

Worker Rights under the Occupational Safety and Health Act of 1970

You have the right to a safe workplace. OSHA requires employers to provide a workplace that is free of serious recognized hazards and in compliance with OSHA standards. Specifically, you have the right to:

1. Get training from your employer as required by OSHA standards.

- Get training from your employer on chemicals you are exposed to during your work and information on how to protect yourself from harm. Employers must establish a comprehensive, written hazard communication program (Chemical Hazard Communication) Your employer must label chemical containers, make material safety data sheets with detailed hazard information available to employees, and train you about the health effects of the chemicals you work with and what the employer is doing and what you can do to protect yourself from these hazards.
- The program must list the hazardous chemicals in each work area, how the employer will inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and hazards associated with chemicals in unlabeled pipes and how the employer will inform other employers at a multi-employer worksite of the hazards to which their employees may be exposed.
- Get training from your employer on a variety of other health and safety hazards and standards that your employer must follow. These include lockout-tagout, bloodborne pathogens, confined spaces, construction hazards and a variety of other subjects.

2. Request information from your employer about OSHA standards, worker injuries and illnesses, job hazards and workers' rights.

- Request information from your employer on safety and health hazards in your workplace, chemicals used in your workplace, tests your employer has done to measure chemical, noise and radiation levels, precautions you should take and procedures to be followed if you or other employees are involved in an incident or are exposed to hazardous chemicals or other toxic substances.
- Request copies of appropriate standards, rules, regulations and requirements that your employer should have available at the workplace.
- Review the Log and Summary of Occupational

Injuries and Illnesses (OSHA 300) at a reasonable time and in a reasonable manner or have an authorized representative do so for you. (29 CFR 1904.7)

- Access relevant exposure and medical records. (29 CFR 1910.1020)
- Employers must inform you of the existence, location and availability of your medical and exposure records when you first begin employment and at least annually thereafter. Employers also must provide these records to you or your designated representatives **within 15 working days of your request**.
- When an employer plans to stop doing business and there is no successor employer to receive and maintain these records, the employer must notify you of your right of access to records at least 3 months before the employer ceases to do business.
- Observe any monitoring or measuring of toxic materials or chemicals, as well as harmful physical agents, such as noise, and see the resulting records. If the exposure levels are above the OSHA limit, the employer must tell you what will be done to reduce the exposure -- the right to observe monitoring exists only where monitoring is performed pursuant to a standard that provides employees with the right to observe.

3. Request action from your employer to correct hazards or violations.

- You may ask your employer to correct hazards even if they are not violations of specific OSHA standards. Be sure to keep copies of any requests you make to your employer to correct hazards.

4. File a complaint with OSHA if you believe that there are either violations of OSHA standards or serious workplace hazards.

- File a complaint and request OSHA to conduct an inspection if you believe serious workplace hazards or violations of standards exist in your workplace. You can file a complaint online, in writing,

by telephone or fax. If you want an OSHA inspector to come inspect your workplace, put your complaint in writing and send it to the OSHA office nearest you. (OSH Act, Section 8), (29 CFR 1903.11)

- Request in your written complaint that OSHA keep your name confidential if you do not want your employer to know who filed the complaint. (OSH Act, Section 8)

5. Be involved in OSHA'S inspection of your workplace.

- Have an authorized employee representative (such as a union representative) accompany the OSHA compliance officer during the inspection tour. (OSH Act, Section 8), (29 CFR 1903.8)

The authorized employee representative has a right to accompany an OSHA compliance officer (also referred to as a compliance safety and health officer (CSHO) or inspector) during an inspection. Under no circumstances may the employer choose the workers' representative.

Where there is no union or employee representative, the OSHA inspector must talk confidentially with a reasonable number of workers during the course of the investigation.

- Respond to questions from the compliance officer and tell the compliance officer about workplace hazards, particularly if there is no authorized employee representative accompanying the compliance officer on the inspection "walk-around." (OSH Act, Section 8)

You and your coworkers have a right to talk privately and confidentially to the compliance officer whether or not a workers' representative has been chosen.

You may point out hazards, describe injuries or illnesses or near misses that resulted from those hazards and describe past complaints about hazards. Inform the inspector if working conditions are not normal during the inspection. Make sure that the inspector is aware if equipment has been shut down, windows opened or other conditions changed from normal.

6. Find out results of an OSHA inspection.

- Find out the results of OSHA inspections and request a review if OSHA decides not to issue a citation. (CPL 2.115)

If health hazards are present in your workplace, a special OSHA health inspection may be conducted by an industrial hygienist. This OSHA inspector may take samples to measure levels of chemicals or other hazardous materials.

OSHA will let the employee representative know whether your employer is in compliance. The inspector also will gather detailed information

about your employer's efforts to control health hazards, including results of tests your employer may have conducted.

7. Get involved in any meetings or hearings to discuss any objections your employer has to OSHA's citations or to changes in abatement deadlines.

8. File a formal appeal of deadlines for correction of hazards.

- File an appeal of the deadlines that OSHA sets for your employer to correct any violation in the citation issued to the employer. Write to the OSHA Area Director within 10 working days from the date the employer posts the notice requesting on extension of the abatement deadline if you feel the time is too long. (29 CFR 1903.17)

9. File a discrimination complaint.

- File a discrimination complaint (under Section 11(c) of the OSH Act) within 30 days if you are punished or discriminated against for exercising your safety and health rights or for refusing to work (not guaranteed by the OSH Act) when faced with an imminent danger of death or serious injury and there is insufficient time for OSHA to inspect.

10. Request a research investigation on possible workplace hazards.

- Contact the National Institute for Occupational Safety and Health (NIOSH) to request a health hazard evaluation if you are concerned about toxic effects of a substance in the workplace.

11. Provide comments and testimony to OSHA during rulemaking on new standards.

NOTE: States with OSHA-approved state plans (23 states and territories, plus two plans limited to public employees) provide at least the same rights and protections (and in some cases additional rights) to workers, although they may follow slightly different procedures.

**For assistance, contact us.
We are OSHA. We can help.
It's confidential.**



U.S. Department of Labor
Hilda L. Solis,
Secretary of Labor



**Occupational Safety
and Health Administration**

www.osha.gov
1-800-321-OSHA (6742)
TTY 1-877-889-5627