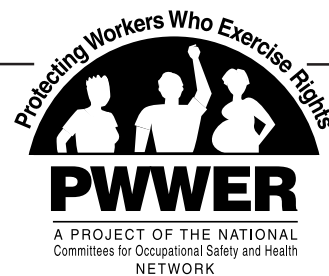

Your Right To An OSHA Inspection and Other OSHA Rights



FACTSHEET OF THE "PROTECTING WORKERS WHO EXERCISE RIGHTS" PROJECT OF THE NATIONAL COSH NETWORK

The Occupational Safety and Health Act (OSH Act) of 1970 created the Occupational Safety and Health Administration (OSHA) in the U.S. Department of Labor to help assure safe and healthy working conditions. OSHA covers most private sector workers; public sector workers (state, county and city workers) in 23 states; and federal workers. OSHA has set minimum standards addressing many, but not all, safety and health problems. OSHA also inspects workplaces and issues financial penalties to employers that violate OSHA standards. OSHA can not issue fines against federal employers other than the U.S. Postal Service. OSHA does not issue citations to employees or fine them.

OSHA, despite many limitations, has proven an important tool for winning better working conditions. Using OSHA can best be done as part of your overall plan for safety and health. Worker rights under OSHA include:

Inspections

- The right to file a complaint with OSHA about unsafe and unhealthy working conditions and to ask OSHA to inspect the workplace.
- The right not to be identified to the employer as the source of the complaint.
- The right to have a employee representative accompany the OSHA inspector, point out hazards, and observe any OSHA measuring of possible hazardous exposures.
- The right of any worker to inform the OSHA inspector, during the inspection, of workplace hazards and to respond to the inspector's questions.

Inspection Results

- The right of the person (or union) who filed the complaint to receive a copy of any OSHA citation or to receive written notice if no citation is issued.
- The right to have a citation and abatement (correction) time posted by the employer at or near each area where an OSHA violation occurred.

Protection from Employer Reprisal

The right not to be fired or discriminated against in any way for using rights under OSHA or for safety and health activity.

Appeals

- The right to an informal hearing to get an explanation from OSHA if they issue no citation.
- The right to file a notice of contest with OSHA if the time period granted to the employer for correcting the violation ("abatement period") is unreasonable, provided it is contested within fifteen working days.




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- The right to be notified by the employer if the employer contests a citation, abatement period, or financial penalty.
- The right to participate at any hearing before the OSHA Review Commission and in any informal meetings with OSHA when the employer, worker, or union has contested an abatement date.
- The right to appeal Review Commission decisions concerning abatement dates to the U.S. Court of Appeals.

Information on Hazardous Conditions

- The right to review copies of appropriate standards and regulations that the employer must make available in the workplace.
- The right to receive training about hazards covered by specific OSHA standards.
- The right to receive results of any employer or OSHA tests for noise, dust, fumes, or other exposures.
- The right to see and copy Material Safety Data Sheets (MSDS) for hazardous chemicals to which you may be exposed.
- The right to receive a copy of your personal medical records or medical test results kept by the employer.
- The right to review and copy injury and illness logs which the employer is required to maintain.
- The right to obtain OSHA workplace inspection records (under the Freedom of Information Act).

For more information, contact:

-  Your union.
-  Your local COSH group (Committee on Occupational Safety and Health). For the COSH group nearest you, contact NYCOSH at 212-627-3900.
-  OSHA. For the OSHA office nearest you, call 1-800-321-OSHA.