

JOB SAFETY AND HEALTH

Nebraska's Workers' Compensation Reform (LB757), passed September 9, 1993, created the Workplace Safety Consultation Program which became law under sections 48-443 thru 48-449 and provides job safety and health protection for public and private employees. The law applies to all public and private employers who are subject to The Nebraska Workers' Compensation Act. Safety and Health provisions of the law include the following:

Safety Committees

On or before January 1, 1994, every public and private employer in Nebraska subject to worker's compensation who has one or more employees shall establish at least one safety committee. There shall be an equal number of committee members representing the employer and employees. The employer shall retain full authority to manage the worksite(s). Committee members shall meet at least once during each three months of operation. Employers of ten or less employees that had no injuries or illnesses normally reported, or claims filed, during the immediately preceding twelve months need only meet once during the following twelve months. Employers shall compensate employee members of the committee at their regular hourly wage plus benefits while employees are attending committee meetings. Committees shall maintain written minutes of all meetings for at least three years. Committees are not, and shall not serve as, a bargaining unit. There is no authority to act as such or deal with collective bargaining issues. The safety committee is limited to assisting the employer by making recommendations regarding methods of addressing safety and health hazards at each worksite. Recommendations to the employer shall be advisory only and not deal with issues subject to collective bargaining.

Written Injury Prevention Program

Employers in Nebraska shall establish an effective written Injury Prevention Program which shall address all work sites and all classes of workers. The program shall approach each category of workplace hazard with the intention of totally preventing workplace injuries and illnesses. The program shall include training regarding details of the safety program and hazards associated with the work. The employer shall communicate to all employees, including non-English speaking employees, the employer's safety rules, policies, and procedures. A copy of any employer-implemented safety program shall be accessible to all employees and made available to the Department of Labor upon request.

Penalties

Employer refusal of entry to a Department of Labor Workplace Safety Consultant and/or failure to establish a safety committee, when required, are considered violations. Civil Penalties of not more than \$1,000 for each violation may be assessed against employers. Each day of continued violation shall constitute a separate violation. An employer who refuses to eliminate workplace hazards in compliance with an inspection shall be referred to the Federal Occupational Safety and Health Administration (OSHA) or the Mine Safety and Health Administration (MSHA) for enforcement. If a public employer refuses to correct a serious hazard, a copy of the report will be forwarded to the most responsible authority for review and action, as appropriate.

Discrimination

Employees shall not be discharged or discriminated against by the employer for making any oral or written complaint to the safety committee or any government agency having regulatory responsibility for occupational safety and health. If an employee was discharged or discriminated against, the employee must file a complaint with the Nebraska Department of Labor within fifteen days of the alleged occurrence. The Department shall investigate such complaints and if substantiated, the employer shall be required to reinstate the employee and pay any lost wages and benefits caused by the employer's actions.

Consultation Services

Consultation services are available at an employer's request to determine if they are complying with the standards issued by the Federal Occupational Safety and Health Administration (OSHA) or Mine Safety and Health Administration (MSHA). This service is provided to public and private employers by knowledgeable and experienced employees of the Nebraska Department of Labor, Office of Safety and Labor Standards, who are trained in the federal standards and in the recognition of safety and health hazards.

Standards for Safety and Health Program Evaluation

The Nebraska Department of Labor is not an OSHA or MSHA enforcement authority. However, state law requires compliance with, and enforcement of, those standards. For that reason, OSHA and MSHA standards shall be considered in determining minimum acceptable standards.

Notification of Death

Employers shall report any workplace deaths within 48 hours to the Department of Labor, Division of Safety and Labor Standards (402) 595-3185 or (1-800-627-3611). Private employers must also notify OSHA within 8 hours of any workplace deaths (1-800-642-8963).

Posting Instructions

The Nebraska Department of Labor's Workplace Safety Consultation Program provides this poster as an avenue to inform both public and private employers and employees of their rights and obligations under the Nebraska Workers' Compensation Reform Law. Display this poster conspicuously where notices to employees are customarily posted.

Your designated Safety and Health Representative for this worksite is: _____

More Information

A copy of the law, or additional information on the Workplace Safety Consultation Program, OSHA standards, MSHA standards, or other workplace safety information, may be obtained at our web site www.NebraskaWorkforce.com or by writing/calling:

NEBRASKA DEPARTMENT OF LABOR, SAFETY AND LABOR STANDARDS

1-800-627-3611

5404 Cedar Street, 3rd Floor
Omaha, NE 68106-2365
402-595-3185
(Fax) 402-595-3200

301 Centennial Mall South, LL
PO Box 95024
Lincoln, NE 68509-5024
402-471-2239
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114 South Chestnut St.
PO Box 190
North Platte, NE 69103-0190
308-535-8300
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Landmark Center, Suite 338
2727 W. 2nd Street
Hastings, NE 68901-4663
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