

Chapter 3

EMPLOYEE REPORTS OF UNSAFE OR UNHEALTHFUL WORKING CONDITIONS

3-1. Purpose. The purpose of this chapter is to establish procedures for reporting, inspecting, and resolving employee complaints alleging unsafe or unhealthful conditions.

3-2. References.

a. 29 CFR 1960.28, Federal Agency Safety Programs and Responsibilities, Employee Reports of Unsafe of Unhealthful Working Conditions.

b. AR 385-10, The Army Safety Program.

3-3. General. Many safety and occupational health problems can be eliminated as soon as they are identified. This can be accomplished most rapidly when there is an open channel of communication between managers and employees. The soundness of the safety and occupational health program and the supervisor-employee relationship in each shop should be such that any employee may report an unsafe or unhealthful condition to their supervisor and expect quick action in resolving the condition or setting up a plan of action to eliminate it.

3-4. Policies.

a. Any employee, or representative of employees, who believes that an unsafe or unhealthful working condition exists, is encouraged to report the hazard and request an inspection of the workplace to their supervisor or to the Safety Office. Employees are encouraged to report unsafe or unhealthful conditions to their supervisors so actions in resolving the hazards may be initiated. The request may be in writing or verbal form.

b. Employees will not be subject to restraint, coercion, interference, discrimination or reprisal by virtue of such employee's participation in filing of reports of unsafe or unhealthful working conditions.

3-5. Responsibilities.

a. Supervisors shall thoroughly investigate employee complaints of suspected safety hazards. If the complaint is determined to be a safety hazard, the supervisor shall initiate appropriate corrective action.

b. If the supervisor determines that a hazardous condition does not exist, they shall inform the employee of the basis for this determination. If the employee is dissatisfied with the response or corrective actions taken, they may submit a request that the condition be further investigated by the Safety Office. An employee has the right to request further investigation by the safety office, at any point, by following the procedures outlined in this regulation.

c. Employees have the right to complete a DA Form 4755, Employee Report of Alleged Unsafe or Unhealthful Working Conditions (see Appendix

E), and submit directly to the Safety Office for investigation of potential hazards. These forms are posted on official bulletin boards for employee access. Reports may be submitted directly to the installation Safety Office or through supervisory and command channels.

d. Reports should be signed by the originator or representative so the Safety Office can communicate with the employee. If an employee wants his involvement and identity confidential, he may indicate this by marking the appropriate box in section 6 of DA Form 4755.

e. The Safety Office will investigate all submitted reports. Reports that appear to involve imminent danger will receive priority attention. If an imminent danger situation exists, the inspector will follow the procedures outlined in Chapter 1, paragraph 1-10 of this regulation.

f. The Safety Office will notify the originator of the results of the investigation. A written notification will be furnished within 10 working days following receipt of the report.

g. If it is determined that a hazard exists, the reply will include a summary of the actions to be taken and the anticipated date that the corrective action will be completed. If hazard abatement cannot be completed within a 10 workdays suspense, an interim response will be provided to the originator. If no hazard is detected, a reply to the employee with a basis for the decision is required.

h. If the originator is dissatisfied with the safety and occupational health official's response, the originator may appeal the decision utilizing the appeals process described in AR 385-10. Information on the appeal process will be provided with each written response returned to the originator.