

MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT (EXCERPT)
Act 154 of 1974

408.1028 Violation of standard threatening physical harm; request for inspection; notice; determination; notification of condition presenting imminent danger; notification of violation of act or rule; inspection; confidentiality; procedures for informal review of decision; statement of final disposition; right to attend meetings.

Sec. 28.

(1) An employee or employee representative, who believes that a violation of a standard exists that threatens physical harm to an employee, may request an inspection by giving written notice of the condition to the appropriate department. The notice shall set forth with reasonable detail the grounds for the request and shall be signed by the employee or employee representative giving the notice. Upon receipt of a complaint, and if the department determines there are reasonable grounds for the complaint, the department shall conduct an inspection. A copy of the request shall be provided the employer or the employer's agent not later than the time of the inspection. Upon the request of the person giving the notice, his or her name and the names of employees referred to in the notice shall not appear in the copy or on a record which is published, released, or made available. If the department determines that there are not reasonable grounds to believe that an inspection should be conducted, it shall notify, in writing, the complainant of its determination.

(2) If an employee or employee representative believes that a condition exists which may present an imminent danger to a person, the employee or employee representative may notify either the department of labor or the department of public health in the most expedient manner without regard to a written notice. Upon notification of an alleged imminent danger, the department shall cause an immediate inspection to be made or take other action that it finds necessary to abate the danger.

(3) Before or during an inspection of a place of employment, an employee, or a representative of employees, may notify the department representative responsible for conducting the inspection, in writing, of a violation of this act or of a rule promulgated under this act, which the employee or employee representative believes exists in the place of employment. If the department determines, after an inspection or investigation conducted upon a written notification from an employee or employee representative of an alleged violation, that there are not reasonable grounds to believe that the alleged violation exists, it shall notify, in writing, the complainant and the employer of its determination. Upon request of the person giving the notice, that person's name and the names of employees referred to in the notice shall not appear in the copy or on a record which is published, released, or made available to the employer or any other person.

(4) The department of labor and the department of public health shall establish procedures for informal review of any decision resulting from a request or notice, under this section, to inspect for an alleged violation. The appropriate department shall furnish the employees or representative of employees requesting a review a written statement of the final disposition of the notice or complaint and reasons for the disposition.

(5) An employee or the representative of the employee shall be afforded an opportunity, with or without compensation, to attend all meetings between the department of labor or the department of public health and an employer relative to that department's decision concerning a citation, abatement period, or proposed penalty.

History: 1974, Act 154, Eff. Jan. 1, 1975 ;— Am. 1979, Act 149, Eff. Mar. 27, 1980