

Creating a Safer Workplace

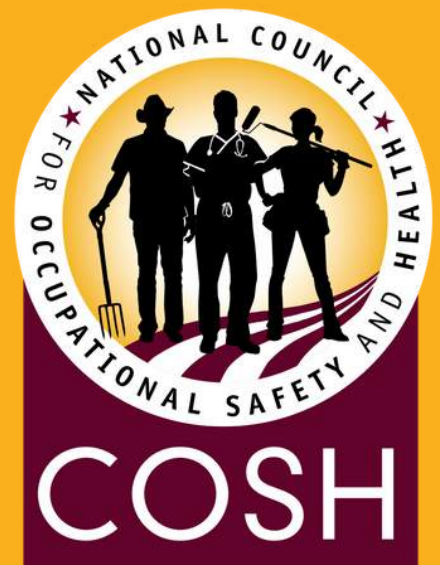
How to File an OSHA Complaint?



This handbook walks readers through identifying workplace hazards, and collaborating with co-workers to build and submit a complaint letter to OSHA.

We hope this will be a resource for workers, advocates, and organizations to guide conversations around improving health and safety conditions, and empower people to take action and organize at work.

This booklet has been adapted from SoCalCOSH's *Creating a Safe Workplace - How to File a Cal/OSHA Complaint?*





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OSHA Complaints Simplified

**Health & Safety
Hazard**

**Contact a Worker
Organization**

Abatement

**Identify Priority
Hazards**

A health and safety **hazard** is anything that can hurt a worker, physically or mentally.

Citation

Collect Evidence

Inspection

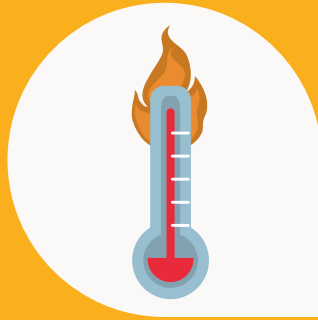
File Complaint



Examples of Health & Safety Hazards



Repetitive Motion



Extreme Temperature



Chemical Hazard



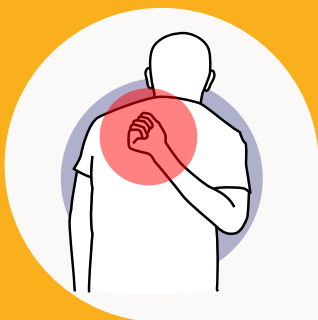
Slip Hazard



Biological Hazard



Stress



Ergonomic Hazard



Electrical Hazard



Indoor Air Pollution



1. It's a Collective Effort!

Stronger Together

Taking action with the support of others will always strengthen your efforts. We advise you to discuss workplace conditions with one another and decide which actions to take together. Connect with a worker organization, like a union or a worker center, for support in taking collective action! Taking action alone, however, may be necessary to protect yourself from immediate harm.

The importance of the Process

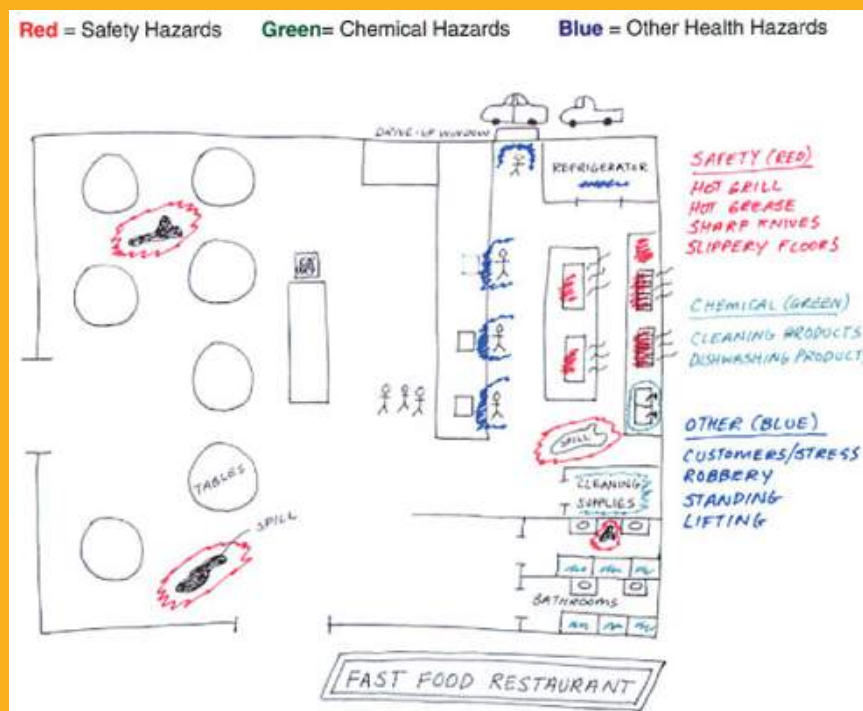
The complaint process is an opportunity to come together with co-workers to organize for and demand improvements in the workplace.

2. Building the Complaint

Identify Hazards

Build a complaint that gives the OSHA inspector a full picture of the workplace, including dynamics and hazards, prior to the inspection. Draw out the worksite and together, identify job tasks and any hazards you see and experience at work. When identifying hazards, concentrate on the top five issues to help focus the complaint process.

However, you don't necessarily need a hazard identified to file a complaint. If conditions simply don't feel right or you feel unsafe, it should be addressed.



Guiding Questions

When & Where

- Where do workers get injured?
- When do workers get injured?
- Which shifts?
- How many people have been injured?
- Is it related to job tasks?

Employer Background

- Does the employer know or have reason to know?
- Have there been complaints to the employer?
- How did the employer respond?
- Did anything change?

Documentation

- When and where did the incidents occur?
- Is it documented in any way, i.e. accident report, doctor's visit, photographs, or notes taken by co-workers?

Impact & Patterns

- Who's impacted the most by certain hazards?
- Are there common concerns or pains among certain workers?

Collect Evidence

The kind of information to collect and include:

- Employer information;
- Address or main location markers;
- Relevant company background;
- Number of employees;
- Drawings of the worksite;
- Location of hazard(s);
- Workers impacted by the hazard;
- Pictures and/or video of the hazard(s); *Be sure to blur the faces, or any identifying features, of co-workers to help protect against retaliation.*
- Testimony from workers about the hazard.

Identify any worker(s) to be named in the complaint. OSHA will keep your information confidential. Anonymity can make it harder for a worker organization to coordinate with OSHA, and can make it a non-formal complaint. A formal complaint ensures a more thorough response from OSHA and helps to involve workers in the investigation.

3. Sample Complaint Letter

Please click on the categories below to access sample complaint letters:

- [OSHA Sample Complaint Letter - English](#)
- [OSHA Sample Complaint Letter - Spanish](#)
- [Cal/OSHA Sample Complaint Letter - English](#)
- [Cal/OSHA Sample Complaint Letter - Spanish](#)



4. Filing the Complaint

Find Your Local OSHA Office

Complaints can be filed by phone, online, or in-person at a Local OSHA Office. We recommend submitting a written complaint in person at your local OSHA office. This is also an opportunity to get together with your co-workers and meet OSHA staff. You can find your local OSHA Office [HERE](#).

Following Up

Follow up on your complaint by phone with the district office 1-2 days after submitting in order to:

- Confirm receipt of the complaint;
- Provide additional background and/or history of organizing activity. OSHA must be aware that regardless of organizing efforts, hazards are still legitimate and need to be addressed. Not mentioning organizing could lead to an invalid complaint;
- And, if applicable, describe your relationship to the worker organization.

5. OSHA Inspections



Workers and their allies should work together with OSHA to make any OSHA inspection as effective as possible. You can request full participation in all aspects of the inspection - before, during and after the inspection. Developing and maintaining the relationship with OSHA can be important to make sure inspections include workers and their representatives.

Your Rights!

- If you want OSHA to conduct an on-site inspection at your workplace, you must submit a written request. Read more about what to include and federal OSHA's complaint handling process [here](#).

Your Rights! (cont.)

- **You and your co-workers have a right to choose an employee representative to participate in all phases of the OSHA inspection, including the opening conference, walk-around, and closing conference.**
 - You may designate an employee as the person to participate and accompany the Compliance Safety and Health Officer (CSHO) on the walk-around in your written complaint to OSHA.
 - Workers may ask for a representative from a worker center or community organization to participate throughout the process, including during the walk-around. This request may not always be granted. When you ask, make a strong case that their participation will improve workers' ability to contribute to the inspection process (for example, because they have special knowledge of the worksite and its hazards, or are fluent in Spanish). Make sure OSHA has received a letter stating who workers want to participate in the process and has their contact information.
- **If no representative of employees has been selected, the OSHA inspector should privately interview employees. In your complaint or through another communication, you can make recommendations about which workers OSHA should talk with during the inspection.**
- **Typically, the best way for OSHA to learn about workplace hazards is to interview a group of workers at a location off-site -- including at a worker center or other community organization. Include a request for the inspector to meet with you and other employees off-site, during non-work hours, in the complaint. Note that this will not be considered work time and will not be compensated.**

Your Rights! (cont.)

- As a worker, you have the right to speak privately with an OSHA inspector. This can happen during the inspection or informally before or after the inspection.

INVESTIGATION PHASES

The purpose of the OSHA opening conference is to explain the nature, purpose, and scope of the inspection, and to identify the records that will be needed to conduct it. Worker representatives can also ask questions or provide information at this phase.

During a walkaround inspection, OSHA officials conduct a physical inspection of the worksite and talks to workers to evaluate the health and safety program at the worksite.. A representative of the employer and of the employees may accompany and assist the inspector.

A closing conference is a meeting with company and employee representatives at the end of the inspection to inform them of any violations and penalties. If management wants separate closing conferences, OSHA will hold the employee representative conference first to allow for any more employee input. OSHA will discuss "apparent violations" and ways to correct hazards, deadlines, and possible fines.

An employer may contest an OSHA citation. Workers then have a right to elect "party status" before the Occupational Safety and Health Review Commission (an independent agency). They must be notified by the employer if the employer files a notice of contest or a petition for modification of an abatement date. Workers have a right to contest the time OSHA allows the employer for correcting a hazard. (Unlike employers, workers cannot contest other aspects of the citation before the Review Commission). A contestation must be in writing and filed within 15 working days after receipt of the citation.

5. Retaliation

Workers have the right to file a health & safety complaint and refuse hazardous work without retaliation by their employer. However, retaliation is always possible. Retaliation can look like termination, isolation, a shift change, change in hours, and/or being given the hardest tasks. It's important to be prepared by continuing to be vigilant, talking with your co-workers, having witnesses around, and seeking support from a worker organization. Document retaliation as it happens by keeping a work journal, taking pictures, keeping texts and emails, and writing down witnesses to retaliation of any kind.

Your Rights!

OSHA is required to keep information confidential regarding the individuals named in a complaint. Your employer will never see who filed a complaint, but sometimes they can make assumptions based on details shared.

Workers have the right to file a whistleblower complaint online with OSHA (or 1-800-321-OSHA) if they believe their employer has retaliated against them for exercising their rights under the whistleblower protection laws enforced by the agency.

6. Reflections



Don't get discouraged! The complaint is just one tool for building people power and can support your ongoing organizing efforts. Once you feel you're prepared, we suggest working on this complaint alongside other collective actions like going in-person with your coworkers to the OSHA office, or a delegation to your employer. Continue to take action that demands change in your workplace.

There are so many more socio-political aspects that contribute to this process that we were not able to capture in this handbook. Health and safety hazards are not isolated incidents, but are often the result of a system that thrives on exploitation and oppression.

It's also important to demystify the institutions of enforcement, like OSHA, to make this process clear and accessible to all.



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Special thanks to SoCalCOSH for the development of this resource. This booklet has been adapted from Creating a Safe Workplace - Filing a Cal/OSHA Complaint.