

# Employee Rights

## Workers Rights Under the OSH Act

You have the right to a safe workplace. The Occupational Safety and Health Act of 1970 (OSH Act) was passed to prevent workers from being killed or seriously harmed at work. The law requires employers to provide their employees with working conditions that are free of known dangers. The Act created the Occupational Safety and Health Administration (OSHA), which sets and enforces protective workplace safety and health standards. OSHA also provides information, training and assistance to workers and employers. Workers may file a complaint to have OSHA inspect their workplace if they believe that their employer is not following OSHA standards or that there are serious hazards. In Vermont the VOSHA State Plan enforces the OSH Act.

### Workers' rights under the OSH Act:

Workers are entitled to working conditions that do not pose a risk of serious harm. To help assure a safe and healthful workplace, OSHA also provides workers with the right to:

- Ask OSHA to inspect their workplace;
- Use their rights under the law without retaliation and discrimination;
- Receive information and training about hazards, methods to prevent harm, and the OSHA standards that apply to their workplace. The training must be in a language you can understand;
- Get copies of test results done to find hazards in the workplace;
- Review records of work-related injuries and illnesses;
- Get copies of their medical records;

### Who VOSHA Covers;

#### *Private Sector Workers*

Most employees in the nation come under OSHA's jurisdiction. OSHA covers private sector employers and employees in all 50 states, the District of Columbia, and other U.S. jurisdictions either directly through Federal OSHA or through an OSHA-approved state program. State-run health and safety programs must be at least as effective as the Federal OSHA program. To find the contact information for the OSHA Federal or State Program office nearest you, see the Regional and Area Offices map.

#### *State and Local Government Workers*

Employees who work for state and local governments are covered by VOSHA. Because Vermont is a state plan these workers are afforded the same coverage as private sector workers.

### Who is Not Covered By VOSHA

*Federal Government Workers, (USPS) is covered by OSHA.*

*Immediate family members of farm employers; Farms with 10 or less non family members in their employ are exempt from VOSHA coverage.*

*Self Employed Workers*; Self-employed persons or the principles in a partnership are not covered by VOSHA.

### **Workers can ask VOSHA to Inspect their Workplace**

Workers, or their representatives, may file a complaint and ask VOSHA to inspect their workplace if they believe there is a serious hazard or that their employer is not following VOSHA standards. A worker can tell VOSHA not to let their employer know who filed the complaint. It is a violation of the Act for an employer to fire, demote, transfer or discriminate in any way against a worker for filing a complaint or using other OSHA rights.

You can file a complaint online; download the form and mail or fax it to the nearest VOSHA office; or call 1-800-287-2765. Most complaints sent in on line may be resolved informally over the phone with your employer. Written complaints that are signed by a worker or their representative and submitted to the closest VOSHA office are more likely to result in an on-site OSHA inspection.

When the VOSHA inspector arrives, workers and their representatives have the right to:

- Go along on the inspection.
- Talk privately with the OSHA inspector.
- Take part in meetings with the inspector and the employer before and after the inspection is conducted.

Where there is no union or employee representative, the VOSHA inspector must talk confidentially with a reasonable number of workers during the course of the investigation.

When an inspector finds violations of VOSHA standards or serious hazards, VOSHA may issue citations and fines. A citation includes methods an employer may use to fix a problem and the date by when the corrective actions must be completed. Workers only have the right to challenge the deadline for when a problem must be resolved. Employers, on the other hand, have the right to contest whether there is a violation or any other part of the citation. Workers or their representatives must notify VOSHA that they want to be involved in the appeals process if the employer challenges a citation.

If you send in a complaint requesting a VOSHA inspection, you have the right to find out the results of the inspection and request a review if VOSHA decides not to issue citations.

### **Your right to report injuries**

As a worker in the United States, you have the right to report work-related injuries and illnesses.

Under OSHA law, your employer must develop a process for workers to report a workplace injury or illness and ensure that you are able to use this process. It is your employer's responsibility to guarantee that workplace practices do not discourage workers from reporting their injuries or illnesses.

If your employer does discriminate or retaliate against you for trying to report an injury or illness, you have the right to file a retaliation complaint with VOSHA. You must file the complaint with VOSHA within 30 days of the alleged reprisal.

## **You Cannot be Punished or Discriminated against for using your OSHA Rights**

The OSH Act protects workers who complain to their employer, (V)OSHA or other government agencies about unsafe or unhealthful working conditions in the workplace. You cannot be transferred, denied a raise, have your hours reduced, be fired, or punished in any other way because you used any right given to you under the OSH Act. Help is available from VOSHA for whistleblowers.

If you have been punished or discriminated against for using your rights, you must file a complaint with VOSHA within 30 days of the alleged reprisal for most complaints. No particular form is required to report the discrimination, but you may send a letter, call the VOSHA Office at 800-82-2765. You can also use the VOSHA online complaint for to file a whistleblower complaint. Once we receive your complaint an investigator will contact you confidentially.

## **What to do if there is a Dangerous Situation at Work**

If you believe working conditions are unsafe or unhealthful, we recommend that you bring the conditions to your employer's attention, if possible.

You may file a complaint with OSHA concerning a hazardous working condition at any time. However, you should not leave the worksite merely because you have filed a complaint. If the condition clearly presents a risk of death or serious physical harm, there is not sufficient time for OSHA to inspect, and, where possible, you have brought the condition to the attention of your employer, you may have a legal right to refuse to work in a situation in which you would be exposed to the hazard. However, if you decide that you could be harmed by a workplace hazard and you decide you cannot perform the task, you should avail yourself to your employer to perform other tasks if possible and remain at the worksite until your employer orders you to leave.

[OSHA Workers Rights \[PDF\]](#)