

Creating a Safer Workplace

How to File a
Cal/OSHA Complaint

Southern California
Coalition for Occupational
Safety & Health

Who We Are

The *Southern California Coalition for Occupational Safety and Health (SoCalCOSH)* advocates for safe, healthy, and secure jobs for all workers, and aims to disrupt the root causes of work-related injuries, illnesses, and fatalities. We build worker power through coalition-building, direct action, education, and leadership development.

We are founded on the principle that workplace injuries, illnesses, and deaths are preventable.

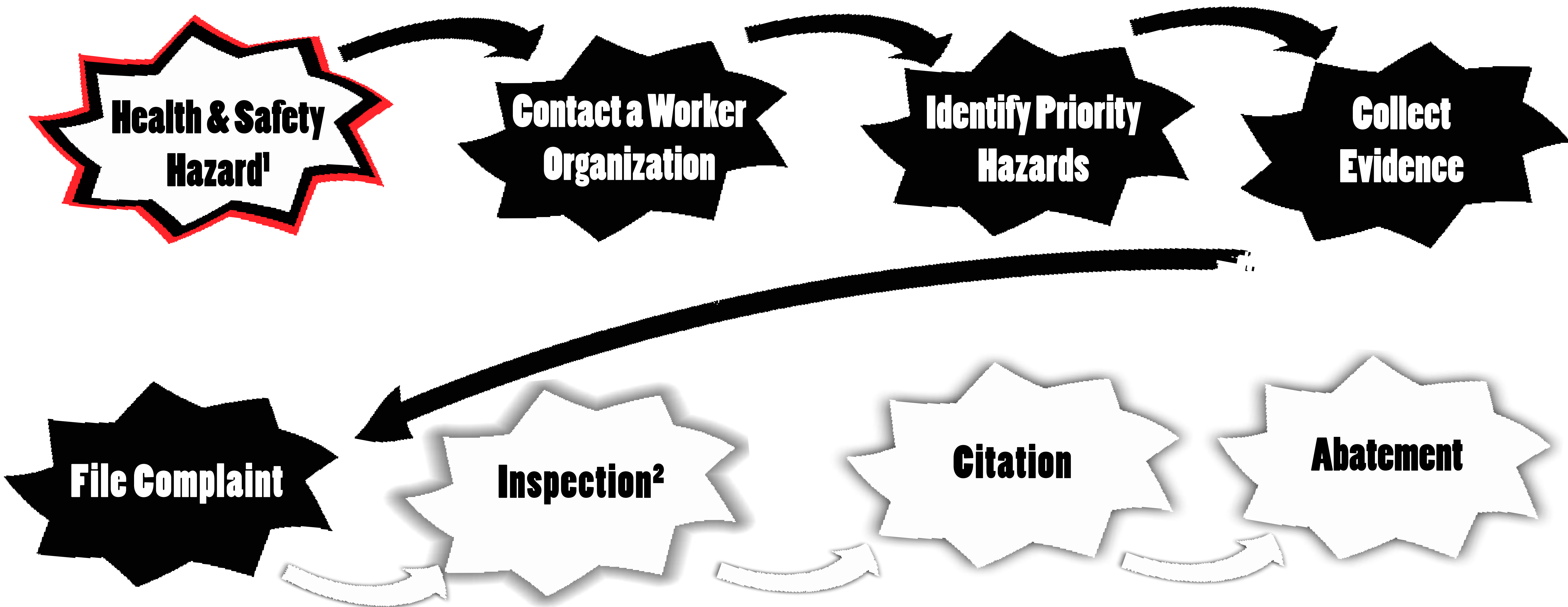
This handbook walks readers through identifying workplace hazards, and collaborating with co-workers to build and submit a complaint letter to Cal/OSHA. *How to File a Cal/OSHA Complaint* is the first part in a series of resources covering tools to support organizing in the workplace.

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.

Contents

Cal/OSHA Complaints Simplified	4
Examples of Health & Safety Hazards	6
1. It's a Collective Effort!	7
2. Building the Complaint	8
3. Sample Complaint Letter	11
4. Filing the Complaint	12
Cal/OSHA District Offices Map	13
5. Retaliation	14
6. Reflections	16
7. Resources	17
Acknowledgements	19

Cal/OSHA Complaints Simplified



¹A health & safety job hazard is anything that can hurt a worker, physically and mentally.

²The inspection, citation, abatement, and other aspects of the Cal/OSHA investigation will be covered in upcoming issues.

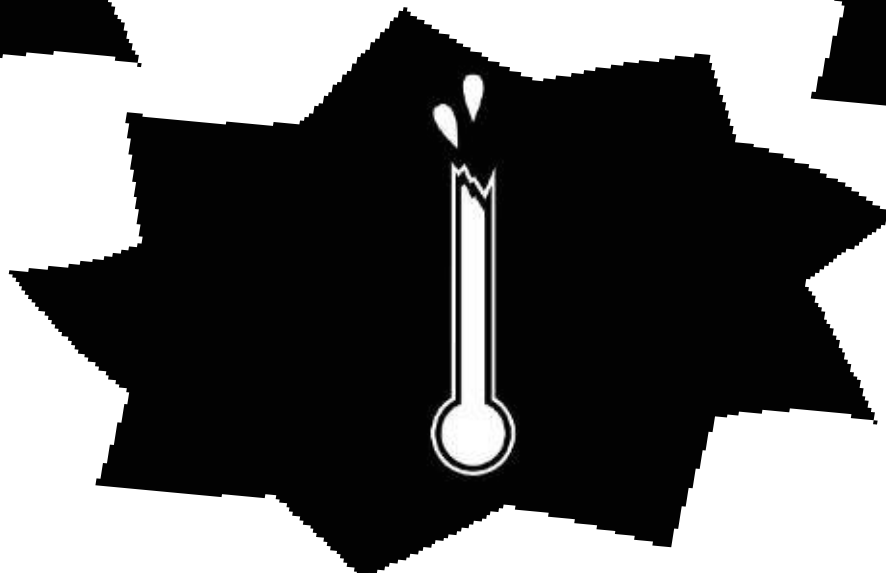
Examples of Health & Safety Hazards



Repetitive Motion



Chemical Hazard



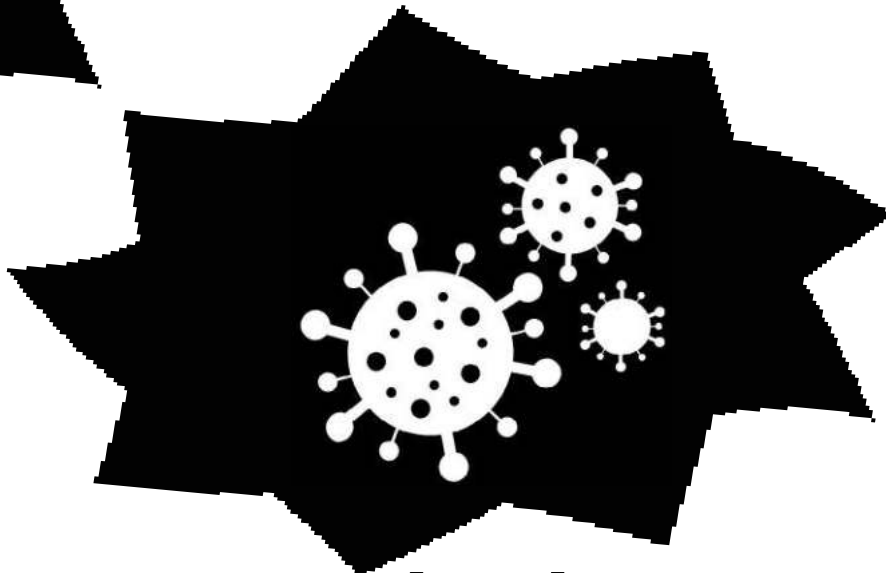
Extreme Temperature



Ergonomic Hazard



Slip Hazard



Biological Hazard



Stress



Indoor Air Pollution



Electrical Hazard

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.

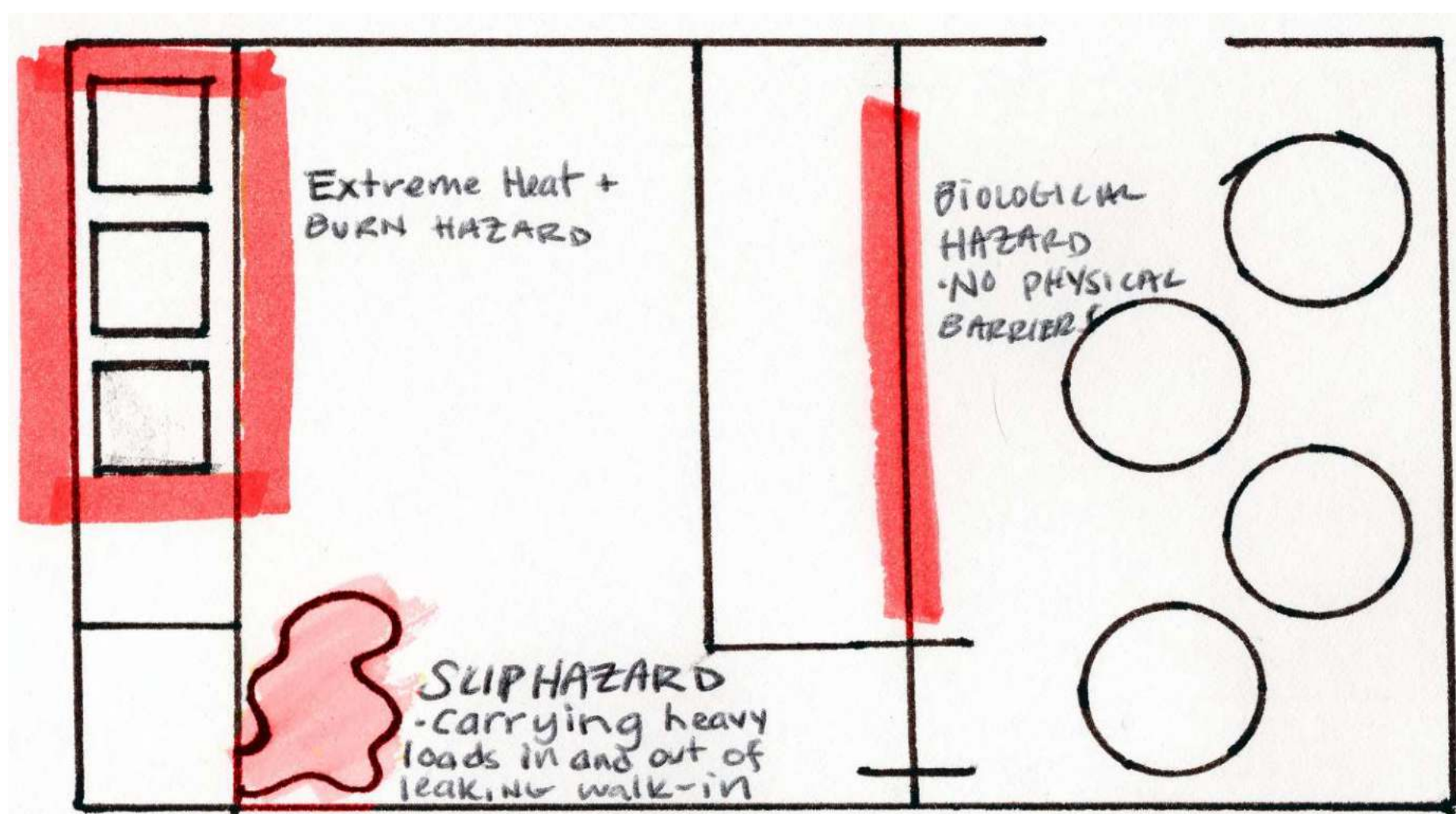


2 Building the Complaint

Identify Hazards

Build a complaint that gives the Cal/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.

Cal/OSHA will keep your information confidential.

Anonymity can make it harder for a worker organization to coordinate with Cal/OSHA, and can make it a non-formal complaint. A formal complaint ensures a more thorough response from Cal/OSHA and helps to involve workers in the investigation.

Sample

3 Complaint Letter

[Insert District Office]

[Name of District Manager]

[Insert Address]

Sent via Email: [Insert Email]

Cc: [Regional Manager, email]

Re: Serious violations of Health and Safety Regulations at [Insert Company, Location]

Dear [insert district office],

We are writing to you on behalf of [name of worker], employee of [insert company] located in [insert city/county]:

- [insert address of workplace]

This letter serves as a serious formal complaint against [insert company] pursuant to California Labor code § 6309, with a request that Cal/OSHA conduct a thorough on-site inspection of this site. In addition, we request that Cal/OSHA keep the name and contact information of [name of worker] confidential. Please contact us in order to get in touch with the named [insert company] Employees.

California Labor Code § 6134(d) stipulates that employees have the right to communicate



English

bit.ly/2UIXg0p



Español

bit.ly/2UBTYw3

4 Filing the Complaint

Find Your Region

Complaints can be filed by phone, online, or in-person at a Cal/OSHA District Office. We recommend submitting a written complaint in person at your local Cal/OSHA district office. This is also an opportunity to get together with your co-workers and meet Cal/OSHA staff.

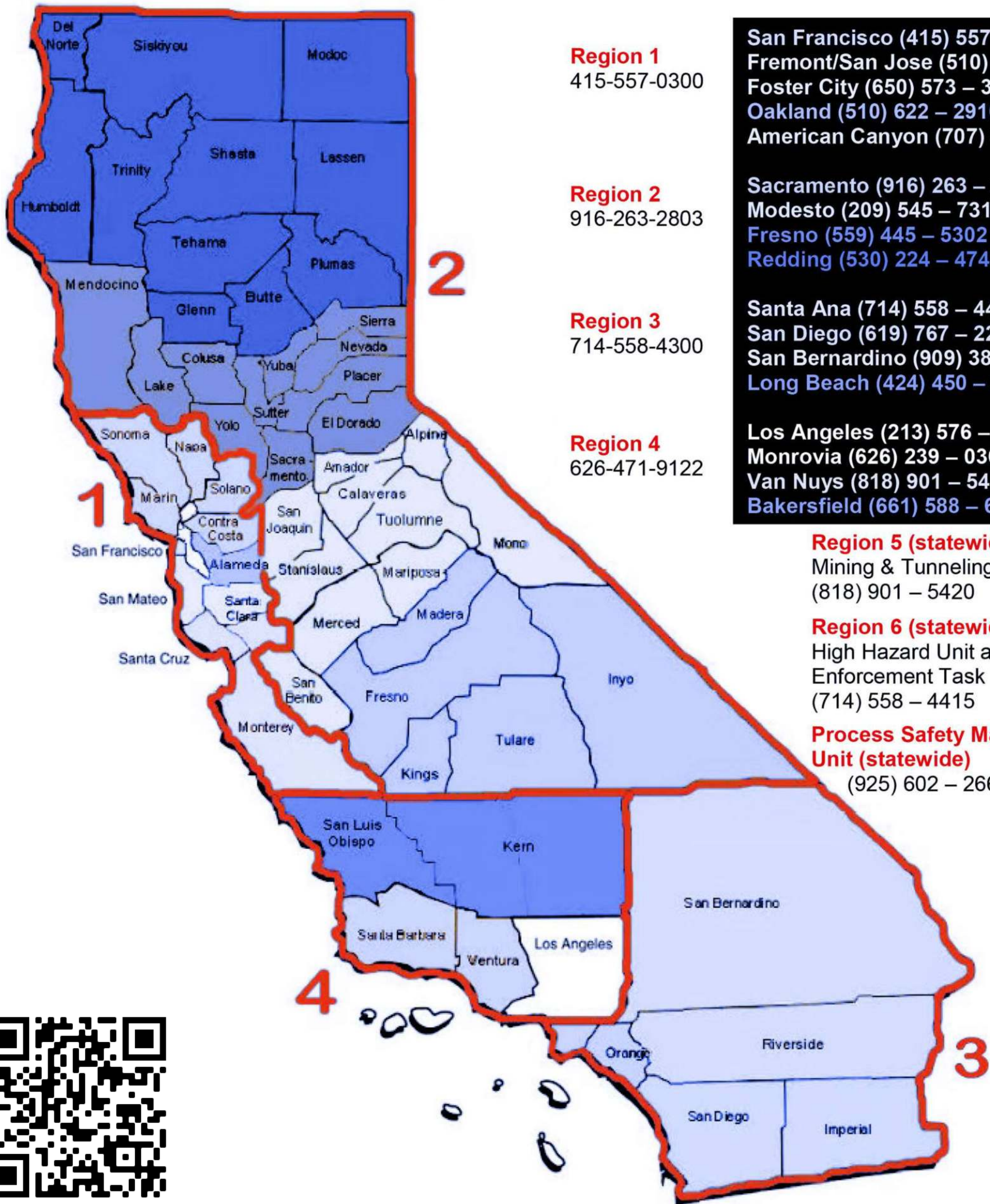
Following Up

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. *Cal/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.

Cal/OSHA

District Offices



Region 1
415-557-0300

Region 2
916-263-2803

Region 3
714-558-4300

Region 4
626-471-9122

San Francisco (415) 557 – 0100
Fremont/San Jose (510) 794 – 2521
Foster City (650) 573 – 3812
Oakland (510) 622 – 2916
American Canyon (707) 649 – 3700

Sacramento (916) 263 – 2800
Modesto (209) 545 – 7310
Fresno (559) 445 – 5302
Redding (530) 224 – 4743

Santa Ana (714) 558 – 4451
San Diego (619) 767 – 2280
San Bernardino (909) 383 – 4321
Long Beach (424) 450 – 2630

Los Angeles (213) 576 – 7451
Monrovia (626) 239 – 0369
Van Nuys (818) 901 – 5403
Bakersfield (661) 588 – 6400

Region 5 (statewide)
Mining & Tunneling (M&T) Unit
(818) 901 – 5420

Region 6 (statewide)
High Hazard Unit and Labor
Enforcement Task Force (LETF)
(714) 558 – 4415

**Process Safety Management (PSM)
Unit (statewide)**
(925) 602 – 2665



For more info, visit: www.dir.ca.gov/dosh/districtoffices.htm

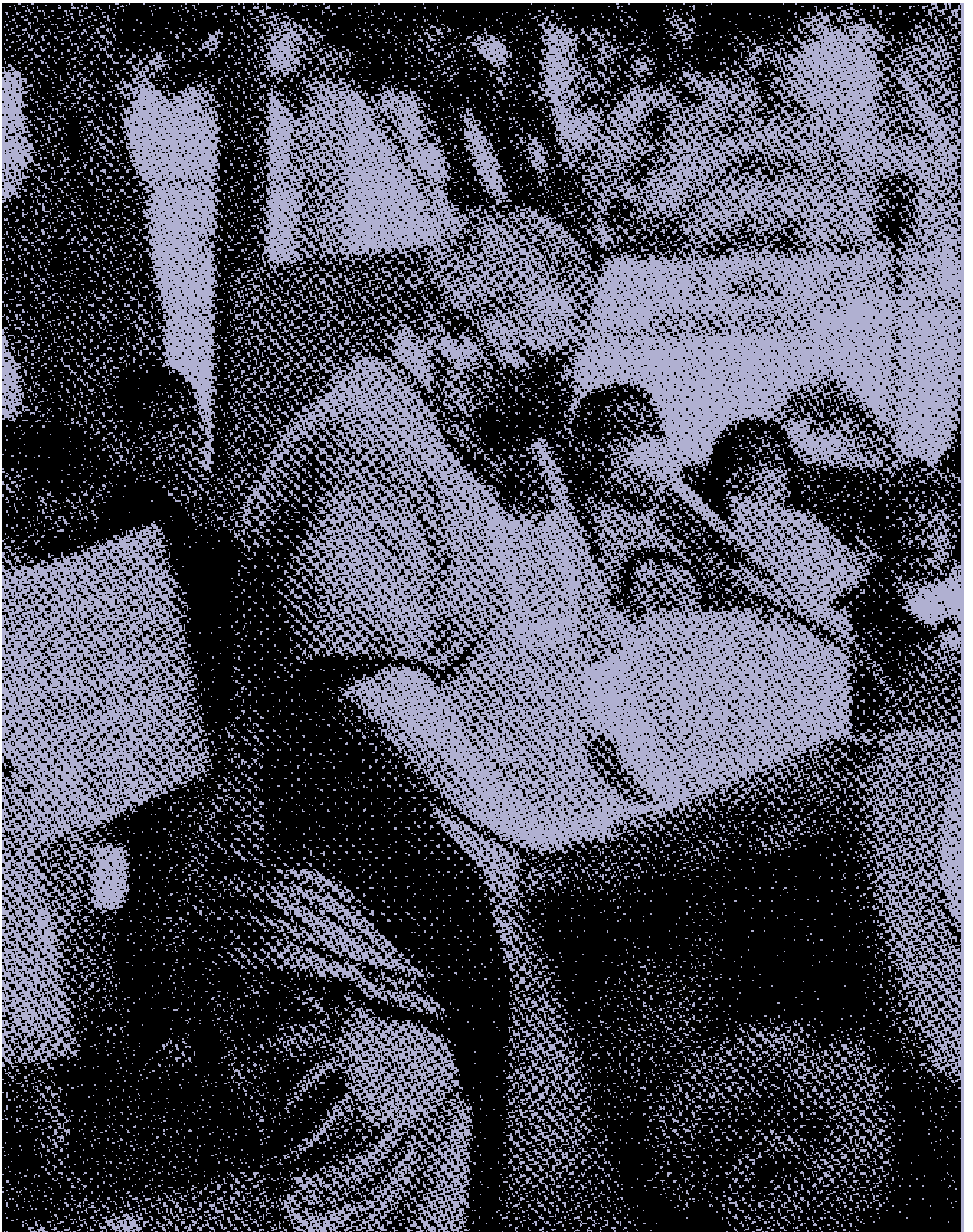
5 Retaliation

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

Cal/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 are protected by California Labor Codes 6310 and 6311.**



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 co-workers to the Cal/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 Cal/OSHA, to make this process clear and accessible to all. We hope to continue to create future editions of this handbook to support people in making changes in their workplace.

7 Resources

Image Scrubber

You may use this online tool for blurring photos:

<https://everestpipkin.github.io/image-scrubber/>

Worker Organization List

For our list of unions, worker centers, and worker organizations, please visit:

<https://linktr.ee/SoCalCOSH>

Retaliation

To file a complaint for retaliation with the Labor Commissioner's Office, please visit:

<https://bit.ly/3y4dYVy>

Contact SoCalCOSH

For any additional support you may need, or questions left unanswered, please contact us!

contact@socalcosh.com

This handbook was created in the Summer of 2021 as a resource for workers, worker leaders, and worker organizers to assist in navigating the Cal/OSHA complaint process.

The guidance found in this handbook has been taken from conversations between Veronica Alvarado, Cipriano Belser, Garrett Brown, Alice Berliner, Deogracia Cornelio, Áyan Ortega, Ana Padilla, Celene Perez, Eddie Sanchez, Tim Shadix, Brenda Huerta Soto, Erika Reyes, Ellen Widess, and MaiKa Yang. We want to thank our partners: *Warehouse Worker Resource Center*, *UC Merced Community and Labor Center*, and *UCLA LOSH* for their support in realizing this handbook.

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Examples of Health & Safety Hazards icons from *The Noun Project* designers: Melinda Courey, Adriene Coquet, emilegraphics, ProSymbols, priyanka and Mariet Visser.

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