

OSHA and NLRB team up — to help retaliation complainants avoid missing filing deadlines

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On May 21, 2014, it was recommended to the Assistant Secretary in charge of the U.S. Occupational Safety and Health Administration (OSHA) that retaliation complaints which could also constitute unfair labor practices under the National Labor Relations Act (NLRA), should be processed through the NLRB.

Under Section 11(c) of the Occupational Safety and Health Act of 1970 (OSH Act), charges must be filed within 30 days of the alleged retaliatory action.

According to OSHA, hundreds of such charges are dismissed each year as untimely.

Under the NLRA, charging parties have 180 days to file an unfair labor practice charge.

Section 7 of the NLRA provides, in part, that employees may engage in activities for mutual aid and protection, and that any adverse action taken against employees for engaging in such activities is an unfair labor practice under Section 8 of the NLRA.

Some Section 11(c) retaliation complaints involve only activities that are protected solely under the OSH Act. However, many involve protected concerted activity and, therefore, may also fall under the NLRA.

As far back as 1975, OSHA and the NLRB signed a memorandum of understanding outlining procedures for handling safety retaliating complaints filed with either or both agencies. Where filed with both, it was agreed that OSHA would handle enforcement.

The recommended policy contained in the May 21, 2014 memorandum is for OSHA personnel to advise all complainants who have filed, or attempted to file, an untimely retaliation complaint, to also contact the NLRB to inquire

about filing an unfair labor practice charge with that agency.

The OSHA personal were also instructed to advise complainants of the filing deadlines under both laws, and provide contact information for the appropriate NLRB field office.

The May 21, 2014 memorandum may be found on the NLRB.gov website under Operations-Management memos—OM – 1460 at <http://www.nlr.gov/reports-guidance/operations-management-memos>.

It's recommended that retaliation complaints that also constitute an unfair labor practice should be processed through the NLRB.

NIOSH has a smartphone App on proper angle for setting up a ladder

According to the Consumer Product Safety Commission (CPSC), every year in the US thousands of people are injured and hundreds killed in ladder-related accidents.

Elevated falls, including ladder accidents, account for almost 700 on-the-job deaths each year, which is about 15 percent of all occupational deaths.

Over the past 10 years, the number of ladder-related injuries has increased 50 percent; these are accidents that OSHA believes are 100 percent preventable with climber training and proper equipment.

For example, human error is by far the leading cause of ladder accidents. One of those human errors is incorrect placement of ladders. In that regard, the Centers for Disease Control and Prevention's National Institute for Occupational Safety and Health (NIOSH) has developed a free "Ladder Safety app" — the first of its kind in the industry — to help users know the proper angle to use when setting up a ladder.

The app is available for both Apple and Android mobile devices. Go to Apple's iTunes store, and for Android go to Google Play and do a search for "ladder safety app."