



"Workers' Defense Project helped me understand my rights under OSHA. Now I feel more capable of dealing with the issue of workplace safety."

—MARÍA SÁNCHEZ



# PROTECTION

YOUR RIGHTS AND RESPONSIBILITIES UNDER OSHA

# INTRODUCTION TO OSHA

## What is OSHA?

OSHA (Occupational Safety and Health Administration) is an agency of the US Department of Labor, founded in 1970. Before then, no health and safety protection existed for workers.



## OSHA's responsibilities are to:

- Develop mandatory protections of health and safety in the workplace,
- Ensure that they are carried out using worksite inspections, and
- Impose fines and financial penalties.



## When and how should you use OSHA?

- Talk with your coworkers before proceeding with a complaint.
- Think about a plan of action. Talk with your boss to eliminate the hazard before presenting a complaint to OSHA.
- An online complaint may be enough to eliminate a hazard.

# INTRODUCTION TO OSHA

## Communicate with your worker center

- Communicate with your worker center to decide how best to resolve the problem. Your center offers safety and health training in English and Spanish, and helps workers with different work-related issues. Visit the following pages to find your nearest worker center: <http://www.iwj.org/network/workers-centers>  
<http://www.ndlon.org/es/>

## Where is my worker center?



### WORKERS DEFENSE PROJECT

#### *Austin*

5604 Manor Rd.  
Austin, TX 78723  
Tel: (512) 391-2305

E-mail: [info@workersdefense.org](mailto:info@workersdefense.org)  
[www.workersdefense.org](http://www.workersdefense.org)

#### *Dallas*

534 West 10th St.  
Dallas, TX 75208  
Tel: (972)-479-5080



### FE Y JUSTICIA WORKER CENTER

1805 West Alabama 2nd Floor  
HOUSTON, TX 77098  
Tel: (713) 862-8222

E-mail: [fjwc@houstonworkers.org](mailto:fjwc@houstonworkers.org)  
[www.houstonworkers.org](http://www.houstonworkers.org)



### PASO DEL NORTE CIVIL RIGHTS PROJECT

1317 Rio Grande  
El Paso, TX 79902  
Tel: (915) 532-3799

E-mail: [pdn@texascivilrightsproject.org](mailto:pdn@texascivilrightsproject.org)  
[www.texascivilrightsproject.org](http://www.texascivilrightsproject.org)

# WORKER RIGHTS & RESPONSIBILITIES

## Basic worker rights under OSHA include the abilities to:

- Request information from your boss about the hazards to your health and safety.
- Receive the necessary training and information.
- Request that the OSHA Area Director investigate working conditions.



## Basic responsibilities of the worker under OSHA are to:

- Follow all of the safety and health rules and regulations of your boss, and to use the necessary protective equipment.
- Inform the appropriate supervisor of a hazard.
- Inform your boss about any injury or illness related to the tasks of the job.



# WORKER RIGHTS & RESPONSIBILITIES

## You have Whistleblower protections!

- To help ensure that workers are free to participate in safety and health activities, Section 11(c) of the OSH Act prohibits any person from discharging or in any manner retaliating or discriminating against any worker for exercising rights under the Act. These rights include raising safety and health concerns with an employer, reporting a work-related injury or illness, filing a complaint with OSHA, seeking an OSHA inspection, participating in an OSHA inspection and participating or testifying in any proceeding related to an OSHA inspection.
- If a worker believes an employer has discriminated against them for exercising their safety and health rights, they should contact their local OSHA office right away. To file a complaint under Section 11(c), contact the nearest OSHA office within 30 days of the discrimination. Workers must call OSHA within 30 days of the alleged discrimination (at 1-800-321-OSHA [6742]).



### REMEMBER!

*OSHA never cites workers for negligence in the workplace; they only penalize employers.*

### YOUR IMMIGRATION STATUS DOESN'T MATTER!

*OSHA is only concerned with the health and safety of the workplace and doesn't worry about your immigration status.*

# HOW TO FILE A CLAIM WITH OSHA



If you present a complaint to OSHA, visit your local worker center, call OSHA (1-800-321-OSHA) directly, or submit a complaint via fax, mail, or internet.

## **"HAZARD DESCRIPTION/LOCATION"**

is the most important part of the form. Here, you should describe each hazard in detail.

Your workers' center will help you fill out the online form; your workers' center will serve as your representative.

If an OSHA investigation doesn't resolve the problem, you can still request a site inspection from OSHA.

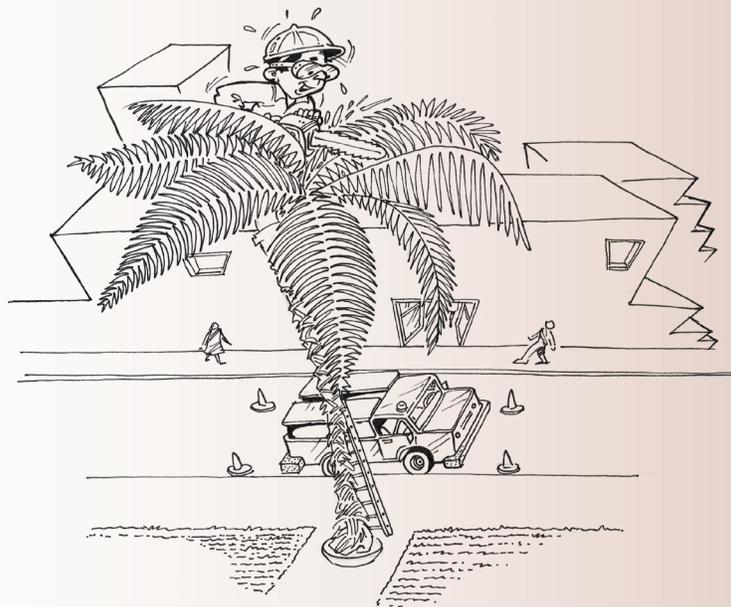
If OSHA decides not to inspect the site, they will notify you in writing & give reasons for their decision. You can appeal a decision with the Area Director & the regional administration.



# HOW TO FILE A CLAIM WITH OSHA

## What type of cases result in an inspection?

- OSHA conducts on-site inspections of worksites to enforce the OSHA law that protects workers and their rights. Inspections are initiated without advance notice, conducted using on-site or telephone and facsimile investigations, and performed by highly trained compliance officers.
- Worksite inspections are conducted based on the following priorities: imminent danger; fatality or hospitalizations; worker complaints and referrals; targeted inspections – particular hazards, high injury rates; and follow-up inspections.
- Inspections are conducted without employers knowing when or where they will occur. The employer is not informed in advance that there will be an inspection, regardless of whether it is in response to a complaint or is a programmed inspection.



# EMPLOYER RESPONSIBILITIES & RESOURCES

## What does your employer have to do?

- Complete the general responsibility of maintaining a workplace that is free of danger. Reduce or eliminate any potential hazards.
- Provide safety training about worksite dangers. Ensure that all workers use equipment that is safe and well maintained.
- Make available copies of the rules and regulations for necessary revision.

## Employer resources

- OSHA offers free compliance assistance to employers and workers. Several OSHA programs and services (like OSHCON) can help employers identify and correct job hazards, as well as improve their injury and illness prevention program.



### DON'T FORGET!

OSHA requires that bosses provide each of their workers a workplace that is free of hazards that cause or may cause accidents or death.

# EMPLOYER RESPONSIBILITIES & RESOURCES

## What is OSHCON?

- The Occupational Health and Safety Consultation Program (OSHCON) is a free service that helps Texas employers understand and carry out OSHA standards.
- Solicit a meeting to talk about specific issues or to obtain a complete consultation.



## Why should employers use the services provided by OSHCON?

-  OSHCON consultants can help you:
-  Reduce injury and illness in the workplace;
-  Stay informed and carry out OSHA requirements;
-  Avoid fines for negligence in the workplace;
-  Plan health and safety trainings.

# EMPLOYER RESPONSIBILITIES & RESOURCES

## What is a consultation visit all about?

### STEP 1

**SOLICITATION:** First you should solicit a consultation with OSCHON. Your consultant will try to schedule the meeting when it is most convenient.

### STEP 2

**WORKSITE VISIT:** This includes an introductory conference, an inspection to evaluate hazards, interviews with workers, an evaluation of the safety program, and a closing conference.

### STEP 3

**CONCLUSIONS AND RECOMMENDATIONS:** All of the collected information is evaluated. The consultant will provide you with a detailed written report of the recommendations they have given.

### STEP 4

**CORRECTION OF THE HAZARD:** Correct the serious hazards during the hazard reduction period. Hazards should be corrected within the time limit decided upon by you and the consultant.



### SOLICIT A CONSULTATION TODAY!

Call toll free: 1-800-678-7080.  
Online solicitations: [www.tdi.state.tx.us/wc/safety/oshcon.html](http://www.tdi.state.tx.us/wc/safety/oshcon.html)  
Austin: 512-933-1899

# ADDITIONAL RESOURCES

## For more information, see the following resources from OSHA:

- If you live in a US State or US Territories, contact Federal OSHA at: (Tel) 1-800-321-6742 or find the contact information for the nearest Federal OSHA Regional or Area office by visiting <http://www.osha.gov/html/RAmap.html>
- Free information about safety and health hazards in the construction industry. [http://www.cdc.gov/niosh/construction/consulta\\_completa](http://www.cdc.gov/niosh/construction/consulta_completa).



The screenshot shows the OSHA website interface. At the top, it says "UNITED STATES DEPARTMENT OF LABOR" and "OSHA". There is a search bar and navigation links like "A to Z Index", "En español", "Contact Us", "FAQs", and "About OSHA". Below the header, there are tabs for "Home", "Workers", "Regulations", "Enforcement", "Data & Statistics", "Training", "Publications", "Newsroom", and "Small Business". The main content area is titled "How to File a Complaint with OSHA" and includes a list of links for filing a complaint, an "En Español" section, and a "Complaint Filing Options" section.

**UNITED STATES DEPARTMENT OF LABOR**  **SEARCH**  
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### Filing a Complaint

- [Options to file your safety and health complaint.](#)
- [To file a discrimination complaint.](#)
- [When can a complaint be filed.](#)
- [Who can complain.](#)
- [What information must the employee provide.](#)
- [Examples of specific questions for health hazards](#)
- [How federal OSHA responds to complaints.](#)

### How to File a Complaint with OSHA

**En Español**

The **Occupational Safety and Health Act of 1970** gives employees and their representatives the right to file a complaint and request an OSHA inspection of their workplace if they believe there is a serious hazard or their employer is not following OSHA standards. Further, the Act gives complainants the right to request that their names not be revealed to their employers.

Complaints from employees and their representatives are taken seriously by OSHA. It is against the law for an employer to fire, demote, transfer, or discriminate in any way against a worker for filing a complaint or using other [OSHA rights](#).

OSHA will keep your information confidential. We can help.

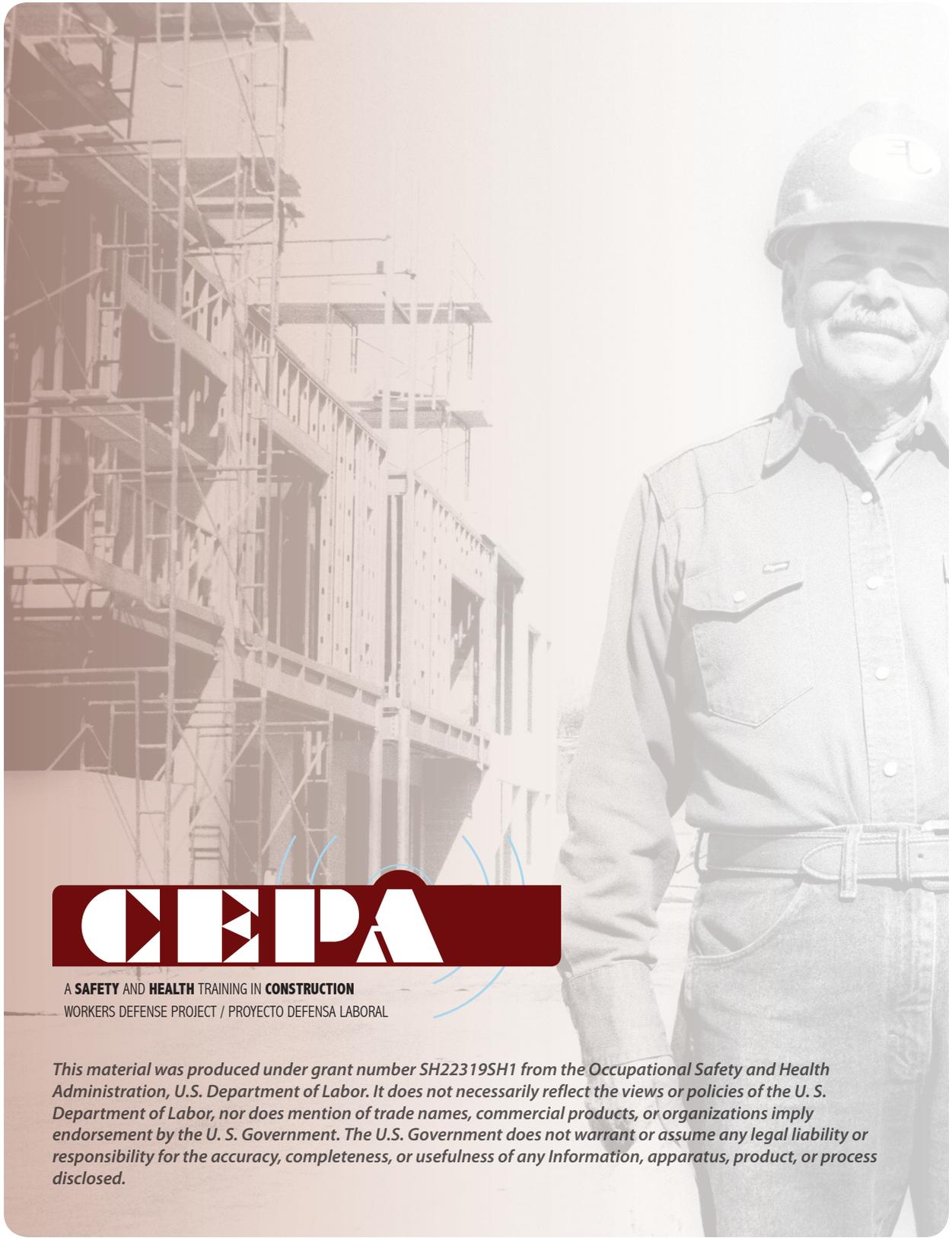
**Worker Rights**

Workers are entitled to [working conditions](#) that do not pose a risk of serious harm. To help assure a safe and healthful workplace, OSHA also provides workers with the right to:

### Complaint Filing Options

**If you think your job is unsafe and you want to ask for an inspection, contact us. It is confidential. If you have been fired, demoted, transferred or discriminated against in any way for using your rights under the law, you must file a complaint with OSHA within 30 days of the alleged discrimination.**

Source: <http://www.osha.gov/as/opa/worker/complain.html>



A **SAFETY** AND **HEALTH** TRAINING IN **CONSTRUCTION**  
WORKERS DEFENSE PROJECT / PROYECTO DEFENSA LABORAL

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