Safety and Health Discrimination in the Workplace

You have the right to a safe and healthy workplace — It's the law!

Washington State Department of
Labor & Industries
Division of Occupational Safety and Health

The Washington Industrial Safety and Health Act (WISHA), Chapter 49.17 RCW, requires employers to provide safe and healthy working conditions, as far as reasonably possible, for workers in this state.

The Department of Labor & Industries (L&I) enforces this law through its Division of Occupational Safety and Health (DOSH).

What are my rights?

If you know of potentially hazardous conditions and have reported them to your employer, and they remain uncorrected, you may file a confidential complaint with DOSH. DOSH will evaluate your complaint and may schedule an inspection of your workplace.

You have the right to:

- Bring job safety and health concerns to your employer's attention.
- Discuss safety and health matters with other workers.
- Participate in union activities concerning safety and health matters.
- Refuse a dangerous task when certain conditions exist. See *"Can I walk off the job to protest unsafe conditions?"* inside this brochure.
- File safety and health grievances.
- Participate in safety and health inspections with a DOSH inspector.
- File a complaint about a workplace safety or health hazard with DOSH, OSHA, your local health or fire department or any other appropriate government agency. You may ask that your name be kept confidential.

Your employer may not fire you or discriminate or retaliate against you solely because you have taken part in protected activities such as those described above.

What is considered discrimination or retaliation?

By law, no one including your employer may take action against you for exercising your rights under the Washington Industrial Safety and Health Act.
If that happens, you may have been discriminated against. Discriminatory or retaliatory actions include but are not limited to:

- Demoting you or laying you off.
- Assigning you to an undesirable job assignment or shift.
- Taking away your seniority.
- Reducing your pay or earned benefits.
- Blacklisting, threatening or intimidating you.

What should I do if my rights have been violated?

Make a list of the facts while they are fresh in your mind. Record the names and addresses of the people involved and what happened. Also, note the names of any witnesses, when and where the incident happened, and anything else that may be significant. Keep any documents, letters or notes that relate to the incident.

Can I file a complaint?

If you believe you have been punished or fired for reporting your safety and health concerns, you or your representative should contact L&I's Division of Occupational Safety and Health (DOSH) as soon as possible.

You must file your discrimination complaint within 30 days from the time a disciplinary or retaliatory action occurred.

Can I walk off the job to protest unsafe conditions?

No! However, you can refuse to do a specific task if you reasonably believe that doing so would be dangerous to your life and/or health. But you need to stay on the job until the issue is resolved. If you walk off the job, DOSH may not be able to protect you.

Your right to refuse a task is protected if all of the following conditions are met:

1. The refusal to work must be genuine. It cannot be a disguised attempt to harass your employer or disrupt business.
2. A reasonable person (or most people) would agree that there is a real danger of death or serious injury if you were to perform the job.
3. There isn't enough time, due to the urgency of the hazard, to get it corrected through regular enforcement channels, such as filing a complaint with DOSH.

When all three of the above conditions are met, you should:

1. Ask your employer to correct the hazard.
2. Ask your employer for other work.
3. Tell your employer that you won't perform the work unless the hazard is corrected.
4. Remain on the worksite until ordered to leave by your employer.

How do I file a complaint?

Contact DOSH at the Department of Labor & Industries, in person at any L&I office, by letter or by telephone within 30 days from the time a discriminatory action occurred. You may file your complaint with the Assistant Director for DOSH at this address:

Assistant Director
Division of Occupational Safety and Health
Department of Labor & Industries
P.O. Box 44600
Olympia WA 98504-4600

You may file the complaint yourself, or you may authorize a representative, such as your union, to do it for you.

Discrimination complaint forms are available online at **www.Lni.wa.gov/workers-rights/workplace-complaints/discrimination-in-the-workplace** and from local L&I offices (see back cover).

You may also file a retaliation complaint with the U.S. Department of Labor, Occupational Safety & Health Administration (OSHA) within 30 days of the retaliatory act. Although OSHA will not conduct a parallel investigation, filing an OSHA complaint allows you to request a federal review of your retaliation complaint if you are dissatisfied with the state's final determination. Contact the OSHA Regional Office at 300 Fifth Ave., Suite 1280, Seattle, WA 98104-2442, or call 206-757-6700.

What if I still have questions?

Contact us and we can help you determine if you have been discriminated against.

- 360-902-6088
- **www.Lni.wa.gov/safety-health**
- Get a complaint form in English or Spanish at **www.Lni.wa.gov/workers-rights/workplace-complaints/discrimination-in-the-workplace** .
- Visit an L&I office in person: **www.Lni.wa.gov/offices**.

Upon request, foreign language support and formats for persons with disabilities are available. Call 1-800-547-8367. TDD users, call 711. L&I is an equal opportunity employer.

PUBLICATION F417-244-000 [04-2013]