



**TEAMSTERS**

# **Safety & Health FACTS**

Safety and Health Department, International Brotherhood of Teamsters  
25 Louisiana Avenue, NW, Washington, DC 20001 ♦ 202/624-6960 ♦ [ibtsafety@teamster.org](mailto:ibtsafety@teamster.org)

## **WHISTLEBLOWER PROTECTION**

Workers have the right to complain to OSHA and seek an OSHA inspection. Section 11(c) of the Occupational Safety and Health Act of 1970 (OSH Act) authorizes OSHA to investigate employee complaints of employer discrimination against those who are involved in safety and health activities. OSHA also is responsible for enforcing whistleblower protection under ten other laws.

OSHA Area Office staff can explain the protections under these laws and the deadlines for filing complaints. Workers in the 23 states operating OSHA-approved State Plans may file complaints of employer discrimination with the state plan as well. State and local government workers in these states (and two others with public-employee only state plans) may file complaints of employer discrimination with the state.

### **Types of Discrimination**

Some examples of discrimination include:

- ♦ Firing
- ♦ Demotion
- ♦ Transfer
- ♦ Layoff
- ♦ Losing opportunity for overtime or promotion
- ♦ Exclusion from normal overtime work

- ♦ Assignment to an undesirable shift
- ♦ Denial of benefits such as sick leave or vacation time
- ♦ Blacklisting with other employers
- ♦ Taking away company housing
- ♦ Damaging credit at banks or credit unions, and
- ♦ Reducing pay or hours.

## **Refusal of Work**

When you believe working conditions are unsafe or unhealthful, you should call your employer's attention to the problem. If your employer does not correct the hazard or disagrees with you about the extent of the hazard, you may file a complaint with OSHA.

Refusing to do a job because of potentially unsafe workplace conditions is not ordinarily an employee right under the OSH Act. (Your union contract or state law may, however, give you this right, but OSHA cannot enforce it.) Refusing to work may result in disciplinary action by the employer. However, employees do have the right to refuse to do a job if they believe in good faith that they are exposed to an imminent danger. "Good faith" means that even if an imminent danger is not found to exist, the worker had reasonable grounds to believe that it did exist.

But you do not have the right to walk off the job because of unsafe conditions. If you do and your employer fires or disciplines you, OSHA may not be able to protect you. So, stay on the job until the problem can be resolved.

Your right to refuse to do a task is protected if all of the following conditions are met:

- ♦ Where possible, you have asked the employer to eliminate the danger, and the employer failed to do so; and
- ♦ You refused to work in "good faith." This means that you must genuinely believe that an imminent danger exists. Your refusal cannot be a disguised attempt to harass your employer or disrupt business; and
- ♦ A reasonable person (or most people) would agree that there is a real danger of death or serious injury; and
- ♦ There isn't enough time, due to the urgency of the hazard, to get it corrected through regular enforcement channels, such as requesting an OSHA inspection.

When all of these conditions are met, you take the following steps:

- ♦ Ask your employer to correct the hazard;
- ♦ Ask your employer for other work;
- ♦ Remain at the worksite until ordered to leave by your employer.
- ♦ Tell your employer that you won't perform the work unless and until the hazard is corrected; and

**Contact OSHA immediately**, if your employer discriminates against you for refusing to perform the dangerous work.

If you believe your employer has treated you differently because you exercised your safety and health rights, contact your local OSHA office right away. Most discrimination complaints fall under the OSH Act, which gives you only **30 days to report discrimination**.

You can telephone, fax or mail your complaint. OSHA conducts an in-depth interview with each complainant to determine the need for an investigation. If evidence supports the worker's claim of discrimination, OSHA will ask the employer to restore the worker's job, earnings and benefits. If the employer objects, OSHA may take the employer to court to seek relief for the worker.

The IBT Safety and Health Department is available to assist with filing your complaint.

**For more information, please contact the Safety and Health Department at (202) 624-6960.**