



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4149 (Substitute H-2 as reported without amendment)
Sponsor: Representative Walter J. DeLange
House Committee: Human Resources and Labor
Senate Committee: Human Resources, Labor and Veterans Affairs

Date Completed: 1-30-96

RATIONALE

Reportedly, some business groups believe that the current regulatory framework for workplace safety puts too much of the compliance burden and responsibility on employers and not enough on employees. When an employer provides its employees with safety equipment and training, and employees disobey safety rules or do not use the equipment, for example, the employer can take disciplinary action against the employees, but the employer still may be penalized for the employees' behavior by receiving citations under the Michigan Occupational Safety and Health Act (MIOSHA). Currently, citations must be vacated under certain circumstances, but only for violations involving the Act's personal protective equipment standard.

CONTENT

The bill would amend the Michigan Occupational Safety and Health Act to expand the circumstances under which a citation for an alleged MIOSHA violation must be vacated.

Currently, a citation for an alleged violation of the Act's personal protective equipment standard must be vacated if the employer had provided the equipment; educated employees regarding use of the equipment; and taken reasonable steps, including disciplinary action where appropriate, to assure that employees wore personal protective equipment. The bill, instead, provides that a citation for an alleged violation of the Act, an order issued under the Act, or a rule or standard promulgated under the Act would have to be vacated if it were shown that the employer had provided the equipment or training; educated employees regarding the use of equipment or the implementation of the training; and taken reasonable steps, including disciplinary action where appropriate, to assure that employees used the equipment and complied with the training.

MCL 408.1033

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would protect from MIOSHA citations employers who provided their employees with safety equipment and training, if the employees, after receiving the training and equipment, chose not to use the equipment or comply with the training. Workplace safety efforts must be a partnership between employers and employees, and while employers have the responsibility of providing the safest possible workplace, employees have the responsibility to do their work as safely as possible. The bill would send a message to employees that they, too, are responsible for workplace safety, while protecting from unfair MIOSHA citations those employers who made the effort to provide safety equipment and training to their employees.

Legislative Analyst: P. Affholter

FISCAL IMPACT

This bill would not affect the regulatory workload of the Department of Labor or have a budgetary impact on the Bureau of Safety and Employment Regulation. The bill would not have a fiscal impact on the State or on local governmental units.

Fiscal Analyst: K. Lindquist

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.