

NEVADA PREGNANT WORKERS' FAIRNESS ACT



Pursuant to NRS 613.335 and sections 2 to 8, inclusive, of the Nevada Pregnant Workers' Fairness Act (effective October 1, 2017) employees have the right to be free from discriminatory or unlawful employment practices based on pregnancy, childbirth, or a related medical condition.

UNDER THE ACT, IT IS UNLAWFUL FOR EMPLOYERS TO:

- Deny a reasonable accommodation to female employees and applicants, upon request, for a condition related to pregnancy, childbirth, or a related medical condition, unless an accommodation would impose an undue hardship on the business of the employer.
- Take adverse employment actions against a female employee because the employee requests or uses a reasonable accommodation.
- Deny an employment opportunity to a qualified female employee or applicant based on a need for a reasonable accommodation.
- Require a female employee or applicant to accept an accommodation that the employee or applicant did not request or chooses not to accept or to take leave from employment if an accommodation is available.

UNDER THE ACT, AN EMPLOYER MAY:

Require a female employee to submit written medical certification from the employee's physician substantiating the need for an accommodation because of pregnancy, childbirth, or related medical conditions, and the specific accommodation recommended by the physician.



www.nvdetr.org

FOR FURTHER INFORMATION REGARDING THE ACT, CONTACT
THE NEVADA EQUAL RIGHTS COMMISSION.

An equal opportunity employer/program.
Auxiliary aids and services are available upon
request for individuals with disabilities
Relay 711 or 800.326.6868

1820 East Sahara Avenue
Suite 314
Las Vegas, NV 89104

Phone (702) 486-7161

1325 Corporate Blvd.
Room 115
Reno, NV 89502

Phone (775) 823-6690

EMPLOYEE RIGHTS AND RESPONSIBILITIES

The Nevada Occupational Safety and Health Act was created to allow you to do your job in a safe and healthy workplace. **But it is up to you to make sure that job safety works.** Here are some tips to help you stay safe on the job.



Know and follow all safety rules set by:

- + Your employer
- + The Nevada Occupational Safety and Health Act
- + State of Nevada Occupational and Health Administration (NVOSHA)

You can get copies of all Nevada safety and health standards from the Safety Consultation and Training Section of the Division of Industrial Relations or on the web at www.4safenv.state.nv.us.

Also, your employer may be required to have a written workplace safety program.

If your employer requires personal protective equipment, such as hard hats, safety shoes, safety glasses, respirators, or hearing protection, **you are responsible to wear and/or use the equipment.**

If you do not know how to safely use tools, equipment or machinery, be sure to ask your supervisor.

If you see something that's unsafe, report it to your supervisor. That's part of your job. Give your employer a chance to fix the problem. **If you think the unsafe condition still exists, it is your right to file a complaint with NVOSHA.** The Division will not give your name to your employer.

There are laws that **protect you** if you are punished for filing a safety and health complaint. If you feel you have been treated unfairly for making a safety and health complaint, you have 30 days from the date of the punishment to file a discrimination complaint with NVOSHA.

Whistle Blower Hotline - (702) 486-9097

Most on-the-job injuries are covered by Workers' Compensation Insurance. From cuts and bruises to serious accidents, coverage begins the first minute you're on the job.

It is your responsibility to report any on-the-job injury or occupational disease immediately to your supervisor or foreman using the "Notice of Injury or Occupational Disease" C-1 Form. You have 7 days from the date of injury or knowledge of the occupational disease to turn in the completed C-1 Form to your employer. If you seek medical treatment for a work-related injury you must complete a "Claim for Compensation" C-4 Form at the emergency room or medical provider's office to initiate a claim for workers compensation.

But remember, filing a false claim will result not only in a loss of benefits, but could mean costly fines and/or jail time.

If there is a dangerous situation at work and an employee, with no reasonable alternative, refuses in good faith to expose themselves to a dangerous condition, they would be protected from subsequent retaliation. The condition must be of such a nature that a reasonable person would conclude that there is a real danger of death or serious harm and that there is not enough time to contact NVOSHA and for NVOSHA to inspect. Where possible, the employee must have also sought from the employer, and been unable to obtain, a correction of the condition.

During a NVOSHA inspection, you have the right to talk privately with the inspector and take part in meetings with the inspector before and after the inspection. You are encouraged to point out hazards, describe injuries and illnesses from these hazards, discuss past worker complaints and inform the inspector of working conditions that are not normal during the inspection. If after the inspection citations are proposed to the employer, the employer is required to post the citations where employees can see them.



Stop and Learn Your Rights and Responsibilities

The Division of Industrial Relations of the Nevada Department of Business & Industry helps employers provide a safe and healthful workplace. This document explains the rights and responsibilities of both employers and employees in creating a safe working environment.



WORKPLACE SAFETY IS EVERYONE'S RESPONSIBILITY.

I have (check one) read this document or viewed the video, entitled "Nevada Workplace Safety: Your Rights and Responsibilities" and I understand my rights and responsibilities for safety in the workplace.

Employee Name (please print) _____ Date _____

Employee's Signature _____

Place of Viewing Video _____

Employer's Name (please print) _____

Employer's Signature (or representative) _____

Note: This portion must be maintained in the employee's personnel file

Any employee who does not understand this document should contact his or her supervisor, employee representative or the Division of Industrial Relations of the Nevada Department of Business & Industry.
Las Vegas: (702) 486-9140
Reno: (775) 688-3730
Elko: (775) 778-3312
Toll-Free: (877) 472-3368

EMPLOYER RIGHTS AND RESPONSIBILITIES

The Safety Consultation and Training Section (SCATS) was created to assist employers in complying with Nevada laws which govern occupational safety and health. They are available to provide a workplace hazard assessment. This service can assist employers in minimizing on-the-job hazards, and is provided at **no charge**. The Division also offers no cost safety training and informational programs for Nevada employers.

A Nevada employer with 11 or more employees must establish a written workplace safety program. A safety committee is required if you have more than 25 employees or if an employer's employees are engaged in the manufacturing of explosives.

You must maintain a workplace that is free from unsafe conditions.

As an employer **you are responsible for complying with all Nevada safety and health standards and regulations** found in the:

- + Nevada Occupational Safety and Health Act
- + Occupational Safety and Health Standards and Regulations

Copies of all occupational safety and health standards and regulations are available from the Division of Industrial Relations (SCATS and NVOSHA) or on the web at www.4safenv.state.nv.us.



You are also responsible for ensuring that your employees comply with these same rules, standards and regulations. You must select someone to administer and enforce occupational safety and health programs in your workplace.

Before assigning an employee to a job, **you must provide proper training in a language and format that is understandable to each employee:**

- + Safe use of equipment and machinery
- + Personal protective gear
- + Hazard recognition
- + Emergency procedures
- + Hazardous chemicals and substances found at the jobsite or in the workplace

You must also inform all employees of the safety rules, regulations and standards which apply to their respective duties.

It is your responsibility to maintain accurate accident, injury and safety records and reports. These files must be made available, upon request, to the affected employee and representatives of NVOSHA.

The Nevada Safety and Health Poster, provided by the Division of Industrial Relations, **must be posted** in a prominent place on the job site.

Any accident or motor vehicle crash occurring in the course of employment which results in the inpatient hospitalization of one or more employees, the amputation of a part of an employee's body or an employee's loss of an eye must be reported by the employer orally to the nearest office of NV OSHA within 24 hours after the time that the accident or crash is reported to any agent or employee of the employer.

Any accident or motor vehicle crash occurring in the course of employment which is fatal to one or more employees must be reported by the employer orally to the nearest office of NV OSHA within 8 hours after the time that the accident or crash is reported to any agent or employee of the employer.

Nevada employers are required to secure and maintain workers' compensation insurance unless excluded by Nevada Revised Statute (NRS). There are few exceptions to this requirement. In the event of an injury or at the onset of an occupational disease, the employer must provide the C-1 Form, "Notice of Injury or Occupational Disease - Incident Report" to the injured worker. The employer is also responsible for filing an "Employer's Report of Injury" (C-3 Form) within six working days with your insurer after the receipt of a "Claim for Compensation" (C-4 Form) from a physician or chiropractor.

Additional employer responsibilities:

- + Perform tests such as air sampling and noise monitoring.
- + Prevent employee exposure to harmful substances to include chemicals, lead, asbestos, and sharps.
- + Provide hearing exams, medical testing, fall protection, machine guarding, cave-in and confined space safety equipment and protection, respirators, personal protective equipment, etc., as required by NVOSHA and OSHA standards.

The law requires that employers shall provide newly-hired employees with a copy of this document or with a video setting forth the rights and responsibilities of employers and employees to promote safety in the workplace.

Employers shall keep a signed copy of the attached receipt in the employee's personnel file to show he or she has been made aware of these rights and responsibilities.



ADDITIONAL INFORMATION

If you require further information or would like to obtain copies of safety and health standards, videos of this pamphlet in English and Spanish or more copies of the pamphlet, contact the following:

State of Nevada Department of Business & Industry, Division of Industrial Relations, Safety Consultation and Training Section

Southern Nevada
3360 W. Sahara Avenue
Suite 100
Las Vegas, NV 89102
(702) 486-9140
Fax: (702) 486-8711

Northern/Central Nevada
4600 Kietzke Lane
Suite E-144
Reno, NV 89502
(775) 688-3730
Fax: (775) 688-1478

Northeastern Nevada
350 West Silver Street
Suite 210
Elko, NV 89801
(775) 778-3312
Fax: (775) 778-3412

Or Call, Toll-Free
1 (877) 4SAFENV (472-3368)
www.4safenv.state.nv.us

State of Nevada Department of Business & Industry, Division of Industrial Relations NVOSHA

Southern Nevada
3360 W. Sahara Avenue
Suite 200
Las Vegas, NV 89102
(702) 486-9020
Fax: (702) 486-8714

Northern Nevada
4600 Kietzke Lane
Suite F-153
Reno, NV 89502
(775) 688-3700
Fax: (775) 688-1378

A video of this information is available in English and Spanish through the Division of Industrial Relations, Safety Consultation and Training Section.

This document may be copied. For additional copies, contact the Division of Industrial Relations or visit www.4safenv.state.nv.us.