

Responding to OSHA Inquiries on Complaints and Referrals

BEST PRACTICES FOR SMALL EMPLOYERS

Understand the Inquiry Process

Inquiry Process: In some cases, OSHA may contact you to inquire about alleged hazards reported in a complaint or referral. OSHA will work with you to address the matter through a timely and adequate response. If the issues are resolved through this process, an on-site inspection is generally not conducted.

Initial Contact: OSHA will call you to notify you that it has received a complaint or referral. During the call, OSHA will describe the inquiry process and the alleged hazards or violations in your workplace. OSHA will request that you conduct an internal investigation and provide a written response to OSHA on your findings and all abatement actions taken. OSHA will also send you a letter with a copy of the hazards/violations alleged in the complaint or referral.

Posting of OSHA's Letter: You are encouraged to post a copy of the OSHA's letter in an area where it is accessible for review by all your employees. Enclosed with the letter will be a Certificate of Posting. You should complete and return the Certificate of Posting to OSHA once you have posted the letter regarding the

alleged hazards. If there is an established employee union or safety and health committee in the facility, provide them a copy of the OSHA letter along with your response.

Investigation and Corrective Action: You should immediately investigate the allegations and take any necessary actions to abate the alleged hazardous conditions. Ensure that you document your findings, including a description of any actions taken to correct identified hazards, and any supporting evidence such as measurements, monitoring results, photographs, and/or videos. Provide OSHA your findings and all supporting documentation in your written response.

OSHA Review: OSHA will review your written response, including your findings and the description of corrective actions to determine if it is acceptable. You will not be notified in advance if an onsite inspection is planned.

Complainant Notification: OSHA will provide a copy of the response to the employee or employee representative who initially filed the complaint. The employee or employee representative has the right to dispute the response and to request an onsite inspection if they believe the hazard still exists.

Inquiry Process for Complaints and Referrals



Resolution: When OSHA receives an adequate response and the complainant does not dispute or object to the response, an onsite inspection normally will not be conducted. However, if OSHA does not receive an adequate response or the complainant disputes the response and provides further evidence that your written response is false or does not adequately address the hazard, OSHA will proceed with an onsite inspection.

Understand the Alleged Hazards

When you are notified, take the opportunity to discuss the complaint or referral with the OSHA representative. Ask as many questions as necessary to ensure a full understanding of the alleged hazards highlighted and how they violate OSHA's requirements. Get the details so that you can investigate and address any hazards identified fully, including:

- The exact location of the hazard.
- The specific machine, equipment, or process involved.
- Any details relevant to the hazard(s) in question.
- The applicable OSHA standards, requirements, or recognized industry practices.

Engage the right people

Ensure that qualified and experienced personnel knowledgeable with the process are involved to conduct a comprehensive review of the work practices, equipment, and other factors related to the alleged hazards.

You may want to seek external help from additional qualified professionals (e.g. CSP, CIH, and others), equipment manufacturers, or other outside assistance if there are complex engineering issues or health exposures if you do not have the required expertise to address the issue in-house.

Small employers are also encouraged to contact OSHA's On-Site Consultation Program for free and confidential assistance in

investigating workplace hazards, understanding applicable standards, and improving safety and health practices. On-Site Consultation operates independently of OSHA enforcement and does not issue citations or penalties. Consultants can help employers identify hazards, develop effective abatement strategies, and strengthen their overall safety and health management systems.

Investigate Promptly and thoroughly

Initiate the Investigation Immediately:

As soon as you receive notification of the complaint, begin your investigation without delay.

Perform a Walkthrough Inspection:

Conduct a walkthrough of the area where the alleged hazard is located. Identify and photograph any conditions or practices that may contribute to the hazard.

- Speak with employees who work in the area or may have knowledge of the alleged hazard. Use open-ended questions to encourage detailed responses that can help clarify the conditions. Be sure to document these discussions accurately.
- Gather Relevant Information: Collect all pertinent information related to the alleged hazard(s) to include in your response to OSHA. This may include:
 - Photographs or diagrams of the location, equipment, or conditions identified in the complaint, along with any corrective actions taken.
 - Incident reports or OSHA 300 & 301 logs that document prior injury and illness occurrences.
 - Safety Data Sheets (SDS) for any chemicals involved.
 - Maintenance and inspection records and any available manuals for the equipment or machinery in question.
 - Training, certifications, and/or evaluation records.

- Job hazard analyses or evaluations performed, including exposure monitoring data.
- Required personal protective equipment (PPE) provided.

Consult Safety and Health Standards:

Familiarize yourself with [OSHA requirements](#) and applicable industry standards. Determine whether the conditions in question violate any regulations or pose a risk to employee safety or health. This understanding will help guide your corrective measures.

Take Prompt and Full Corrective Action

Take immediate steps to address the alleged hazards. This could involve:

- Repairing, removing, or replacing faulty equipment.
- Providing necessary safety training for employees.
- Updating safety protocols or procedures.
- Ensuring that proper PPE is available and used.
- If full corrective action cannot immediately be implemented, ensure that interim methods or procedures are established to protect employees from the hazard(s) until a complete abatement method is implemented.

Document Actions Taken: Maintain thorough documentation of all corrective actions implemented. This record should detail:

- The specific actions taken to address the hazards.
- The dates of completion for each corrective measure.

Communicate with Employees: Inform affected employees about the corrective actions being taken and how these measures will enhance workplace safety.

Communicate With OSHA Promptly

- Discuss with the OSHA representative if a significant amount of time or financial resources are required to abate the hazard. Communicate any reasons for delays and request an extension if needed.
- As part of your obligation during the OSHA inquiry process, ensure that you report the corrective actions taken in your written response to OSHA, to include:
 - A summary of your investigation.
 - A description of any hazards found.
 - The steps taken to correct them.
 - Supporting documentation or photos.
- Generally, you must submit your written response to OSHA within five working days.

Do Not Retaliate or Discriminate

Do not take action to determine who filed a complaint, as this may be perceived as discrimination or retaliation against the employee you suspect submitted the complaint to OSHA. Employees have the right under the OSH Act to file safety and health complaints with OSHA, and to be free from adverse actions for doing so. Employees also have the right to file complaints anonymously.

OSHA Resources

For additional information and resources, please visit: [osha.gov/smallbusiness](https://www.osha.gov/smallbusiness).

Please note that there are 29 OSHA-approved occupational safety and health State Plans. These states are required to have standards and enforcement programs that are at least as effective as OSHA's and may have different or more stringent requirements.

