

Safety Bugle

Today's Topic: Imminent Danger



What is an imminent danger?

An imminent danger is a workplace hazard that puts you at immediate serious risk of death or serious physical harm. It may be a safety hazard such as an unstable trench or exposed electrical wire that could cause a serious or fatal accident immediately under present conditions. It also may be a health hazard such as toxic substances or dangerous fumes, dusts, or gases that could cause death or irreversible physical harm, shorten life, or reduce physical or mental performance.

What should you do if you encounter an imminent danger?

If a safety or health hazard puts you in imminent danger of death or serious injury or illness, notify your supervisor immediately and request corrective action. Also ask the supervisor to provide protection to you and your coworkers until the hazard is eliminated or controlled.

What if your employer does not act?

Contact OSHA or your state occupational safety and health authority if your employer does not promptly take steps to remove or control the hazard. Call the nearest OSHA office, listed in your phone book under "U.S. Department of Labor," or OSHA's toll-free number at (800) 321-OSHA (6742). If you live in a state or territory with its own OSHA program, look for the listing under a state government heading such as "Department of Labor."

When you call, provide the name and address of your employer and describe the hazard in detail and how long it has existed. Also provide your name, address, and a telephone number where you can be contacted. If you request, OSHA will not reveal your name to your employer.

What will OSHA do?

If, after evaluation, OSHA believes that an imminent danger exists, an OSHA compliance safety and health officer will inspect your workplace the same day you report the problem, if possible. Reports of imminent dangers receive the highest priority for OSHA inspections. If the inspection confirms the presence of an imminent danger, your employer must notify employees of the hazard and remove workers from the imminent danger area. If OSHA is not able to inspect the site within 1 working day after receiving the report, the area director will contact the employer to request that the hazard be corrected and employees removed from the danger area. In either case, OSHA will follow up with a later inspection to ensure that the employer has eliminated the hazard.

If the employer refuses to correct the hazard, OSHA may post an "Imminent Danger" notice and seek a temporary restraining order from the nearest federal district court requiring the employer to remove employees from exposure to the danger. The OSHA compliance safety and health officer will inform all affected employees and their representatives of the hazards and their discrimination sites before leaving the site.

What protections do you have for refusing dangerous work or reporting an imminent danger?

OSHA and the National Labor Relations Board work together to protect employees who are punished for refusing to work in imminently dangerous situations involving serious safety or health hazards. Contact either agency to discuss your case. In addition, OSHA can protect you if you are discharged or disciplined for refusing to do work that would expose you to imminent danger, provided that you have notified your supervisor of the hazard, the hazard has not been corrected, and there is not enough time for you to seek relief through OSHA's standard complaint process.

In addition, it is illegal for your employer to punish you for reporting a safety or health hazard. The Occupational Safety and Health Act (OSH Act) protects you from being discriminated against, fired, demoted, or otherwise penalized for any of the following:

- Complaining to your employer about a hazard.
- Requesting an OSHA inspection.
- Participating in union safety and health activities.
- Otherwise exercising your rights under the OSH Act.

If you believe your rights have been violated, you must file your complaint with OSHA within 30 days. OSHA can take action, including going to court if necessary, to force your employer to restore your job, earnings, and benefits. You will not have to pay any legal fees.

How can you get more information?

OSHA has various publications, standards, technical assistance, and compliance tools to help you, and offers extensive assistance through its many safety and health programs: workplace consultation, voluntary protection programs, grants, strategic partnerships, state plans, training, and education. Guidance such as OSHA's Safety and Health Program Management Guidelines identify elements that are critical to the development of a successful safety and health management program. This and other information are available on OSHA's website at www.osha.gov.