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Protecting Yourself from Unsafe Working Conditions

Under federal and state laws, employers must provide a safe workplace. If unsafe working conditions are present, a worker may report the violation to the employer, to the federal and/or state Occupational Safety and Health Administration (OSHA), and in some cases, the worker may refuse to work. The following is a summary of OSHA protection and guidelines for dealing with dangerous conditions in the workplace.

What is OSHA?

The Occupational Safety and Health Act is a federal statute that requires employers to maintain a workplace that is free of dangerous health and safety conditions that can cause illness, injury, or death. The Occupational Safety and Health Administration, also referred to as OSHA, enforces the act and establishes safety standards. OSHA applies to private employers that conduct business through interstate commerce. This includes doing business via the U.S. Postal Service or through telephone calls to other states.

The intent of OSHA is to protect workers (excluding independent contractors) from:

- One-time injuries;
- Illnesses caused by unsafe health conditions in the workplace; and
- Recognized hazards that may cause death or serious injury.

To protect workers from unsafe working conditions, employers must abide by workplace safety standards. Employers must:

- Provide a workplace free of health and safety hazards that can cause death or serious injury;
- Post a OSHA job safety notice in the workplace;
- Keep a record of injuries, deaths, and exposure to hazardous material; and
- Provide safety training if necessary.

Safety standards set by OSHA include provisions for the storage of hazardous chemicals, equipment maintenance, fire protection, and protective clothing.

What to Do When a Safety Hazard Poses an Imminent Danger

When unsafe working conditions place the life of a worker in imminent danger, the worker should report the dangerous condition to OSHA. The worker also has the right to refuse to work if:

- There is a reasonable and good faith belief that a condition in the workplace poses an immediate and substantial risk of serious physical injury or death;
- The employer will not fix the dangerous condition;
- The immediacy of the danger does not allow enough time to report the condition to OSHA or the appropriate state agency; and
- The worker did not have a reasonable alternative.

The worker can refuse to return to work until the employer eliminates the danger or investigates and determines that no imminent danger exists.

What to Do When a Safety Hazard Does Not Pose an Imminent Danger

If a dangerous condition does not create the risk of imminent danger, the employee should inform the employer of the problem in writing. If the employer fails to correct the condition, the worker can file a complaint with OSHA or with the

appropriate state occupational safety agency.

OSHA regulations and many state laws prohibit an employer from retaliating against a worker that reports a violation. This means the employer may not fire, demote, or reduce a worker's pay because the worker filed a complaint about unsafe working conditions. A determination of employer retaliation by OSHA can result in the reinstatement of the worker to their former position and an order for compensation for lost wages.

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