

**FISH AND WILDLIFE SERVICE
OCCUPATIONAL SAFETY AND HEALTH**

6.1 What is the purpose of this chapter? This chapter describes the procedures and responsibilities for reporting and responding to reports of unsafe or unhealthy working conditions.

6.2 What is the scope of this chapter? This chapter applies to U.S. Fish and Wildlife Service (Service) employees, volunteers, Youth Conservation Corps members, seasonal workers, and students.

6.3 What are the authorities for this chapter?

A. Occupational Safety and Health Act, Federal Agency Safety Programs and Responsibilities (Public Law 91-596, Sect. 19).

B. Executive Order 12196, Occupational Safety and Health Programs for Federal Employees.

C. Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters, Employee Reports of Unsafe or Unhealthy Working Conditions (29 CFR 1960.28).

D. Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters, Allegations of Reprisal (29 CFR 1960, Subpart G).

E. 485 DM 8, Employee Reports of Unsafe Conditions and Allegations of Reprisal.

6.4 What are the primary responsibilities associated with reports of unsafe or unhealthy working conditions?

See Table 6-1.

Table 6-1: Responsibilities associated with reports of unsafe and unhealthy working conditions	
These employees...	Are responsible for...
A. The Director	Ensuring that employee reports of unsafe and unhealthy working conditions are responded to in accordance with this chapter.
B. The Chief, Division of Safety and Health	(1) Updating and revising this chapter, as necessary, and (2) Providing technical advice to the Regional Safety Managers, when requested.
C. Directorate Members	Ensuring that employee reports of unsafe and unhealthy working conditions within their areas of responsibility are responded to in accordance with this chapter.
D. Regional and Washington Office (WO) Safety Managers	(1) Assisting Project Leaders/supervisors with providing a safe and healthful workplace, (2) Responding to informal and formal employee reports of unsafe or unhealthy working conditions as described in sections 6.7 and 6.8, (3) Maintaining an accurate record of the reported hazards and corrective actions taken, and (4) Providing technical advice to Project Leaders/supervisors or others who are analyzing reported hazards and determining corrective actions.
E. Project Leaders/supervisors	(1) Providing employees with a safe and healthful workplace. (2) Promptly responding to reports of unsafe or unhealthy working

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Table 6-1: Responsibilities associated with reports of unsafe and unhealthy working conditions	
These employees...	Are responsible for...
	<p>conditions from employees and immediately responding to situations where there is imminent danger.</p> <p>(3) Ensuring employees can report safety concerns and actively participate in the facility's safety program without fear of reprisal.</p> <p>(4) Maintaining records of all reports of unsafe or unhealthy working conditions.</p> <p>(5) Posting the Occupational Safety and Health Administration (OSHA)-required safety and health poster (see Exhibit 1). Various versions of this poster are available and appropriate.</p> <p>(6) Ensuring employees are familiar with the content of this chapter.</p>
F. Employees	<p>(1) Reporting safety hazards to their Project Leader or immediate supervisor,</p> <p>(2) Complying with the safety requirements of their assigned tasks, and</p> <p>(3) Immediately correcting a safety hazard if they are able and it is safe to do so.</p>

6.5 What terms do you need to know to understand this chapter?

A. Imminent Danger or Immediately Dangerous to Life and Health. Any condition or practice that could reasonably be expected to cause death or serious physical harm before normal corrective action can be taken.

B. Unsafe or Unhealthy Working Condition. Any hazard or potential hazard that could cause injury or illness. These include hazards that are physical deficiencies as well as unsafe actions.

6.6 What is the Service's policy regarding reports of unsafe or unhealthy working conditions?

A. Employees have the right and are encouraged to report unsafe or unhealthy working conditions. This participation is important in identifying workplace hazards and allowing for their correction before injuries occur. Project Leaders and supervisors are responsible for promptly analyzing and responding to such reports.

B. Employees must never be subjected to restraint, coercion, discrimination, or reprisal for reporting an unsafe or unhealthy working condition. Employees also have the right to refuse to perform a task because they believe the assignment poses an imminent danger or risk of serious bodily harm, and they believe that there is not enough time to correct the hazard using the reporting processes in this chapter.

C. Project Leaders/supervisors must provide their employees with a safe and healthful workplace and correct identified safety deficiencies. This doesn't mean that an employee can't take immediate corrective action for a safety hazard if they are able and it is safe to do so. After taking such action, the employee should notify the Project Leader/supervisor. Project Leaders/supervisors should monitor the workplace for the occurrence of similar hazards and ensure adequate corrective action is taken.

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6.7 How does an employee report an unsafe or unhealthful working condition?

A. There is an informal and a formal process. We encourage you to initially report a hazard using the informal process by verbally notifying the following individuals in the order shown, until the hazard is effectively addressed:

- (1)** Your Project Leader/supervisor.
- (2)** Your facility's Collateral Duty Safety Officer or local Safety Committee.
- (3)** Your Regional/WO Safety Manager.
- (4)** The Directorate member in your chain of command.

B. At any point, you have the right to use the formal process by sending a written report to your Regional/WO Safety Office (see section 6.8).

C. You also have the right to submit a report to OSHA. You can find out how to do this on [OSHA's Web site](#).

6.8 If an employee wants to make a formal report, what should he/she do and what should he/she expect?

A. To formally report a hazard, you should send the Regional/WO Safety Office a written summary of the hazard and its location, along with your name and phone number. You may use FWS Form 3-2228 (Hazard Report) or your Region/program may have a specific form for this purpose. If the hazard is an imminent danger or immediately dangerous to life and health, you may verbally notify the Regional/WO Safety Office and send your written report afterwards. You may request that your name not be released, meaning your name can only be released to an authorized representative of the Secretary of Labor.

B. Unless through normal management actions the hazard is quickly corrected or the Regional/WO Safety Office determines that there are not reasonable grounds to believe such a hazard exists, after receiving your report, the Regional/WO Safety Office conducts or arranges for an inspection.

(1) The inspection must occur within:

- (a)** 24 hours for an employee report of an imminent danger situation,
- (b)** 3 working days for a potentially serious unsafe or unhealthful working condition, and
- (c)** 20 working days for other than serious unsafe or unhealthful working conditions.

(2) You will be notified in writing within 15 calendar days for safety hazards and 30 calendar days for health hazards of the inspection results.

C. If the Regional/WO Safety Office determines that there is no hazard, they will notify you in writing within 15 calendar days.

6.9 What if an employee is not satisfied with the formal report results?

A. If you are dissatisfied with the response from the Regional/WO Safety Manager, you may appeal in writing to the Directorate member in your chain of command.

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B. If the response from the Directorate member is not satisfactory, you may make a written appeal to the Director.

C. Directorate members and the Director have 20 working days from receipt to review appeals.

D. If you are dissatisfied with the response from the Director, you may make a written appeal to the Department of the Interior Designated Agency Safety and Health Official. Send your appeal to the Office of Occupational Safety and Health, 1849 C Street, N.W., Washington, D.C. 20240.

/sgd/ Rowan W. Gould
DEPUTY DIRECTOR

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