

OSHA will require safety training to be offered in a language workers understand

OSHA issued an enforcement memorandum; (<https://www.osha.gov/dep/standards-policy-statement-memo-04-28-10.html>) directed at protecting Latino and other non-English speaking workers from workplace hazards. It directs compliance officers to ensure they check and verify that workers are receiving OSHA required training in a language they understand. "This directive conforms with Secretary Solis' clear and urgent goal of reducing injuries and illnesses among Latino and other vulnerable workers," said Assistant Secretary Michaels.

The following are excerpts from the enforce memorandum

Employer's Training Obligation

Many OSHA standards require that employees receive training so that work will be performed in a safe and healthful manner. Some of these standards require "training" or "instruction," others require "adequate" or "effective" training or instruction, and still others require training "in a manner" or "in language" that is understandable to employees. It is the Agency's position that, regardless of the precise regulatory language, the terms "train" and "instruct," as well as other synonyms, mean to present information in a manner that employees receiving it are capable of understanding. This follows from both the purpose of the standards -- providing employees with information that will allow work to be performed in a safe and healthful manner that complies with OSHA requirements -- and the basic definition that implies the information is presented in a manner the recipient is capable of understanding.

OSHA has a long and consistent history of interpreting its standards and other requirements to require employers to present information in a manner that their employees can understand. See, e.g., CPL 2-238(D)(1998) ("[i]f the employees receive job instructions in a language other than English, then training and information to be conveyed under the [hazard communication standard] will also need to be conducted in a foreign language"); letter from Russell B. Swanson to Chip MacDonald (1999) ("instruction that employers must provide under §1926.21 must be tailored to the employees' language and education...").

In order to assist employers in meeting their training obligations, OSHA has created a web-based assistance tool. The tool is intended to help employers with a Spanish-speaking workforce identify the Spanish-language outreach resources on OSHA's website. While the site includes links to Spanish-language resources, it is intended primarily for English-speaking and bilingual users. The site is located on OSHA's public website at the following address:

<http://www.osha-slc.gov/dep/standards-policy-statement-memo-04-28-10.html>