

# Workers' Rights - Module 8

## Special Warehouse Worker Hazards in Structural Steel Fabricating and Supply Companies

 **Occupational Safety and Health Administration**  
www.osha.gov

### Workers' Rights

OSHA 3021-09R 2011

## Job Safety and Health It's the law!



#### EMPLOYEES:

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in that inspection.
- You can file a complaint with OSHA within 30 days of retaliation or discrimination by your employer for making safety and health complaints or for exercising your rights under the *OSH Act*.
- You have the right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violations.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- You must comply with all occupational safety and health standards issued under the *OSH Act* that apply to your own actions and conduct on the job.

#### EMPLOYERS:

- You must furnish your employees a place of employment free from recognized hazards.
- You must comply with the occupational safety and health standards issued under the *OSH Act*.

This free poster available from OSHA –  
*The Best Resource for Safety and Health*



Free assistance in identifying and correcting hazards or complying with standards is available to employers, without citation or penalty, through OSHA-supported consultation programs in each state.

1-800-321-OSHA (6742)  
www.osha.gov

OSHA 198 02 0109



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“Worker Protection is the law of the land”



Photo Courtesy of CIANBRO

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## OSHA Grant Information

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## Program Development

This program was developed by faculty and students in the School of Planning, Design and Construction at Michigan State University in conjunction with the American Institute of Steel Construction - Safety Committee and the University of Puerto Rico

March 2015

**MICHIGAN STATE**  

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**UNIVERSITY**



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## **Learning Outcomes: Participants shall be able to:**

- Demonstrate understanding of workers' rights under the OSH Act
- Demonstrate understanding of procedures for filing a complaint
- Demonstrate understanding of whistleblower protections

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## **Right to a Safe and Healthful Workplace Employers' "General Duty"**

“Employers have the responsibility to provide a safe and healthful workplace that is free from serious recognized hazards. This is commonly known as the General Duty Clause of the OSH Act.”

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## Worker rights

- Under the OSH Act you have certain rights
- OSHA Guide 3021 provides a general overview of worker rights under the Occupational Safety and Health Act (OSH Act)
- It is available for free download from [www.osha.gov](http://www.osha.gov) and is included in your trainer packet



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## Worker Rights - you have the right to:

- Receive information from your employer about hazards and safety measures in the workplace
- “Refuse to work in an imminent danger situation, under certain conditions”

Source OSHA 3021-09R 2011

Source: [https://www.osha.gov/Publications/Mach\\_SafeGuard/rights.html](https://www.osha.gov/Publications/Mach_SafeGuard/rights.html)



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## Worker Rights - you have the right to:

- Right to request an OSHA inspection for hazards, and violations under OSHA (may remain anonymous)
- Have an authorized employee representative accompany the OSHA inspector during the inspection
- Meet informally with the OSHA officer (may be a private meeting)
- Ask OSHA about any tests performed in the workplace or results of inspections

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## Worker Rights - you have the right to:

- ❑ “File a confidential complaint with OSHA to have their workplace inspected.
- ❑ Receive information and training about hazards, methods to prevent harm, and the OSHA standards that apply to their workplace. The training must be done in a language and vocabulary workers can understand.
- ❑ Review records of work-related injuries and illnesses that occur in their workplace.
- ❑ Receive copies of the results from tests and monitoring done to find and measure hazards in the workplace.
- ❑ Get copies of your workplace medical records.
- ❑ Participate in an OSHA inspection and speak in private with the inspector.”

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## Worker Rights Continued

- ❑ “File a complaint with OSHA if you have been retaliated or discriminated against by your employer as the result of requesting an inspection or using any other rights under the OSH Act.
- ❑ File a complaint if punished or discriminated against for acting as a “whistleblower” under the additional 21 federal statutes for which OSHA has jurisdiction.”

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## Workers Rights Under OSHA

- Right to file a complaint if dismissed, demoted, or discriminated against for exercising rights under OSHA
- File a complaint with federal OSHA authorities if your state agency fails to administer a program effectively
- Be notified by your employer of any citations issued

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## Employer Responsibilities:

- Provide workers “with a workplace that does not have serious hazards”
- “Follow all OSHA safety and health standards”
- “Find and correct safety and health problems”
- “Try to eliminate or reduce hazards first by making feasible changes in working conditions.”

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## Employer Responsibilities Continued:

- ❑ “Inform employees about hazards through training, labels, alarms, color-coded systems, chemical information sheets and other methods.
- ❑ Train employees in a language and vocabulary they can understand.
- ❑ Keep accurate records of work-related injuries and illnesses.
- ❑ Perform tests in the workplace, such as air sampling, required by some OSHA standards.
- ❑ Provide hearing exams or other medical tests required by OSHA standards.
- ❑ Post OSHA citations and injury and illness data where workers can see them”

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## Employer Responsibilities Continued:

- ❑ Notify OSHA in accordance with the newly updated reporting requirements <<http://www.osha.gov/recordkeeping2014/reporting.html> effective on January 1, 2015.\*

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## Employer Responsibilities Continued:

- Display the official OSHA Job Safety and health poster.
- Not discriminate against workers using their rights under (Section 11(c)) of the OSH Act
- Provide and pay for necessary PPE



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## Worker Responsibilities:

- ❑ “Read the OSHA poster in the workplace
- ❑ Comply with all the OSHA standards, with all requirements of your State-approved plan (if any), and with the employer's safety and health rules”

The image is a vertical poster for OSHA. The top left has the text 'Job Safety and Health It's the law!' in white and yellow on a blue background. The top right features the OSHA logo and 'Occupational Safety and Health Administration U.S. Department of Labor' in white on a yellow background. The middle section contains a list of rights for employees and employers, with small images of workers in various settings. The bottom right has contact information for OSHA, including the phone number 1-800-321-OSHA and the website www.osha.gov.

**Job Safety and Health**  
**It's the law!**

**OSHA**  
Occupational Safety and Health Administration  
U.S. Department of Labor

**EMPLOYEES:**

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in that inspection.
- You can file a complaint with OSHA within 30 days of retaliation or discrimination by your employer for making safety and health complaints or for exercising your rights under the OSH Act.
- You have the right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.

**EMPLOYERS:**

- You must furnish your employees a place of employment free from recognized hazards.
- You must comply with the occupational safety and health standards issued under the OSH Act.

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1-800-321-OSHA  
www.osha.gov  
www.osha-slc.com

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## Worker Responsibilities – Continued:

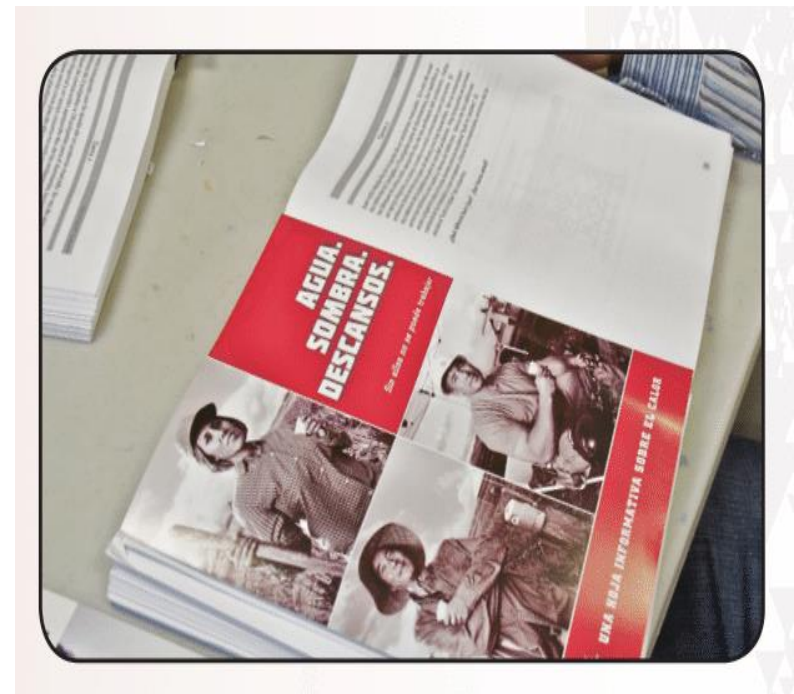
- “Report any hazards immediately to your supervisor
- Report to your supervisor any job-related illness or injury
- Cooperate fully with the OSHA compliance officer who inspects your workplace”

Source: [https://www.osha.gov/Publications/Mach\\_SafeGuard/rights.html](https://www.osha.gov/Publications/Mach_SafeGuard/rights.html)

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## Protection from discrimination

An employer cannot discriminate against an employee for the following:



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## Protection from discrimination if worker has:

- “Filed a complaint under or related to the Act
- Instituted or caused to be instituted any proceeding under or related to the Act
- Testified or is about to testify in any proceeding under or related to the Act
- Exercised on his own behalf or on the behalf of others any right afforded by the Act”

[https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=11333](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=11333)

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## How to file a complaint

- ❑ Options to filing a **health and safety** complaint:
  - ❑ Online
  - ❑ Fax/Mail
  - ❑ Phone
  
- ❑ Must file complaint within 30 days of alleged discrimination\*
- ❑ An employee may also have a representative on their behalf file the complaint
- ❑ Complaints should be filed with the regional or area OSHA office.

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## What information do you need?

- “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?”

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## What information do you need (continued)?

- “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?”

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## What information do you need?

- Not all of the above has to be provided, OSHA only needs *enough* to determine whether or not they will investigate, for example: only two or three could be provided\*
- You do not need to know which specific standard has been violated\*



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**Can an employer retaliate against you for filing a complaint?**

**No, it is against the law.**

Protection from discrimination means that an employer cannot retaliate by taking “adverse action” against workers.

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## **Right to Use Your Rights:**

- Protection from Discrimination
- Whistleblower Protection

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## Whistleblower Protection

- ❑ “A whistleblower is a person who exposes misconduct, alleged dishonest or illegal activity occurring in an organization.”
  
- ❑ Whistleblower protection program:
  - ❑ Enforces whistleblower provisions of more than 20 statutes who protect employees who report violations.

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**If you file a complaint it is wrong for the employer to retaliate against you by:**

- Firing or laying off
- Blacklisting
- Demoting
- Denying overtime or promotion
- Disciplining
- Denying benefits
- Failing to hire or rehire
- Intimidation
- Making threats
- Reassignment affecting prospects for promotion
- Reducing pay or hours

Sources OSHA 3021-09R 2011

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If your employer has punished you for filing a complaint:

- “You can file a **discrimination** complaint with OSHA
- Must file within 30 days of **alleged adverse action**
- Contact your local OSHA office by calling 1-800-321-OSHA (6742), or send a letter to your closest regional or area office
- No form is required
- In states with approved state plans, employees may file a complaint with both the State and Federal OSHA”

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## Sources

OSHA 3021-09R 2011, Workers Rights (2011)

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[https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STADARDS&p\\_id=11333](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STADARDS&p_id=11333)

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

<http://www.whistleblowers.gov/>

[https://www.osha.gov/OshDoc/data\\_General\\_Facts/whistleblower\\_rights.pdf](https://www.osha.gov/OshDoc/data_General_Facts/whistleblower_rights.pdf)

<https://www.osha.gov/dte/sharwood/best-practices-booklet.pdf>

<http://www.aisc.org/content.aspx?id=32>