

Responding to Health and Safety Problems on the Job Worksheet for Scenario #1

At your workplace, a construction site, a net was hung to catch falling parts from a building under construction. The net has developed holes and yesterday a hammer fell through and nearly hit you. Last week a large piece of metal fell through and injured another worker. You tell the foreman that you were almost hit and ask him to replace the net. He tells you that you can avoid working in the areas where the net may be weak, but your job takes you all over the area around the site. You are afraid next time something falls you could be seriously injured.

1. What are the hazards in this situation?
2. What OSHA rights might be useful to you and your co-worker in this situation?
3. What steps could you take to use the OSHA rights you have selected?

Responding to Health and Safety Problems on the Job Scenario #1 (Facilitator' s Answer Sheet)

At your workplace, a construction site, a net was hung to catch falling parts from a building under construction. The net has developed holes and yesterday a hammer fell through and nearly hit you. Last week a large piece of metal fell through and injured another worker. You tell the foreman that you were almost hit and ask him to replace the net. He tells you that you can avoid working in the areas where the net may be weak, but your job takes you all over the area around the site. You are afraid next time something falls you could be seriously injured.

1. What are the hazards in this situation?

- 👉 an unsafe net, designed to hold small parts
- 👉 not to mention a foreman willing to risk workers safety!

2. What OSHA rights might be useful to you and your co-worker in this situation?

- 👉 the right to refuse unsafe work
- 👉 right to information about past accidents and injuries
- 👉 OSHA 11(c) anti-discrimination protection if discipline or termination occur

3. What steps could you take to use the OSHA rights you have selected?

Refuse to do the unsafe work in the following way:

- 👉 If you have a **reasonable belief** that there is a real danger of **death or serious physical harm** (a co-worker was seriously injured doing what you do) you may refuse to do unsafe work. Workers do not have protection under the Occupational Safety and Health Act for refusing ANY hazardous job -- it must be shown to be *a real danger of death or serious physical harm*.
- 👉 You have already asked the employer to replace the net and eliminate the danger. This is another important step in gaining OSHA protection in a work refusal case: *the worker must try to get the hazard corrected with an appeal to management prior to refusing*.

- 👉 If it is near break or meal time, you could call OSHA and see if they could come right now and inspect the workplace. If they *can* get there before you have to perform the dangerous work, the OSHA inspector may be able to get the employer to have the work done in a safer manner. If an OSHA inspector CANNOT get to your workplace in a short amount of time, you have demonstrated that there was no time for OSHA to conduct an inspection before your work refusal. This is another requirement for OSHA protection for work refusals: *it must be shown that there was not enough time to seek what is called statutory protection -- in other words, an OSHA inspection.*
- 👉 You could tell the foreman that you are available and willing to do alternative assignments and it is just *this* dangerous job that you are refusing to do. *This is the final requirement for OSHA protection in a work refusal case: the worker must accept alternative safe work, if it is offered.*
- 👉 You should act together with your co-worker in dealing with the foreman. Workers have more protection when they work together to solve health and safety problems. If there is a Health and Safety committee in your workplace, contact them.
- 👉 You should involve your union (if you have one) as soon as possible as you may have health and safety language in your contract which gives you additional protection.

Responding to Health and Safety Problems on the Job Worksheet for Scenario #2

You are an orderly on the 6th floor of the We Care Hospital. Last week Domingo, a co-worker, slipped while carrying a load of towels and dislocated his shoulder. The towels blocked his vision and he didn't see the "Caution: Wet Floors" sign. Last month an orderly slipped while pushing a patient. You have been told the hospital floors need to be washed several times a day because of constant foot traffic from the outside. You know that the new, high-gloss flooring is very slippery when wet and you are concerned about this.

1. What are the hazards in this situation?
2. What OSHA rights might be useful to you and your co-workers in this situation?
3. What steps could you take to use the OSHA rights you have selected?

Responding to Health and Safety Problems on the Job
Scenario #2
(Facilitator's Answer Sheet)

You are an orderly on the 6th floor of the We Care Hospital. Last week Domingo, a co-worker, slipped while carrying a load of towels and dislocated his shoulder. The towels blocked his vision and he didn't see the "Caution Wet Floors" sign. Last month an orderly slipped while pushing a patient. You have been told the hospital floors need to be washed several times a day because of constant foot traffic from the outside. You know that the new, high-gloss flooring is very slippery when wet and you are concerned about this.

1. What are the hazards in this situation?

- 👉 Floors are often slippery because they are washed several times a day and because the new flooring is very slippery when wet.
- 👉 Workers can't always see "caution" signs because they carry supplies that block their vision.
- 👉 Visitors are also in danger because they can't see signs until after they have entered the corridor.

2. What OSHA rights might be useful to you and your co-workers in this situation?

- 👉 Right to a workplace free of known hazards (the general duty clause.)
- 👉 Right to ask for and get information about safety and health hazards on the job.
- 👉 Right to take your complaint to OSHA without having your identity revealed.

3. What steps could you take to use the OSHA rights you have selected?

- 👉 Talk to other workers to see what they think about the problem and to brainstorm possible solutions.
- 👉 Find out how many times workers have slipped and fallen in the past 6 months.
- 👉 Go to your supervisor (better to go with a co-worker) to talk about the problem and possible solutions.
- 👉 If the situation does not improve call OSHA and ask for an inspection.
- 👉 If you have a union you may have a health and safety clause in your contract or a union health and safety committee.

Responding to Health and Safety Problems on the Job Worksheet for Scenario #3

You are a secretary in a large insurance firm and spend most of your day sitting in front of a computer, at a desk next to a window. You are short and the desktop is too high for you. The company has laid off some workers and your workload has grown. Recently the company installed video cameras to monitor the clerical workers. Over the past two months you have developed a nervous stomach and headaches. You would complain to your supervisor, but you can't afford to lose your job.

1. What are the hazards in this situation?
2. What OSHA rights might be useful to you and your co-workers in this situation?
3. What steps could you take to use the OSHA rights you have selected?

Responding to Health and Safety Problems on the Job
Worksheet for Scenario #3
(Facilitator' s Answer Sheet)

You are a secretary in a large insurance firm and spend most of your day sitting in front of a computer, at a desk next to a window. You are short and the desktop is too high for you. The company has laid off some workers and your workload has grown. Recently the company installed video cameras to monitor the clerical workers. Over the past two months you have developed a nervous stomach and headaches and you have pain in your arms. You would complain to your supervisor, but you can't afford to lose your job.

1. What are the hazards in this situation?

- ☞ Computer problems: long hours at the computer (with no breaks?), glare on the monitor from the window, bad angle for hand to use the mouse and keyboard, etc.
- ☞ Stress: heavy workload, constant video monitoring, fear of job loss

2. What OSHA rights might be useful to you and your co-workers in this situation?

- ☞ Right to a workplace free of known hazards (the general duty clause.)
- ☞ Right to ask for and get information about safety and health hazards on the job.
- ☞ Right to take your complaint to OSHA without having your identity revealed.

3. What steps could you take to use the OSHA rights you have selected?

- ☞ Talk to your co-workers to see if others are experiencing similar problems and what they think can be done.
- ☞ Go to your supervisor (better to go with co-workers) to talk about the problem and possible solutions – for example having chairs and desks that fit each worker and anti-glare screens for the monitors. You might also raise the issue of workloads and see if there is a way to distribute the work more evenly.
- ☞ Find out how many times workers have missed work because of computer and stress related issues.
- ☞ If you have a union you may have a health and safety clause in your contract or a union health and safety committee.