

Employer responsibilities

Employers have the responsibility to provide a safe workplace. **Employers MUST provide their employees with a workplace that does not have serious hazards and follow all relevant OSHA safety and health standards.** Employers must find and correct safety and health problems. OSHA further requires employers to try to eliminate or reduce hazards first by making changes in working conditions rather than just relying on masks, gloves, earplugs or other types of personal protective equipment. Switching to safer chemicals, implementing processes to trap harmful fumes, or using ventilation systems to clean the air are examples of effective ways to get rid of or minimize risks.

Employers **MUST** also:

- Inform employees about chemical hazards through training, labels, alarms, color-coded systems, chemical information sheets and other methods;
- 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, injury and illness data, and the OSHA poster in the workplace where workers will see them;
- Notify OSHA within 8 hours of a workplace incident in which there is a death or when three or more workers go to a hospital; and
- **Not discriminate or retaliate against workers for using their rights under the law.**



The law protects workers from retaliation and discrimination when using their OSHA rights

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 30 days** of the alleged reprisal for most complaints. No form is required, but you must send a letter or call 1-800-321-OSHA (6742) and ask to speak to the OSHA Area Office nearest you to report the discrimination.



You have the right to a safe workplace

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. Workers may file a complaint to have OSHA inspect their workplace if they believe that their employer is not following OSHA standards or there are serious hazards.

Contact us if you have questions or want to file a complaint. We will keep your information confidential. We are here to help you. Call our toll-free number at 1-800-321-OSHA (6742) or go to www.osha.gov.



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

1-800-321-OSHA (6742) TTY 1-877-889-5627
www.osha.gov

OSHA 3334-02N-11

We Are OSHA



We Can Help

Workers' rights under the OSH Act

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:

- Ask OSHA to inspect their workplace;
- Use their rights under the law without retaliation and discrimination;
- Receive information and training about hazards, methods to prevent harm, and the OSHA standards that apply to their workplace. The training must be in a language you can understand;
- Get copies of test results done to find hazards in the workplace;
- Review records of work-related injuries and illnesses; and
- Get copies of their medical records.



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

Who OSHA covers

Private sector workers

Most employees in the nation come under OSHA's jurisdiction. OSHA covers private sector employers and employees in all 50 states, the District of Columbia, and other U.S. jurisdictions either directly through Federal OSHA or through an OSHA-approved state program. State-run health and safety programs must be at least as effective as the Federal OSHA program. To find the contact information for the OSHA Federal or State Program office nearest you, call 1-800-321-OSHA (6742) or go to www.osha.gov.



State and local government workers

Employees who work for state and local governments are not covered by Federal OSHA, but have OSH Act protections if they work in those states that have an OSHA-approved state program. The following 22 states or territories have OSHA-approved programs:

Alaska	Arizona	California
Hawaii	Indiana	Iowa
Kentucky	Maryland	Michigan
Minnesota	Nevada	New Mexico
North Carolina	Oregon	South Carolina
Tennessee	Utah	Vermont
Virginia	Washington	Wyoming
Puerto Rico		

Four additional states and one U.S. territory have OSHA-approved plans that cover public sector employees only:

Connecticut	Illinois	New Jersey
New York	Virgin Islands	

Private sector workers in these four states and the Virgin Islands are covered by Federal OSHA.

Federal government workers

Federal agencies must have a safety and health program that meets the same standards as private employers. Although OSHA does not fine federal agencies, it does monitor federal agencies and responds to workers' complaints. The United States Postal Service (USPS) is covered by OSHA.



Not covered under the OSH Act:

- Self-employed;
- Immediate family members of farm employers who do not employ outside employees;
- Workplace hazards regulated by another federal agency (for example, the Mine Safety and Health Administration, Federal Aviation Administration, Coast Guard).

OSHA standards: Protection on the job



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 requirements to

provide fall protection, prevent trenching cave-ins, prevent some infectious diseases, assure that workers safely enter confined spaces, prevent exposure to harmful substances like asbestos, put guards on machines, provide respirators or other safety equipment, and provide training for certain dangerous jobs.



Employers must also comply with the General Duty Clause of the OSH Act, which *requires employers to keep their workplace free of serious recognized hazards*. This clause is generally cited when no OSHA standard applies to the hazard.

Workers can ask OSHA to inspect their workplace

Workers, or their representatives, may file a complaint and ask OSHA to inspect their workplace if they believe there is a serious hazard or that their employer is not following OSHA standards. A worker can tell OSHA not to let their employer know who filed the complaint. **It is a violation of the Act for an employer to fire, demote, transfer or discriminate in any way against a worker for filing a complaint or using other OSHA rights.**

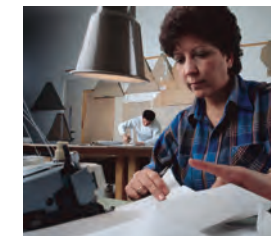
You can file a complaint online at www.osha.gov; download the form online and mail or fax it to the nearest OSHA office; or call 1-800-321-OSHA (6742) and ask to speak to the closest Area Office (they can send you the complaint form). Most complaints sent in online may be resolved informally over the phone with your employer. Written complaints that are signed by a worker or

their representative and submitted to the closest OSHA office are more likely to result in an on-site OSHA inspection.

When the OSHA inspector arrives, workers and their representatives have the right to:

- Go along on the inspection;
- Talk privately with the OSHA inspector; and
- Take part in meetings with the inspector and the employer before and after the inspection is conducted.

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.



When an inspector finds violations of OSHA standards or serious hazards, OSHA may issue citations and fines. A citation includes the methods an employer may use to fix a problem and the date by when the corrective actions must be completed. Workers only have the right to challenge the deadline for when a problem must be resolved.

Employers, on the other hand, have the right to contest whether there is a violation or any other part of the citation. Workers or their representatives must notify OSHA that they want to be involved in the appeals process if the employer challenges a citation.

If you send in a complaint requesting an OSHA inspection, you have the right to find out the results of the OSHA inspection and request a review if OSHA does not issue citations.