

OSHA TRAINING

MODULE 2

WORKERS' RIGHTS

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MODULE 2

Goal: *The goal of this module is to have participants understand their rights and responsibilities under OSHA law.*

Objectives: *By the conclusion of this Module: participants will be able to demonstrate:*

- *What their rights are as workers under the OSHA law.*
- *What are the workers and employers responsibilities under OSHA.*
- *What an OSHA inspection consist of.*
- *What happens after the inspection.*
- *The rights of a whistleblower as described by law.*

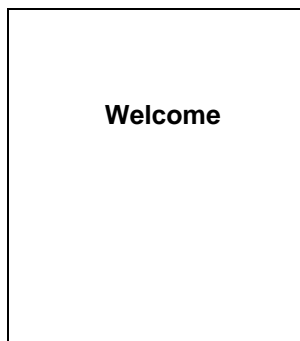
Pre-requisite: *Module 1: Introduction to OSHA*

Total Training Time: *75 minutes*

Material Needed: *Flip chart ☐ paper, markers, and a stand or easel.*

Pre-class preparation:

1. *Prepare a flip chart ☐ that says "Welcome".*



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2. Prepare two flip charts with *Worker Rights* as the heading. These will be used with the Icons to represent the different rights the workers have.

Worker Rights

Worker Rights

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3. Prepare a total of three flip charts ☐ for responsibilities for a safe and healthy workplace.

<p>Responsibilities</p>

The second flip chart ☐ will reflect the responsibilities of the employer.

<p>Responsibilities Employer</p> <ul style="list-style-type: none">•••••

The third flip chart ☐ will reflect the responsibilities of the worker.

<p>Responsibilities Worker</p> <ul style="list-style-type: none">•••••

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4. Prepare flip charts that show the five categories of OSHA inspections.

Priority	Category of Inspection
1 st	<i>Imminent Danger</i>
2 nd	<i>Fatality/ Catastrophe</i>
3 rd	<i>Complaints /Referrals</i>

Priority	Category of Inspection
4 th	<i>Programmed Inspections</i>
5 th	<i>Follow up inspection</i>

5. Prepare five flip charts to show the examples within the categories of OSHA inspections.

Priority 1 Imminent Danger

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Priority 2 Fatality/ Catastrophe

Priority 3 Complaints / Referrals

Priority 4 Programmed Inspections

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Priority 5 Follow up Inspections

6. Prepare a flip chart to show violation categories and penalties.

Violation Type	Penalty
<i>Willful</i>	<i>Mandatory minimum</i>
<i>Serious</i>	<i>Mandatory</i>
<i>Other-than-Serious</i>	<i>May propose</i>
<i>Repeated</i>	<i>May propose</i>

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The Agenda for this Module is as follows:

Time	Activity
<i>5 minutes</i>	<i>Welcome and Introductions</i>
<i>5 minutes</i>	<i>Rights of Workers</i>
<i>15 minutes</i>	<i>Responsibilities of OSHA</i>
<i>10 minutes</i>	<i>Responsibilities of Employer & Worker</i>
<i>15 minutes</i>	<i>OSHA Inspections</i>
<i>5 minutes</i>	<i>Requesting an Inspection</i>
<i>5 minutes</i>	<i>Rights as a Whistleblower</i>
<i>5 minutes</i>	<i>If an OSHA Inspection Occurs</i>
<i>5 minutes</i>	<i>Violations</i>
<i>5 minutes</i>	<i>Review Questions</i>
75 minutes	Total time

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WORKERS' RIGHTS

WELCOME AND INTRODUCTIONS

Time: 5 minutes

1. *Welcome participants to the course with a flip chart ☐ page that says "Welcome".*

2. *Introduce yourself and give a brief background.*
 - *Touch on your OSHA experience.*
 - *Summarize your background as a trainer.*

3. *Have participants introduce themselves by the way of:*
 - *Their name.*
 - *The department they work in.*
 - *Number of years with organization or experience in this type of work.*

4. *Tell participants the name of this session is "Workers' Rights."*

5. *Say that the goal of this module is to have participants understand their rights and responsibilities under OSHA law.*


6. *The objectives are:*
 - *What their rights are as workers under the OSHA law.*
 - *What are the workers and employers responsibilities under OSHA.*
 - *What an OSHA inspection consist of.*
 - *What happens after the inspection.*
 - *The rights of a whistleblower as described by law.*





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RIGHTS OF WORKER

Time: 5 minutes

1. *Have participants form groups of three (triads). Ask them, based on what they know or have heard about OSHA law, to list what they believe some of their rights are. Refer participants to page 1 of their handout to complete the list.*
2. *Using a nominal group technique, ask each group for an example of the rights they discussed or listed.*

Trainer note: Use the prepared flip chart  to categorize the participant's rights. Fill in using the list below on the flipchart for each item listed by the participant. As you take the ideas from the group, assign the correct icon to each point. Then list any that the participants didn't list.

-  *The right to a safe and healthy workplace.*
-  *The right to know about hazardous chemicals.*
-  *The right to be informed about injuries and illnesses in your workplace.*
-  *The right to complain or request hazard correction from their employer.*

-  *The right to training.*
-  *The right to hazardous exposure records and medical records.*
-  *The right to file a complaint with OSHA.*
-  *The right to participate in an OSHA inspection.*
-  *The right to be free from retaliation for exercising safety and health rights.*

4. Summarize this activity by saying that the Health Act of 1970 gave workers' several rights. Since then, the "Right to Know" has provided additional rights.

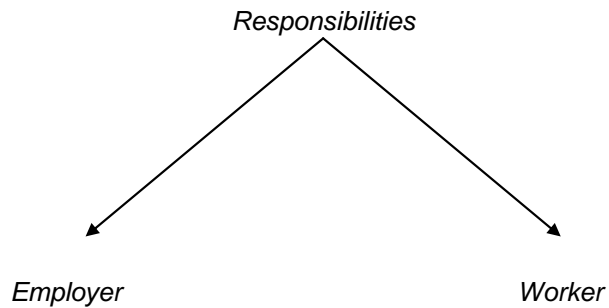
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RESPONSIBILITIES OF OSHA

Time: 5 minutes

1. *Explain to participants that they have the right to a workplace that does not make them sick or hurt.*
2. *Explain using the flip chart ☐ that responsibilities for a safe and healthy workplace fall into 2 categories:*
 - *Those that the employer is responsible for*
 - *Those that the worker is responsible for*

Trainer note: Draw arrows indication one direction for the employer and the other direction for the worker.

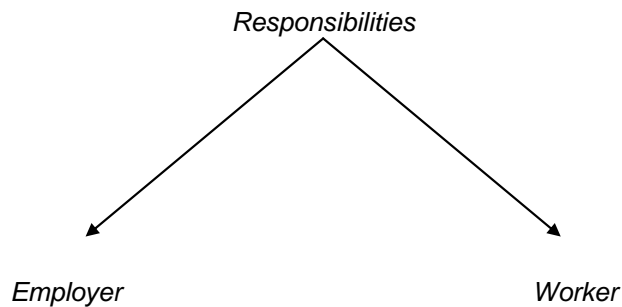


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RESPONSIBILITIES OF EMPLOYER & WORKER

Time: 10 minutes

1. Referring participants to the flip chart illustrated below (the one you have drawn the arrows on), then have participants get into groups of three (triads) and discuss/brainstorm at least 3 responsibilities for each group. Have participants record their answers on page 2 of their handout.
2. Bring the total group back together and discuss what the participants listed in their triads.



Some answers may include:

Employer

- Safe & Healthful workplace
- Training on OSHA
- Material safety data sheets for chemicals
- Records of injury & illness

Worker

- Attend training
- Handle equipment properly
- Communicate all workplace injuries or illnesses
- Properly label chemicals
- Communicate to supervisor any unsafe equipment or processes
- Properly do job

3. Add to the flip chart as groups respond. Make any additional remarks as needed.
4. Summarize the activity by saying that a safe & healthy workplace is the responsibility of both the employer and the worker.

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OSHA INSPECTIONS

Time: 15 minutes

Lecturette

1. Explain the following.

- *The OSH Act authorizes OSHA compliance safety and health officers (CSHO's) to conduct workplace inspections: OSHA inspection officers are called Compliance Officers.*
- *OSHA conducts inspections without advance notice (anyone who tells an employer about an OSHA inspection in advance can receive fines and a jail term).*
- *Not all eight million worksites covered by OSHA can be inspected; the agency has a system of inspection priorities.*

2. Explain that OSHA inspections fall into 5 categories of priority. These are:

Priority	Category of Inspection
1 st	<i>Imminent Danger</i>
2 nd	<i>Fatality/ Catastrophe</i>
3 rd	<i>Complaints /Referrals</i>
4 th	<i>Programmed Inspections</i>
5 th	<i>Follow up Inspections</i>

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Trainer note: Use the following data to hold the discussion of the 5 categories of priority. Refer them to page 3 of their handout to record their answers. Flip chart ☐ the examples given using the set of 5 prepared flip charts☐ starting with Priority 1 Imminent Danger.

- **1st. Imminent Danger** has top priority. This is a condition where there is reasonable certainty a danger exists that can be expected to cause death or serious physical harm immediately (or before the danger can be removed through normal enforcement).
 - Explain that:
 - OSHA may contact the employer and try to have workers removed from the danger right away.
 - In any case, a CSHO will make an inspection, no later than one day after the report was received.
 - Ask participants to give an example. Flip chart ☐ the examples.

Priority 1 Imminent Danger

- An example could be:
 - Workers working in an unstable trench that has no shoring or sloping.

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- **2nd. Fatalities and Catastrophes** are next in priority. This is when death or dismemberment occurs.
 - Explain that
 - Employers must report to OSHA any worker fatality or the hospitalization of three or more employees.
 - OSHA starts these investigations as soon as possible after getting the report.
 - CSHO's gather evidence and interview the employer, workers, and others to determine the causes of the event and whether violations occurred.
- Ask participants to give an example. Flip chart ☐ the examples.

Priority 2 Fatality/ Catastrophe

- An example could be:
 - A worker has fallen causing serious injury or death.

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- **3rd. Complaints and Referrals are OSHA's third priority.**
 - *Explain that*
 - *A worker or worker representative can file a complaint about a safety or health hazard.*
 - *Generally, the complaint is to be written and signed for OSHA to conduct an inspection.*
 - *The difference between referrals and complaints- a **referral** will come from the Local, State or Federal government. A **complaint** will come from another source.*
 - *A formal complaint has a signature affixed to the complaint. In any case the complaint is considered anonymous.*
 - *Complaints may be filed by writing a letter, e-mail, fax, phone call, etc.*
- *Ask participants to give an example. Flip chart the examples.*

Priority 3 Complaints / Referrals

- *An example could be:*
 - *A worker filing a complaint about safety or health issues in the workplace.*
 - *A referral from a local health department about health issues in the workplace.*

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- **4th. Programmed Inspections** are the fourth priority. These are inspections that are scheduled a head of time.
 - Explain that
 - These inspections cover industries and employers with high injury and illness rates, specific hazards, or other exposures.
- Ask participants to give an example. Flip chart ☐ the examples.

Priority 4 Programmed Inspections

- An example could be:
 - A scheduled inspection after new equipment arrives in the workplace.

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- *5th. Follow up Inspections are the fifth priority.*
 - *Explain that*
 - *These inspections are made to see if violations from a previous inspection have been corrected.*
- *Ask participants to give an example. Flip chart ☐ the examples.*

Priority 5 Follow Up Inspections

- *An example could be:*
 - *An engineering solution to wet floors was OSHA's recommendation. A Follow up Inspection would be conducted to see that the solution was implemented.*

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REQUESTING AN INSPECTION

Time: 5 minutes

1. *Explain to participants that they may also request an inspection if they wish.*

2. *However, deciding to file a request for an OSHA inspection is an important decision. Tell participants that they can call 1-800-321-OSHA to get information about the nearest OSHA office.*
 - *OSHA does not have standards for every hazard.*
 - *OSHA protects all workers.*

3. *Explain that if you have a union, it should be involved in all aspects of the inspection. Although employer retaliation against individuals for safety and health activity is illegal under the OSHA Act, having your union file your complaint, may offer you better protection than doing this on your own.*

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RIGHTS AS A WHISTLEBLOWER

Time: 5 minutes

1. *Ask participants if they know what the rights of a Whistleblower are. Refer them to page 4 of their handout to record their answers.*
 - **Explain that**
 - *You may file a complaint with OSHA if your employer retaliates against you by taking unfavorable personnel action because you engaged in protected activity relating to workplace safety and health.*

2. *However, remind participants of the following. (Refer them to page 5 of their handout).*
 - *You may **give yourself some protection** by making a safety complaint to a government agency, such as OSHA, your local Fire Department or Health Department instead of your employer. An employer, who learns of any health or safety concerns from a government agency, may be less likely to retaliate, but it is not a guarantee.*
 - **Keep good records.** *Keep detailed notes with dates and names of witnesses. If your employer responds verbally / orally, make a note of what is said, when, by whom and any witnesses. It is a good practice to keep all notes together in a notebook if possible along with copies of any documents.*

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- **Don't miss deadlines.** *If you have been retaliated against for exercising an OSHA right, you have only thirty (30) days to file an 11(c) complaint with OSHA. If your thirty (30) day complaint is about to expire, you can file your original complaint by calling any OSHA office and telling them that you want to file an 11(c) complaint. Complaints about retaliation can be filed verbally, but it is best to file by certified mail, because you will have a record that the complaint was received.*
3. *Refer participants to the Whistleblower Fact Sheet handout (pages 6 and 7).*

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IF AN OSHA INSPECTION OCCURS

Time: 5 minutes

1. *Say to the participants, that “if an OSHA inspection is conducted in your workplace, you have the right to talk to the inspector privately.”*
2. *Ask participants what they think happens after an inspection?*
3. *Summarize by saying the CSHO takes the findings from their inspection back to the office and writes up a report. The Area Director reviews it and makes the final decision about any citations and penalties. You have a right to find out about these results and any actions that may result from the inspection.*

VIOLATION

Time: 5 minutes

1. Explain that violations fall into 4 categories. Illustrate these by showing participants the chart on a flip chart ☐:

Violation Type	Penalty
<i>Willful</i>	<i>Mandatory minimum</i>
<i>Serious</i>	<i>Mandatory</i>
<i>Other-than-Serious</i>	<i>May propose</i>
<i>Repeated</i>	<i>May propose</i>

And say the following:

- A willful violation happens when an employer intentionally and knowingly commits a violation which has a mandatory minimum penalty.
 - A serious violation is a violation that has the probability of causing serious physical harm up to and including death and has a mandatory penalty.
 - A violation that is considered other-than-serious has a direct relationship to safety and health but would probably not cause death or serious physical harm and it may propose a penalty.
 - A repeated violation is the same or similar to your previous violation and it may propose a penalty.
2. Explain to the participants that OSHA may also assess penalties to employers for the following:
 - **Failure to Abate.** OSHA may propose an additional penalty.
 - **Falsifying Information.** The employer providing can receive a fine.
 - **Violation of Posting.** The employer has to post violations and abatement verification for three days or until the hazard is corrected.

MODULE 2

REVIEW QUESTIONS

Time: 5 minutes

1. *List five (5) of the workers' rights.*
2. *Give three (3) responsibilities for each the employer and employee in reference to OSHA.*
3. *Describe an OSHA inspection.*
4. *List three (3) rights of a whistleblower as described under OSHA law.*

MODULE 2

APPRECIATION

1. *Reiterate the goal which was to have participants understand their rights and responsibilities under OSHA law.*
2. *Thank the participants for attending as well as their participation throughout the session.*
3. *Encourage them to use what they have learned to demonstrate what their rights are as workers under the OSHA law, what are the workers responsibilities under OSHA, what an OSHA inspection consist of, what happens after the inspection, and the rights of a whistleblower as described by law.*

MODULE 2

ACKNOWLEDGMENTS

1. *Introduction to OSHA, Instructor Guide, OSHA website, www.osha.gov.*
2. *Know your OSHA Rights, National Council for Occupational Safety and Health website, www.coshnetwork.org.*
3. *Pennsylvania OSHA Standards and Enforcement, eHow website, www.ehow.com.*
4. *Whistleblower Protection, Protection from Retaliation for Reporting Safety Hazards, National Council for Occupational Safety and Health website, www.coshnetwork.org.*
5. *The OSHA Inspection: A Step-by-Step Guide, National Council for Occupational Safety and Health website, www.coshnetwork.org.*
6. *Occupational Safety in the Food Industry, eHow website, www.ehow.com.*
7. *Introduction to OSHA, Student Handout Packet, OSHA website, www.osha.gov.*
8. *Safety and Health Guide for the Meatpacking Industry, OSHA website, www.osha.gov.*

Field Code Changed

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