

# OSHA/HIOSH Information & Resources for Employees Applicable for COVID-19

## Employee Rights/Worker Protection

### Filing A Complaint

If you believe working conditions are unsafe or unhealthful, you may file a confidential complaint with HIOSH and ask for an inspection. If possible, bring the conditions to your employer's attention. To file a complaint with HIOSH, call (808) 586-9092 or email [dliir.hiosh.complaints@hawaii.gov](mailto:dliir.hiosh.complaints@hawaii.gov).

### Work Refusal

If you believe working conditions are unsafe or unhealthful, we recommend that you bring the conditions to your employer's attention, if possible.

You may file a complaint with HIOSH concerning a hazardous working condition at any time. **However, you should not leave the worksite merely because you have filed a complaint (may be considered job abandonment).** If the condition clearly presents a risk of death or serious physical harm, there is not sufficient time for OSHA to inspect, and, where possible, you have brought the condition to the attention of your employer, you may have a legal right to refuse to work in a situation in which you would be exposed to the hazard. (HIOSH cannot enforce union contracts that give employees the right to refuse to work.)

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

- Where possible, you have asked the employer to eliminate the danger, and the employer failed to do so; and
- You refused to work in "good faith." This means that you must genuinely believe that an imminent danger exists; and
- A reasonable person would agree that there is a real danger of death or serious injury; **and**
- There isn't enough time, due to the urgency of the hazard, to get it corrected through regular enforcement channels, such as requesting a HIOSH inspection.

You should take the following steps:

- Ask your employer to correct the hazard, or to assign other work;
- Tell your employer that you won't perform the work unless and until the hazard is corrected; **and**
- Remain at the worksite until ordered to leave by your employer.

If your employer retaliates against you for refusing to perform the dangerous work, contact HIOSH immediately by calling (808) 586-9092 or emailing [dliir.hiosh.complaints@hawaii.gov](mailto:dliir.hiosh.complaints@hawaii.gov).

### Protection from Retaliation

It is illegal for an employer to fire, demote, transfer or otherwise retaliate against a worker for using their rights under the law. If you believe you have been retaliated against in any way, file a whistleblower complaint within 60 days of the alleged retaliation. To file a whistleblower/retaliation complaint with HIOSH, call (808) 586-9092 or email [dliir.hiosh.complaints@hawaii.gov](mailto:dliir.hiosh.complaints@hawaii.gov).

### What should I do if there is a dangerous situation at work?

If you believe working conditions are unsafe or unhealthful, you may file a complaint with HIOSH concerning a hazardous working condition at any time. If possible, bring the conditions to your employer's attention. If the condition clearly presents a risk of death or serious physical harm, there is not sufficient time for HIOSH to inspect, and, where possible, a worker has brought the condition to the attention of the employer, the worker may have a legal right to refuse to work in a situation in which he or she would be exposed to the hazard (see *Work Refusal* section above) . If you have questions about what to do, contact the HIOSH office at (808) 586-9092 or email [dliir.hiosh.complaints@hawaii.gov](mailto:dliir.hiosh.complaints@hawaii.gov). We will keep your information confidential. We are here to help you.

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