

Department of the Interior Departmental Manual

Effective Date: 10/31/2022

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 Occupational Safety and Health

485 DM 8

8.1 **Purpose.** The detection of unsafe and unhealthful working conditions at the earliest possible time and the prompt correction of related hazards at the lowest possible worker level are essential elements of the Department of the Interior's (Department) safety and occupational health program (Program). This chapter specifies the minimum Program requirements for handling, investigating, and resolving employee reports of unsafe or unhealthful conditions, and allegations of reprisal.

8.2 **Scope.** Applies to all Bureaus and Offices in the Department.

8.3 **Authority.**

A. [Public Law 91-596. "Occupational Safety & Health Act of 1970." \(The Act\) Section 19.](#)

B. [Executive Order 12196, "Occupational Safety and Health Programs for Federal Employees," February 26, 1980.](#)

8.4 **References.**

A. Title 29, Code of Federal Regulations (CFR), "Labor."

(1) [Part 1960, Subpart G, Allegations of Reprisal.](#)

(2) [Part 1960.28, Employee Reports of Unsafe or Unhealthful Working Conditions.](#)

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8.5 Employee Reports of Unsafe or Unhealthful Conditions.

A. Each Bureau will establish and maintain a process for employees or their representatives to report unsafe and unhealthful conditions in the workplace; and to request an inspection of these conditions.

B. The process should allow for oral and written reports and provide employees or their representatives the opportunity to limit identity disclosure to only authorized representatives of the Department or Bureau, if they desire, and to still be informed of the resolution of their concerns.

C. In the case of imminent danger, employees or their representatives must be allowed to make reports by the most expeditious means available and follow-up with written reports.

D. Oral Reports. In concert with the intent to correct unsafe and unhealthful working conditions, employees are encouraged to first report these conditions orally to their immediate supervisor. Under their supervisory responsibility to provide employees with a safe and healthful workplace, supervisors will take appropriate action to abate or mitigate unsafe or unhealthful working conditions. Employees are not required to await the outcome of an oral report before filing a written report under the provisions of this chapter.

E. Written Reports. An employee or employee representative who believes an unsafe or unhealthful working condition exists in the employee's workplace is encouraged and has the right to make a written report of the unsafe or unhealthful working condition to the appropriate safety manager and to request an inspection of the workplace. The report must contain:

- (1) A description of the alleged unsafe or unhealthful working condition in as much detail as possible,
- (2) The location of the hazardous situation, and
- (3) Appropriate contact information.

F. Confidentiality. Upon request of the individual making such a report, no person may disclose the identity of the individual making the report, or the names of individuals referred to in the report to anyone other than authorized representatives of the Department or the Bureau.

G. Response. If an inspection or investigation is conducted, the investigation report, if any, shall be made available to the employee making the complaint report or their authorized representative upon request within 15 business days after completion of the inspection, for safety violations; or within 30 business days for health violations, unless there are compelling reasons,

not to provide the reports. However, an inspection may not be necessary if, through normal management actions and with prompt notification to employees and safety and health committees, the hazardous condition(s) identified in the complaint was inspected and abated immediately.

An employee submitting a report of unsafe or unhealthful conditions must be notified in writing within 15 business days if the official receiving the report determines through preliminary inspection or investigation that there are no reasonable grounds to believe such a hazard exists and does not plan to conduct a formal inspection based on such report.

H. Employee Appeals – Bureau Employees. If the reporting employee of the request for an inspection of an unsafe or unhealthful working condition is not satisfied with the supervisor's response or the inspection findings, subsequent reviews or appeals may be requested through the following:

- (1) Respective supervisory chain of command;
- (2) The Bureau safety manager;
- (3) The Bureau DASHO;
- (4) The Director, Office of Occupational Safety and Health;
- (5) The Departmental DASHO;
- (6) The Department of Labor, Occupational Safety and Health Administration (OSHA), Office of Federal Agency Programs.

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

A. The information from a report of unsafe or unhealthful conditions will be entered into the log maintained within the Safety Management Information System (SMIS) by the appropriate safety office or establishment and the condition(s) will be tracked until resolved. At a minimum, the log should contain the following information: date, time, code/reference/file number, location of condition, brief description of the condition, classification (imminent danger, serious or other), and the date and nature of action taken.

B. The Bureau or Office receiving the report will investigate imminent danger conditions (Risk Assessment Codes 1) within 24 hours, potentially serious conditions (Risk Assessment Code 2) within three working days, and other than serious safety and health conditions (Risk Assessment Codes 3, 4 and 5) within 20 working days. See 485 DM 6, Table 2 for Risk Assessment Code definitions and additional Notice of Unsafe Condition abatement and posting requirements.

C. Upon completion of the investigation, a copy of the Bureau's inspection report will be provided to the employee or their representative as described in section 8.5 D. above . If a safety committee is established in accordance with the “certified” safety and health committee establishment guidelines contained in 29 CFR 1960, a copy of the report shall be provided to it as well. If additional time is required, the employee or representative will be notified of the expected due date.

D. If OSHA receives a report of an unsafe or unhealthful condition, they may elect to conduct an investigation or allow the Department to conduct its own investigation and provide them with a response.

8.7 Requirements for Handling Employee Allegations of Reprisal Reports.

A. Employee allegations of reprisal related to participation in the Safety and Occupational Health Program will be handled through the Departmental administrative grievance procedures (370 DM 752) or through the appropriate collective bargaining agreements. In either case, the appropriate Bureau or operating unit safety officer may provide technical assistance, as requested. 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 and the appropriate certified safety and health committee, if so established. A copy will also be provided to the Secretary of Labor, upon request. A copy of the investigation report may be provided to the employee or their representative upon request.