

EMPLOYES, PROTECTING HEALTH AND MORALS OF
Act of May 18, 1937, P.L. 654, No. 174
AN ACT

Cl. 43

To provide for the safety and to protect the health and morals of persons while employed; prescribing certain regulations and restrictions concerning places where persons are employed, and the equipment, apparatus, materials, devices and machinery used therein; prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act; and fixing penalties. (Title amended July 13, 1953, P.L.438, No.97)

Compiler's Note: Section 3 of Reorganization Plan No. 2 of 1975 provided that Act 174 is suspended insofar as it conflicts with Reorganization Plan No. 2.

Compiler's Note: Section 16(a) (1) of Act 147 of 1971 provided that Act 174 is repealed insofar as it is inconsistent with Act 147.

Be it enacted, &c., That,

Section 1. Definitions.--The term "establishment" shall mean any room, building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind to whomever payable, except farms or private dwellings, and shall include those owned or under the control of the Commonwealth, and any political subdivision thereof, as well as school districts.

The term "department" shall mean the Department of Labor and Industry.

Section 2. General Safety and Health Requirements.--(a) All establishments shall be so constructed, equipped, arranged, operated, and conducted as to provide reasonable and adequate protection for the life, limb, health, safety, and morals of all persons employed therein.

(b) All belts, pulleys, gears, chains, sprockets, shafting, and other mechanical power transmission apparatus, stationary engines, electrical equipment, and apparatus shall be properly guarded to protect workers from injury.

(c) All cranes, hoists, steam or electric shovels, plant railroads, and other apparatus or devices used for moving, lifting, lowering, and transporting material shall be designed, constructed, equipped, and operated as to eliminate dangerous conditions.

(d) The point of operation on all saws, planers, jointers or other power driven woodworking machines and all power presses, planers, shapers, and other power driven machine tools, and dangerous parts of any other machines or devices shall be provided with guards of a type approved by the department. Laundry machines, extractors, washers, ironers, and other machines or apparatus shall be provided with guards where, because of accident hazard, they are required by the department.

(e) All toxic and noxious dusts, fumes, vapors, gases,

fibers, fogs, mists or other atmospheric impurities, created in connection with any manufacturing process, emitted into or disseminated throughout areas where persons are employed in such quantities as, in the opinion of the department, would injure the health of employes or create other dangerous conditions, shall be removed at the point of origin, or, where this is impractical, personal protective devices shall be provided and worn by persons subjected to such hazards.

(f) All pits, quarries, mines other than coal mines, trenches, excavations, and similar operations shall be properly shored, braced, and otherwise guarded, operated, and conducted as to provide reasonable and adequate protection to workers employed therein. (Functions transferred, June 3, 1975, Reorg. Pl. No.2, P.L.628)

(g) All building construction, demolition, and cleaning, including window cleaning, shall be conducted in a manner as to avoid accident hazards to workers or the public. Scaffolds, ladders, material hoists, window cleaning devices, safety belts, and other equipment used in such operations, shall be designed, manufactured, constructed, and erected as to be safe for the purpose intended. All stairs, open-sided floors, platforms, and runways shall be provided with proper railings and toe-boards.

(h) When employes, due to the nature of employment, are subject to injury from flying particles, falling objects, sharp or rough surfaces or materials, hot, corrosive or poisonous substances, acids or caustics and injurious light rays or harmful radioactive materials, they shall be provided with and shall wear goggles, other head and eye protectors, gloves, leggings, and other personal protective devices. ((h) amended July 13, 1953, P.L.438, No.97)

(i) All plant, scenic or other railroad operations other than those common carrier railroads presently subject to the jurisdiction of the Public Utility Commission shall be maintained and operated in such a manner as to prevent unreasonable or unnecessary hazards to workers or the public. Motive power, rolling stock, and roadbeds shall be designed, manufactured and maintained so as to be safe for its intended purpose and provide maximum safety to the public and the employes involved. ((i) added Oct. 7, 1976, P.L.1107, No.225)

Section 3. Lighting, Heating, Ventilation, and Sanitary Facilities.--All establishments shall be adequately lighted, heated, and ventilated. Proper sanitary facilities shall be provided in sufficient number for the persons employed, and shall include toilet facilities, washing facilities, dressing rooms, and wholesome drinking water of approved quality.

(3 repealed in part Oct. 4, 1978, P.L.909, No.173)

Section 4. Fireworks and Explosives Plants.--Establishments where fireworks or explosives are manufactured or stored shall be located at a safe distance from other buildings, highways or railroads for the protection of the public. Such establishments shall be located, erected, operated, and conducted as to provide adequate and reasonable protection to persons employed therein.

Section 5. Floor Space.--The floor space of workrooms in any establishment shall not be so crowded with machinery as to thereby cause risk to the life or limb of any employe. Proper

clear aisle space shall be maintained where necessary for employes to walk between machines, equipment or material. Machinery shall not be placed in any establishment in excess of the sustaining power of the floors and walls thereof.

Section 6. Removal of Guards.--No person shall remove or make ineffective any safeguard, safety appliance or device attached to machinery except for the purpose of immediately making repairs or adjustments, and any person or persons who remove or make ineffective any such safeguard, safety appliance or device for repairs or adjustments shall replace the same immediately upon the completion of such repairs or adjustments.

Section 7. Prohibited Use of Dangerous Machinery.--If any machinery, or any part thereof, is in a dangerous condition or is not properly guarded, the use thereof may be prohibited by the Secretary of Labor and Industry or his authorized representative, and a notice to that effect shall be attached thereto. Such notice shall be removed only by an authorized representative of the department after the machinery is made safe and the required safeguards are provided, and in the meantime such unsafe or dangerous machinery shall not be used.

Section 8. Air Space for Workroom.--The owner, agent, lessee or other person having charge or managerial control of any establishment, shall provide or cause to be provided not less than two hundred and fifty cubic feet of air space for each and every person in every workroom in said establishment where persons are employed.

Section 9. Canneries and Labor Camps.--All canneries for the canning or preserving of fruits, vegetables and meats shall be kept in a clean and sanitary condition, and all labor camps operated in connection with such canneries and all other labor camps shall be located, constructed, maintained and operated in all respects as to provide for the health, safety, and comfort of occupants of such camps.

(Functions transferred and suspended in part Nov. 30, 1972, Reorg. Pl. No.1, P.L.1750)

Section 10. Safe Practices.--The department may prepare and publish for the use of industry recommendations for safe practices as a guide in the elimination of accidents.

Section 11. Industrial Homework.--Industrial homework shall be conducted in such manner as to insure the safety and health of all persons so employed.

Section 12. Rules and Regulations.--The Department of Labor and Industry shall have the power and its duty shall be to make, alter, amend, and repeal rules and regulations for carrying into effect all the provisions of this act, and applying such provisions to specific conditions.

Section 13. Enforcement; Right of Entry.--The provisions of this act shall be enforced by the Department of Labor and Industry. For the purpose of enforcing the provisions of this act, the Secretary of Labor and Industry, or his duly authorized representative, shall have the power to enter any room, building, or place where labor is employed, and to issue the necessary instructions to the superintendent, manager, or responsible agent of the employer, to correct violations of this act or regulations based on this act.

Section 14. Procedure in Prosecution.--Prosecution for violation of the provisions of this act or the rules and regulations of the department authorized by this act may be instituted by any authorized agent of the department.

Section 15. Penalties.--Any person who shall violate any of the provisions of this act or the rules and regulations of the department as herein provided for, or who shall hinder or delay or interfere with any person charged with the enforcement of this act in the performance of his duty, shall, upon conviction in a summary proceeding, be sentenced for a first offense to pay a fine of not less than twenty-five dollars and not more than one hundred dollars, and in default of the payment of such fine and costs, shall be imprisoned for a term of not more than thirty days, and, upon conviction for a second offense, shall be sentenced to pay a fine of not less than fifty or more than two hundred dollars, and in default of the payment of such fine and costs, shall be imprisoned for a term not exceeding sixty days. Any person guilty of a third offense, under the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not more than five hundred dollars, or to undergo imprisonment not exceeding six months, or both, at the discretion of the court. Each violation shall be deemed to constitute a separate offense.

All fines collected under this act shall be forwarded to the Department of Labor and Industry who shall transmit the same to the State Treasury, through the Department of Revenue.

Section 16. Repealer.--(a) The following acts are hereby repealed:

The act approved the second day of May, one thousand nine hundred and five, entitled "An act to regulate the employment, in all kinds of industrial establishments, of women and children employed at wages or salary, by regulating the age at which minors can be employed and the mode of certifying the same, and by fixing the hours of labor for women and minors; to provide for the safety of all employes in all industrial establishments, and of men, women and children in schoolhouses, academies, seminaries, colleges, hotels, hospitals, storehouses, office buildings, public halls and places of amusement, in which proper fire-escapes, exits and extinguishers are required; to provide for the health of all employes, and of men, women and children in all such establishments, storehouses and buildings, by proper sanitary appliances; and to provide for the appointment of inspectors, office clerks and others, who, with the chief factory inspector, shall constitute the Department of Factory Inspection; to enforce the same; and providing penalties for violations of the provisions thereof; fixing the term and salaries of the chief factory inspector and his appointees," and all amendments thereto.

(b) All acts and parts of acts inconsistent with this act are hereby repealed.