healthful workplace? The employer must identify recognizable hazards and eliminate them to the extent feasible. The process of identifying hazards and taking actions to reduce or eliminate them is variously called hazard assessment (HA) or job hazard analysis (JHA).

It is quite clear that the employer has a legal responsibility to create a safe workplace for the employee and, importantly, that the employee has the responsibility to follow established safety protocols, utilize safety equipment provided, and ultimately, act in a safe manner.

It takes both employer and employee to achieve a safe working environment.

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