

Health & Safety Rights: Facts for California Workers



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The State of California, Division of Occupational Safety and Health— better known as “Cal/OSHA”—is working to ensure you have a safe and healthful workplace. Read this fact sheet to understand your basic rights and learn what you can do to help keep your job safe.

Employer's Program to Prevent Injuries and Illnesses

California law requires your employer to have an effective injury and illness prevention program (IIPP) that includes training and instruction on safe work practices and an effective system for your employer to communicate with you and your coworkers. Your employer must tell you how you and your designated representative (if you have one) can access the written IIPP. (See page 4 for more information about IIPP requirements.) You should actively participate in the training provided by your employer, learn how to recognize health and safety hazards, and inform your employer about any hazards you discover. Your employer must have a system to encourage reporting hazards without fear of retaliation and must correct hazards in a timely manner.

Cal/OSHA Enforcement

You have the right to file a complaint about a workplace hazard with Cal/OSHA, the state agency that investigates and enforces health and safety requirements in California workplaces. If you choose to give your name, Cal/OSHA will keep your name confidential, unless you request otherwise. You can file a complaint online or by calling the Cal/OSHA district office serving the location of your job:

- To file online, scan the QR code here, or visit [Cal/OSHA's home page](http://www.dir.ca.gov/dosh) (www.dir.ca.gov/dosh) and click "File a workplace safety complaint."
- To file by phone, call your local [Cal/OSHA Enforcement district office](http://www.dir.ca.gov/dosh/DistrictOffices.htm) (www.dir.ca.gov/dosh/DistrictOffices.htm).



Information you should provide to district office staff:

When you call Cal/OSHA, the information you provide may be critical to the success of Cal/OSHA's investigation of the hazard. You should give the staff person the following information:

- Name and address of your employer. Include the job site address and the mailing address.
- Where the hazard is located at the job site. Example: "The table saw in room 12."
- When the hazardous operation or condition occurs. Example: "We use this solvent to clean every Friday afternoon."
- Description of the hazard. You do not need to know

the legal requirements. You only need to state the problem. Examples: "Bad brakes on forklift," or "no fall protection."

Investigation

Cal/OSHA investigates complaints of hazards in different ways. Sometimes, the fastest and most effective way is for Cal/OSHA to notify the employer and require the employer to correct the hazard. Other times, Cal/OSHA conducts an on-site inspection.

On-site inspection

When Cal/OSHA conducts an on-site inspection, the inspector arrives without advance notice.

- Upon arrival, the inspector holds an opening conference with the employer and union (if there is one) to explain the purpose of the inspection and how it will be conducted.
- The inspector walks around the site, observes hazards, interviews employees and supervisors, reviews written records, and takes measurements and photographs as necessary.
- A representative of the employer and a representative authorized by the employees may walk around with the inspector.
- You have the right to be interviewed in private without the employer present. The Cal/OSHA inspector will make every effort to arrange for interpreter services if needed.
- You may ask the inspector to give you their business card so you can contact the inspector away from your job.
- The inspector may visit the site again to collect further information, especially if the inspector needs to speak with employees who were not available during the first visit.

After the inspection:

Information that Cal/OSHA collects during the inspection may show that your employer violated health and safety requirements. If this happens, one or more citations will be issued to your employer. Cal/OSHA issues citations to employers only, not to employees. If you gave your contact information when you filed the complaint, Cal/OSHA will send you a letter describing the results of the inspection.

Your employer must "abate," or correct, the violations by a specified deadline. You may participate in any appeal filed by the employer by filing a motion to be added

as a party in the appeal process. In any case where Cal/OSHA issues citations, the employer must post in the workplace a copy of the citations, a description of how the hazards have been corrected, and a copy of any appeal that is filed. You may also call Cal/OSHA to request a copy of the results of the inspection, including any citations.

Right to Refuse Hazardous Work

In addition to filing a complaint, you have the right to refuse hazardous work. It is illegal for your employer to punish you for refusing to perform hazardous work if both of the following are true:

1. Performing the work would violate a Cal/OSHA health or safety regulation.
2. The violation would create a “real and apparent hazard” to you or your coworkers.

When these conditions are met, you have the right to refuse to perform the work. But before you refuse, you should take the following steps:

- Tell your supervisor about the hazard and ask that it be corrected.
- Explain that you are willing to continue working if the hazard is corrected or you are assigned other work that is safe.
- State that you believe a health or safety regulation is being violated.
- Contact your union shop steward, if you have one.

If the problem is not fixed, call Cal/OSHA and file a complaint.

Protection Against Retaliation

It is also illegal for your employer to threaten, discharge, demote, or suspend you for reporting hazards to your employer, filing a complaint with Cal/OSHA, or otherwise

exercising your rights to a safe and healthful workplace. If your employer discriminates or retaliates against you for exercising these rights, you have the right to file a complaint with the California Labor Commissioner (also called the Division of Labor Standards Enforcement) and **Federal OSHA** (www.dir.ca.gov/dlse/Employees-Are-Protected_OSHA-Retaliation.pdf). Federal OSHA has additional retaliation protections. The Labor Commissioner may be able to recover wages owed to you and help you get your job back. In most cases, you must file your complaint within one year (30 days for Federal OSHA) of the retaliation. Go to the **Labor Commissioners Retaliation Complaint Unit** (www.dir.ca.gov/dlse/dlseRetaliation) for more information.

View a listing of **Labor Commissioner** offices (www.dir.ca.gov/dlse/DistrictOffices) and contact the office nearest your workplace. To file a complaint with the Labor Commissioner’s Retaliation Complaint Investigation Unit, go to their **web page**, call (714) 558-4913, or email at OSHAretaliation@dir.ca.gov. Visit www.osha.gov/workers/file-complaint to also file a complaint with Federal OSHA.

Employee Rights to Documents and Records

You have the right to receive copies of written information about hazards in your workplace.

Exposure Records and Medical Records: You may access exposure records that show your own exposure to toxic substances and harmful physical agents as well as exposures to other employees doing similar work. Your employer must provide you the records in a reasonable time, place, and manner, but no later than 15 calendar days after receiving your written request. Exposure records include environmental workplace monitoring, biological monitoring results, and safety data sheets. You may access medical records if you are the subject of the

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Cal/OSHA Information

For more information about your health and safety rights, go to the **Cal/OSHA's home page**. Workers who have questions about safety and health hazards can call the Cal/OSHA call center at (833) 579-0927.

records or have the subject's written consent. Medical records include medical questionnaires and histories, examination results, medical opinions and diagnoses, descriptions of treatment and prescriptions, first aid reports, and employee medical complaints.

Safety Data Sheets: These sheets contain information about hazardous chemicals in your workplace. Your employer must keep these sheets readily accessible and must provide them to you upon request. Electronic access is allowed as long as there are no barriers to immediate access.

Records of Occupational Injury or Illness: You have the right to receive copies of the following records: Log of Work-Related Injuries and Illnesses (Form 300); Annual Summary of Work-Related Injuries and Illnesses (Form 300A); and Injury and Illness Incident Report (Form 301) describing an injury or illness that happened to you. In most industries, your employer must provide you copies by the end of the next business day.

Written Health and Safety Plans: You have the right to review your employer's written plans for certain Cal/OSHA-required programs, such as hazard communication, respiratory protection, and permit-required confined space entry procedures.

Requirements for an employer's injury and illness prevention program

All California employers must create and carry out an effective program to meet the requirements of Cal/OSHA's Injury and Illness Prevention Program (IIPP) regulation. The employer's IIPP must be in writing and must specify in concrete terms the employer's ongoing activities in each of the following areas:

- **Responsibility:** Name or job title of the person or persons authorized and responsible for implementing the program.

- **Compliance:** Written system for ensuring compliance with safe and healthy work practices.
- **Communication:** System for communicating in a form readily understandable by employees about safety and health matters. This can include meetings, trainings, postings, written communications, and a labor-management safety and health committee. Employers must encourage employees to report hazards without fear of reprisal. An employer using a labor-management committee to communicate health and safety matters with employees must meet certain requirements specified in the IIPP regulation.
- **Hazard Assessment:** Procedures for identifying and evaluating workplace hazards, including periodic inspections.
- **Accident or Exposure Investigation:** Procedures for investigating occupational injuries and illnesses.
- **Hazard Correction:** Methods and procedures to correct unsafe or unhealthy working conditions in a timely manner.
- **Training and Instruction:** Effective program for instructing employees on general safe work practices and hazards specific to each job assignment, in a language that the employees can understand.
- **Employee Access:** Procedures to allow employees (or their designated representative) access to the written program.
- **Recordkeeping:** Written documentation of the steps taken by the employer to establish and implement the IIPP.

The specific requirements for an IIPP are in the California Code of Regulations, title 8, [section 3203](http://www.dir.ca.gov/title8/3203) (www.dir.ca.gov/title8/3203). Also use Cal/OSHA's [educational tools](http://www.dir.ca.gov/dosh/puborder.asp#IIPP) (www.dir.ca.gov/dosh/puborder.asp#IIPP) to help create an effective IIPP, or go to [Cal/OSHA's home page](#), and under "Educational Materials," click on "Cal/OSHA Publications."

You have the right to a safe and healthful workplace regardless of whether you have papers to work legally in the United States.

Note: We are not US Immigration and Customs Enforcement (ICE), and we do not ask for or report your immigration status.