

TOOLBOX TALK: SPEAKING UP

Job or site _____

Date _____

Led by _____

Open with this

Hands up anybody who has looked at something on a site and thought that is not right, and then carried on. Keep your hand up. Now look around. That is the whole talk.

The talk

Nobody stays quiet because they do not care. They stay quiet because they are new, because they are the only one who thinks it, because the guy who owns the ladder is standing right there, or because they think it is not their business. All four of those are normal and all four of them are how people get hurt.

So here is what the law says, because most crews have never been told. It is illegal for anybody to fire you or punish you in any way because you raised a safety complaint, because you started a proceeding, because you testified, or because you used any right the Act gives you. Not discouraged. Illegal.

If it happens anyway there is a clock on it. You have thirty days from the day it happens to file a complaint with the Secretary of Labor. Thirty. Not thirty working days, and the clock does not wait for you to decide how you feel about it.

Refusing to do a job is a different thing from reporting one, and this is the part that gets people fired, because they think the two are the same. Refusing is protected in a narrow case only, and it is worth knowing the shape of it exactly.

All of this has to be true at once. A reasonable person standing where you are standing would conclude there is a real danger of death or serious injury. There is no time to fix it the normal way because of how urgent it is. You have no reasonable alternative. And where it was possible, you already asked your employer to fix it and they would not.

Read that again and notice what it does not cover. It does not cover a job you think is badly organized, or a rule you disagree with, or a hazard you never mentioned to anybody. For all of those the protected move is to say it, loudly, to the person who can fix it, and to keep saying it. The narrow refusal is for the moment you are being asked to step onto something that will kill you.

On this crew the ask is smaller than any of that. If you see it, say it, to anybody. You do not have to be right. Nobody on this site gets treated badly for being wrong about a hazard, and if that ever stops being true, you already know what the thirty days are for.

Point at these before anybody starts

- One thing on this site right now that somebody has already mentioned and nobody has fixed.
- The person on this crew you would actually tell. Not the org chart, the real one.
- Where the OSHA poster is, and whether anybody can read it from where it hangs.
- The newest person here, and who is supposed to be watching out for them.
- Anything you walked past this morning and thought about for a second.
- The phone number for the office, and whether you have it in your phone.

The rules that apply

- No person may discharge or discriminate in any manner against an employee because that employee filed a complaint, started or caused a proceeding, testified or is about to testify, or exercised any right the Act gives them.
- An employee who believes they have been discriminated against has 30 days from the violation to file a complaint with the Secretary of Labor.
- A refusal to work is protected only where a reasonable person in the circumstances would conclude there is a real danger of death or serious injury.
- It is protected only where the urgency leaves insufficient time to remove the danger through the normal enforcement channels.
- It is protected only where the employee has no reasonable alternative.
- And where possible the employee must already have asked the employer to correct the condition and been unable to get it corrected.

Ask the crew

- Who on this site would you tell, and would you do it today or wait for the end of the shift?
- How long do you have to file if you are punished for raising something?
- Name one hazard on this job that everybody knows about and nobody has said out loud.

Close with this

Being wrong about a hazard costs a minute. Being right and quiet costs somebody else.

Attendance

Everybody who was present signs, including subcontractors and anybody visiting the site.

	Print name and signature
	Print name and signature
	Print name and signature
	Print name and signature
	Print name and signature
	Print name and signature
	Print name and signature
	Print name and signature
	Print name and signature
	Print name and signature
	Print name and signature
	Print name and signature

This talk is general safety information for a crew briefing, not legal advice and not a substitute for the training your employees are required to have. Standards are quoted for orientation only. Check the current text of the standard and your own state plan, which may be stricter than the federal rule.