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Commitment

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Hawai'i Occupational Safety and Health Division

THE OFFICIAL NEWSLETTER OF HAWAII'I OCCUPATIONAL SAFETY AND HEALTH DIVISION

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Voice

One Conversation at a Time

A strong safety culture is not built by policies alone. Rather it is built by people. It grows when workers are invited into the conversation, when their experience is respected, and when their voices help shape how work is done safely.

Employees are often the first to recognize hazards, the first to see when something changes, and the first to understand how work really happens. When workers are encouraged to speak up, take part in identifying hazards, and help develop solutions, safety becomes shared—not assigned.

Participation also means trust. Trust that raising a concern will lead to improvement, not punishment. Every worker has the right to report unsafe working conditions, ask questions about safety, and express concerns without fear of retaliation. That right is fundamental, and it exists to protect not just individuals, but entire workplaces.

When workers feel safe to speak, hazards are addressed earlier. When employers listen, and systems improve. And when everyone understands their role, safety becomes part of the daily routine—not an afterthought.

In this issue, we focus on strengthening the partnership between employers and employees, because safety works best when it is collaborative. A workplace where people are engaged, informed, and empowered is one where injuries are prevented and lives are protected.

Mahalo for your commitment to protecting Hawai'i's workforce.

Edmar Castillo

Compliance Assistance Specialist (Community Outreach)

The opinions expressed in "Editor's Note" do not necessarily reflect those of the agency, department, or affiliated.



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HIOSH Updates

Standard (pending)

HIOSH is continuing its comprehensive update of the Hawaii Administrative Rules (HAR). Working in coordination with the Department of Labor and Industrial Relations and the Department of the Attorney General, HIOSH is revising outdated provisions, correcting inconsistencies, modernizing language, and aligning the rules with current state and federal occupational safety and health requirements.

Heat Directive (pending)

HIOSH will renew its National Emphasis Program (NEP) on Heat. The renewed directive will remain in effect for five years and will continue to focus enforcement and outreach efforts on preventing heat-related illnesses and injuries in the workplace.

Legislative Updates

Effective **July 1, 2026**, amendments to Chapter 396, Hawaii Revised Statutes, eliminate HIOSH's responsibility for regulating hoisting machines, certifying crane operators, and administering the Hoisting Machine Operators Advisory Board (HMOAB), including the requirement for a separate state crane operator certification.

The amendments also allow additional time for the Director of the Department of Labor and Industrial Relations to complete investigations of discrimination complaints filed under the Hawaii Occupational Safety and Health Law without requiring a formal extension.

Additional information is available on the HIOSH website at <https://labor.hawaii.gov/hiosh/main/legislation-announcement-2026/>



Stay Cool, Mālama i ke Kino

(Take care of Your Body)



**WATER.
REST.
SHADE.**

Remember to:

- Drink water often, even if you are not thirsty.
- Rest in the shade to cool down.
- Report heat symptoms early.
- Know what to do in an emergency.

If you have question or concerns about heat safety in your job, contact us.



www.labor.hawaii.gov/hiosh

(808) 586-9100 | TDD/TTY Dial 711 then ask for (808) 586-9116



The Right to Refuse Unsafe Work:

What It Really Means

WHAT IT REALLY MEANS

Understanding an Employee's Right to Refuse Dangerous Work

Most employees understand that workplace safety is a shared responsibility. Employees are expected to follow established safety procedures, wear required personal protective equipment (PPE), and report hazardous conditions. Employers, in turn, are responsible under the HIOSH Law (§396-8(e), Hawaii Revised Statutes, HRS) for providing a workplace free from recognized hazards.

But what happens when an employee believes a task is too dangerous to perform? Contrary to popular belief, employees do not have a general right to refuse work simply because they feel uncomfortable or believe a task is unsafe. However, under §396-8, HRS employees are protected from retaliation when they refuse to operate unsafe equipment or engage in unsafe practices under certain limited circumstances. This protection is intended for situations involving a genuine and immediate threat to the employee's safety—not for routine disagreements over workplace conditions.

When Is a Job Refusal Protected?

Under Hawaii Administrative Rules (HAR) §12-57-7(b)(2), a refusal to perform work is protected only when all of the following conditions are met:

1. The employee requested that the hazard be corrected. Whenever possible, the employee must first notify the employer of the hazardous condition and give the employer an opportunity to correct it.
2. The refusal is made in good faith. The employee must genuinely believe that performing the work would expose them to a danger of death or serious physical harm.
3. The danger is objectively reasonable. A reasonable person under the same circumstances would conclude that the work presents a real danger of death or serious injury.
4. There is no time to seek normal enforcement. The situation must be so urgent that there is insufficient time to eliminate the hazard through regular enforcement procedures, such as requesting a HIOSH inspection.

Because all four conditions must be satisfied, protected job refusals are relatively uncommon.

Important: A protected work refusal does not give an employee the right to leave the workplace. Under HAR §12-57-7(b)(1), an employee generally should remain at the worksite and be available to perform other safe work assignments. The protection applies only to refusing the specific task that presents the imminent danger.

Myth	Fact
An employer can discipline me for reporting safety hazards.	No, HIOSH Law prohibits retaliation against employees who exercise their rights in good faith.
Employees can refuse any job they think is unsafe	Employees may refuse work only under very limited circumstances involving an imminent danger of death or serious physical harm.
If I refuse unsafe work, I can leave the jobsite.	Generally, no. Employees should remain available for other safe work unless otherwise directed.

What Should Employees Do?

If you believe a task presents an imminent danger:

1. Immediately notify your supervisor and clearly explain the hazard.
2. Give the employer an opportunity to correct the condition.
3. If the hazard cannot be corrected immediately and you reasonably believe the danger is imminent, refuse only the hazardous task.
4. Remain at the worksite, if appropriate, and be available for other safe work assignments.

What Should Employers Do?

When an employee raises a safety concern, employers should respond promptly and objectively. A timely evaluation of the reported hazard, open communication, and appropriate corrective action will often resolve the issue before it escalates into a work refusal.

Even when an investigation concludes that no imminent danger exists, treating employee concerns respectfully helps build trust and reinforces a positive safety culture.

Employers should also remember that HRS §396-8 prohibits discrimination or retaliation against employees for exercising their rights under the HIOSH Law. Employees should feel comfortable reporting hazards without fear of being fired, demoted, disciplined, or otherwise retaliated against.

Building a Culture of Safety

An effective safety and health program encourages employees to report hazards, ask questions, and participate in improving workplace safety. At the same time, employees should recognize that the right to refuse dangerous work is a narrow legal protection reserved for exceptional circumstances involving imminent danger.

The best way to prevent job refusals is through proactive hazard identification, effective communication, regular safety training, and prompt correction of unsafe conditions. When employers and employees work together, most safety concerns can be resolved long before anyone is placed at risk.

Know Your Rights

Employees who believe they have been retaliated against for exercising their rights under the Hawaii Occupational Safety and Health Law may file a discrimination complaint with the HIOSH division. Under HRS §396-8(e)(4) and HAR §12-57-8(d), complaints generally must be filed within 60 days of the alleged retaliatory action.

Contact Us



RANDAL TIU,
Administration and Technical
Support Manager

For more information on creating workplace safety culture, go to <https://labor.hawaii.gov/hiosh/shms>

HIOSH Whistleblower Investigation Manual (WHIM)

To learn more about the procedures followed by HIOSH Whistleblower Investigators conduct, visit the website.

<https://labor.hawaii.gov/hiosh/guidelines/directives/hwim/>





More than an award

Recognizing Excellence in Workplace Safety & Health

- A symbol of excellence, and leadership
- Exemption from HIOSH Programmed Plan Inspections
- Public Recognition
- and more



labor.hawaii.gov/hiosh/cooperative-programs/hvpp

Public Health through HIOSH Internship

Practical experience in OSH and community education

BY JONATHAN MORAN, HELE IMUA INTERN [AT HIOSH]



Finding meaningful work experience while in college can be challenging. Also, after graduating, the transition into the exact career can be tough. Estimates show that around 50% of college graduates are underemployed in their first jobs post-graduation. That's why students often look for opportunities that align with their interests, build professional skills, accommodate their schedules, and provide valuable real-world experience.

My internship with Hawaii Occupational Safety and Health (HIOSH) has provided exactly that opportunity, allowing me to work alongside safety and health professionals who help protect Hawaii's workforce.

What are my responsibilities and duties?

Reading. Lots of reading. One of my primary responsibilities has been reviewing OSHA and HIOSH regulations and standards and this has allowed me to understand how workplace safety laws are applied to real-world situations. I have also assisted with workplace inspections and participated in community education and outreach efforts aimed at promoting safer workplaces throughout Hawaii.

How does this internship relate to my degree?

As a public health student, one of the coolest things I've learned is how closely workplace safety and public health are connected. Preventing workplace injuries and illnesses is just another form of disease and injury prevention. This internship has helped me see how the concepts I learned in class apply to real workplaces and real people.

“Preventing workplace injuries and illnesses is just another form of disease and injury prevention.”

Impact on future career goals.

Before my internship, I was aware of occupational safety and health as a potential career field, but I had limited exposure to the day-to-day work involved. Now, it’s become one of the areas of public health that interest me the most. I’ve learned a lot so far about the different career paths available and gained a better understanding of how safety professionals help protect workers every day.

My takeaway.

One thing that surprised me was how much workplace safety involves education and communication. Before starting the internship, I mostly thought safety professionals spent their time enforcing rules. While enforcement is important, I’ve learned that a big part of the job is helping employers and workers understand how to create safer workplaces before problems occur.

Overall, my experience with HIOSH so far has been both educational and rewarding. The staff have been supportive, knowledgeable, and accommodating my academic schedule, creating an environment where I have been able to learn and grow professionally.

For students interested in public health, occupational safety, or workplace health promotion, I strongly recommend considering an internship with HIOSH. The experience provides valuable hands-on learning, professional development opportunities, and insight into an important area of public health practice.



Hele Imua is a 12-week internship opportunity for the State of Hawaii. The program is managed by the Workforce Development Division (WDD).

The purpose of the program is to provide eligible candidates exposure to various high-demand occupations in state government that may transition into gainful employment within Hawai'i's labor market.



Learn more about Hele Imua on **Workforce Development Division.**

Work on Low-Slope Roofs (for General Industry)

Between 2014 and 2021, falls to lower level account for 7% of all non-construction fatalities nationwide – (2,178) of the 32,670 cases (year 2019 is excluded because BLS data was not available). In Hawai'i, falls have consistently been the second most common cause of workplace fatalities from 2019 through 2022.

Goal of this fact sheet is to significantly reduce or eliminate unprotected worker exposures to fall-related hazards that can result in serious injuries and death.

Risks for General Industry

General Industry workers on low-slope roofs – low-slope is a roofing system with a pitch equal or less than 4:12, meaning it rises less than 4 inches vertically for every 12 inches of horizontal run – face significant fall hazards because even routine tasks can bring them unexpectedly close to an unprotected edge.

HIOSH is particularly concerned about situations where workers become distracted—whether by tools, equipment checks, or environmental conditions—and unintentionally drift into the danger zone. A momentary loss of balance, a misstep on loose material, or a sudden change in footing can quickly turn into a serious or fatal fall.

Managing Risks

The following categories outline the fall protection (FP) options available to employers based on three key factors: how far workers are from an unprotected edge, how often the task is performed, and how long the task lasts.

These criteria help determine the appropriate level of protection needed to keep workers safe while performing tasks on low-slope roofs in General Industry.

1. Work <6ft from edge

If the employee is working less than 6 feet from the edge, then the employer must provide conventional fall protection systems (CFPS) such as guardrail system, safety net system, travel restraint, or personal fall arrest system.

2. Work 6ft ≤ x < 15ft from edge

When work is performed between 6 feet and 15 feet from the roof edge, the employer must protect each employee by using conventional fall protection systems (i.e., guardrail system, safety net system, travel restraint, or personal fall arrest system).

However, if the work in this zone is both *infrequent*¹ and *temporary*², the employer may instead establish and use a designated area (DA).

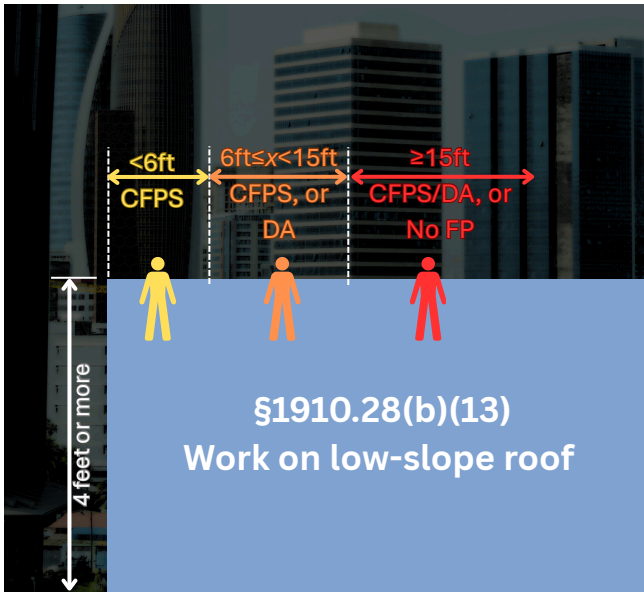
A designated area means a distinct portion of a walking-working surface delineated by a warning line (lines and stanchions) in which employees may perform work without additional fall protection.

3. Work ≥15ft from Edge

When work is performed 15 feet or more from the roof edge, the employer must either provide conventional fall protection systems.

Another option is to use a designated area like previously mentioned.

Finally, the third option if work is both *infrequent*¹ and *temporary*², in which case fall protection is not required. The employer must also establish and enforce a strict work rule that prevents employees from entering the area within 15 feet of the edge unless they are using the appropriate fall-protection measures described previously.



How to Contact HIOSH

Under the Hawai'i Occupational Safety and Health Law, **employers are responsible for providing safe and healthful workplaces for their employees.**

HIOSH's mission is to assure Hawai'i's workers have safe and healthful working conditions free from unlawful retaliation.

HIOSH carries out its mission by setting and enforcing standards; enforcing anti-retaliation provisions of the HIOSH Law; providing and supporting training, outreach, education, and assistance.

For more information, call HIOSH at **(808) 586-9100** or visit www.labor.hawaii.gov/hiosh.

Footnotes

1. Tasks performed or repeated on a daily, routine or regular basis are not infrequent activities within the meaning of the final rule. Infrequent jobs also do not include those that workers perform as a primary or routine part of their job or repeatedly at various locations during a work shift. A task may be considered infrequent when it is performed once a month, once a year, or when needed. 81 Fed. Reg. 82513 (November 18, 2016)
2. *Temporary means that the duration of the task the worker performs is brief or short. Temporary and brief or short tasks generally include those that a worker is able to perform in less time than it takes to install or set up conventional fall protection...also include those that workers are able to complete at one time rather than repeatedly climbing up or returning to the roof or requiring more than one workshift to complete...short duration tasks generally are those that take less than '1-2 hours' to complete. 81 Fed. Reg. 82513 (November 18, 2016)*



This is one in a series of informational fact sheets highlighting HIOSH programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of HIOSH standards or regulations, refer to Title 12, Subtitle 8 of the Hawai'i Administrative Rules.

Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY Dial 711 then ask for (808) 586-9116



Upcoming Events

Online Webinars

Description:

HIOSH will be hosting an online webinar designed for employers and employees who register in advance to learn the basics of workplace hazards, the regulations that protect workers, and common solutions to address these hazards.

These sessions are intended solely for general awareness and do not serve as formal training or certification workshops.

Advance online registration is required to secure your seat. More information on the online event page. Scan the QR code or click it to register.



Electrical Hazards (July)

Date: Wednesday, July 1, 2026

Time: 9 AM HST



Upcoming Events

Online Webinars



Anti-Retaliation under §396-8(e), HRS (August)

Date: Monday, August 3, 2026

Time: 9 AM HST



Hazard Communication (September)

Date: Tuesday, September 1, 2026

Time: 9 AM HST



Stronger Together

Join the HIOSH's Alliance



Educate our local communities together

Community leaders helping their communities is what alliance is all about. As a HIOSH Alliance, you will:

- Connect with community peers
- Sharpen your safety skills
- Give back to your community



labor.hawaii.gov/hiosh/cooperative-programs/alliances/