

VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

CHAPTER 373

An Act to amend and reenact §§ 40.1-1 and 40.1-51.1 of the Code of Virginia, relating to duties of employers.

[H 1803]

Approved March 18, 1995

Be it enacted by the General Assembly of Virginia:

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

§ 40.1-1. Department continued; powers and duties generally; delegation of authority concerning occupational health.

The Department of Labor and Industry, hereinafter referred to as the Department, is continued as a department of the state government; the Department shall be responsible for discharging the provisions of Title 40.1. All powers and duties conferred and imposed on the Bureau of Labor and Industry by any other law are hereby conferred upon and vested in the Department of Labor and Industry. The Department shall be responsible for administering and enforcing occupational safety and occupational health activities as required by the Federal Occupational Safety and Health Act of 1970 (P.L. 91-596), in accordance with the state plan for enforcement of that act; however, nothing in ~~this act of the General Assembly the occupational safety and health provisions of this title~~ or regulations adopted hereunder shall apply to working conditions of employees *or duties of employers* with respect to which the Federal Occupational Safety and Health Act of 1970 does not apply by virtue of § 4 (b) (1) of the federal act.

§ 40.1-51.1. Duties of employers.

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

~~(b) [Repealed.]~~

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

~~(d) [Repealed.]~~

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

~~(f)~~ D. Every employer shall report to the Virginia Department of Labor and Industry within ~~forty-eight~~ *eight* hours any ~~accident~~ *work-related incident* resulting in a fatality or in the *in-patient* hospitalization of ~~five~~ *three* or more persons as prescribed in the rules and regulations of the Safety and Health Codes Board.

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

~~(h)~~ F. An employer representative shall be given the opportunity to accompany the safety and health inspectors on safety or health inspections.

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