

**VOLUNTARY PROTECTION  
PROGRAMS PROTECT EMPLOYEES'  
RIGHTS  
GUARANTEED BY THE  
OCCUPATIONAL SAFETY AND  
HEALTH ACT**

When an applicant provides assurances required by OSHA for approval into the VPP, the applicant promises that "all employees, including newly hired employees when they reach the site, will have the VPP explained to them, specifically including employee rights under the program and under the Act. Do you as a VPP member or as a potential member know what those rights are?"

Several years ago, at a VPPPA annual conference, OSHA provided a list of those rights to conference participants. Perhaps now is the time for a reminder and an update in the training you do, so that all employees under the VPP and under the Act know their rights and can therefore exercise the responsibilities that spring from those rights

The statement of rights listed below can be found in the OSHA publication, *All About OSHA* (#2056, revised 1991) and in the *Federal Register* (Vol 53, #133, July 12, 1988) Employees have the right under the OSHAct to

Review copies of appropriate OSHA standards, rules, regulations, and requirements that the employer will have available in the workplace.

Participate in hearings conducted by the Occupational Safety and Health Review Commission

Request information from their employer on safety and health hazards in the area on precautions that may be taken and on procedures to be followed if an employee is involved in an accident or is exposed to toxic substances

Submit a written request to NIOSH for information on whether any substance in the workplace has potentially toxic effects in the concentration being used The employee may require that this request remain anonymous.

Be notified by their employer if the employer applies for a variance from an OSHA standard. An employee may testify at a variance hearing any may appeal the final decision.

Submit information or comment to OSHA on the issuance, modification, or revocation of OSHA standards and request a public hearing

Receive adequate training and information on workplace safety and health hazards

Request the OSHA area director investigate if the employee believes hazardous conditions or violations of standards exist in the workplace.

If an employee sends to OSHA a written and signed complaint, the employee may request an informal review of any OSHA decision not to inspect or issue a citation

Have the authorized employee representative accompany the OSHA compliance officer during the inspection tour.

Respond to questions from the OSHA compliance officer, particularly if there is not an authorized employee representative

accompanying the compliance officer

Observe any monitoring or measuring of hazardous materials and have the right to see these records, as specified under the Act.

Have the authorized representative, or themselves, review the Log and Summary of Occupational Injuries (OSHA No 200) at a reasonable time and in a reasonable manner

Request a closing discussion with the compliance officer following an inspection.

Object to the abatement period set in the citation issued to the employer by writing to the OSHA area director within 15 working days of the issuance of the citation

If the elements of your VPP program are in place and working well , the concerns expressed in these rights under the OSHAct should be met within the program. Employees will already be involved in hazard recognition and in the decisions leading to hazard prevention and control They will have a stake in keeping the workplace safe and healthy They will be finding that their employer is involved with them and is responsive to their concerns and suggestions

To reassure employees that being a VPP site does not take away any of their rights, the description of the VPP in the Federal Register begins with this statement

Participation in any of the programs does not diminish existing employer and employee rights and responsibilities under the Act. In particular, OSHA does not intend to increase the liability of any party in an approved VPP site Employees or any representatives of employees taking part in an OSHA-approved VPP safety and health program are not

assuming the employer's statutory or common law responsibilities for providing safe and healthful workplaces or undertaking in any way to guarantee a safe and healthful work environment

Employees have further specific rights under the VPP

All employees, including newly hired employees when they reach the site will have the VPP explained to them, specifically including employee rights under the program and under the Act.

Employees shall have access to the results of self inspections and accident investigations upon request (in construction this requirement may be met through the joint labor-management committee access to these results):

For general industry the requirement for employee participation may be met in a variety of ways, as long as employees have active and meaningful ways to participate in safety and health problem identification and resolution Construction sites must use the labor-management safety committee approach to involve employees in the identification and correction of hazardous activities and conditions

This involvement ( in the sites's safety and health program) is in addition to the employee's individual right to notify appropriate managers of hazardous conditions and practices

Under VPP employees do not lose any rights In fact, they gain rights and can also gain the satisfaction of contributing to their own safety health, and that of their colleagues and their community

If you have any questions about the rights listed above, call the Division of Voluntary Programs at the National OSHA office (202)219-7266, or your local OSHA contact person

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