



We have a right to file safety & health complaints

Discrimination is a violation of OSHA/ PEOSHA law

What can HPAE members do if an unsafe or unhealthy condition threatens the well being of staff or patients?

It is always best to try to address safety and health problems at the lowest level. Contact your HPAE representative and they will assist you in presenting the problem to your immediate supervisor. Discuss necessary steps and a timeline for correcting the hazard. If the hazard is beyond the authority of the supervisor or if the supervisor refuses to act there are a number of potential steps that may be taken:

- 1) Your HPAE representative may assist you in appealing the issue to a higher level of hospital management.
- 2) You may file a formal grievance for violation of the collective bargaining agreement.
- 3) You may file an OSHA complaint if you are working for a for profit or non-for profit employer or file a PEOSHA¹ complaint if you are a public employee.

"No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint...under or related to this Act...or because of the exercise by such employee...of any right afforded by this Act."

-from Section 11 (c) of the federal Occupational Safety & Health Act

What are some member rights under the Federal OSH Act?

- **Request** an inspection by filing a complaint with OSHA. Upon request, OSHA will keep your identity confidential from the employer.

¹ PEOSHA is the New Jersey Public Employee Occupational Safety & Health Administration, within the state Department of Labor and Workforce Development

- **Request** information from or complain about job safety and health hazards to your employer.
- **Request and receive** information from your employer about hazards you may be exposed to including the bloodborne pathogens exposure control plan, the workplace violence prevention program, and material safety data sheets for hazardous chemicals you work with.
- **Discuss** health and safety matters with co-workers.
- **Request and receive** results of air sampling, noise monitoring, or any other health and safety testing.
- **Respond** to questions from an OSHA inspector and point out hazards to the inspector including telling the inspector about past accidents and incidents.
- **Talk privately** with an OSHA inspector on a confidential basis.
- **Tell and inspector** whether your employer has been notified of hazards and whether you have received required personal protective equipment and training.
- **Have a union representative** accompany an OSHA inspector during an inspection and take part in the opening and closing meetings.
- **Participate** in union activities concerning health and safety.

Protection from discrimination means that an employer cannot retaliate by taking "adverse action" against workers, such as:

- Firing or laying off
- Blacklisting
- Demoting
- Denying overtime or promotion
- Disciplining
- Reassignment affecting prospects for promotion
- Reducing pay or hour

What steps should I take if I am discriminated against?

If you have been punished or discriminated against for using your rights, you must file a complaint with OSHA within 30 days (180 days for PEOSHA) of the alleged reprisal for

most complaints. No form is required, but you must send a letter or call the OSHA Area Office nearest you to report the discrimination within 30 days.

If you are thinking about filing an OSHA discrimination complaint, contact your local union representative to obtain assistance. A successful discrimination complaint will require documentation that you engaged in protected activity and that the employer took an adverse action against you.

Steps to prevent retaliation when you exercise your OSHA rights

- **Join** with co-workers and demonstrate the group's concerns using petitions, letters, or complaints.
- **Research** the issues by searching the web, through a technical assistance request to HPAE, or by contacting WEC, the Work Environment Council.
- **Document** and keep good records of everything related to the complaint.

What's the bottom line?

HPAE is committed to fighting for the well being of our members and patients. The constant messaging about creating a "culture of safety" in healthcare facilities will only become a reality when healthcare workers know that we can voice our concerns without fear of bullying, retribution, and retaliation.

Speak out for safety and health!