



## INTEROFFICE MEMORANDUM

### Oregon Occupational Safety & Health Division

May 4, 2010

**TO:** All OR-OSHA

**FROM:** Marilyn Schuster

**SUBJECT:** Train Workers in a Manner They Understand

The purpose of this memo is to provide enforcement guidance and to emphasize Oregon OSHA's policy that employee training required by OSHA standards must be presented in a manner that employees can understand. This applies to all of Oregon OSHA's training requirements for agriculture, construction, general industry, and forest activities. Oregon OSHA's policy is derived from [Federal OSHA's Training Standard Policy Statement](#).

#### **Employer's Training Obligation**

Many 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 Oregon OSHA's position that regardless of the regulatory language, the terms "train" and "instruct," as well as other synonyms, mean to present information in a manner that employees are capable of understanding. This follows from both the purpose of the training standards – providing employees with information that will allow them to work in a safe and healthful manner – and the basic definitions of training and instruction. Training and instruction mean imparting information, which implies that the information is presented in a manner that the recipient is capable of understanding and making use of in their job.

An employer must instruct their employees using both a language and vocabulary that the employees understand. If employees are not literate, telling them to read training materials will not satisfy the employer's training obligation. If employers customarily need to communicate work instructions or information to employees at a certain vocabulary level or in a language other than English, they will also need to provide safety and health training to employees in the same manner.

Oregon OSHA's training provisions contain a variety of specific requirements related to employee comprehension. For example, Division 7, [437-007-0140\(6\)](#), requires that job safety and health instruction and training is presented in a language and manner that the employee(s) is able to understand; [1910.1200\(h\)](#), [1926.59\(h\)](#) require employers to provide effective information and training; [1910.147\(c\)\(7\)\(i\) Lockout/Tagout](#) requires the employer to verify that the employees have "acquired" the knowledge and skills on which they have been trained; [1910.134\(k\)\(5\)\(ii\) Respiratory Protection](#) requires retraining when "inadequacies in the employee's knowledge or use of the respirator indicate that the employee has not retained the requisite understanding or skill"; Division 4, [170.112\(c\)\(5\)](#), Worker Protection standard, requires that the employee receive pesticide product labeling information in a manner that the worker can understand; [1910.1030\(g\)\(2\)\(vii\)\(N\) Bloodborne Pathogens](#) requires "an opportunity for interactive questions and answers with the person conducting the training session"; and many other standards have similar requirements. Employers need to examine the standards applicable to their workplaces and be familiar with these specific requirements.

Oregon OSHA has created publications in [Spanish](#), [Russian](#), and [Vietnamese](#). Oregon OSHA also has a variety of [tools](#) to help the employer with Spanish-speaking employees, including publications and training materials in Spanish, English/Spanish and Spanish/English dictionaries with job safety and health terms, and links to Spanish occupational safety and health-related Web sites.

### **Enforcement Guidance for Compliance Officers**

Oregon OSHA compliance officers (CSHOs) are responsible for verifying that employers have provided training to employees and that the training was in a format that the workers understand.

CSHOs should determine whether the training meets the requirements and intent of the standard, considering the language of the standard and all of the facts and circumstances of the particular workplace. CSHOs should see if general workplace instructions are given in any way other than English, verbal or non-verbal, so that all workers understand. CSHOs should look beyond mere paper documentation of training to determine if employees were able to understand the elements included in the training.

If the CSHO determines that a deficiency exists in the employer's training program, they must document evidence of any barriers or impediments to the employee's understanding, as well as any other facts demonstrating that employees were unable to understand the training and apply it to their specific workplace conditions. If a reasonable person would conclude the employer had not conveyed the training to their employees in a manner they were capable of understanding, the violation may be cited as serious if it is within the guidelines set out in the [FIRM](#).