



# MOSH – Information for Employees

## WHAT IS MOSH?

The Maryland Occupational Safety and Health Program, known as MOSH, works to ensure that every working man and woman in the State of Maryland has safe and healthful working conditions. MOSH “stands in the shoes” of federal OSHA in Maryland.

## DOES MOSH PROTECT ME?

The MOSH Act applies to the working conditions at each work place in the State, except for those specifically exempted by law. The Act does not apply to employees covered under the Federal Mine Safety and Health Act, the Longshore and Harbor Workers' Compensation Act, and the Atomic Energy Act. Neither does the law apply to working conditions of employees of the federal government.

## HOW DOES MOSH WORK?

To ensure that all Maryland employees have a safe and healthful workplace, the MOSH program uses “standards,” legally enforceable regulations that govern employment conditions, practices, and operations.

In order to avoid duplication of regulatory requirements and facilitate compliance by Maryland employers, MOSH has adopted the Federal Occupational Safety and Health Standards contained in *Title 29 Code of Federal Regulations Part 1910* (General Industry), *Title 29 Code of Federal Regulations Part 1926* (Construction), and *Title 29 Code of Federal Regulations Part 1928* (Agriculture).

In addition to these federal standards, MOSH has adopted several regulations that are unique to Maryland.

## IS HELP AVAILABLE?

To help you learn about workplace safety and health, MOSH presents **seminars**, provides **publications** and **speakers**, loans **videotapes**, and has a reference **library**. These MOSH services are free of charge. Please call or visit our website for more information.

## EMPLOYEE RIGHTS UNDER THE MOSH ACT

In addition to setting requirements for employers, the MOSH Act gives employees certain rights, including:

- The right to exercise the rights provided under the MOSH Act, and the right to seek redress if discharged or otherwise discriminated against for exercising those rights;
- The right to file with the Commissioner of Labor and Industry a written request for inspection of a place of employment if the employee believes that there is an imminent danger to an employee, or that because of a violation of an occupational safety and health standard, there is a threat of physical harm to an employee;
- The right to choose a representative to accompany a MOSH inspector during an inspection;
- The right to have all citations posted so employees will know of any violations found by a MOSH inspector;
- The right to obtain an informal review by the Commissioner for any refusal to issue a citation after the employee has notified the Commissioner in writing of an alleged violation;
- The right to participate as an affected employee in a hearing contesting a citation or proposed penalty, and the right to contest as unreasonable the period of time allowed for abatement of a violation;
- The right to participate in the regulations adoption process by offering evidence and comments on proposed standards;
- The right to court appeal on grounds that the Commissioner's action in setting a standard is not based on substantial evidence;
- The right to participate in a hearing on an employer's request for a variance from a regulation;
- The right to bring a mandamus action to compel the Commissioner to enjoin or restrain an imminent danger situation;
- The right, under certain standards, to copies of chemical information lists and material safety data sheets or other appropriate forms of warning to alert employees to the hazards to which they are exposed;
- The right, under certain standards, to appropriate protective equipment;
- The right, under certain standards, to observe the monitoring of toxic materials or harmful substances and to have access to records or monitoring; and,
- The right, under certain standards, to medical examinations and tests and access to records of the results.

### Keeping Maryland Working & Safe

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<http://www.dllr.state.md.us/labor/mosh.html>