Be Seen And Be Safe!

Are Your Posters In Compliance?
You’ve seen them—big, bold posters composed of important information for workers. They highlight worker rights and no matter where your job is, labor law posters must be on display and visible to employees. And that means all employees at all jobs. While the process is not complicated, it is required by law, so knowing the what, why and where of labor law posters will put your construction jobsite in compliance.

What Are Labor Law Posters?
Labor law posters are federally and state mandated employment law notices that employers (with at least one employee) are required to post at all jobs—from offices to restaurants to construction sites. Some posters must be a certain size and all must be readable. They must contain specific information, and be located in a highly trafficked and visible area.

Workplace posters provide a digestible snapshot of pertinent laws and safety information. They offer employees contact information for the appropriate federal and state agencies that enforce the specific laws related to employees. These posters are also there to inform employees of their rights under various laws and protect them from potential abuse.

Federal Labor Laws
The Department of Labor (DOL) and the Equal Employment Opportunity Commission are the government agencies in charge of enforcing the federal statutes and regulations addressed by the labor law posters. Not all employers are subject to all laws; it is important for construction companies to know under which laws they are subject and therefore, which posters they are required to post on the job. The following DOL site can assist in identifying which posters are required: elaws-FirstStep Poster Advisor

Construction site jobs in particular must display the following content in posters in order to be compliant with federal laws and acts:

- Employee Rights Under the Fair Labor Standards Act
- Job Safety and Health Protection
- Equal Employment Opportunity (if you have 15 or more employees)
- Davis-Bacon Act (If you have a federal construction contract covered by the Davis-Bacon and related acts)
- Employee Rights Under the Family and Medical Leave Act (FMLA) (If you have 50 or more employees)
- Employee Rights Under Employee Polygraph Protection Act
- Uniformed Services Employment and Reemployment Rights Act (USERRA) (This notice can be posted or provided to employees in other ways, such as via email or regular mail)
A company with government contract covered by the Walsh-Healey Public Contracts Act or the McNamara-O’Hara Service Contract Act also needs to display:

- Notice to Employees Working on Government Contracts

All government contractors need to display:

- Employee Rights Under the National Labor Relations Act

A federal contractor may also need to display:

- Worker Rights Under Executive Order 13658 (federal contractor minimum wage)
- Equal Employment Opportunity is the Law poster supplement
- Pay Transparency Nondiscrimination Provision
- Paid Sick Leave

The specific posters a construction contractor needs to display will depend on when the contract was signed and how much it is worth. Check the contract to see which posters are required for your project.

In addition, agricultural employers that rely on seasonal or migrant workers will need to display:

- Notice Migrant and Seasonal Agricultural Worker Protection Act
- Agricultural employers with workers who have H-2A visas need to post:
  - Employee Rights under the H-2A Program

Federal labor law posters must be posted in English. Depending on which language your workers speak, they may also need to be posted in Spanish or another language.

State Labor Laws
Just as each state has different labor laws, each state has different requirements for their workplace posters. In addition to the federal labor laws, construction sites must post the applicable state labor law posters. For a list of the applicable statutes and regulations that construction companies in your state must follow and display workplace posters about, a good starting point is the DOL’s list of State Labor Offices. Examples of state laws you may be required to display labor law information about include:

- Occupational and Safety Health Act (OSHA)
- OSHA- approved State Plans (if applicable)
- Unemployment Insurance Policies
- Child Labor Laws
- Wage and Discrimination Labor Laws

As with the federal posters, it may be necessary to display posters in English and Spanish depending upon where your company is located and your worker population. In fact, some states require posters to be displayed in Spanish regardless of the makeup of your workplace.

Some states require employers to enter specific information directly onto a poster. This usually includes contact or emergency information, payday/payroll information, or worker’s compensation policy information.

Translating Labor Law Posters
As mentioned, Spanish versions of posters are available. In some cases, they are required. For example, there is a specific requirement attached to the Family and Medical Leave Act (FMLA) poster that if a significant portion of workers are not English-literate, the poster must be posted in English and the language in which those workers speak. This rule applies to all businesses, including construction companies. An FMLA poster is required when a company has 50 or more employees.

Another example is the Immigration and Nationality Act poster—required for any agricultural employer whose employees are using H-2A visas. It must be posted in English and in the language that the majority of employees speak.

OSHA does not require Spanish workplace posters be posted, but it does encourage employers with Spanish-speaking employees to display OSHA information in Spanish.

Where To Post
Posting locations are important. All employees must have access to labor law posters and it is incumbent upon the employer to ensure the labor law posters are posted properly.

If your employees work at a single shop or location, the posters should be posted in the office or out in the shop. If your employees go out in the field each day, the posters should be displayed at the physical location they report to each day before heading out. If
employees are spread out to multiple jobsites, you may require that employees report to a single, central location (where the posters are displayed) at least once a day or you may have to post them at each individual jobsite or ensure that they have been posted by the general contractor at the site.

Another option is to post electronic posters on your company intranet if you have one. Posters still need to be physically posted on walls at the shop or office, but electronic posting is an added layer of compliance for your company. Employers have several options regarding where to post, just not whether to post.

The posters need to be seen. They should be posted in common areas where employees congregate or where they pass by regularly. They may not be placed in binders and should not be shrunk down to a smaller size. Posters can vary in size; many are 8 ½ x 11, although some are 11x17. OSHA requires that its poster be at least 8 ½ by 14 inches.

If you purchase an all-in-one poster from a vendor, it will likely be in the 20 by 26 inch range.

**Compliance Is Key**

It is important to keep up-to-date on changes and revisions to laws. The posters are updated each time revisions are mandated. Ensuring that labor law posters are current is part of your compliance process.

If you are not sure whether or not your jobsite poster is compliant, try the following:

- Check the compliance date printed on the poster. This report shows the compliance date for state and federal posters.
- Check online for Recent Labor Law Poster Updates
- Scan the QR codes on the poster with your phone

A general rule of thumb is to check your posters each January to see what updates have been added and whether you need to replace some or all of your labor law posters.

Poster content has two tracks of updating: mandatory (or major change) and non-mandatory (or minor change). Mandatory updates include changes in the underlying laws or regulations covered by the poster. In those cases, the governing agency will require new posters be displayed. Non-mandatory updates include changes in governing officials or poster format. If the law is not changed, the poster is generally not required to change.

Failure to post the appropriate posters can result in both federal and state fines. Each law or statute carries different fines and some are quite high. For example, the maximum penalty for violating federal OSHA posting requirements is $13,260. Violation of the Employee Polygraph Protection Act can bring up to $21,039 in fines. Whereas the fine for failing to properly display the Equal Employment Opportunity is the Law poster is $559 and failure to display the FMLA poster is $173.

**E-Verify**

A company might also have to display E-Verify posters. The E-Verify system helps employers compare employee information and validate whether potential employees are eligible for work in the United States. Employers using the E-Verify system need to display the program’s E-Verify Participation and Right to Work posters. These posters are not commercially available. They are only available from the Department of Homeland Security’s E-Verify website. Both English and Spanish versions must be displayed.

This article was originally published on the HD Supply White Cap Resource Center at https://news.whitecap.com
Posters Protect Workers & Employers

Employers are obligated to ensure that all their working employees are informed of their employment rights. Proper display of labor law posters ensures that your workers have access to the information they need and ensures that you are in compliance with federal and state laws. To verify your compliance with workplace poster requirements, ensure your labor law posters are:

- Posted securely and in a visible area of the jobsite or job office
- Reflecting both federal and state applicable laws
- Up-to-date with the most recent mandatory version
- Posted in English and in Spanish where possible and necessary

For more related information, go to:
https://www.osha.gov/Publications/osha3165text.html
https://www.dol.gov/general/topics/posters

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