

LOHP Safe Jobs.
Healthy Lives.
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TAKING ACTION

FOR SAFETY AND HEALTH

A resource guide for workers, unions,
and community organizations

LABOR OCCUPATIONAL HEALTH PROGRAM,
UC BERKELEY

Workers are entitled to a safe workplace but often face serious hazards. Since they are on the frontlines doing the day-to-day work, workers can play a key role in identifying and documenting problems and thinking through ways to address them. The law protects workers who speak up about health and safety.

This guide includes resources to help workers, unions, worker centers, and other organizations think about the range of options for resolving problems at work and tips for implementing specific strategies.

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Choosing Which Problems to Address First



When you are planning to take steps to address problems at work, there may be many issues that workers are facing. It can be helpful to focus on a few priorities.

Here are some questions to consider as you pick your priorities or the first problems to address.

Think about problems that:

- Present the most serious hazard-- things that could cause serious illness, injury, or death
- Workers care about the most
- Affect the most workers
- Are most common or frequent
- Can be solved most easily or quickly
- Violate the law, such as Cal/OSHA standards or public health standards
- Can be addressed with existing funds and other resources

Creating an Action Plan



As you collaborate with others and plan to take action on health and safety, think about these questions. Use the tip sheet “Choosing which problems to address” to help you pick your top issues.

What is our goal?

- What is the concrete change we want to see?
- How would we describe the problem and solution we want to others?
- By when do I want this change to happen?

Who do we need to talk to?

- Who will have authority to make a decision to fix the problem?
- What are those people’s interests, priorities, and concerns and how can we address them?

What resources do we have?

- Who can provide support? What kind of support?
- Are other workers concerned about this too? How can we join together to ask for these changes?
- Are there community or worker organizations who could help?

What information do we need?

- What do we need to know to address this issue or propose solutions?
- Where can we find this information?
- How can we share this information with others?

What information would be helpful to share?

- Do we have documentation of the problem?
- Can workers explain their experience of the problem and how it affected them?
- Is there a legal violation - so we can use the law to make our case?

What challenges may come up?

- How can we respond to these challenges?

What specific steps do we need to take to reach our goal?

Steps we can take in the next week:

- 1.
- 2.
- 3.

Steps we can take in the next month:

- 1.
- 2.
- 3.

Ideas for Taking Action

There are many different ways in which workers and community organizations can take action to address problems at work. The steps or strategies that are chosen will depend on different factors, such as how serious the problem is, the level of comfort workers have in speaking up or seeking help from others, and the capacity and resources an organization has to take on health and safety.

The following pages include a range of options, recognizing that workers and organizations can assess what fits best with the specific circumstance they are facing. At the same time, seeing the range can provide ideas for other steps that they may not have thought of, ones they want to build towards, or ones they would pursue working collectively with others.

Questions for workers to think about as they review these ideas:

1. Which of these action steps have I already done and feel comfortable with?

2. Which of these do I want to pursue for the specific problem I'm facing?

3. What type of support do I need and who can provide it?

4. What are some possible consequences I could face and how do I prepare for them?

Questions for organizational staff to think about as they review these ideas:

1. Which activities do we already engage in? Is there anything more we want to do to strengthen our work in that area?

2. Which of these activities do we want to do more of in the short, medium, and long term? What would it take to do this in terms of resources, staffing, and skills?

3. Which activities are done by other organizations we could collaborate with? How can we refer workers to these organizations or support their work?

4. What obstacles might come up as we expand our work? How can we address them?

How Workers Can Take Action for Health and Safety

Get informed, keep records

Examples:

- Get workers' rights materials or attend trainings
- Find out about organizations and government agencies that could help you
- Keep good records of workplace hazards, injuries, illnesses, and communication with your employer

Get help from people you trust

Examples:

- Share concerns with a trusted co-worker, friend, family member, health provider, etc.
- Get help from a community group, worker center, union, or legal aid organization



Keep good records.



Get help and information from a trusted organization.

Protect yourself in the workplace

Examples:

- Follow practices that keep you safe such as wearing a mask to protect against COVID-19, getting help if a customer is aggressive, taking your breaks, and getting help to lift heavy objects

Offer the employer information or help

Examples:

- Give the employer information about best practices, such as safer disinfecting products
- Suggest safer ways to do the work
- Suggest better tools, equipment, or gear
- Talk with the employer about how a safe and healthy workplace is good for workers, clients, and the business

Ask the employer to make a change

Examples:

- Join with other workers to ask the employer to make a change
- Ask for a specific change such as removing a hazard, providing training, supporting injured workers, etc.
- Get advice from a community group on how to protect yourself from retaliation

Join an organization or campaign

Examples:

- Join a union, worker center, or community group trying to improve working conditions
- Join campaigns to encourage businesses, government, or consumers to support workers
- Recruit others to the organization or campaign

File a claim or get legal help

Examples:

- File a claim with a government agency such as Cal/OSHA; some community groups can help with this
- Consult with legal services about your situation and that of your co-workers



Tell your employer about your concerns and ask for a change.

How Organizations Can Take Action for Health and Safety

Share information and resources with workers

Examples:

- Do outreach to get information to workers in the community
- Host workshops on basic rights and protections
- Bring in experts to answer questions and provide more information
- Refer workers to government agencies, organizations, and other resources

Find out about problems

Examples:

- Ask workers about health and safety concerns through meetings, surveys, hazard/body mapping, etc.
- Learn about the common hazards and health effects in relevant industries



Ask workers about hazards they are facing.

Identify possible solutions

Examples:

- Facilitate discussions with workers to identify solutions
- Ask workers to share lessons learned from past attempts to improve working conditions
- Learn about strategies other organizations have used
- Find out what staffing, equipment, and other resources it would take to implement workers' desired solutions

Support workers' individual or collective actions

Examples:

- Explain options for taking action and describe possible outcomes
- Role play with workers to practice what they will say
- Contact the employer on workers' behalf
- Develop strategies for protecting against retaliation
- Develop strategies to encourage employers to respond to worker concerns
- Increase visibility of the issues



Contact the employer on workers' behalf.



Increase visibility and build community support.

Incorporate health and safety into existing work

Examples:

- Build knowledge and skills of staff and worker leaders
- Incorporate health and safety demands into campaigns
- Include health and safety in your organizational work plan for education/outreach, direct services, advocacy, and organizing
- Form new partnerships
- Develop sustainable resources for this work
- Advocate for more protective policies and greater enforcement

Addressing Problems at Work: Tips for Talking with Your Employer



If employers are not providing what is required or necessary to protect workers, there are different ways that workers can address these problems.

Often, the most direct way to resolve workplace problems is for workers to communicate directly with their supervisor, manager, or employer.

Plan ahead

To prepare for this conversation, it can be useful to think about some of the questions below.

1. What is the problem?

Having specific information to share is helpful. This can include:

- What exactly is the problem? For example, when and where does it happen?
- Why is it happening?
- Can you or others document the problem with written notes, drawings, or photographs?

2. What is the impact of the problem?

- Who does this impact? How?
- What is the effect on the health and safety of workers?
- What is the effect on the business or workplace?
- What will happen if the problem is not addressed? Is there a cost?
- Is there a legal violation?

3. What are the best solutions?

- What would you like to see changed? What is the best solution for this problem?
- If the best solution can't be implemented right away, what is something that can be done now?
- If you know this, what is needed to implement your proposed solutions?
- Why is this solution good for the workers, the business or the workplace?



I'm concerned about _____. I'd like to share more information about why it's happening and ideas for how to address it so we can protect workers' health and safety and do a better job.

When you go talk to your employer

1. Go with other workers

Talk to other workers to see if they are experiencing similar problems. Make a plan to act together to talk to the supervisor, manager, or owner. This is helpful because:

- Workers have additional protection from retaliation when they join together (2 or more) to bring up problems. If only one person can go, the law provides more protection if that person explains that she is bringing up a group concern to the employer's attention.
- The employer may take the issue more seriously and be more responsive.



I'd like to bring up a problem that I and other workers are concerned about.

2. Request a meeting and a timely response

Ask for a time to talk with the person that has the authority to make decisions. During the meeting:

- Focus on the problem at hand
- Provide details and documentation
- Suggest solutions
- Ask questions to understand the employer's concerns
- Describe how the solutions help the workplace; for example, by ensuring the employer is complying with the law, preventing injuries and illnesses, increasing worker retention and morale, etc.
- Remain respectful and calm

If the person can't provide a response or solve the problem that day, request a time to meet again, or ask when you can expect a response or solution.



When can I expect an answer?

When can we meet again?

Follow up

1. Document the process

Make sure you keep written notes of your actions and the employer's response. This may include copies of emails or letters, and:

- The name of the workers and supervisors/managers involved in the communication
- When and where communication happened
- What was said in each communication
- What was done by workers, managers, supervisors or employers

This is helpful not only for your tracking, but is good information in case you need to get help from others or contact an agency.

Sometimes, employers do not respond well. Some employers even go so far as to punish their workers by cutting their hours or pay, switching their shifts, suspending them, or even firing them. If you have documented your communications, you will be in a better position to show that this action by the employer was directly related to you speaking with your employer about a problem in the workplace.

2. Be persistent

The problem may not be resolved on the first try. Don't give up! Follow up if needed. If the problem was not addressed or resolved, think about your next steps.

- Are there other workers who want to get involved?
- Who else should be informed?
- Who can help you advocate for the needed solution?



Workers are still concerned and we want to talk with you about next steps.

Get help from an organization

Workers may want to talk to a trusted organization to find out more about their options or workers' rights — before or after talking to the employer.

Look for a union, worker center, legal aid provider, or community organization that can support you in taking these steps. Different organizations may be able to provide you with:

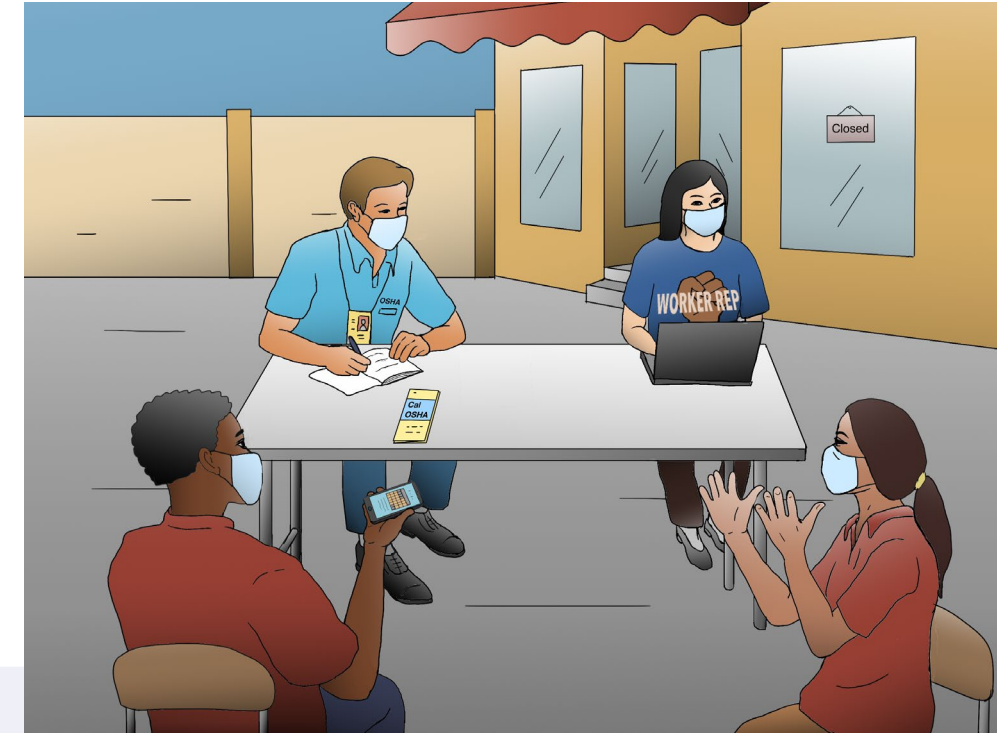
- Information about your rights and the employers' responsibilities
- Information about best practices to solve the problem
- Ideas about steps you can take
- Meeting space or logistics
- Translation or interpretation
- Help with filling out forms or sending letters
- Help with communicating or following up with the employer
- Referrals for legal advice or representation
- Help with getting support from community members, media, policy-makers, or others

It is illegal for employers to retaliate if you speak up or take action for safety and health. The law says you are protected when you:

- Speak up about wages that are owed to you
- Report an injury or a health and safety hazard
- File a claim or complaint with a state agency
- Join together with other workers to ask for changes

If you experienced retaliation, you can file a claim with the Labor Commissioner at: <https://www.dir.ca.gov/dlse/HowToFileRetaliationComplaint.htm>

Tips for Reporting Workplace Hazards to Cal/OSHA



Workers may be in situations where their health and safety are at risk and they want to get help from an agency. Workers have the right to file a complaint with Cal/OSHA, the agency in charge of enforcing health and safety regulations in California workplaces. Cal/OSHA will investigate or inspect a workplace if workers file complaints of unsafe conditions or violations of health and safety standards.

You can report workplace health and safety problems by phone or email

- Locate the Cal/OSHA office closest to your worksite by entering your zip code on the Cal/OSHA website, <https://www.dir.ca.gov/dosh/complaint.htm>, or by calling 1-844-522-6734.
- Call or email the local Cal/OSHA office.

Your information is confidential

Cal/OSHA will not tell your employer who called. Workers have the right to file a complaint anonymously, without giving their name. However, if you provide your name and contact information, Cal/OSHA has more tools to follow up and investigate. Giving your name can be useful because the inspector can call you if they have any questions. The results of the investigation will also be sent to you.

Workers can file the complaint on their own, or they can do so with the help of their union or a community organization.

Be prepared to provide key information

The more information you can provide, the better Cal/OSHA can help you. Tell Cal/OSHA:

- ☑ The name of your employer or company and the kind of work you are doing
- ☑ The work location so Cal/OSHA can find your workplace
- ☑ About the health and safety problem with as many details as possible and how it affects you and other workers
- ☑ The number of workers at the site and what languages they speak
- ☑ The days and times of work shifts, especially if the problem occurs only during certain shifts or certain processes that do not occur every day

What will Cal/OSHA do?

Cal/OSHA inspectors will investigate the complaint and may come to the worksite if they believe the employer is violating worker health and safety standards or if workers are in danger of illness or injury. They will ask the employer and workers questions to find out more about the hazards. You have a right to talk with the inspector in private. Get the inspector's phone number if you prefer to talk when you are not at work.

- Tell the inspector about any problems and any changes that are needed to protect your health — you are the expert about conditions at your job. If the inspector doesn't speak your language, he or she will request an interpreter.
- If it is determined that the employer has violated a health and safety standard, Cal/OSHA will give a citation and fine to the employer when the inspection is completed, which will likely be several weeks to months later. The employer must fix the problem by a specific date.

- Your employer must display the inspection results so affected workers will know what the employer must do to fix the problems.
- Call Cal/OSHA after the inspection if you do not see any changes after the employer's deadline is reached, to let them know the problems still exist.

If you are helping workers with a Cal/OSHA complaint, you can...

- Help them document the problem and prepare to explain to Cal/OSHA where the worksite is located, when the work occurs, what the problems are and who is affected. Photos, written notes and other details are helpful.
- Help them contact the Cal/OSHA district office nearest the worksite to make a complaint.
- Educate and involve as many workers as possible in the process so they are prepared to talk with Cal/OSHA inspectors. If workers are more comfortable talking with an inspector away from their workplace, help arrange a time and place so they can meet confidentially.
- Develop a relationship with Cal/OSHA, including the district office staff. Call them ahead of submitting the complaint to provide some background and introduce yourself as a resource.
- Provide your name and phone number on the complaint as well as your relationship to the workers. This is helpful because the staff will know they can contact you for more information.
- Follow up after the complaint is filed and after any inspection. Gather additional documentation as needed.
- If you are a union representative or shop steward, participate in the Cal/OSHA inspection.
- If the employer appeals a citation or fine, request to participate in the appeals process.
- Workers have the right to contact Cal/OSHA without fear of reprisal. If they experience retaliation, help them contact the nearest office of the Labor Commissioner within a year.

