

Worker Rights Under the Occupational Safety and Health Act of 1970

OSHA/U.S. Department of Labor/www.osha.gov or 1-800-321-OSHA (6742)

You have the right to a safe workplace. OSHA requires employers to provide a workplace 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.

How to File a Complaint with OSHA

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.

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.

Complaint Filing Options

You have these options to file your safety and health complaint:

1. **Online** - Go to the Online Complaint Form Written complaints that are signed by workers or their representative and submitted to an OSHA Area or Regional office are more likely to result in onsite OSHA inspections. Complaints received on line from workers in OSHA-approved state plan states will be forwarded to the appropriate state plan for response.
2. **Download and Fax/Mail** - Download the OSHA complaint form (or request a copy from your local OSHA Regional or Area Office), complete it and then fax or mail it back to your local OSHA Regional or Area Office. Written complaints that are signed by a worker or representative and submitted to the closest OSHA Area Office are more likely to result in onsite OSHA inspections. Please include your name, address and telephone number so we can contact you to follow up. This information is confidential.
3. **Telephone** - your local OSHA Regional or Area Office. OSHA staff can discuss your complaint and respond to any questions you have. **If there is an emergency or the hazard is immediately life-threatening, call your local OSHA Regional or Area Office or 1-800-321-OSHA.**

To File your Discrimination Complaint

File a **discrimination** complaint if your employer has punished you for using any employee rights established under the OSH Act or for refusing to work when faced with an imminent danger of death or serious injury and there is insufficient time for OSHA to inspect. 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 call or file a letter with the OSHA Area Office nearest you **within 30 days of the alleged discrimination**. In states with approved state plans, employees may file a complaint with both the State and Federal OSHA.

When Can a Complaint Be Filed?*

OSHA recommends that employees try to resolve safety and health issues first by reporting them to their supervisors, managers or the safety and health committee. At any time, however, employees can complain to their local OSHA Area or Regional Office and ask for an inspection or an investigation. (Complaints to federal OSHA from workers in states with OSHA-approved state plans will be forwarded to the appropriate state plan for response.)

*** Note: Discrimination complaints must be filed within 30 days of the alleged discrimination.**

Who Can Complain?

Employees or their representatives have a right to request an inspection of a workplace if they believe there is a violation of a safety or health standard, or if there is any danger that threatens physical harm, or if an "imminent danger" exists. Employee representatives, for the purposes of filing a complaint, are defined as any of the following:

- a. An authorized representative of the employee bargaining unit, such as a certified or recognized labor organization.
- b. An attorney acting for an employee.
- c. Any other person acting in a bona fide representative capacity, including, but not limited to, members of the clergy, social workers, spouses and other family members, and government officials or nonprofit groups and organizations acting upon specific complaints and injuries from individuals who are employees.

In addition, anyone who knows about a workplace safety or health hazard may report unsafe conditions to OSHA, and OSHA will investigate the concerns reported.

What Information Must the Employee Provide?

Employees or their representatives must provide enough information for OSHA to determine that a hazard probably exists. Workers do not have to know whether a specific OSHA standard has been violated in order to file a complaint.

The following are examples of the type of information that would be useful to OSHA when receiving a complaint. It is not necessary to have the answers to all these questions in order to file a complaint. The list is provided here as a guide to help you provide as much complete and accurate information as possible:

- How many employees work at the site and how many are exposed to the hazard?
- How and when are workers exposed?
- 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?
- On what shifts does the hazard exist?
- Has anyone been injured or made ill as a result of this problem?
- Have there been any "near-miss" incidents?

The following are some additional examples of specific questions for health hazards:

- Do any employees have any symptoms that they think are caused by the hazardous condition or substance?
- Have any employees been treated by a doctor for a work-related disease or condition? What was it?

OSHA Information Checklist for IAFF Chemical Process Industries Training

During this IAFF Chemical Process Industries training, I have received information regarding:

(Please initial each box that is included in your packet of information.)

Worker rights under OSHA law

The right to file a complaint free from discrimination and the elements for a valid complaint

OSHA requirements for my state, _____, which is one of the 27 states operating OSHA-approved State Plans

Signature

Name (Print)

Date