Public Employee Safety and Health

Authority

Wisconsin statues section 101.055 requires the Wisconsin Department of Commerce to adopt and enforce safety and health standards that will provide protection to public employees at least equal to that provided to private sector employees under standards promulgated by Federal Occupational Safety and Health Administration (OSHA).

Inspection

A public employee or public employee representative who believes that a safety or health standard is being violated, or that a situation exists which poses a recognized hazard likely to cause death or serious physical harm, may request the department to conduct an inspection. If the requestor so designates, the identity of the requestor will be kept confidential. If the department decides not to make an inspection, the requestor will be so notified.

A representative of the employer and a public employee representative will be permitted to accompany the department inspector during the inspection. The employee shall not be discriminated against with respect to either pay received or withheld for time spent on the inspection.

Enforcement

If the department finds a violation of state standards, abatement orders will be issued to the employer. The employer shall post a copy of the orders at or near the site of the violations for 3 days or until the violation is corrected, whichever is longer. Copies of the order will be sent to the top elected official, the bargaining unit, and to the person requesting the inspection.

If the department decides not to issue orders in response to a request, a written notice of that decision shall be sent to the public employee who requested the investigation. If decisions are disputed the will be reviewed.

Discrimination

No public employer may discriminate against or discharge any public employee for exercising any right afforded by this section. A state employee who believes he or she has been discriminated against may file a complaint with the state Division of Equal Rights within 30 days of employee's knowledge of the discrimination. A public employee, other than a state employee, may file a complaint with the state Division of Equal Rights within 30 days.

For more information contact:
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Safety and Buildings Division
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608-266-2780

Wisconsin
Department of Commerce
www.wisconsin.gov
www.commerce.state.wi.us

PUBLIC EMPLOYERS ARE REQUIRED
TO POST A HEALTH AND SAFETY NOTICE
WHERE NOTICES TO EMPLOYEES ARE USUALLY POSTED