

Department of the Interior

Departmental Manual

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Series: Safety Management

Part 485: Safety and Occupational Health Program

Chapter 8: Employee Reports of Unsafe Conditions and Allegations of Reprisal

Originating Office: Office of Managing Risk and Public Safety

485 DM 8

8.1 Purpose. To specify the minimum Safety and Occupational Health Program (Program) requirements for handling, investigating, and resolving employee reports of unsafe or unhealthful conditions, and allegations of reprisal.

8.2 References.

- A. Executive Order 12196, Section 1-2-1 (f) and (h).
- B. 29 CFR 1960.28, Employee Reports of Unsafe or Unhealthful Working Conditions.
- C. 29 CFR 1960, Subpart G. Allegations or Reprisal.

8.3 Requirements for Handling Employee Reports of Unsafe or Unhealthful Conditions.

A. Each bureau will establish and maintain formal and informal processes for employees or their representatives to report unsafe and unhealthful conditions in the workplace; and to request an inspection of the condition(s).

B. The informal process will be one that encourages employees to verbally report unsafe and unhealthful conditions to their supervisors. It will also encourage supervisors to act promptly and appropriately on employees' reports so that the more time-consuming formal process is unnecessary.

C. The formal process will be in writing and provide employees or their representatives the opportunity to remain anonymous and still be informed of the resolution of their concerns. It will also include provisions on how employees or their representatives may appeal to higher authorities, including the Departmental Designated Agency Safety and Health Official (Departmental DASHO) and the Secretary of Labor. (See 29 CFR 1960.28.)

D. In the case of imminent danger situations, employees or their representatives will be able to make reports by the most expeditious means available and follow-up with written reports.

E. A log of reports of unsafe or unhealthful conditions will be maintained by the appropriate safety office or establishment and the conditions will be tracked until they are resolved. (See 29 CFR 1960.71.)

F. Reports of imminent danger conditions will be investigated within 24 hours. Potentially serious conditions will be investigated within 3 working days and other hazardous conditions within 20 working days.

G. Employees or representatives submitting a report will be notified in writing by the official in charge of the establishment within 15 calendar days, if the official does not plan to make an inspection.

H. A copy of the bureau's report of an inspection, made as a result of an employee's formal report of an unsafe or unhealthful condition, will be provided to the employee or his/her representative within 15 calendar days after completion of investigating a safety concern and within 30 calendar days for a health concern. If additional time is required, the employee or representative will be notified of the expected due date.

I. If the Occupational Safety and Health Administration (OSHA) receives a report of an unsafe or unhealthful condition, it has the option of allowing the Department to conduct its own investigation.

8.4 Requirements for Handling Employee Allegations of Reprisal Reports.

A. Employee allegations of reprisal related to participation in the Program will be handled through Departmental administrative grievance procedures (370 DM 771, 3) or appropriate collective bargaining agreements, with technical assistance of the appropriate safety office as needed. The specific procedures will be documented by the bureau and provided to its employees.

B. Copies of investigation findings will be provided to the bureau safety and health manager. A copy will also be provided to the Secretary of Labor, upon request.

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