Occupational Safety and Health Administration

Introduction to OSHA

1 hour presentation – Outreach Trainer Guide

We Are OSHA
We Can Help
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OSHA’s Message to Workers

- Workers need to trust OSHA to fully and faithfully carry out:
  - The mission of OSHA which is to save lives, prevent injuries and protect the health of America’s workers.
- OSHA was established “to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources.”

OSHA Outreach Trainer’s Role

Outreach Trainers of the “Introduction to OSHA” training need to review and understand OSHA’s mission statements. They should know as much about the training audience as possible to ensure the training meets and/or exceeds their needs. Importantly, the Outreach Trainer should emphasize that OSHA was established to protect workers.

Your Role as OSHA Outreach Trainer

- Emphasize OSHA’s mission statements
- Know your audience; ensure the training meets/exceeds the participant’s needs
- Establish rapport with audience
- Convey message of trusting OSHA to protect workers

Delivering the Message

- Ensure references to OSHA are positive and convey trust that OSHA was established to protect workers
- Streamline minimum 1-hour content presentation to best fit the learner’s needs; emphasize workers rights provided by OSHA
- Present OSHA standards as rules that are enforced on employers not workers
- Involve the participants in learning activities

Training Topics [Delivery]

1. OSHA’s Mission
2. OSHA Standards
3. Employer Responsibilities
4. Workers Rights/Responsibilities
5. Enforcing Standards
6. Reporting Safety Hazards
7. Whistleblower Protections
8. Worker Resources

Optional Exercise
Introduction to OSHA Presentation

Outreach Trainer Guidelines

Introduction
This "Introduction to OSHA" is a required topic in all OSHA Outreach Training Program 10- and 30-hour classes for the construction, general, and maritime industries.

Outreach Trainers should possess the following knowledge, skills and attitudes regarding the importance and value of safety and health training for workers and the Occupational Safety and Health Administration (OSHA):

- Knowledge of OSHA background, mission and current standards
- Skills in training facilitation which include the ability to apply adult learning principles, conduct active training sessions, build rapport with audience, relate to the workers by using industry-specific terminology and explaining workplace conditions familiar to them.
- Attitude that is positive and supportive of OSHA and best work practices for a safe and healthful workplace

Presenting the Training
These materials are to be used as guidance for facilitating the one-hour presentation. The presentation should be geared towards the audience. There is enough time [one-hour] to present the pertinent OSHA information and conduct the planned activities; however, depending on number of participants the Outreach Trainer may adjust the delivery strategies accordingly. One option is to practice each topic or conduct the Optional Exercise at the end of the training. To assist in planning the presentation, each topic is developed using the Prepare/Present/Practice format. Outreach Trainers should consider displaying the Job Safety and Health It’s a Law! poster throughout the training hour.

<table>
<thead>
<tr>
<th>Materials Needed</th>
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</thead>
<tbody>
<tr>
<td>- Copies of course materials needed including additional references, handouts, and worksheets from Appendices A, B, and C</td>
</tr>
<tr>
<td>- One OSHA “Job Safety and Health It’s the Law” poster available online at: <a href="https://www.osha.gov/Publications/poster.htm">https://www.osha.gov/Publications/poster.htm</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Training Preparation</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Review training materials provided</td>
</tr>
<tr>
<td>- Make copies of materials needed</td>
</tr>
<tr>
<td>- Determine target audience to adjust training if needed</td>
</tr>
<tr>
<td>- Establish plan to actively involve participants in the learning experience</td>
</tr>
<tr>
<td>- Practice training techniques to build rapport with audience</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Outreach Trainer Reference Copies / Handouts</th>
</tr>
</thead>
<tbody>
<tr>
<td>In presentation order:</td>
</tr>
<tr>
<td>1. OSHA Poster</td>
</tr>
<tr>
<td>2. Employers Must Provide and Pay for PPE</td>
</tr>
<tr>
<td>3. OSHA “Your Rights as a Whistleblower Fact Sheet”</td>
</tr>
<tr>
<td>4. “We Are OSHA We Can Help” publication</td>
</tr>
</tbody>
</table>
Introduction to OSHA Presentation

**Topic 1: OSHA’s Mission**

**Prepare:**
__Review for understanding OSHA’s mission statement.

**Present:**
Display/distribute the *OSHA Poster* [Handout #1, App. A]. The Occupational Safety and Health Act of 1970 (OSH Act) was passed to prevent workers from being killed or seriously harmed at work. The law requires that employers provide their employees with working conditions that are free of known dangers. The Act created the Occupational Safety and Health Administration (OSHA), which sets and enforces protective workplace safety and health standards. OSHA also provides information, training and assistance to workers and employers.

The mission of OSHA is to save lives, prevent injuries and protect the health of America’s workers. The OSH Act states that workers have the right to a safe workplace and that it is the employer’s responsibility to provide safe and healthy workplaces.

**Practice:**
Lead-off a short discussion by asking participants to state why they think OSHA was created and what they believe OSHA’s mission is and then share and reiterate the true statements.

**Topic 2: OSHA Standards**

**Prepare:**
__Review OSHA standards.
__If possible, plan OSHA standards content to according to the audience needs

**Present:**
OSHA standards are rules that describe the methods that employers must use to protect their employees from hazards. There are OSHA standards for Construction work, Agriculture, Maritime operations, and General Industry, which are the standards that apply to most worksites. These standards limit the amount of hazardous chemicals workers can be exposed to, require the use of certain safe practices and equipment, and require employers to monitor hazards and keep records of workplace injuries and illnesses.

Examples of OSHA standards include but are not limited to the list below. In a way that makes sense to the audience, provide a brief explanation of the standard and why OSHA has the standard.
Introduction to OSHA Presentation

- 29 CFR 1910, 1926, and 1928 (OSHA standards are online at [www.osha.gov](http://www.osha.gov))
  - They are in the Code of Federal Regulations. 29 is the book assigned to the Department of Labor; therefore, the OSHA standards are:
    - 1910 is assigned to General Industry
    - 1926 is assigned to Construction
    - 1915 is assigned to Maritime
  - General Duty Clause, Section 5(a)(1) explain that this is used when there is not a specific OSHA standard that applies to the situation
- Noise (discuss that loud noise causes permanent hearing loss and OSHA limits the amount of noise in the workplace as well as has requirements for provision of ear plugs/muffs at no cost, hearing exams and engineering controls).
- Chemicals
- Protective equipment
- Fall protection
- Guarding of open sided platform
- Scaffolding
- Right to know

**Practice:**
Lead discussion on how OSHA standards protect workers. Consider demonstrating the use of personal protective equipment and relate this to requirements in OSHA standards.

**Topic 3: Employer Responsibilities**

**Prepare:**
- Review course materials and OSHA standards.
- Make copies of the *Employers Must Provide and Pay for PPE* [Handout #2, App. A]

**Present:**
OSHA standards mandate that employers must:
- Provide a workplace free from recognized hazards and comply with OSHA standards
- Provide training required by OSHA standards
- Keep records of injuries and illnesses
  - Set up a reporting system; Provide copies of logs (i.e., OSHA 300), upon request; Post the annual summary; Report within 8 hours any work-related fatalities and within 24 hours, all work-related: inpatient hospitalizations, amputations, and losses of an eye.
- Provide medical exams when required by OSHA standards and provide workers access to their exposure and medical records
- Not discriminate against workers who exercise their rights under the Act
- Post OSHA citations and abatement verification notices
- Provide and pay for most Personal Protective Equipment (PPE) [Handout #2]

**Practice:**
Discuss the requirements listed above that would be appropriate for your audience. Refer to *Employers Must Provide and Pay for PPE* handout #2.
Introduction to OSHA Presentation

**Topic 4: Workers Rights/Responsibilities**

**Prepare:**
- Review worker rights/responsibilities provided by OSHA.
- Make copies of the Workers Rights Practice Worksheet to distribute.

**Present:**

**Workers Rights:**
Most importantly, the creation of OSHA provided workers the right to a safe and healthful workplace. Section 5(a)(1) of the OSH Act states: “Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.”

A safe and healthful workplace means that hazards are removed and workers are trained. If a hazard cannot be removed completely, protection (for example, respirators or earplugs) must be provided.

<table>
<thead>
<tr>
<th>OSHA Provides Workers the Right to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A safe and healthful workplace</td>
</tr>
<tr>
<td>Know about hazardous conditions</td>
</tr>
<tr>
<td>Information about injuries and illnesses in your workplace</td>
</tr>
<tr>
<td>Complain or request hazard correction from employer</td>
</tr>
<tr>
<td>Training as provided in the OSHA standards</td>
</tr>
<tr>
<td>Hazard exposure and medical records</td>
</tr>
<tr>
<td>File a complaint with OSHA</td>
</tr>
<tr>
<td>Participate in an OSHA inspection</td>
</tr>
<tr>
<td>Be free from retaliation for exercising safety and health rights</td>
</tr>
</tbody>
</table>

**Workers Responsibilities:**
Workers should know that OSHA holds employers responsible for the safety and health conditions in the workplace and does not cite workers for violations. However, Section 5(b) of the OSH Act states that each employee shall comply with occupational safety and health standards and all applicable rules, regulations and orders. Therefore, workers are encouraged to follow all appropriate safety and health rules and wear personal protective equipment while working.

**Practice:**
Distribute “Workers Rights” Practice Worksheet/Crossword Puzzle [App. B]; allow students time to complete the puzzle and use the answers below to review finished puzzles with class:

Down: 1. Hazardous; 2. Retaliation; 3. Training; 5. OSHA
Introduction to OSHA Presentation

**Topic 5: Enforcing Standards**

**Prepare:**
Review OSHA inspection data, guidelines and procedures.

**Present:**
OSHA enforces standards through inspections. The current budget is small—all together nationwide (with our State partners) there are only about 2,400 inspectors for over 7 million workplaces. At this rate, it would take about 100 years for us to inspect every workplace once.

Therefore, OSHA targets the most dangerous workplaces; industries with fatalities and serious injuries (e.g. grain handling in Colorado); construction (i.e., falls).

The OSHA inspection process consists of an opening conference, a walkthrough and a closing conference with the employer. Results can take up to 6 months, after which OSHA may issue citations. These may include fines and will include dates by which hazard must be abated.

When an OSHA inspection is conducted in the workplace, workers have the right to have a worker representative accompany the inspector on the inspection. Workers can talk to the inspector privately. They may point out hazards, describe injuries, illnesses or near misses that resulted from those hazards and describe any concern you have about a safety or health issue. Workers also can find out about inspection results and abatement measures, and get involved in any meetings or hearings related to the inspection. Workers may also object to the date set for the violation to be corrected and be notified if the employer files a contest.

**Practice:**
Share examples from personal inspection experiences in which you have obtained better working conditions for workers or ask experienced students to share a brief scenario.

**Topic 6: Reporting Safety Hazards**

**Prepare:**
Review “Ways to Report Workplace Hazards” and “How OSHA Responds…” tables

**Present:**
Content to discuss is found in the *Ways to Report Workplace Hazards* table that follows. In your presentation, emphasize that the first action to report a safety hazard should be to contact your team leader, supervisor, manager, safety committee, etc. While anyone who knows about a workplace safety or health hazard may report unsafe conditions to OSHA, it’s a good practice to try to abate the hazard and prevent further exposure before OSHA would need to be involved. The *How OSHA Responds to a Complaint* table provides information on how OSHA responds to the way a complaint is reported.
Introduction to OSHA Presentation

### Ways to Report Workplace Hazards

<table>
<thead>
<tr>
<th>Method</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contact</strong></td>
<td>Contact your team leader, supervisor, manager, safety committee, etc.</td>
</tr>
<tr>
<td><strong>Phone</strong></td>
<td>Call the Regional or local office or 1-800-321-OSHA. [Provide your local office number.]</td>
</tr>
<tr>
<td><strong>Fax or Mail</strong></td>
<td>Obtain the complaint form online at <a href="http://www.osha.gov">www.osha.gov</a> or from the local OSHA office.</td>
</tr>
<tr>
<td><strong>In Person</strong></td>
<td>Visit the local OSHA Office. [A current list is of OSHA offices is at <a href="http://www.osha.gov">www.osha.gov</a>]</td>
</tr>
<tr>
<td><strong>Online</strong></td>
<td>File complaints online at the OSHA website at <a href="http://www.osha.gov">www.osha.gov</a></td>
</tr>
</tbody>
</table>

### How OSHA Responds to a Complaint

<table>
<thead>
<tr>
<th>If the Complaint is…</th>
<th>Then OSHA will…</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Filed over the phone, is not signed, or is not a serious hazard</td>
<td>Contact the employer by phone, fax, or email</td>
<td></td>
</tr>
<tr>
<td>About a serious hazard</td>
<td>Conduct an inspection at the worksite</td>
<td></td>
</tr>
<tr>
<td>Written, signed and submitted to the OSHA area or State Plan office</td>
<td>Most likely, conduct an onsite inspection</td>
<td></td>
</tr>
<tr>
<td>Submitted online</td>
<td>Handle most complaints using the OSHA phone/fax system, which means they may even be resolved by phone</td>
<td></td>
</tr>
</tbody>
</table>

**Practice:**
Ask participants general questions on how to report workplace hazards. Trainer can use the *How OSHA Responds to a Complaint* table to conduct “Speed Rounds” by quickly asking “If the Complaint is…” questions as soon as participants state the “Then OSHA will…” answer previous one. Or ask participants to share an example when they (or a co-worker) have identified a hazard in their workplace and have them describe what happened.

**Topic 7: Whistleblower Protections**

**Prepare:**
__Provide copies of the OSHA *Your Rights as a Whistleblower Fact Sheet* [Handout #3, App. A]__

**Present:**
The OSH Act protects workers who complain to their employer, OSHA or other government agencies about unsafe or unhealthful working conditions in the workplace or environmental problems. Workers cannot be transferred, denied a raise, have their hours
reduced, be fired, or punished in any other way because they exercised any right given to them under the OSHA Act. Help is available from OSHA for whistleblowers.

It is recommended that you announce and/or post the following:

*If you have been punished or discriminated against for using your rights, you must file a complaint with OSHA within 30 days of the alleged reprisal for most complaints. No form is required, but you must send a letter or call the OSHA Area Office nearest you to report the discrimination within 30 days of the alleged discrimination.*

**Practice:**

Time permitting; ask participants if they have any stories to share and/or questions to ask regarding the Whistleblower Protections information.

**Topic 8: Worker Resources**

**Prepare:**

- Review and gather a list of OSHA and other resources available online at [www.osha.gov](http://www.osha.gov) these include Fact Sheets, Bookmarks, Publications, etc. as well as other worker safety and health resources available
- Copies for all or a few of *We Are OSHA We Can Help* [Handout #4, 8-page brochure resized to 2-pages in App. A]

**Present:**

There are many resources available to workers that want to find out more information about a safety or health issues both inside and outside of their workplace.

Because of the rights provided to workers, they can utilize some inside the workplace sources, such as: Employer or supervisor, co-workers and union representatives; Safety Data Sheet (SDS); Labels and warning signs; and/or Employee orientation manuals or other training materials.

Samples of outside of the workplace worker safety and health resources are:

- Many at OSHA online at: [www.osha.gov](http://www.osha.gov) such as, OSHA Compliance Assistance Specialists in the area offices.
- NIOSH is OSHA’s sister agency. Workers can request NIOSH conduct a Health Hazard Evaluations (HHEs) of workplaces in cases where workers are getting sick from an unknown cause or are exposed to an agent or working condition that is not regulated by OSHA.
- Health care providers can be a resource on the health effects of toxic substances, proper medical and first aid treatment, and other health-related issues.

**Practice:**

Discuss the new OSHA publication *We Are OSHA We Can Help* [Handout #4, App. A]. This brochure sums up the basic approach suggested for this initiative. Currently the publication is only in available in English. Participants may have access to family/friends that could translate if necessary. In addition to the “We Are OSHA We Can Help”
OPTIONAL Exercise

The Introduction to OSHA is only planned for 1-hour and to stay within the timeframe, the option is to practice each Topic as presented in this guide or to forego the individual Topic practices and conduct this OPTIONAL Exercise at the end of the course.

The exercise consists of reviewing a scenario and discussing the reporting options with the class; therefore, timing of this activity is flexible and should complete the 1-hour of training, not be added on to the training.

Directions

- Select one of the scenarios provided in Appendix C or present one from your own experiences.
- Based on the scenario, ask the audience to discuss how they would follow the *Ways to Report Workplace Hazards* to determine what reporting approach would be best.
  - Trainer should emphasize the order of reporting options as presented in the *Ways to Report Workplace Hazards* table which is: Start with Contact Team Leader, Supervisor, Safety Manager; then Phone, Fax/Mail; or visit an OSHA Office in-person; and the last option of course is to File a Complaint with OSHA online
- Read some of the questions listed below that when answered, provide the information important to reporting workplace hazards/ also, ask if any additional information is needed.
  - Has anyone been injured or made ill as a result of this problem?
  - How many employees work at the site and how many are exposed to the hazard?
  - How and when are workers exposed? On what shifts does the hazard exist?
  - What work is performed in the unsafe or unhealthful area?
  - What type of equipment is used? Is it in good condition?
  - What materials and/or chemicals are used?
  - Have employees been informed or trained regarding hazardous conditions?
  - What process and/or operation is involved? What kinds of work are done nearby?
  - How often and for how long do employees work at the task that leads to their exposure?
  - How long (to your knowledge) has the condition existed?
  - Have any attempts been made to correct the problem? Have there been any "near-miss" incidents?
Appendix A: Outreach Trainer Reference Copies

#1. OSHA Poster
#2. Employers Must Provide and Pay for PPE
#3. Your Rights as a Whistleblower Fact Sheet
#4. We Are OSHA We Can Help
Handout #1

Poster is available for download at: https://www.osha.gov/Publications/poster.html

All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

Contact OSHA. We can help.

1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov
Employers Must Provide and Pay for PPE

Personal Protective Equipment (PPE)

The Occupational Safety and Health Administration (OSHA) requires that employers protect you from workplace hazards that can cause injury or illness. Controlling a hazard at its source is the best way to protect workers. However, when engineering, work practice and administrative controls are not feasible or do not provide sufficient protection, employers must provide personal protective equipment (PPE) to you and ensure its use.

PPE is equipment worn to minimize exposure to a variety of hazards. Examples include items such as gloves, foot and eye protection, protective hearing protection (earplugs, muffs), hard hats and respirators.

Employer Obligations

- Performing a "hazard assessment" of the workplace to identify and control physical and health hazards.
- Identifying and providing appropriate PPE for employees.
- Training employees in the use and care of the PPE.
- Maintaining PPE, including replacing worn or damaged PPE.
- Periodically reviewing, updating and evaluating the effectiveness of the PPE program.

Workers should:

- Properly wear PPE.
- Attend training sessions on PPE.
- Care for, clean and maintain PPE, and inform a supervisor of the need to repair or replace PPE.

Employers Must Pay for Personal Protective Equipment (PPE)

On May 15, 2008, a new OSHA rule about employer payment for PPE went into effect. With few exceptions, OSHA now requires employers to pay for personal protective equipment used to comply with OSHA standards. The final rule does not create new requirements regarding what PPE employers must provide.

The standard makes clear that employers cannot require workers to provide their own PPE and the worker’s use of PPE they already own must be completely voluntary. Even when a worker provides his or her own PPE, the employer must ensure that the equipment is adequate to protect the worker from hazards at the workplace.

Examples of PPE that Employers Must Pay for Include:

- Metatarsal foot protection
- Rubber boots with steel toes
- Non-prescription eye protection
- Prescription eyewear inserts/lenses for full face respirators
- Goggles and face shields
- Fire fighting PPE (helmet, gloves, boots, proximity suits, full gear)
- Hard hats
- Hearing protection
- Welding PPE
Payment Exceptions under the OSHA Rule

Employers are not required to pay for some PPE in certain circumstances:

- Non-specialty safety-toe protective footwear (including steel-toe shoes or boots) and non-specialty prescription safety eyewear provided that the employer permits such items to be worn off the job site. (OSHA based this decision on the fact that this type of equipment is very personal, is often used outside the workplace, and that it is taken by workers from jobsite to jobsite and employer to employer.)
- Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots.
- Ordinary clothing, skin creams, or other items, used solely for protection from weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen
- Items such as hair nets and gloves worn by food workers for consumer safety.
- Lifting belts because their value in protecting the back is questionable.
- When the employee has lost or intentionally damaged the PPE and it must be replaced.

OSHA Standards that Apply

<table>
<thead>
<tr>
<th>OSHA General Industry PPE Standards</th>
<th>OSHA Construction PPE Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>1910.132: General requirements and payment</td>
<td>1926.28: Personal protective equipment</td>
</tr>
<tr>
<td>1910.133: Eye and face protection</td>
<td>1926.95: Criteria for personal protective equipment</td>
</tr>
<tr>
<td>1910.134: Respiratory protection</td>
<td>1926.96: Occupational foot protection</td>
</tr>
<tr>
<td>1910.135: Head protection</td>
<td>1926.100: Head protection</td>
</tr>
<tr>
<td>1910.136: Foot protection</td>
<td>1926.101: Hearing protection</td>
</tr>
<tr>
<td>1910.137: Electrical protective devices</td>
<td>1926.102: Eye and face protection</td>
</tr>
<tr>
<td>1910.138: Hand protection</td>
<td>1926.103: Respiratory protection</td>
</tr>
</tbody>
</table>

There are also PPE requirements in shipyards and marine terminals and many standards on specific hazards, such as 1910.1030: Bloodborne pathogens and 1910.146: Permit-required confined spaces.

OSHA standards are online at [www.osha.gov](http://www.osha.gov).

Sources:
- *Employers Must Provide and Pay for PPE, New Jersey Work Environment Council (WEC) Fact Sheet*
- OSHA Standards, 1910.132(h) and 1926.95(d)
- *Employer Payment for Personal Protective Equipment Final Rule, Federal Register: November 15, 2007 (Volume 72, Number 220*
Your Rights as a Whistleblower

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 or health, asbestos in schools, cargo containers, airline, commercial motor carrier, consumer product, environmental, financial reform, food safety, health insurance reform, motor vehicle safety, nuclear, pipeline, public transportation agency, railroad, maritime, motor vehicle safety, and securities laws.

Whistleblower Laws Enforced by OSHA
Each law requires that complaints be filed within a certain number of days after the alleged retaliation.
- Asbestos Hazard Emergency Response Act (90 days)
- Clean Air Act (30 days)
- Comprehensive Environmental Response, Compensation and Liability Act (90 days)
- Consumer Financial Protection Act of 2010 (180 days)
- Consumer Product Safety Improvement Act (180 days)
- Energy Reorganization Act (180 days)
- Federal Railroad Safety Act (180 days)
- Federal Water Pollution Control Act (30 days)
- International Safe Container Act (60 days)
- Moving Ahead for Progress in the 21st Century Act (motor vehicle safety) (180 days)
- National Transit Systems Security Act (180 days)
- Occupational Safety and Health Act (30 days)
- Pipeline Safety Improvement Act (180 days)
- Safe Drinking Water Act (30 days)
- Sarbanes-Oxley Act (180 days)
- Seaman's Protection Act (180 days)
- Section 402 of the Food Safety Modernization Act (180 days)
- Section 1558 of the Affordable Care Act (60 days)
- Solid Waste Disposal Act (90 days)
- Surface Transportation Assistance Act (180 days)
- Toxic Substances Control Act (30 days)
- Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (90 days)

Unfavorable Personnel Actions
Your employer may be found to have retaliated against you if your protected activity was a contributing or motivating factor in its decision to take unfavorable personnel action against you. Such actions may include:
- Applying or issuing a policy which provides for an unfavorable personnel action due to activity protected by a whistleblower law enforced by OSHA
- Blacklisting
- Denoting
- Denying overtime or promotion
- Disciplining
- Denying benefits
- Failing to hire or rehire
- Firing or laying off
- Intimidation
- Making threats
- Reassignment to a less desirable position, including one adversely affecting prospects for promotion
- Reducing pay or hours
- Suspension

Filing a Complaint
If you believe that your employer retaliated against you because you exercised your legal rights as an employee, contact OSHA as soon as possible because you must file your complaint within the legal time limits.

An employee can file a complaint with OSHA by visiting or calling the local OSHA office or sending a written complaint to the closest OSHA regional or area office. Written complaints may be filed by facsimile, electronic communication, hand delivery during business hours, U.S. mail (certification services recommended), or other third-party commercial carrier. The date of the postmark, facsimile, electronic communication, telephone call, hand delivery, delivery to a third-party commercial carrier, or in-person filing at an OSHA
office is considered the date filed. No particular form is required and complaints may be submitted in any language.

For OSHA area office contact information, please call 1-800-321-OSHA (6742) or visit www.osha.gov/htmlRmap.html.

Upon receipt of a complaint, OSHA will first review it to determine whether it is valid on its face. All complaints are investigated in accord with the statutory requirements.

With the exception of employees of the U.S. Postal Service, public sector employees (those employed as municipal, county, state, territorial or federal workers) are not covered by the Occupational Safety and Health Act (OSH Act). Non-federal public sector employees and, except in Connecticut, New York, New Jersey, the Virgin Islands, and Illinois, private sector employees are covered in states which operate their own occupational safety and health programs approved by Federal OSHA. For information on the 27 State Plan states, call 1-800-321-OSHA (6742), or visit www.osha.gov/dsp/posp/index.html.

A federal employee who wishes to file a complaint alleging retaliation due to disclosure of a substantial and specific danger to public health or safety or involving occupational safety or health should contact the Office of Special Counsel (www.osc.gov) and OSHA's Office of Federal Agency Programs (www.osha.gov/dep/enforcement/dep_offices.html).

Coverage of public sector employees under the other statutes administered by OSHA varies by statute. If you are a public sector employee and you are unsure whether you are covered under a whistleblower protection statute, call 1-800-321-OSHA (6742) for assistance, or visit www.whistleblowers.gov.

How OSHA Determines Whether Retaliation Took Place

The investigation must reveal that:

- The employee engaged in protected activity;
- The employer knew about or suspected the protected activity;
- The employer took an adverse action; and
- The protected activity motivated or contributed to the adverse action.

If the evidence supports the employee’s allegation and a settlement cannot be reached, OSHA will generally issue an order, which the employer may contest, requiring the employer to reinstate the employee, pay back wages, restore benefits, and other possible remedies to make the employee whole. Under some of the statutes the employer must comply with the reinstatement order immediately. In cases under the Occupational Safety and Health Act, Asbestos Hazard Emergency Response Act, and the International Safe Container Act, the Secretary of Labor will file suit in federal district court to obtain relief.

Partial List of Whistleblower Protections

Whistleblower Protections under the OSH Act

The OSH Act protects workers who complain to their employer, OSHA or other government agencies about unsafe or unhealthful working conditions in the workplace or environmental problems. You cannot be transferred, denied a raise, have your hours reduced, be fired, or punished in any other way because you used any right given to you under the OSH Act. Help is available from OSHA for whistleblowers.

If you have been punished or discriminated against for using your rights, you must file a complaint with OSHA within 20 days of the alleged reprisal for most complaints. No form is required, but you must send a letter or call the OSHA Area Office nearest you to report the discrimination (within 30 days of the alleged discrimination).

You have a limited right under the OSH Act to refuse to do a job because conditions are hazardous. You may do so under the OSH Act only when (1) you believe that you face death or serious injury and the situation is so clearly hazardous that any reasonable person would believe the same thing; (2) you have tried, where possible, to get your employer to correct the condition, and been unable to obtain a correction and there is no other way to do the job safely; and (3) the situation is so urgent that you do not have time to eliminate the hazard through regulatory channels such as calling OSHA. For details, see www.osha.gov/as/opa/worker/refuse.html. OSHA cannot enforce union contracts or state laws that give employees the right to refuse to work.

Whistleblower Protections in the Transportation Industry

Employees whose jobs directly affect commercial motor vehicle safety or security are protected from retaliation by their employers for, among other things, reporting violations of federal or state commercial motor carrier safety or security regulations, or refusing to operate a vehicle because of violations of federal commercial motor vehicle safety or security regulations or because they have a reasonable apprehension of death or serious injury to themselves or the public and they have sought from the employer and been unable to obtain correction of the hazardous condition.
Similarly, employees of air carriers, their contractors or subcontractors who raise safety concerns or report violations of FAA rules and regulations are protected from retaliation, as are employees of owners and operators of pipelines, their contractors and subcontractors who report violations of pipeline safety rules and regulations. Employees involved in international shipping who report unsafe shipping containers are also protected. In addition, employees of railroad carriers or public transportation agencies, their contractors or subcontractors who report safety or security conditions or violations of federal rules and regulations relating to railroad or public transportation safety or security are protected from retaliation.

Whistleblower Protections for Voicing Environmental Concerns
A number of laws protect employees from retaliation because they report violations of environmental laws related to drinking water and water pollution, toxic substances, solid waste disposal, air quality and air pollution, asbestos in schools, and hazardous waste disposal sites. The Energy Reorganization Act protects employees from retaliation for raising safety concerns in the nuclear power industry and in nuclear medicine.

Whistleblower Protections When Reporting Corporate Fraud
Employees who work for publicly traded companies or companies required to file certain reports with the Securities and Exchange Commission are protected from retaliation for reporting alleged mail, wire, bank or securities fraud; violations of SEC rules or regulations of the SEC; or violations of federal laws relating to fraud against shareholders.

Whistleblower Protections for Voicing Consumer Product Concerns
Employees of consumer product manufacturers, importers, distributors, retailers, and private labelers are protected from retaliation for reporting reasonably perceived violations of any statute or regulation within the jurisdiction of the Consumer Safety Product Safety Commission.

More Information
To obtain more information on whistleblower laws, go to www.whistleblowers.gov.

This is one of a series of informational fact sheets highlighting OSHA programs, policies, or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards and regulations, refer to Title 29 of the Code of Federal Regulations. Because some of these whistleblower laws have only recently been enacted, the final regulations implementing them may not yet be available in the Code of Federal Regulations but the laws are still being enforced by OSHA. This information will be made available to sensory-impaired individuals upon request. Voice phone number: (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.

For assistance, contact us. We can help. It's confidential.
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Who OSHA covers

Private sector workers

Must employees in the private sector covered by OSHA laws, agencies must have federal or state
jurisdiction. OSHA helps to protect private sector employees
and employers in all 50 states, the District of Columbia, and other U.S.
jurisdictions with enforcement programs. State enforcement programs
must be as effective as the federal program and be in place to ensure that
employees are protected.

State and local government workers

Employees who work for state and local governments are not covered by Federal
OSHA but have OSHA-approved state programs. These programs are voluntary, and states that
have OSHA-approved state programs are listed in the OSHA Program Participation List.

OSHA standards: Protection on the job

OSHA has developed standards to protect workers from hazardous conditions. These standards are
implemented through the enforcement of OSHA laws and regulations.

Workers can ask OSHA to inspect their workplace

Workers, in some circumstances, may file a complaint and ask OSHA to inspect their workplace. It
is important to understand the proper procedure for filing a complaint.

When the OSHA inspector arrives, the employer and their representatives must
be present.

Final 2001

OSHA, by law, is required to inspect the workplace if a complaint is filed.

Compliance

OSHA enforces the Occupational Safety and Health Act of 1970. OSHA inspectors ensure that
employers and employees comply with the law. OSHA inspectors have the authority to issue
compliance citations and place employers in compliance.

OSHA can issue citations when employers and employees fail to comply
with OSHA standards.

OSHA can issue citations for failure to comply with
OSHA standards.

OSHA can issue citations for failure to comply with
OSHA standards.

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OSHA can issue citations for failure to comply with
OSHA standards.
Appendix B: Workers Rights Practice Worksheet

Answer Sheet

OSHA Provides Workers the Right to:

Across
4. Hazard ______ and medical records
6. Information about _______ and illnesses in your workplace
7. A safe and ______ workplace
8. Complain or request hazard ______ from employer
9. Participate in an OSHA ______

Down
1. Know about _______ conditions
2. Be free from ________ for exercising safety and health rights
3. _______ as provided in the OSHA standards
5. File a complaint with _______

Participant Worksheet follows.
HANDOUT #3

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OSHA Provides Workers the Right to:

Across
4. Hazard ______ and medical records
6. Information about _______ and illnesses in your workplace
7. A safe and ______ workplace
8. Complain or request hazard ______ from employer
9. Participate in an OSHA ______

Down
1. Know about _______ conditions
2. Be free from ________ for exercising safety and health rights
3. ________ as provided in the OSHA standards
5. File a complaint with _______
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Appendix C: OPTIONAL Exercise Scenarios

Construction Industry Scenario

You are a construction worker for ABC, Inc., 1000 Sweet Road, Anytown, USA, 40001. ABC does non-residential plumbing, heating and air conditioning work. You have worked for ABC for 3 years. You, along with 7 co-workers, have been installing sheet metal ductwork in the lower level of the Anytown Shopping Mall, which is undergoing renovation, for the past few weeks. The site is located in the Northwest quadrant, in the basement of the anchor store, located at 555 Times Drive, in Anytown. One of your coworkers has been operating a 65-horsepower concrete cutting saw in the same area. The saw is being run in the propane mode. You and several coworkers get headaches from the fumes whenever the saw is used and have told your supervisor about the problem. The supervisor said that nothing could be done, because the General Contractor, CAB Management, has control over the site and this job will be complete in another month. You did some research and found out that exposure to propane in a confined, unventilated area can cause headaches, dizziness, difficulty breathing and unconsciousness. There is no ventilation or monitoring of the air in the area. After talking with coworkers, you decide to report the hazards.
General Industry Scenario

You have worked at Ben Brothers Woodworking for 8 years as a janitor. Ben Brothers is located at 88 Wren Street, Anytown, USA, 40001. The company makes and refinishes office furniture. You usually work the second shift, but come in early sometimes. You and at least 3 of your co-workers have been getting headaches when you are working in the warehouse and the propane operated forklift is running. You have had headaches over the past two months, at least twice a week. The forklift operator told you that there are a lot of problems with the forklift and it needs to be replaced. You reported your headaches to your supervisor. She told you to go outside until you felt better and that there was nothing more she could do. You did some research and found out that exposure to propane in a confined, unventilated area can cause headaches, dizziness, difficulty breathing and unconsciousness. There is no monitoring of the air in the warehouse. There is no union at the facility. You decide to report the hazards.
Maritime Industry Scenario

You are a longshoreman who operates a propane-operated forklift truck for ABC, Inc., 1000 Pier Street, Anytown, USA, 40001. ABC is involved in terminal operations and warehousing. You have worked for ABC for 3 years. For the past week, you have been transporting rolls of coiled steel from a storage area to a different section of the longshoring terminal, due to hurricane damage to another part of the terminal. As a result, you have been working inside the terminal more than you usually do. The area you are working in is somewhat confined and crowded due to extra storage. You have noticed that you are getting headaches and feeling dizzy. Two other co-workers working with you are also having the same symptoms. You are concerned that the forklift needs maintenance, and have asked your supervisor to have it checked out, but he looked it over and said it didn’t need service. You and your union representative requested air monitoring of the area, but your supervisor did not agree. There is limited ventilation in the area. You did some research and found out that exposure to propane in a confined, unventilated area can cause headaches, dizziness, difficulty breathing and unconsciousness. After talking to your union representative, you decide to report the hazards.