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PRESS RELEASE

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FOR IMMEDIATE RELEASE

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WORKERS HAVE RIGHTS

Go home safe at the end of the day.

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All American workers have the right to a safe workplace, according to the Occupational Safety and Health Administration (OSHA). This organization “strives to make sure every worker in the nation goes home unharmed at the end of the workday, the most important right of all.”

Identifying worker rights to a safe workplace is one of the aims of Central States Center for Agricultural Safety and Health (CS-CASH). This University of Nebraska Medical Center group (<https://www.unmc.edu/publichealth/feedyard/>) is conducting two research projects (funded by National Institutes of Occupational Safety and Health) that are designed to make a positive impact on the sustainability of cattle feedyards through increased safety and health efforts.

The Occupational Safety and Health Act of 1970 (OSH Act) was passed to help prevent workers from being harmed or killed while working. “This law requires employers to provide their employees with working conditions that are free of known dangers. It was the OSH Act that stimulated creation of OSHA, the administration which sets and enforces protective workplace safety and health standards.

The OSH Act also gives workers important rights to participate in activities that ensure their protection from workplace hazards. These rights are:

- 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 their workplace medical records.
- Participate in an OSHA inspection and speak in private with the inspector.
- File a complaint with OSHA if they have been retaliated against by their employer as a result of requesting an inspection or using any of their rights under the OSH Act.
- File a complaint if punished or retaliated against for acting as a “whistleblower” under the additional 21 federal statutes for which OSHA has jurisdiction.

OSHA requires employers to provide employees with a workplace free of serious hazards and be in compliance with all OSHA safety and health standards. Once a workplace hazard is identified, OSHA requires employers to first implement feasible changes in working conditions, such as using safer chemicals, enclosing processes to trap harmful fumes, etc. In accordance with OSHA standards, employers may not simply rely on personal protective equipment such as masks, gloves or earplugs.

Employers are also required to:

- Prominently display the official OSHA poster that describes rights and responsibilities under the OSH Act. (The free poster can be downloaded at www.osha.gov)
- Inform workers about hazards through training, labels, alarms, color-coded systems, chemical information sheets and other methods.
- Train workers 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.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation or loss of an eye.
- Not retaliate against workers for using their rights under the law, including their right to report a work-related injury or illness.

Most United States employees come under OSHA’s jurisdiction. However, state and local government workers are not covered by Federal OSHA, but have OSH Act protections if they work in one of the 22 states that has an OSHA-approved state plan. (Full list at <https://www.osha.gov/sites/default/files/publications/osha3021.pdf>).

OSHA monitors federal agencies and responds to workers’ complaints.

Those not covered under the OSH Act include:

- Self-employed;
- Immediate family members of farm employers; and
- Workplace hazards regulated by another federal agency (such as the Mine Safety and Health Administration, Department of Energy, etc.)

States that assume responsibility for their own occupational safety and health programs must have provisions at least as effective as Federal OSHA’s, including the protection of worker rights. Any person, group or employee with a complaint concerning the operation or administration of a state program may submit a complaint to the appropriate Federal OSHA regional administrator (contact list at this site

<https://www.osha.gov/sites/default/files/publications/osha3021.pdf>). The complainant's name will be kept confidential and the OSHA regional administrator will investigate all such complaints. If deemed valid, the state will be required to appropriate corrective action.

OSHA standards "limit the amount of hazardous chemicals, substances, or noise that workers can be exposed to; require the use of certain safe work practices and equipment; and require employers to monitor certain hazards and keep records of workplace injuries and illnesses."

OSHA standard requirements include:

- Provide fall protection, such as a safety harness and lifeline;
- Ensure the safety of workers who enter confined spaces such as manholes or grain bins;
- Put guards on machines;
- Provide workers with respirators and other needed safety equipment (in almost all cases, free of charge);
- Train workers using a language and vocabulary they understand about hazards and how to protect themselves.

Additional OSHA standard rights include:

- The right to information in regard to workplace hazards and measures to protect workers;
- Use of warning signs, color-coding, signals and training;
- The right to know about hazardous chemicals and substances;
- Maintain a list of hazardous chemicals in the workplace;
- Ensure hazardous chemical containers are properly labeled;
- Maintain and provide access to Safety Data Sheets (SDSs) for each substance to provide detailed information about chemical hazards, effects of the chemical, how to prevent exposure, and emergency treatment in the event of exposure.

Employee representatives may file a complaint; a representative is defined as:

- An authorized representative of the employee bargaining unit, such as a certified or recognized labor organization.
- An attorney acting for an employee.
- Any other person acting in a bona fide representative capacity, including, but not limited to, members of the clergy, social workers, spouses and other family members, health care providers and government officials or nonprofit groups and organizations acting upon specific complaints or injuries from individuals who are employees. In general, the affected employee should have requested, or at least approved, the filing of the complaint on his/her behalf.
- Anyone who knows about a workplace safety or health hazard may report unsafe conditions to OSHA and OSHA will investigate the concerns reported.

If OSHA determines not to inspect a workplace following filing of a complaint, the representative will send a letter to the complainant explaining the decision and reasons for it. If desired, employees have the right to seek further clarification from the OSHA area director and an informal review by the regional administrator.

Retaliatory or "adverse" actions on the part of an employer are deemed to include:

- 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.

Complaints about any of these actions must be filed with OSHA within 30 days of the occurrence by calling 800-321-OSHA (6742) or sending a letter to the closest regional or area office.

If work conditions are imminently dangerous or unsafe, bring the concern to the employer if possible. If the worker believes they need to leave the workplace until the condition improves, they may have the legal right to do so. However, they must seek resolution of the situation by the employer prior to pursuing legal action.

Additional details regarding worker rights and protections are available at:

<https://www.osha.gov/sites/default/files/publications/osha3021.pdf>.

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Source: OSHA Workers' Rights

<https://www.osha.gov/sites/default/files/publications/osha3021.pdf>