

PART TWO

OUTSIDE HELP

PART TWO will help workers identify legal, regulatory, educational, media, medical and other resources and groups that provide assistance to workers and unions seeking to improve working conditions. Remember that outside help is no substitute for an active health and safety program inside the workplace. Outside help is most effective when used as part of a local plan for health and safety that includes many of the activities explained in PART ONE.

1. Protection against Discrimination

Workers and unions attempting to improve workplace health and safety may experience discrimination or retaliation from management. There are a number of legal remedies if this happens. It makes sense to be cautious, however, and not rely on legal protections to protect jobs. Legal remedies can be costly and time-consuming.

If a worker experiences discrimination as a result of health and safety activity, they should immediately contact their union, if they have one. If not, they should promptly consult an attorney.

PROTECTION UNDER LABOR LAWS

Labor laws may protect health and safety activity by workers and unions.

Private sector employees should contact the National Labor Relations Board:

- Newark (Mercer and Monmouth counties and counties north of them)
Phone: 973-645-1200
- Philadelphia (Southern New Jersey)
Phone: 215-597-7601
www.nlr.gov

New Jersey public sector employees should contact the Public Employees Relations Commission:

Phone: 609-984-7372
www.state.nj.us/perc/



PROTECTION UNDER OSHA/NJPEOSH

OSHA and NJPEOSH have provisions forbidding employers to fire, demote, threaten or harass workers exercising rights to a safe and healthy workplace. *Note that OSHA/NJPEOSH has been able to enforce these provisions in a few cases.* Contact information for discrimination complaints is:

Private Sector Employees

OSHA Region II Office in New York City

Phone: 212-337-2365

www.osha.gov/as/opa/worker/complain.html

Public Sector Employees

NJ Dept of Labor and Workforce Development (NJDLWD)

Office of Public Employee Safety

Phone: 609-633-3896, 609-292-7036, 800-624-1644

www.state.nj.us/labor/lasse/forms/peoshdisc.pdf

PROTECTION UNDER THE NEW JERSEY CONSCIENTIOUS EMPLOYEES PROTECTION ACT (CEPA)

Under CEPA, N.J.S.A. 34:19-1, et seq., workers have a right to disclose and refuse to participate in unlawful employer activity without employer retaliation. First, however, a worker must give clear notice to their employer and give them a chance to fix the problem.

PUBLICATIONS WITH MORE INFORMATION



WEC Poster about CEPA – *Speak Out About Workplace and Environmental Hazards*

You Have a Right to Disclose and Refuse to Participate in Unlawful Activity without Employer Retaliation - CEPA

Phone: 609-695-7100, New Jersey Work Environment Council

www.njwec.org

Example of a CEPA Poster required to be posted in the workplace

[www.state.nj.us/labor/AD-270\(11X17\).pdf](http://www.state.nj.us/labor/AD-270(11X17).pdf)

Protecting Whistleblowers with Job Safety and Health Complaints, OSHA Publication 3164, 2000.

Phone: 202-693-1888, OSHA Publications Office

www.osha.gov/Publications/osa3164.pdf

COSH NETWORK PAMPHLETS ON DISCRIMINATION

- *Using Section 11(c) of the Occupational Safety and Health Act*
- *Health and Safety and the National Labor Relations Act*
Print only – **Phone:** 609-695-7100, New Jersey Work Environment Council
- *How to Protect Yourself from Retaliation if You Need to Complain about a Dangerous Job*

www.coshnetwork.org/PWWR11cshort.pdf

