

## **BASIC HEALTH AND SAFETY RIGHTS**

**After many years of struggle, the labor movement has won recognition of certain basic health and safety rights for workers.** These rights include *legal rights* (established by laws, rules, regulations, and court decisions), and *contractual rights* (established through union-employer collective bargaining agreements). Rights established through collective bargaining have the force of law for workers covered by that contract.

**These basic health and safety rights apply to all workers regardless of whether they are United States citizens.** In New York State, if you work for a private employer or the federal government, the government agency responsible for enforcing these rights is federal OSHA (Occupational Safety and Health Administration). In New York State, if you are a state or local government employee, the agency responsible for enforcing these rights is NYS PESH (Public Employee Safety and Health).

- Under the federal Occupational Safety and Health Act, *you have a legal right to a workplace free of recognized hazards.*
- Under regulations of the Occupational Safety and Health Administration (OSHA), *you have a legal right to obtain health and safety information from your employer, including information about chemical hazards, results of workplace testing for noise levels and toxic chemicals, medical test results, and injuries and illnesses at your workplace.*
- You have a legal right to be trained about the chemicals at your workplace, their hazards, and how to work with them safely.
- Under Occupational Safety and Health regulations, *you have a legal right to complain to your employer about hazardous conditions.*
- Under the Occupational Safety and Health Act, *you have a legal right to file a complaint with OSHA (or PESH) and to request that OSHA (or PESH) inspect your workplace. You have the legal right to respond to questions from an OSHA or PESH inspector and to point out hazards to an inspector.*
- Under the Occupational Safety and Health Act, *you have a legal right to be free from discrimination or retaliation for exercising your health and safety rights.* (Note: proving discrimination is difficult. Careful documentation and strong union support are essential.)
- Under the National Labor Relations Act (NLRA), *you have a legal right to refuse unsafe work, in extremely hazardous conditions and under limited circumstances.* If you are in a union, this limited right can be strengthened by including it in your union contract.
- Under the National Labor Relations Act, if you are in a union *you have the right to establish a union health and safety committee.* This right can be strengthened by including it in your union contract.
- Under court interpretations of the National Labor Relations Act, *your union has the right to bring outside experts into the workplace to conduct inspections and issue reports.* This right can be strengthened by including it in your union contract.

