

OSHA GENERAL DUTY CLAUSE:  
SECTION 5(a)(1)

Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or likely to cause death or serious physical harm

This includes the prevention and control of the hazard of workplace violence

**NFPA 1002 – Standard for Fire Apparatus Driver/Operator**  
**Professional Qualifications**

**Chapter 8 Wildland Fire Apparatus**

**8.1 General:**

The job performance requirements defined in Section 8.1 and 8.2 shall be met **PRIOR to qualifying as a driver/operator – wildland fire apparatus.**

**8.2 Operations:**

8.2.1 **Produce effective fire streams** given the sources provided in the following list, so that the pump is engaged, all pressure-control and vehicle safety devices are set, **the rated flow of the nozzle is achieved**, and the apparatus is monitored for potential problems:

- (1) Water tank
- (2) Pressurized source
- (3) Static Source

(A) Requisite Knowledge. **Hydraulic calculations for friction loss and flow using both the written formulas and estimation methods, safe operations of the pump,** correct apparatus placement, personal safety considerations, problems related to small diameter or dead-end mains and low-pressure and private water supply, hydrant coding systems, and reliability of static sources.

# NFPA 1041 - Standard for Fire and Emergency Services

## Instructors Professional Qualifications

### **1.1 Scope:**

The Standard identifies **minimum Job Performance Requirements (JPR's) for all Fire and Emergency Services Instructors** up to and including Live Fire Instructor in Charge.

### **1.2.2 Purpose:**

The intent of the standard shall be to **ensure that (all) personnel serving as Fire and Emergency Services Instructors** up to and including Live Fire Instructor in Charge **are qualified.**

## Occupational Safety and Health Administration

### Firefighter Training Standards

#### **29 CFR 1910.156(c)(1)**

The employer shall provide training and education for all fire brigade members **commensurate with those duties and functions that fire brigade members are expected to perform.** Such training and education shall be provided to fire brigade members **before they perform fire brigade emergency activities.** Fire brigade leaders and **training instructors shall be provided with training and education which is more comprehensive** than that provided to the general membership of the fire brigade.

#### **29 CFR 1910.156(c)(2)**

The employer shall assure that training and education are conducted frequently enough to assure that each member of the fire brigade is able to **perform the member's assigned duties and functions satisfactorily and in a safe manner so as not to endanger fire brigade members or other employees.**

One of the **goals of this recordkeeping rule** is to improve the completeness and accuracy of injury and illness data collected by employers and reported to OSHA. **When workers are discouraged** from reporting occupational injuries and illnesses, the **information gathered and reported is incomplete and inaccurate.**

The rule includes *three* provisions that are intended to address this issue:

**(1) An employer's procedure for reporting work-related injuries and illnesses must be reasonable and must not deter or discourage employees from reporting**

**(2) Employers must inform employees of their right to report work-related injuries and illnesses free from retaliation**

**(3) An employer may not retaliate against employees for reporting work-related injuries or illnesses**

**Section 11(c) of the OSH Act already prohibits employers from retaliating against employees for reporting work-related injuries or illnesses** This rule explicitly incorporates the prohibition against retaliation into **Section 1904.35** of the recordkeeping rule with respect to retaliation against employees for reporting work-related injuries or illnesses (at 29 CFR 1904.35(b)(1)(iv)). **The purpose of**

**this provision is to improve the completeness and accuracy of injury and illness data by allowing OSHA to issue citations to employers who retaliate against their employees** for reporting an injury or illness and thereby discourage or deter accurate reporting of work-related injuries or illnesses.

***Why does OSHA address retaliation in this rule? Isn't it already against the law to retaliate against an employee for reporting a workplace injury or illness?***

Significant concerns were raised during the comment period that the new electronic reporting requirements in the final rule could lead to increased incentives to take retaliatory action that would discourage workers from reporting their work-related injuries or illnesses. OSHA acknowledges these concerns. Although section 11(c) of the **OSH Act already prohibits any person from DISCHARGING OR OTHERWISE DISCRIMINATING AGAINST AN EMPLOYEE who reports a fatality, injury, or illness,** OSHA may not act under section 11(c) unless an employee files a complaint with OSHA within 30 days of the retaliation. **In contrast, under the final rule, if OSHA finds evidence that an employee has been retaliated against for reporting an injury or illness, OSHA will be able to cite an employer for retaliation EVEN IF THE EMPLOYEE DID NOT FILE A TIMELY 11(C) COMPLAINT.** Often the point of retaliating against an employee who reports an injury or illness is to intimidate both the employee and other workers from reporting. This new rule gives OSHA an important new tool to ensure that employers maintain accurate injury and illness records because it **gives OSHA the ability to protect workers who have been subject to retaliation for reporting work-related injuries or illnesses, even when they cannot or will not speak up for themselves by filing an 11(c) complaint.**

***What forms of "retaliation" does this rule prohibit?***

The rule prohibits employers from taking adverse action against employees for reporting work-related injuries or illnesses. **Adverse action is action taken by the employer that would discourage a reasonable employee from reporting a work-related illness or injury accurately.** Examples of adverse action include:

- **Discharge**, demotion, or denying a substantial bonus or another significant benefit
- Assigning the employee "points" that could lead to future consequences
- **Demeaning or embarrassing the employee** (for example, requiring an employee who reports an illness or injury to wear a fluorescent orange vest for a week)
- **Threatening to penalize or otherwise discipline an employee for reporting**
- Requiring employees to take a drug test for reporting without a legitimate business reason for doing so
- See Chapter 3 of the **Whistleblower Investigations Manual**, CPL 02-03-007 (01/28/2016), for additional examples of adverse action

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