

When should I file an OSHA complaint?

The Occupational Safety & Health Act gives employees and their representatives the right to file a complaint or request an inspection if they believe a serious hazard exists or that their employer isn't following OSHA standards. It is against the law for an employer to fire, demote, transfer or discriminate in any way against a worker for filing an OSHA complaint.

USW recommends that local union leadership, health and safety committee and district staff representative attempt to resolve the issue with the company first. If that is unsuccessful or if an emergency situation arises, the local union has the right to file an OSHA complaint and should not hesitate to do so. There are three ways to file an OSHA complaint:

1. Filing a complaint online

You can file a complaint online at <http://www.osha.gov/pls/osa7/eComplaintForm.html>. If you are concerned about confidentiality, you may prefer to file an online complaint from your home computer or from a computer in your local library.

Most online complaints are addressed by OSHA's phone/fax system. That means they may be resolved informally over the phone with your employer. Written, signed complaints submitted to OSHA Area or State Plan offices are more likely to result in onsite OSHA inspections. Complaints from workers in OSHA-approved state plan states will be forwarded to the appropriate state plan for response.

2. Filing a complaint by fax or mail

You can file a complaint by fax or mail. You may download the OSHA complaint form. (online at <http://www.osha.gov/oshforms/osa7.pdf>) or request a copy from your local OSHA Regional or Area office or submit your complaint in a letter format. Once you complete the form, fax or mail it back to your local OSHA Regional or Area office.

Written complaints that are signed by a worker or representative and submitted to the closest OSHA Area office are more likely to result in onsite OSHA inspections. OSHA will follow-up if you include your name, address and telephone number, which they keep confidential.

3. Filing a complaint by telephone

You can file a complaint by calling your local OSHA Regional or Area office. If there is an emergency or the hazard is immediately life-threatening, call your local OSHA Regional or Area office or 1-800-321-OSHA.

How does OSHA respond to complaints?

There are two ways that OSHA can respond to a complaint. OSHA can either perform an on-site inspection or an off-site investigation, also known as a “phone/fax investigation.”

Although every worker has a right to receive an on-site inspection if certain conditions are met, there are times when a phone/fax (or letter) investigation may be a better alternative. OSHA responds more quickly to lower priority hazards using a phone/fax approach. This enables the agency to concentrate resources on the most serious workplace hazards. Workers who request a phone/fax investigation do not give up the right to request an on-site inspection of potential violations and hazards if they are not satisfied with the investigation. Workers should call their nearest OSHA Regional or Area office to discuss their options.

If an off-site investigation is appropriate, the agency telephones the employer, describes the alleged hazards and then follows up with a fax or letter. The employer must respond in writing within five days, identifying any problems found and noting corrective actions taken or planned. If the response is adequate, OSHA generally will not conduct an inspection. The worker or local union representative who filed the original complaint will receive a copy of the employer’s response and, if still not satisfied, may then request an on-site inspection.

If a worker or local union representative files a written complaint that meets certain conditions, then OSHA may conduct an on-site inspection. Those conditions include claims of serious physical harm that have already resulted in disabling injuries or illnesses or claims of imminent danger situations; written, signed complaints requesting inspections; and situations where the employer provided an inadequate response to a phone/fax investigation.

How do I find my local OSHA Regional or Area office?

You can find your local OSHA Regional or Area office on the OSHA website at <http://osha.gov/html/RAmap.html>

What if I have questions about filing a complaint?

You can ask questions about a hazard and filing an OSHA complaint by contacting your local union leadership, your staff representative or the USW Health, Safety & Environment Department.