

CWA Members Have The Right To Raise Occupational Safety and Health Concerns Without Fear of Reprisal

- >> CWA members have a basic right to raise concerns with their employer regarding unsafe and unhealthy working conditions. They also have the right to request that the Occupational Safety and Health Administration (OSHA) come to the worksite and investigate these unsafe and/or unhealthy working conditions without fear of reprisal from the employer.
- >> **Section 5 (a) (1), The General Duty Clause** of the Occupational Safety and Health Act (OSHAct) makes it the responsibility of the employer to provide a place of employment “free from recognized hazards”, “Each employer shall furnish employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.”
- >> **Section 11 (c) of the OSHAct, “Whistleblower Protection”** protects workers that file complaints regarding unsafe and/or unhealthy working conditions against “discharge or discrimination” from the employer. A worker who is discharged or discriminated against by her/his employer should file a **Section 11 (c) complaint** with OSHA.
- >> When OSHA is called in to conduct an inspection, the Union has **the right to participate** in the inspection process. **Section 8 (e) of the OSHAct** states “....A representative of the employer and a representative authorized by her/his employees shall be given an opportunity to accompany” the OSHA Compliance Safety and Health Officer “during the physical inspection of any workplace for the purpose of aiding such inspection.” If there is not an existing bargaining representative or Union, workers have the right to designate a fellow worker to participate in the inspection process.
- >> **Section 1977.12(b)(2), OSHA Regulations state that when an imminently dangerous working condition or work assignment** exists and the assigned worker believes that the performance of the task(s) would result in serious injury or death and there is no reasonable alternative to perform these tasks in a safe and healthful manner, the worker has a limited right to refuse to perform the work until the employer abates the imminently dangerous working condition(s). In addition, the worker would be protected from discrimination by the employer for not performing the imminently dangerous work. Note: There is no absolute right to refuse hazardous work. Therefore, it is very important that the involved worker(s) contact a union representative explaining the details of the case and making it clear to the employer that she/he is willing to perform other tasks until the employer abates the imminently dangerous working condition(s).
- >> **Along with the Section 11(c) whistle blower protections, OSHA administers whistleblower provisions of 14 statutes.** These statutes include the Clean Air Act, the Toxic Substances Control Act, the Safe Drinking Water Act, and the Comprehensive Environmental Response Compensation and Liability Act. These laws generally prohibit an employer “from discharging or otherwise discriminating against any employee with respect to the employee’s compensation, terms, conditions, or privileges of employment because the employee engaged in specified protected activities.”

Contact the CWA Occupational Safety and Health Department at www.cwasafetyandhealth.org.

