



OSHA 10-Hour Handouts

Whistleblower

OSHA's Whistleblower Protection Program enforces the provisions of more than 20 federal laws protecting employees from retaliation for, among other things, raising or reporting concerns about hazards or violations of various workplace safety and health, aviation safety, commercial motor carrier, consumer product, environmental, financial reform, food safety, health insurance reform, motor vehicle safety, nuclear, pipeline, public transportation agency, railroad, maritime, securities, tax, antitrust, and anti-money laundering laws. Employees who believe that they have experienced retaliation in violation of one of these laws may file a complaint with OSHA.

Whistleblower Laws Enforced by OSHA:

Following is a list of statutes which OSHA enforces. Each statute has a different time frame in which a complaint can be filed.

- Anti-Money Laundering Act (90 days)
- Asbestos Hazard Emergency Response Act (90 days)
- Clean Air Act (30 days)
- Comprehensive Environmental Response, Compensation and Liability Act (30 days)
- Consumer Financial Protection Act of 2010 (180 days)
- Consumer Product Safety Improvement Act (180 days)
- Criminal Antitrust Anti-Retaliation Act (180 days)
- Energy Reorganization Act (180 days)
- Federal Railroad Safety Act (180 days)
- Federal Water Pollution Control Act (30 days) International Safe Container Act (60 days)
- Moving Ahead for Progress in the 21st Century Act (motor vehicle safety) (180 days)
- National Transit Systems Security Act (180 days)
- Occupational Safety and Health Act (OSH Act) (30 days)
- Pipeline Safety Improvement Act (180 days)
- Safe Drinking Water Act (30 days)
- Sarbanes-Oxley Act (180 days)
- Seaman's Protection Act (180 days)
- Section 402 of the FDA Food Safety Modernization Act (180 days)
- Section 1558 of the Affordable Care Act (180 days)
- Solid Waste Disposal Act (30 days)
- Surface Transportation Assistance Act (180 days)
- Taxpayer First Act (180 days)
- Toxic Substances Control Act (30 days)
- Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (90 days)

What Is Retaliation?

Retaliation is an adverse action against an employee because of activity protected by one of these whistleblower laws. Retaliation can involve several types of actions, such as:

- Firing or laying off
- Demoting
- Denying overtime or promotion
- Disciplining
- Denying benefits
- Failing to hire or rehire
- Intimidation or harassment
- Making threats
- Reassignment to a less desirable position or affecting promotion prospects
- Reducing pay or hours
- More subtle actions, such as isolating, ostracizing, mocking, or falsely accusing the employee of poor performance
- Blacklisting (intentionally interfering with an employee's ability to obtain future employment)
- Constructive discharge (quitting when an employer makes working conditions intolerable due to the employee's protected activity)
- Reporting the employee to the police or immigration authorities

Filing a Complaint

Employees who believe that their employers retaliated against them because they engaged in protected activity should contact OSHA as soon as possible because they must file any complaint within the legal time limits.

An employee can file a complaint with OSHA by visiting or calling their local OSHA office, sending a written complaint to the closest OSHA office, or filing a complaint online. No particular form is required and complaints may be submitted in any language.

Written complaints may be filed by fax, electronic communication, hand delivery during business hours, U.S. mail (confirmation services recommended), or other third-party commercial carrier.

The date of the postmark, fax, electronic communication, telephone call, hand delivery, delivery to a third-party commercial carrier, or in-person filing at an OSHA office is considered the date filed.

To file a complaint electronically, please visit: www.osha.gov/whistleblower/WBComplaint.

To contact an OSHA area office, employees should call 1-800-321-OSHA (6742) to be connected to the closest area office or visit www.osha.gov/contactus/bystate to find local OSHA office address and contact information.

When OSHA receives a complaint, OSHA will first review it to determine whether certain basic requirements are met, such as whether the complaint was filed on time. If so, the complaint will be investigated in order to determine whether the employer retaliated against the employee for engaging in activity protected under one of OSHA's whistleblower laws. OSHA may also attempt to assist the employer and employee in reaching a settlement of the case.

Private-sector employees throughout the United States and its territories and employees of the United States Postal Service (USPS) who suffer retaliation because of occupational safety or health activity are covered by section 11(c) of the OSH Act. In addition, private-sector employees are also covered by laws in States which operate their own comprehensive occupational safety and health programs approved by Federal OSHA ("State Plans"). For information on the whistleblower provisions of the 22 State Plan States which cover private-sector employees, visit www.osha.gov/stateplans.

With the exception of employees of the USPS, public-sector employees (those employed as municipal, county, state, territorial, or federal workers) are not covered by the OSH Act. State and local government employees are covered by the whistleblower provisions of all the States with State Plans, including six States which cover only State and local government employees.

A federal employee who is not a USPS employee who wishes to file a complaint alleging retaliation due to disclosure of a substantial and specific danger to public health or safety or involving a violation of an occupational safety or health standard or regulation should contact the Office of Special Counsel (www.osc.gov). Such federal employees are also covered by their own agency's procedures for remedying such retaliation.

Public-sector employees who are unsure whether they are covered under a whistleblower law should call 1-800-321-OSHA (6742) for assistance, or visit www.whistleblowers.gov.

Results of the Investigation

If OSHA determines that retaliation in violation of the OSH Act, *Asbestos Hazard Emergency Response Act*, or the *International Safe Container Act* has occurred, the Secretary of Labor may sue in federal district court to obtain relief. If OSHA determines that no retaliation has occurred, it will dismiss the complaint.

Under the other whistleblower laws, if the evidence supports an employee's complaint of retaliation, OSHA will issue an order requiring the employer, as appropriate, to put the employee back to work, pay lost wages, and provide other possible relief. If the evidence does not support the employee's complaint, OSHA will dismiss the complaint. After OSHA issues a decision, the employer and/or the employee may request a full hearing before an administrative law judge of the Department of Labor. The administrative law judge's decision may be appealed to the Department's Administrative Review Board (ARB); in significant cases the Secretary of Labor may review the ARB decision. Aggrieved parties may seek review of final DOL decisions by the courts of appeals.

Under some of the laws, an employee may file the retaliation complaint in federal district court if the Department has not issued a final decision within a specified number of days (180, 210 or 365 depending on the law).

To Get Further Information

To obtain more information on whistleblower laws, go to www.whistleblowers.gov.

GHS / Hazard Communication / Right to Understand

- Safety Data Sheets (SDS) are printed pages which give you all the critical information you need about how to use, transport, and store chemicals to protect yourself, as well as what to do in case of emergencies and overexposure. There are 16 sections of an SDS.
- Labeling of Chemicals: ALL chemicals must be labeled from the manufacturer or distributor. All labels must be legible and at least in English. Writing on a container with a marker is not adequate labeling.
- Do not store incompatible chemicals together. Do not mix chemicals together unless you have read all the SDS information and understand what can be mixed and what cannot.
- SDS's must be readily accessible to employees, either in writing or by electronic means such as a smart phone. Make sure you know where to find the SDS's on your worksite. To access using a smart phone or tablet, type in the chemical name SDS. *Example:* WD-40 SDS. If you are unsure, ask your supervisor.

Fall Protection: Controlled Access Zones

- Any time you are working 6 feet or more above a lower level, you must be protected by a personal fall arrest system, a safety net system, or guardrails. When it is not feasible to use one of these, you may use controlled access zones or a safety monitor system.
- When a control line is used, it must be no less than 6 feet from the unprotected edge of the building. It must extend the entire length of the building and be attached to a guardrail system or wall.
- The line must be highly visible and marked at least every 6 feet with flagging.
- Only employees engaged in necessary work are permitted in the controlled access zone.

Safety Monitoring Systems:

- A competent person may monitor the safety of other employees, with the following restrictions:
- The safety monitor must be competent to recognize fall hazards.
- The safety monitor must be on the same working surface as the workers and be close enough to easily communicate orally with the employees.
- The safety monitor must be able to see all the employees at all times.
- The safety monitor may not be engaged in any other work which would interfere with his or her ability to monitor all employees being monitored.
- The safety monitor must inform the employee when it appears that the employee is unaware of a fall hazard or is acting in an unsafe manner, and the employee must comply with the instructions of the safety monitor.

Fall Protection: Personal Fall Arrest Systems

- Any time you are working 6 feet or more above a lower level, you must be protected by a personal fall arrest system, a safety net system, or guardrails.
- A personal fall arrest system consists of a class III harness, (Full body harness,), an anchor point, and a lanyard. Safety belts are no longer acceptable). Lanyards and vertical lifelines must have a breaking strength of 5000 lbs.
- Systems must be inspected prior to EACH use. Inspect your safety equipment for frayed or torn webbing. Make sure that all connectors are in good working condition.
- Inspect your anchor point. You must attach to a point capable of withstanding 5000 pounds per employee attached.
- When inspecting your lanyard, make sure it accommodates the lanyard length; the height at which the lanyard is anchored relative to where the other end attaches to the worker's harness; the distance the worker will travel as the deceleration device absorbs the energy from the fall (i.e., slows it down); the worker's height; D-ring shift; and a safety factor. Many lanyards are of the "fall arresting type," and limit a fall to 2 feet.
- Your personal fall arrest system is to be used for your safety only. You may not use it to hoist people or equipment.
- If you ever have to rely on your personal fall arrest system, it must be immediately removed from service. You may not use it again until it is inspected in accordance with manufacturer's instructions and by a competent person who will determine it to be undamaged and suitable for reuse.

Fall Protection: Guardrails and Toeboards

- Any time you are working 6 feet or more above a lower level, you must be protected by a personal fall arrest system, a safety net system, or guardrails.
- The guardrails shall be 42 inches above the ground, plus or minus three inches. The mid rail shall be $\frac{1}{2}$ the distance from the top guardrail to the working surface.
- Guardrail systems must be able to withstand at least 200 pounds applied within 2 inches of the top edge in any downward or outward direction.
- If wire rope is used for a guardrail, it shall be at least one-quarter inch in diameter to prevent cuts and lacerations. You must also flag it every 6 feet with high visibility material.

Protection from falling objects:

- Toe-boards must be erected along the edge of the overhead walking/working surface for in order to protect the employees working below.
- Toe-boards must start no more than $\frac{1}{4}$ inch above the working surface and be at least $3\frac{1}{2}$ inches high. Openings in the boards must not be more than 1 inch.
- Toe-boards must be able to withstand at least 50 pounds in any downward or outward direction at any point along the board.
- No material may be stored within 4 feet of the working edge except masonry and mortar, and only when bricklaying operations are in progress.
- If materials are stacked higher than the toe board, paneling or screening must be erected from the toe board to the top of the guardrail, in order to protect the employees working below.

Caught in Between / Struck By

- If we want to change the size of a piece of paper, we pinch it between two blades of scissors. If we want to change the length of heavy wire, we pinch it between two jaws of a pair of pliers. If a blacksmith wants to change the shape of iron, he pounds it between a hammer and an anvil. People sometimes get their shape changed the same way – by getting caught between things in motion. And the way their shape changes rarely makes them look or feel better.
- The first type of incident is one that can pin you between a moving load and some fixed object, like a post or wall or machine. Maybe some workers are pushing trucks or carrying heavy boxes when you come by. Maybe it looks like there's room between their load and the post, and you decide to squeeze past them. However, every now and then a truck will swerve, or a load will swing, and you will be in the middle between heavy stuff moving fast and something hard that will not give way.
- The next type of incident is one that happens to people handling or pushing heavy loads. They grip the load or truck in a position which puts their hands right in the middle, waiting for a crushing smash against a wall or floor or other obstruction. There is a safe handhold for every load and every truck. Learn it and use it. Your hands will come in handy if you do not smash them.
- The final type of incident is one that puts you in between something really heavy and really hard. That is the type that is most likely to kill you. A crane load may spill on someone. A worker may take a short cut between standing equipment and a fixed object.
- Do not get caught in the middle of anything. You will not like the way it changes your shape.

Personal Protective Equipment (PPE)

Personal Protective Equipment is required at all times while on the worksite. PPE includes, but is not limited to:

- **Foot Protection:** Must have hard soles. If boots are hard toe, they must meet ASTM F2413-17.
- **Head Protection:** Head protection should be worn at all times. Hard hats can protect workers from head impact, penetration injuries, and electrical injuries such as those caused by falling or flying objects, fixed objects, or contact with electrical conductors. Hard hats are mandatory on all job sites. Employees will routinely inspect them for dents, cracks, or other signs of deterioration. Hard hats will be replaced after any heavy blow or electrical shock. Head protection will meet the minimum requirements of ANSI Z87.1-1997.
- **Eye Protection:** Eye Protection shall be worn whenever operations present potential eye or face injury from physical or chemical agents. Head and eye protection may be required at all times at the discretion of management or the controlling employer (General Contractor.) If goggles become broken or scratched to the point that they deter from vision, they must be replaced. If you wear corrective lenses, you may wear goggles that fit over your eyeglasses, or you may wear goggles that incorporate corrective lenses. Corrective lenses are not a substitute for ANSI rated safety glasses.

Where employees provide their own protective equipment, the employer must assure that it is adequate and in proper working conditions.

Electrical Safety

Protect yourself by following these important rules for electrical safety.

- Always use GFCI outlets while working on site. A ground fault circuit interrupter is an extremely fast circuit breaker. When a GFCI is not available, you may use an assured equipment grounding system.
- If using that system, all equipment must be tested and logged EVERY DAY by a competent person.
- Electrical cords must have grounding pins intact.
- Electrical cords must be of a sufficient gauge to handle the load being applied to it. Commercial grade cords are stamped as such and may be repaired with material providing the same insulation value as the original sheathing. Electrical tape is not acceptable.
- Lightweight "consumer grade" cords may not be repaired. Cords 14 gauge or smaller are not allowed on the job sites at all. You must use a hard service rated cord. SJ-SJO, SJT, etc.
- Do not use cords that are cut, frayed, or crushed.
- Power tools shall not be used unless the manufacturer's name, trademark, or other descriptive marking by which the organization responsible for the product may be identified is placed on the equipment and unless other markings are provided giving voltage, current, wattage, or other ratings as necessary.

Excavations: Access & Egress

- A **trench** is a narrow excavation that is deeper than it is wide. An **excavation** is any man-made cut, cavity, trench, or depression in the earth formed by earth removal.
- The competent person must inspect the excavation and the adjacent areas DAILY for possible cave-ins, failures of protective systems and equipment, hazardous atmospheres, or hazardous conditions. If any hazardous conditions are found, employees must be removed from the area until the necessary safety precautions have been taken. No one is permitted to work outside of the protected area for ANY reason.
- No one is permitted to work in a trench where water has accumulated or is accumulating unless adequate protection has been taken. If water removal equipment is used to control or prevent water from accumulating, the equipment and operations of the equipment must be monitored by a competent person to ensure proper use.
- **Access and Egress:** Any trench 4 feet or greater in depth must have an access/exit point such as a ladder, steps, or ramp within 25 feet of any point, and at any place the trench changes direction. Ladders must be secured.

Excavations: Hazardous Atmospheres

- If an oxygen deficiency exists or could reasonably be expected to exist in an excavation that is at least 4 feet in depth, a competent person must test the atmosphere before any employee is permitted to enter the trench. If hazardous conditions exist, proper respiratory protection or ventilation must be provided.
- If you think there is a lack of oxygen in a trench, do not enter until it can be tested. If you are working in a trench and develop difficulty breathing, headache, dizziness, blurred vision, or if you notice another worker not acting correctly, exit the trench immediately and contact your supervisor. Have all employees exit the trench and do not allow anyone to enter it until it can be monitored for lack of oxygen or the presence of harmful gases. It is important to maintain contact with all employees in the trench. Know where others are working and maintain good communication.

Excavations: Soil Types

- Any excavation 5 feet or more in depth at the lowest point shall be protected from trench collapse. No one is permitted to work in an excavation needing trench protection, even if it is for a short period of time.
- The competent person must inspect the excavation and the adjacent areas **DAILY** for possible cave-ins, failures of protective systems and equipment, hazardous atmospheres, or hazardous conditions. If any hazardous conditions are found, employees must be removed from the area until the necessary safety precautions have been taken. No one is permitted to work outside of the protected area for ANY reason.
- **Soil Types:** Solid Rock
- Type A: Cohesive soils with an unconfined compressive strength of 1.5 tons per square foot or greater. (Clay, caliche, hardpan) No soil is type A if it has been previously disturbed or if it is near heavy traffic.)
- Type B: Cohesive soil with an unconfined compressive strength greater than 0.5 tons per square foot, but less than 1.5 tons per square foot. (Previously disturbed soil, dry rock that is not stable, soil that meets the unconfined compressive strength or cementation requirements for Type A but is fissured or subject to vibration.)
- Type C: Soil with an unconfined compressive strength of 0.5 tons per square foot or less. Granular soil including gravel, sand. (Unstable, Dry, Crumbling dirt.) (Most common soil type found Southern Arizona.)

Staircases

The following applies to staircases which are not a permanent part of the structure:

- A stairway shall be provided wherever there is a break in elevation of 19 inches or more.
- Riser height and tread depth shall be uniform.
- You must remove all dangerous projections such as protruding nails.
- You must eliminate any slippery conditions before the stairways are used.
- If pan stairs are being used, no one is permitted to use an "empty pan" before it has been filled with concrete unless it has been filled in with wood or other solid material at least to the top of each pan.

Handrails:

- Stairways having four or more risers or rising more than 30 inches shall be equipped with at least one handrail.
- The rail shall not be less than 36 inches from the tread and shall be capable of withstanding at least 200 pounds applied within 2 inches of the top edge in any downward or outward direction.
- The ends of the stair rail systems and handrails shall be constructed so as not to constitute a projection hazard. If it is an open stairway, railing shall be on the open side.

Hand and Power Tools

- Unsafe hand tools shall not be issued or used on the job site. Wrenches shall not be used when jaws are sprung to the point that slippage occurs.
- Impact tools such as wedges, chisels, pins, etc., shall not be used and shall be removed from the job site when mushrooming occurs.
- Tools with wooden handles shall be kept free of splinters or cracks and shall be kept tight in the tool.
- Electric power tools shall either be double insulated or grounded. Cords must be in good condition with no bulges or cut insulation. Do not remove grounding pins from electrical cords. Power cords shall not be used for raising or lowering tools.
- Do not remove or wire back safety guards. Safety switches must be in good working condition and must not be altered.

Confined Space

- Working in a confined space may be a regular part of our job, or a one-time occurrence. Confined spaces may have very few small openings, are not meant for workers to stay in, and may have very poor ventilation. A Confined Space is any space big enough to enter and perform work, has limited means of access and egress, but not designed for continuous occupancy.
- A Permit Required Confined Space is any confined space that has low oxygen or the potential for low oxygen, a hazardous gas or the potential for engulfment, inwardly sloping walls, or any other recognized hazard.
- There are four main dangers to be aware of in confined spaces. **First**, there may not be enough oxygen to breathe. **Second**, chemicals and gases can pool very easily and explode suddenly with very low ignition sources. **Third**, there can be poisonous elements in the air you're breathing that you may not be able to smell or taste. **Fourth**, there are many physical dangers such as excessive noise, heat, and the possibility of structural failure.
- Always be prepared and know the potential risks before you enter a confined space.

Scaffolding

- Scaffolding shall be installed according to the manufacturer's requirements. Components from different manufacturers shall not be combined unless a competent person determines the resulting scaffold is structurally sound. Scaffolding shall be tied to the structure at horizontal intervals of not more than 30 feet. Scaffolding with greater than a 4:1 height to width ratio shall be secured to the building at the nearest horizontal member to the 4:1 ratio, and thereafter vertically every 20 feet. Scaffolding shall not be installed any further than 14 inches from a building, and no further than 18 inches from a stucco building.
- Scaffolds shall be placed on base plates and mud sills or other adequate firm foundation. Footings shall be level, sound, rigid and capable of supporting the leaded scaffold without settling or displacement. Lumber used for planking shall be in good condition and rated for scaffold use. (Any lumber from the local home improvement store is not acceptable)
- When scaffold platforms are more than 2 feet above or below a point of access, portable ladders, stairs, ramps, or similar surface shall be used. Cross braces shall not be used as a means of access.
- When working on a scaffold more than 10 feet above a lower level, you must be protected by a personal fall arrest system or a guardrail system along all open sides and ends of the platform.
- A toe-board shall be erected along the edge of platforms more than 10 feet above lower levels. Where there is a danger of tools or equipment falling and striking employees below, the area below shall be barricaded.

Material Handling

Not all loads can (or should) be lifted by you or your coworkers. Carts, bins, hand trucks, dollies, and forklifts are all mechanical aids that can help transport a load without putting undue strain on your back. Pushcarts and bins can be useful for light, awkward loads, while hand trucks and forklifts can help move heavier, stackable material.

- Always wear shoes or boots with firm, slip-resistant soles.
- Make sure your path is clear and well-lighted before lifting or moving the load.
- Know where to put the load before you lift it.
- Never hurry when carrying a load.
- Organize your work area to reduce unnecessary lifting or moving.
- Check the condition of mechanical aids before loading – are nuts, bolts, or moving parts properly adjusted? Are wheels stable and in good condition?
- Don't lift alone, get help when necessary.
- Be safe – and you won't be sorry.

Fire Prevention

- Portable fire extinguishers are not meant as a complete means of fire protection. They are meant as a temporary means of fire fighting to allow you enough time to escape the area. Always call for help prior to starting to fight the fire. Once you have exited a building, do not enter for any reason. NEVER fight a fire if you don't know what is burning.
- Fire extinguishers shall be rated not less than 2A, 10BC (5lb). The ABC type of extinguisher is required.
- At least one extinguisher shall be located for every 3,000 square feet of floor space, or major division thereof. Extinguishers shall be conspicuously located and not obstructed. Travel distance from any point of the area to the extinguisher shall not be more than 100 feet. In multi-story buildings, at least one extinguisher shall be located on each floor. At least one shall be located adjacent to the stairway.
- A fire extinguisher rated not less than 10B shall be provided within 50 feet of wherever more than 5 gallons of flammable liquids or 5 pounds of flammable gas are being used.
- A fire extinguisher shall be kept within the immediate vicinity of any welding, heating, or cutting operation.
- Fire extinguishers shall be inspected and documented monthly. Look for pin in place and pressure gauge. Extinguishers shall be serviced annually by a qualified company.

Preventing Heat Stress

- Excess heat can place an abnormal stress on your body. When your body temperature rises even a few degrees above normal, you can experience muscle cramps, become weak, disoriented, and dangerously ill unless you can help your body to cool down. Ultimately, heat related disorders can be fatal. Your employer must supply an adequate amount of water.
- Sweating is one of the ways your body cools down. Sweating results in water loss, and the only way to replace the loss is to drink water frequently. Ideally, you should drink at least 8 ounces of water every 20-30 minutes while working in hot environments. **WATER MEANS WATER**. Coffee, soda, tea, energy drinks and sports drinks are not good substitutes. Never allow yourself to get thirsty. Look at your urine, if it is dark, you are not well hydrated. Alcohol is not allowed on the job site, also understand caffeine and alcohol are diuretics.
- Another good help is to use fans, ventilators, or air conditioning systems when they are available. Wear breathable fabrics such as cotton. Avoid man-made fabrics such as polyester.
- If you or someone you know gets overcome by heat, get them to a cool place out of the sun. Call 911 immediately. **DO NOT** allow them to shiver. Shivering creates more heat. Put them in dry clothes if available. If they are conscious, have them drink as much water as they can take. Water should be room temperature or slightly cooler, not ice cold. **DO NOT** add any salt to the water. If ice or cold packs are available, you may place them in the patient's armpits and groin. **DO NOT** cover the patient in ice or water. Again, do not allow them to shiver, and do not limit water to little sips. Let them drink as much as they can.