**Example General Duty Clause Citations to Look for in Your Workplace**

OSHA has a number of regulations that govern many aspects of the workplace. When there is not a specific regulation reference, they will often cite the General Duty Clause.

**What is the General Duty Clause?**

The General Duty Clause is found in Section 5(a)(1) of the Occupational Safety and Health Act. The General Duty Clause requires an employer to furnish to its 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.”*

Employers can be cited for violation of the General Duty Clause if a recognized serious hazard exists in their workplace and the employer does not take reasonable steps to prevent or abate the hazard. The General Duty Clause is used only where there is no OSHA standard that applies to the particular hazard. 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.

OSHA cannot just cite anything under the clause, but there is a lot of room for interpretation of the effects of the hazard. The hazard needs to be recognized by that industry, another industry, or another entity as a hazard. It can be something that would be considered a common sense hazard or is something that could cause or likely cause serious harm or death. It must be correctible, and if injuries have been documented related to it, it can be cited.

**Examples of General Duty Clause Citations**

While OSHA has issued citations under the General Duty Clause for a wide variety of issues including risk of lightning strikes to employees, there are a number of situations OSHA has cited that have been consistent and steady over the years.

Some common violations that OSHA would use the General Duty Clause:

* Boilers not inspected and maintained
* Cell phone use while driving
* Combustible dust hazards
* Ergonomic hazards
* High visibility clothing not provided where struck by hazard exists with vehicular traffic
* Industrial storage racking not:
  + Having maximum permissible load amount posted,
  + Not secured in place where there is potential to be tipped over, or
  + Significant damage
* Personal fall protection equipment not inspected on annual basis
* Powered Industrial Truck (forklift) drivers not wearing a seatbelt while operating
* Respiratory hazards from an air contaminant that is not covered by an OSHA permissible exposure limit (PEL)
* Safety latch not in use on crane
* Storing incompatible chemicals together
* Structural damage to building causing struck by hazard
* Thermal stress (high heat and cold)
* Workplace violence risk that goes unmitigated