

## Health & Safety IT'S OUR RIGHT!



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In 1970, the nation made a commitment to American workers to protect their safety and health on the job through the enactment of the Occupational Safety and Health Act. Since that time, progress has been made to reduce workplace injuries, illnesses, and fatalities. Nonetheless, many CWA members are exposed to occupational hazards that result in death as well as high rates of injuries and illnesses.

CWA members call upon the nation's leaders to renew the promise of safe and healthful jobs. Further, CWA calls upon employers, elected leaders, and others to endorse the following principles to ensure that our members are provided safe and healthful working conditions.

- As a basic civil right, all CWA members have a **right to a safe and healthful job** as guaranteed by law.
- All employers have the **responsibility to provide a workplace free of recognized hazards that can cause death or serious harm** and to comply with legal safeguards to protect workplace safety and health.
- The government has the **obligation to set occupational standards that protect workers from significant hazards,**

to carry out effective oversight and enforcement to ensure that hazards are corrected, and to dedicate adequate resources to these activities.

- CWA members have the **right to raise occupational safety and health concerns without fear of reprisal** and the right to call for and receive government inspections to investigate serious workplace hazards.
- Workers have a **right to know what hazards they encounter on the job**, the right to participate in safety and health at the workplace, and the right to refuse hazardous work that places them in danger of death or serious physical harm.
- The government must take a leadership role in **carrying out occupational safety and health research** on new hazards and methods to control them with the full support and involvement of employers, unions, and safety and health professionals.

### CWA Occupational Safety & Health Network

To receive periodic e-mail updates on safety and health issues, go to [www.cwasafetyandhealth.org](http://www.cwasafetyandhealth.org) and sign up to become a CWA OSH Activist.

# CWA Members Have a **RIGHT** to a Safe and Healthful Workplace

The Occupational Safety and Health Act (OSHAct) of 1970 established specific workers' rights and responsibilities.

## Workers' occupational safety and health rights

- >> Workers have a **right to employment and a place of employment that are free from recognized hazards** that are likely to cause death or serious physical harm.
- >> Workers/union representatives have a **right to request a safety and/or health inspection of a workplace** by filing a written complaint with OSHA. The name(s) of the person(s) requesting the OSHA inspection must be kept confidential, if requested. OSHA Area Directors must order an inspection or explain to the worker/union representative why an inspection is not being conducted. If OSHA conducts an investigation, but does not issue a citation, the worker/union representative must be provided with an explanation.
- >> The worker/union representative has the **right to attend the opening conference before the OSHA inspection** is conducted.

- >> The worker/union representative has a **right to accompany the OSHA compliance officer during the "walkaround" inspection.** During the "walkaround" inspection, the worker/union representative has the right to provide the compliance officer with relevant information regarding the OSHA complaint.
- >> Following the "walkaround" inspection, the worker/union representative has the **right to participate in the closing conference.** Such participation will allow the worker to ask questions about the alleged violations, the violations found by the compliance officer, the length of the abatement period, i.e., the amount of time the employer has to correct the identified violations, and the seriousness of the violations and penalties.
- >> Workers/union representatives have the **right to be notified of any "imminent danger" identified by the OSHA compliance officer** and request an "imminent danger" inspection. Imminent danger is a situation that could be reasonably expected to cause serious physical harm or death. Upon finding an "imminent danger," the OSHA compliance officer must notify the worker/union representative. In turn, the employer must be asked to correct the

hazard immediately or remove exposed workers from danger. If the employer refuses to remove exposed workers from danger, OSHA can go to court to force compliance. In cases where OSHA refuses to obtain a court order, workers/union representatives may request an order that OSHA take such action.

- >> Upon an employer's contest or appeal of a citation, OSHA must provide the workers/union representatives with notification of such action. The employer must post the "Notice of Contest." Also, the worker/union representative has the right to participate in any informal settlement conferences as called for by OSHA.
- >> Workers/union representatives have the **right to contest only the abatement date of the OSHA citation.**
- >> Workers/union representatives have the **right to request "Party Status"** with the Occupational Safety and Health Review Commission (OSHRC) in employer contests/appeals of any citation(s) issued by OSHA. By electing "Party Status," workers/union representatives have the right to participate in Review Commission proceedings. In addition, the workers/union representatives have the right to appeal decisions issued by the OSHRC to the U.S. Court of Appeals.
- >> Workers/union representatives have the **right to be informed by the employer if the employer requests a variance** from an OSHA standard. A variance is an exemption from compliance with an OSHA

standard. Workers can file a request with OSHA for a formal hearing related to an application for a variance.

- >> Upon request, **workers/union representatives must be provided with employer-held data/information related to specific occupational safety and health exposures**, including occupational injury and illness records, chemical exposure data, and workers' compensation records.
- >> Workers have the **right not to be discriminated against** in any manner (e.g., fired, demoted, loss of seniority) for exercising their rights provided under the OSHAct. If the employer should discriminate against a worker for such activity, the worker(s) should file a complaint (called an "Eleven C Complaint") with OSHA.

## Workers' occupational safety and health responsibilities

- >> Workers must comply with all regulations and standards promulgated/established by OSHA.
- >> Workers must not remove, displace, or otherwise interfere with provided occupational safety and health safeguards.



This brochure can be downloaded from [www.cwasafetyandhealth.org](http://www.cwasafetyandhealth.org). For further information, contact the CWA Occupational Safety and Health Department.