

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 40.1-51.1 of the Code of Virginia, relating to workplace safety;*
 3 *employer reporting requirements.*

4 [H 1681]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 40.1-51.1 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 40.1-51.1. Duties of employers.**

9 A. It shall be the duty of every employer to furnish to each of his employees safe employment and a
 10 place of employment which is free from recognized hazards that are causing or are likely to cause death
 11 or serious physical harm to his employees, and to comply with all applicable occupational safety and
 12 health rules and regulations promulgated under this title.

13 B. Every employer shall provide to employees by such suitable means as shall be prescribed in rules
 14 and regulations of the Safety and Health Codes Board, information regarding their exposure to toxic
 15 materials or harmful physical agents and prompt information when they are exposed to concentration or
 16 levels of toxic materials or harmful physical agents in excess of those prescribed by the applicable
 17 safety and health standards and shall provide employees or their representatives with the opportunity to
 18 observe monitoring or measuring of exposures. Every employer shall also inform any employee who is
 19 being exposed of the corrective action being taken and shall provide former employees with access to
 20 information about their exposure to toxic materials or harmful physical agents.

21 C. Every employer cited for a violation of any safety and health provisions of this title or standards,
 22 rules and regulations promulgated thereunder shall post a copy of such citation at the site of the
 23 violations so noted as prescribed in the rules and regulations of the Safety and Health Codes Board.

24 D. Every employer shall report to the Virginia Department of Labor and Industry within eight hours
 25 any work-related incident resulting in (i) a fatality ~~or in~~, (ii) the ~~in-patient~~ *inpatient* hospitalization of
 26 ~~three~~ *one* or more persons, (iii) *an amputation*, or (iv) *the loss of an eye*, as prescribed in the rules and
 27 regulations of the Safety and Health Codes Board.

28 E. Every employer, through posting of notices or other appropriate means, shall keep his employees
 29 informed of their rights and responsibilities under this title and of specific safety and health standards
 30 applicable to his business establishment.

31 F. An employer representative shall be given the opportunity to accompany the safety and health
 32 inspectors on safety or health inspections.

33 G. Nothing in this section shall be construed to limit the authority of the Commissioner pursuant to
 34 § 40.1-6 or the Board pursuant to § 40.1-22 to promulgate necessary rules and regulations to protect and
 35 promote the safety and health of employees.

ENROLLED

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