

# GENERAL DUTY CLAUSE





# **The Occupational Safety and Health Act of 1970 – 29 USC 651**

- Signed into law on December 29, 1970 by Richard M. Nixon.
- Act established OSHA (Occupational Safety and Health Administration), and its responsibility to provide worker safety and health protection.

## **An Act**

To assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Occupational Safety and Health Act of 1970."*

**SEC. 5. Duties** - 29 USC 654

(a) Each employer --

(1) shall furnish to each of 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;

(2) shall comply with occupational safety and health standards promulgated under this Act.

(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.



# OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** CPL-02-00-160

**EFFECTIVE DATE:** 08/02/2016

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**SUBJECT:** Field Operations Manual (FOM)

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## ABSTRACT

- Purpose:** To provide OSHA offices, State Plan programs and federal agencies with policy and procedures concerning the enforcement of occupational safety and health standards. Also, this instruction provides current information and ensures occupational safety and health standards are enforced with uniformity.
- Scope:** OSHA-wide.
- References:** See Chapter 1, Section III.
- Cancellations:** OSHA Instruction CPL 02-00-159, Field Operations Manual, issued October 1, 2015.
- State Impact:** Notice of Intent and Equivalency required. See Chapter 1, Section VI.
- Action Offices:** National, Regional, and Area Offices.
- Originating Office:** Directorate of Enforcement Programs (DEP).
- Contact:** Director, Office of General Industry and Agricultural Enforcement  
U.S. Department of Labor – OSHA  
200 Constitution Avenue, N.W., Room N-3119  
Washington, DC 20210  
202-693-1850

By and Under the Authority of

David Michaels, PhD, MPH  
Assistant Secretary

# Evaluation of General Duty Requirements

In general, Review Commission and court precedent have established that the following elements are necessary to prove a violation of the general duty clause:

1. The employer failed to keep the workplace free of a hazard to which employees of that employer were exposed;
2. The hazard was recognized;
3. The hazard was causing or was likely to cause death or serious physical harm; and
4. There was a feasible and useful method to correct the hazard.