



Derechos del Trabajador

You have the right to a safe workplace - En Español

You have the right to a safe workplace. The [Occupational Safety and Health Act of 1970](#) (OSHAct) was passed to prevent workers from being killed or seriously harmed at work. The law requires that employers provide their employees with working conditions that are free of known dangers. The Act created the Occupational Safety and Health Administration (OSHA), which sets and enforces protective workplace safety and health standards. OSHA also provides information, training and assistance to workers and employers. Workers may file a complaint to have OSHA inspect their workplace if they believe that their employer is not following OSHA standards or there are serious hazards.

Every employee has the right to contact the Occupational Health and Safety Administration (OSHA) if you have questions pertaining to your safety without repercussions from your employer. However, Longwood University is very proactive in meeting or answering your EHS&EM questions and implementing the necessary corrective measures to rid ourselves of the hazard are provide you the protection you deserve. Therefore, We do ask that you provide your supervisor or the Environmental, Health, Safety and Emergency Management Office (EHS&EM) here at Longwood University the courtesy in making these corrections. [Contact us](#) if you have questions or want to file a complaint. We will keep your information confidential. We are here to help you.

Workers' rights under the OSH Act

Workers are entitled to [working conditions](#) that do not pose a risk of serious harm. To help assure a safe and healthful workplace, OSHA also provides workers with the right to:

- Receive information and training about hazards, methods to prevent harm, and the OSHA standards that apply to their workplace. The training must be in a language you can understand;
- Observe testing that is done to find hazards in the workplace and get test results;
- Review [records of work-related injuries and illnesses](#);
- Get copies of their [medical records](#);
- Request OSHA to inspect their workplace; and
- Use their rights under the law free from retaliation and discrimination.

Who OSHA Covers

Private Sector Workers

Most employees in the nation come under OSHA's jurisdiction. OSHA covers private sector employers and employees in all 50 states, the District of Columbia, and other U.S. jurisdictions either directly through [Federal OSHA](#) or through an [OSHA-approved state program](#). (includes Virginia) State run health and safety programs must be at least as effective as the Federal OSHA program. To find the contact information for the OSHA Federal or State Program office nearest you, see the [Regional and Area Offices map](#).

State and Local Government Workers

Employees who work for state and local governments are not covered by federal OSHA, but have OSH Act protections if they work in those states that have an [OSHA-approved state program](#). Four additional states and one U.S. territory have OSHA approved plans that cover public sector employees only. This includes: Connecticut, Illinois, New Jersey, New York, and the Virgin Islands. Private sector workers in these four states and the Virgin Islands are covered by federal OSHA.

Federal Government Workers

Federal agencies must have a safety and health program that meet the same standards as private employers. Although OSHA does not fine federal agencies, it does monitor federal agencies and responds to workers' complaints. The United States Postal Service (USPS) is covered by OSHA.

Who is not covered by the OSH Act:

- Self employed;
- Immediate family members of farm employers that do not employ outside employees; and
- Workers who are protected by another Federal agency (for example the Mine Safety and Health Administration, FAA, Coast Guard).

OSHA standards: Protection on the Job

OSHA standards are rules that describe the methods that employers must use to protect their employees from hazards. There are OSHA standards for [Construction](#) work, [Maritime](#) operations, and [General Industry](#), which is the set that applies to most worksites. These standards limit the amount of hazardous chemicals workers can be exposed to, require the use of certain safe practices and equipment, and require employers to monitor hazards and keep records of workplace injuries and illnesses. Examples of OSHA standards include requirements to: provide fall protection, prevent trenching cave ins, prevent infectious diseases, assure that workers safely enter confined spaces, prevent exposure to harmful substances like asbestos, put guards on machines, provide respirators or other safety equipment, and provide training for certain dangerous jobs.

Employers must also comply with the [General Duty Clause](#) of the OSH Act, which requires employers to keep their workplace free of serious recognized hazards. This clause is generally cited when no OSHA standard applies to the hazard.

Workers can ask OSHA to Inspect their Workplace

Workers, or their representatives, may file a [complaint](#) and ask OSHA to inspect their workplace if they believe there is a serious hazard or their employer is not following OSHA standards. A worker can tell OSHA not to let their employer know who filed the complaint. **It is against the Act for an employer to fire, demote, transfer or discriminate in any way against a worker for filing a complaint or using other OSHA rights.**

You can file a complaint [online](#); [download the form](#) and mail or fax it to the nearest [OSHA office](#); or call 1-800-321-OSHA (6742). Most complaints sent in on line may be resolved informally over the phone with your employer. Written complaints that are signed by a worker or their representative and submitted to the closest OSHA office are more likely to result in onsite OSHA inspections.

When the OSHA inspector arrives, workers and their representatives have the right to:

- Go on the inspection.
- Talk privately with the OSHA inspector.
- Be part of meetings with the inspector and the employer before and after the inspection is conducted.

Where there is no union or employee representative, the OSHA inspector must talk confidentially with a reasonable number of workers during the course of the investigation.

An inspector who finds violations of OSHA standards or serious hazards may issue citations and fines. A citation includes the methods an employer must use to fix a problem and the date by when the corrective actions must be completed. Workers only have the right to challenge the deadline for when a problem must be resolved. Employers, on the other hand, have the right to contest whether there is a violation or any other part of the citation. Workers or their representatives must notify OSHA that they want to be involved in the appeals process if the employer challenges a citation.

If you send in a complaint requesting an OSHA inspection, you have the right to find out the results of the OSHA inspection and request a review if OSHA decides not to issue citations.

Employer Responsibilities

Employers have the responsibility to provide a safe workplace. **Employers MUST provide their employees with a workplace that does not have serious hazards and follow all OSHA safety and health standards.** Employers must find and correct safety and health problems. OSHA further requires that employers have to try to eliminate or reduce hazards first by making changes in working conditions rather than just relying on masks, gloves, ear plugs or other types of personal protective equipment (ppe). Switching to safer chemicals, enclosing processes to trap harmful fumes, or using ventilation systems to clean the air are examples of effective ways to get rid of or minimize risks.

Employers **MUST** also:

- Inform employees about hazards through training, labels, alarms, color-coded systems, [chemical information sheets](#) and other methods.
- Keep accurate records of work-related [injuries and illnesses](#).
- Perform tests in the workplace, such as air sampling required by some OSHA standards.
- Provide hearing exams or other medical tests required by OSHA standards.
- Post OSHA citations, injury and illness data, and the [OSHA poster](#) in the workplace where workers will see them.
- Notify OSHA within 8 hours of a workplace incident in which there is a death or three or more workers go to a hospital.
- **Not discriminate or retaliate against an employee for using their rights under the law**

You Cannot be Punished or Discriminated against for using your OSHA Rights

The OSH Act protects workers who complain to their employer, OSHA or other government agencies about unsafe or unhealthful working conditions in the workplace or environmental problems. You cannot be transferred, denied a raise, have your hours reduced, be fired, or punished in any other way because you used any right afforded to you under the OSHA Act.

Help is available from [OSHA for whistleblowers](#)

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

What to do if there is a Dangerous Situation at Work

If you believe working conditions are unsafe or unhealthful, we recommend that you bring the conditions to your employer's attention, if possible.

You may [file a complaint](#) with OSHA concerning a hazardous working condition at any time. However, you should not leave the worksite merely because you have filed a complaint. If the condition clearly presents a risk of death or serious physical harm, there is not sufficient time for OSHA to inspect, and, where possible, you have brought the condition to the attention of your employer, you may have a legal [right to refuse](#) to work in a situation in which you would be exposed to the hazard.

Additional Information for Workers

Has my employer ever been inspected by OSHA?

You can research your employer's inspection history through OSHA's [Establishment Search](#). Type in the name of your company and choose the dates you want to cover.

What is the most commonly cited hazard in my industry?

You'll need to know your employer's [Standard Industrial Classification \(SIC\) Code](#). Once you know your four-digit code, visit OSHA's [Frequently Cited OSHA Standards](#) page, enter your SIC code and view the information for last year.

Does OSHA provide technical information on hazards?

OSHA provides [technical information](#) to assist workers, employers, and safety and health professionals in reducing occupational injuries and illnesses. Find information on bloodborne pathogens, machine guarding, ergonomics or fall protection, for example.

What materials does OSHA have of interest to workers?

OSHA publishes a variety of publications on a range of subjects. Some of the most useful publications for workers are listed below. See [OSHA Publications](#) for a complete listing of agency printed materials or to order publications online.

Additional Resources

- [Employee Workplace Rights](#)
- [Chemical Hazard Communication](#)
- [Guidelines For Preventing Workplace Violence For Health Care and Social Service Workers](#)
- [Hearing Conservation](#)
- [Heat Stress Card -- English | Spanish](#)
- [How To Prepare For Workplace Emergencies](#)
- [Job Safety & Health Protection Poster](#)
- [OSHA Fact Sheets](#)
- [OSHA Inspections](#)
- [Personal Protective Equipment](#)
- [Recommendations for Workplace Violence Prevention Programs in Late-Night Retail Establishments](#)
- [NIOSH Health Hazard Evaluation Program](#)