

“General Duty Clause”

Description:

The “general duty clause” is not a specific standard, but has been applied by OSHA as a catchall regulation to require employers to assure that workplaces are free of recognized hazards, and to require employees to comply with standards, rules, regulations and orders issued by OSHA.

Regulatory Reference

29 CFR §1903.1

Applies to:

Every employer covered by OSHA regulation.

General Requirements:

“The Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590 et seq., 29 U.S.C. 651 et seq.) requires, in part, that every employer covered under the Act furnish to his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees. The Act also requires that employers comply with occupational safety and health standards promulgated under the Act, and that employees comply with standards, rules, regulations and orders issued under the Act which are applicable to their own actions and conduct. The Act authorizes the Department of Labor to conduct inspections, and to issue citations and proposed penalties for alleged violations. The Act, under section 20(b), also authorizes the Secretary of Health, Education, and Welfare to conduct inspections and to question employers and employees in connection with research and other related activities.....”

The quotation cited above has become known as the “general duty clause” and has often been the basis of OSHA enforcement actions against employers where a “recognized hazard” in places of employment was not abated, resulting in the death or serious injury of employees. Where no specific OSHA standard applies to a hazard, employers are still required to provide engineering, workplace procedures or human behavior methods to reduce the risk of employee injury.

Training Requirements:

There are no training requirements for this regulation.

Maintenance and Review

Compliance with the “general duty clause” requires examining workplaces and employee job performance directed toward hazard analysis and identifying hazard elimination or controls that are not prescribed in specific standards. Documentation of management level activities such as periodic facilities inspections, analysis and revision to employee job descriptions, task hazard analyses, employee safety awareness training, development and review work rules and written emergency plans are all effective maintenance and review activities.

Additional Information and Resources

Safety program management publications are available from:

National Safety Council, Itasca, IL, 630/285-1121, Internet address www.nationalsafetycouncil.org

American Society of Safety Engineers, Des Plaines, IL, 847/699-2929, Internet address www.asse.org

Additional guidance may be available through the safety engineering and consulting services of insurance companies.

Most state occupational safety and health agencies have established on-site safety consultation services under OSHA guidelines. Care must be exercised when utilizing these services to be sure that this is a **non-enforcement** service, and the employer must be ready and able to remedy any deficiency or implement recommendations of the consultant within a required period, typically 30 days from the date of the visit or delivery of the written recommendation.