

# Guide to On-the-Job Safety and Health in the United States

In the United States, there are federal and state laws that require employers to maintain a healthy and safe work environment for their workers.

The federal law is called the Occupational Safety and Health Act (OSH Act). This law also created the Occupational Safety and Health Administration (OSHA).

All workers, including those without a valid work permit, are entitled to a safe and healthy workplace.

There are some special laws that protect the health and safety of farm workers (see below).

## Why should I care about workplace safety?

The purpose of work safety laws is to protect workers like you. If employers and workers all follow the rules, you are more likely to avoid getting hurt and you can keep earning money to support yourself and your family.

## What are my rights as a worker?

The federal OSH Act and similar state laws give workers the right to a safe and healthy workplace. The law gives you the right to:

- get training and information from your employer about workplace hazards, OSHA rules and worker's rights;
- ask your employer to correct hazards or violations of OSH rules;
- ask OSHA to investigate your work site to find out if it is unsafe;
- file a complaint with OSHA if you believe your workplace is unsafe;
- be involved in OSHA's inspections of your workplace and to find out the results;
- file a discrimination complaint if an employer tries to punish you for reporting a safety violation.



## What are my employer's responsibilities?

The OSH Act requires employers to keep a safe and healthy workplace for workers. The law requires employers to:

- obey OSH standards and rules;
- hang the OSHA Poster, which tells workers about their rights and responsibilities. The poster must be placed in an area where workers will most likely see it;
- make sure that employees have and use safety equipment or tools that are kept in good condition;
- use color codes, posters, labels or signs to warn employees about dangerous work areas;

- provide medical exams and training to workers when it is required by OSHA;
- report to the nearest OSHA regional office within 8 hours when a work accident has caused a death or has put 3 or more workers in the hospital;
- post OSHA notices and citations near any work area until the problem is corrected. Correct any hazards or OSHA violations by the deadline on the citation and to have the correction verified.

#### **What about farm workers?**

There are special rules to protect the health and safety of farm workers in the field and workers who work with or near pesticides.

**Field Sanitation Standard (FSS):** These rules require farm employers with 11 or more hand laborers to provide field workers with a clean work environment. The law requires the following.

- Cool, clean drinking water that is nearby. The water must be given out in a cup for each worker or from a water fountain.
- A clean toilet and clean place for hand washing. Both must be nearby, and there must be one of each for every 20 workers.
- Enough time to use the restroom and to wash hands during the day.
- These things must be provided at no cost to the workers.

Some states have similar laws that protect workers on work sites where there are fewer than 11 field workers. If your rights are being violated, you can call the Wage and Hour Division at 1-866-4USWAGE (1-866-487-9243).

There are other special laws to protect farm workers who handle or work near **pesticides**.

For more information on laws on pesticides, see [Guide to Pesticide Safety in the United States](#).

#### **What are my responsibilities as a worker?**

To help avoid unnecessary accidents, you need to:

- follow your employer's safety rules and wear or use gloves or other protective equipment if needed;
- report dangerous conditions to your supervisor;
- tell your boss immediately if you are injured or become sick because of your work;
- cooperate with OSHA officers during an inspection if you are asked questions about safety at your job.



If you have reported an unsafe condition to your employer and nothing is done about the problem, the law gives you the right to file a complaint with OSHA or the state office.

HOWEVER, you have the right to ask for an inspection of your workplace any time that you feel there is a serious threat to any worker's safety or health.

**You have the right to ask OSHA not to reveal your name to your employer.**

#### **Right to Refuse Dangerous Work**

You have the right to refuse to do a task if:

- you believe that the work hazard is so dangerous that you or someone else could be killed or seriously injured in the near future;
- you told your employer about the hazard and your employer did not correct it;
- the danger is urgent and there is no time to go through proper channels to correct it; and
- there is no reasonable alternative.

Remember, you should still report all safety problems to your employer. You should also report any safety emergency or a life-threatening hazard to your OSHA regional office or call 1-800-321-OSHA (1-800-321-6742).

### How do I file a complaint?

- You may file a complaint by calling the OSHA office closest to your job.
- Complaints can be made over the phone or in writing.

If you do not wish to file the complaint yourself, you can have a friend call for you. It does not matter whether the person making the complaint works there.

### What happens after a complaint is filed?

- Once OSHA has reviewed your complaint, it will decide whether an on-site inspection or an off-site investigation is necessary.
- An off-site investigation is informal and is done by telephone. The employer has up to five days to explain any hazards that are found and the corrections that have been or will be made. The person who filed the complaint will receive a copy of the employer's response.
- If the situation is more serious, OSHA or the state office may decide to do an on-site inspection. During an inspection, inspectors check the work site, discuss safety concerns with workers, and may issue notices of any safety or health hazards. This notice (called a "citation") gives employers a deadline for fixing the problem.
- An on-site inspection is more likely to happen if you make your complaint in writing and sign it.



### Can my boss fire me if I file a complaint?

No. It is against the law for your employer to discriminate against you for reporting unsafe work conditions.

The law considers it to be discrimination if your employer does any of the following things to you for reporting a hazard:

- fires you;
- places you in a lower position;
- transfers you to another job;
- reduces your work hours or pay or takes away your benefits.

If any of these things happens to you, OSHA can help protect your job. To get help, you must file a discrimination complaint with OSHA against your employer within 30 days.

### What happens if I get hurt on the job?

- If you are injured or become sick on the job, you may be eligible for workers' compensation.
- Farm workers, including H-2A and foreign workers without a valid permit, are eligible for workers' compensation in most states.
- Workers' compensation pays for lost wages and medical expenses for work-related illnesses and injuries.

For more information, see [Guide to On-the-Job Injuries in the United States](#).



Commission for Labor Cooperation