



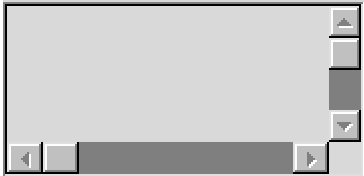
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## OSHA

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## Filing a Complaint

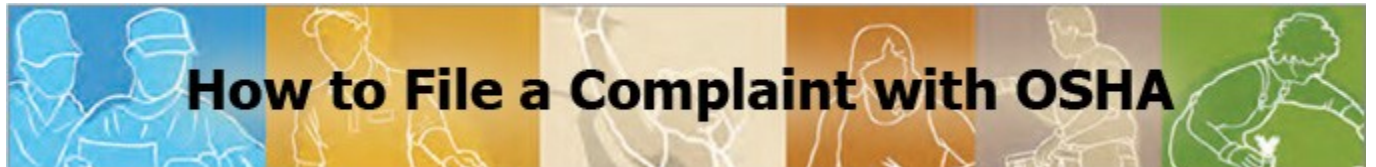
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## Worker Rights

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:

- Ask OSHA to inspect their workplace;
- Use their rights under the law without retaliation and discrimination;
- 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;
- Get copies of test results done to find hazards in the workplace;
- Review [records of work-related injuries and illnesses](#)
- Get copies of their [medical records](#)

For more information, visit the [Workers' page](#)



[En Español](#)

The [Occupational Safety and Health Act of 1970](#) gives employees and their representatives the right to file a complaint and request an OSHA inspection of their workplace if they believe there is a serious hazard or their employer is not following OSHA standards. Further, the Act gives complainants the right to request that their names not be revealed to their employers.

Complaints from employees and their representatives are taken seriously by OSHA. It is against the law for an employer to fire, demote, transfer, or discriminate in any way against a worker for filing a complaint or using other [OSHA rights](#).

OSHA will keep your information confidential. We can help.

**If you think your job is unsafe and you want to ask for an inspection, contact us. It is confidential. If you have been fired, demoted, transferred or discriminated**

**against in any way for using your rights under the law, you must [file a complaint with OSHA within 30 days of the alleged discrimination](#).**

## Complaint Filing Options

You have these options to file your safety and health complaint:

1. **Online** - Go to the Online [Complaint Form](#) Written complaints that are signed by workers or their representative and submitted to an [OSHA Area or Regional](#) office are more likely to result in onsite OSHA inspections. Complaints received on line from workers in OSHA-approved state plan states will be forwarded to the appropriate state plan for response.
2. **Download and Fax/Mail** - Download the OSHA [complaint form](#)\* [[En Espanol](#)]\* (or request a copy from your local [OSHA Regional or Area Office](#)), complete it and then fax or mail it back to your local OSHA Regional or Area Office. Written complaints that are signed by a worker or representative and submitted to the closest OSHA Area Office are more likely to result in onsite OSHA inspections. Please include your name, address and telephone number so we can contact you to follow up. This information is confidential.
3. **Telephone** - your local [OSHA Regional or Area Office](#). OSHA staff can discuss your complaint and respond to any questions you have. **If there is an emergency or the hazard is immediately life-threatening, call your local [OSHA Regional or Area Office](#) or 1-800-321-OSHA.**

## To File your Discrimination Complaint

File a **discrimination** complaint if your employer has retaliated against you for exercising your [rights as a worker](#). If you have been punished or discriminated against for exercising your rights under the OSH Act, you must file a complaint with OSHA **within 30 days of the alleged reprisal**. In states with approved state plans, workers may file a complaint under the OSH Act with both the [State Plan](#) and [Federal OSHA](#).

If you are filing a complaint under any other whistleblower statute enforced by OSHA, the time limit for filing varies by statute. Refer to the [Summary of OSHA Whistleblower Statutes](#) to determine the time limit that applies to your complaint.

You may file your discrimination complaint using any of these filing options:

1. **Online** - Use the [Online Whistleblower Complaint Form](#) to submit your complaint to OSHA. Complaints received online from workers located in states with OSHA-approved state plans will be forwarded to the appropriate state plan for response.
2. **Download and Fax/Mail** - Download the [Notice of Whistleblower Complaint Form \(OSHA 8-60.1\)](#)\*, complete it, and then fax or mail it back to your local [OSHA Regional or Area Office](#).

3. **Telephone** - Call your local [OSHA Regional or Area Office](#). OSHA staff can discuss your complaint with you and respond to any questions you may have.
4. **Letter** - You may also send a letter describing your complaint to your local [OSHA Regional or Area Office](#). Please include your name, address and telephone number so we can contact you to follow up.

OSHA will accept your complaint in any language.

## When Can a Complaint Be Filed?\*

OSHA recommends that employees try to resolve safety and health issues first by reporting them to their supervisors, managers or the safety and health committee. At any time, however, employees can complain to their local [OSHA Area or Regional Office](#) and ask for an inspection or an investigation. (Complaints to federal OSHA from workers in states with OSHA-approved state plans will be forwarded to the appropriate state plan for response.)

\* Note: Discrimination complaints must be filed within 30 days of the alleged discrimination.

## The following are some additional examples of specific questions for health hazards:

- Do any employees have any symptoms that they think are caused by the hazardous condition or substance?
- Have any employees been treated by a doctor for a work-related disease or condition? What was it?

## Who Can Complain?

Employees or their representatives have a right to request an inspection of a workplace if they believe there is a violation of a safety or health standard, or if there is any danger that threatens physical harm, or if an "[imminent danger](#)" exists. Employee representatives, for the purposes of filing a complaint, are defined as any of the following:

- a. An authorized representative of the employee bargaining unit, such as a certified or recognized labor organization.
- b. An attorney acting for an employee.
- c. Any other person acting in a bona fide representative capacity, including, but not limited to, members of the clergy, social workers, spouses and other family members, and government officials or nonprofit groups and organizations acting upon specific complaints and injuries from individuals who are employees.

In addition, anyone who knows about a workplace safety or health hazard may report unsafe conditions to OSHA, and OSHA will investigate the concerns reported.

## What Information Must the Employee Provide?

Employees or their representatives must provide enough information for OSHA to determine that a hazard probably exists. Workers do not have to know whether a specific OSHA standard has been violated in order to file a complaint.

The following are examples of the type of information that would be useful to OSHA when receiving a complaint. It is not necessary to have the answers to all these questions in order to file a complaint. The list is provided here as a guide to help you provide as much complete and accurate information as possible:

- How many employees work at the site and how many are exposed to the hazard?
- How and when are workers exposed?
- What work is performed in the unsafe or unhealthful area?
- What type of equipment is used? Is it in good condition?
- What materials and/or chemicals are used?
- Have employees been informed or trained regarding hazardous conditions?
- What process and/or operation is involved?
- What kinds of work are done nearby?
- How often and for how long do employees work at the task that leads to their exposure?
- How long (to your knowledge) has the condition existed?
- Have any attempts been made to correct the problem?
- On what shifts does the hazard exist?
- Has anyone been injured or made ill as a result of this problem?
- Have there been any "near-miss" incidents?

## How does federal OSHA Respond to Complaints?

See Chapter 9 of the Field Operations Manual, available in [PDF\\*](#).

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\* **Accessibility Assistance:** Contact OSHA's Office of Communications at 202-693-1999 for assistance accessing PDF documents.

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