

**BRIDGING THE GAP BETWEEN COMPLIANCE OFFICER AND
COMPLAINANT**

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As an agency (LLR) and office (SC OSHA), providing good customer service is the number one performance characteristic for all employees. LLR's mission is to "promote the health, safety and economic well-being of the public through regulation, licensing, enforcement, training and education" and SC OSHA's mission is to "assure safe and healthy working conditions for working men and women". This is done by setting and enforcing standards, providing training, outreach, education, and assistance.

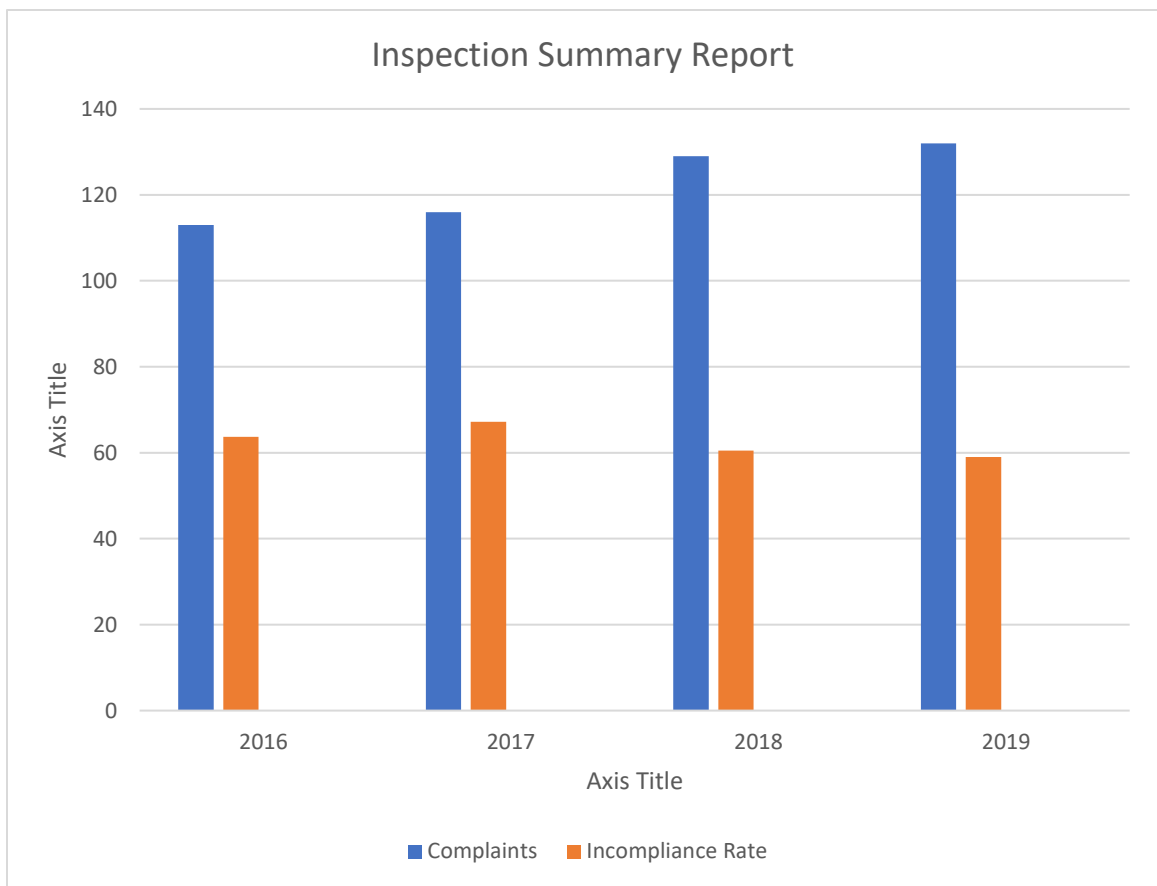
The Occupational Safety and Health Act of 1970 gives employees and their representatives the right to file a complaint and request an OSHA inspection of their workplace if they believe there is a serious hazard or their employer is not following OSHA standards. Workers do not have to know whether a specific OSHA standard has been violated in order to file a complaint. The complaint should be filed as soon as possible after noticing the hazard or lack of compliance because OSHA citations may only be issued for violations that currently exist or existed in the past 6 months. Employees or their representatives must provide enough information for SC OSHA to determine that a hazard possibly exists. Employees do not have to know whether the specific OSHA standard has been violated in order to file a complaint. SC OSHA recommends that employees try to resolve safety and health issues first by reporting them to their supervisors, managers or the workplace safety and health committee. At any time, however, employees can file a complaint with the SC OSHA.

For 20 plus years there has been no requirement or policy that required communication between the complainant and the Compliance Officer investigating the safety and health complaint. Current procedures for the complaint's intake process involves the Administrative Coordinator and supervisors. Complaints are received through a central intake by the

Administrative Coordinator and then evaluated by the supervisors. The Compliance Officer investigating the complaint is not involved in the complaint intake process and receives complaint information second hand. When the Compliance Officer is assigned a complaint inspection, it's their job to identify hazards in the workplace, offer abatement guidelines, and cite for violations of the Safety and Health standards through both communications with employers and written reports. When Compliance Officers are on-site, SCOSHA encourages employees to speak with Compliance Officers to inform them of the hazards, accidents, illnesses, and injuries in the workplace. This is all done in an effort to support a legally sufficient case.

During the intake process of interviewing the complainant, there is a lot of significant information gathered and communicated, but it's not with the Compliance officer conducting the inspection. The Compliance Officer never gets to hear directly from the complainant or review documents submitted by the complainant or representative. Although there is no requirement, Compliance officers occasionally contact the complainant for more information when they are not able to identify things such as but not limited to, the hazard, exposure, and location of the hazard. To improve the quality of information received from complainants, ensure consensus between the complainant and the Compliance Officer, ensure validity of the violation or violations in the workplace, reduce the non-compliance rate, reduce days to initiate complaints and ensure great customer service, I chose to work on bridging the gap between the complainant and the Compliance Officer. This aligns with LLR's and SCOSHA's number one performance characteristic, and will incorporate the Compliance Officer in the initial intake process.

Through OSHA Express’s data base, the Inspection Summary Report, identified the number of formal complaints conducted and the incompliance rate. SCOSHA’s Complaint Inspection Summary Report shows that SCOSHA conducted 113 formal complaints with an incompliance rate of 63.7% in 2016, 116 formal complaints with an incompliance rate of 67.2% in 2017, 129 formal complaints with an incompliance rate of 60.5% in 2018, and 132 formal complaints with an incompliance rate of 59.8% in 2019.



The Inspection Summary Report and complaint process survey (Appendix B) will be used to monitor the number of complaints conducted, incompliance rate, and the improvement of this process. Supervisors are responsible for explaining the complaint process and concepts of a complaint, determining if the complainant is a current employee or employee representative, determining the exact nature of the alleged hazard and basis of the complainant's knowledge, and informing the complainant of their rights. After the complaint information is received the supervisor on duty will evaluate the complaint to determine the validity, severity, and proper course of action. A complaint may be considered invalid if there is no jurisdiction, too vague and unsubstantiated to make a reasonable judgement as to the existence of the alleged workplace hazard or if SC OSHA has conducted recent inspection or has other objective evidence to determine that the hazard is not present. Currently there is also no way to survey the complainants to see if we are meeting their needs during the complaint process

To establish and implement this task, the Compliance Manager and supervisors will be informed and provided procedures requiring Compliance Officers to contact the complainant no later than April 2020. The procedures will then be shared with all Compliance Officers during the monthly staff meeting and implemented June 2020.

The following procedures shall apply when processing and evaluating formal complaints for an on-site investigation:

- Complaints received will be entered into OSHA Express's data base by the Administrative Coordinator upon receipt of the complaint. The

Administrative Coordinator will then provide the supervisor on duty with a copy of the compliant file.

- The supervisor on duty will review the complaint file and contact the complainant to determine if the complainant is a current employee or employee representative, explain the complaint process and concepts of a complaint, determine the exact nature of the alleged hazard and basis of the complainant's knowledge, and informing the complainant of their rights. In order to properly prioritize a complaint, it is essential that as much information as possible be obtained concerning the alleged hazards. Gathering this information will also assist the Compliance Officer for later discussion with the employer or for inspection preparation.
- The supervisors will evaluate the complaint to determine the validity, severity, and proper course of action. A complaint may be considered invalid if there is no jurisdiction, too vague and unsubstantiated to make a reasonable judgement as to the existence of the alleged workplace hazard or recent inspection or other objective evidence to determine that the hazard is not present. In this case the supervisor will recommend the complaint file be administratively closed by the Administrative Coordinator.
- The complaint file and all documents attached will be scanned into OSHA Express by the Administrative Coordinator or Supervisor. The

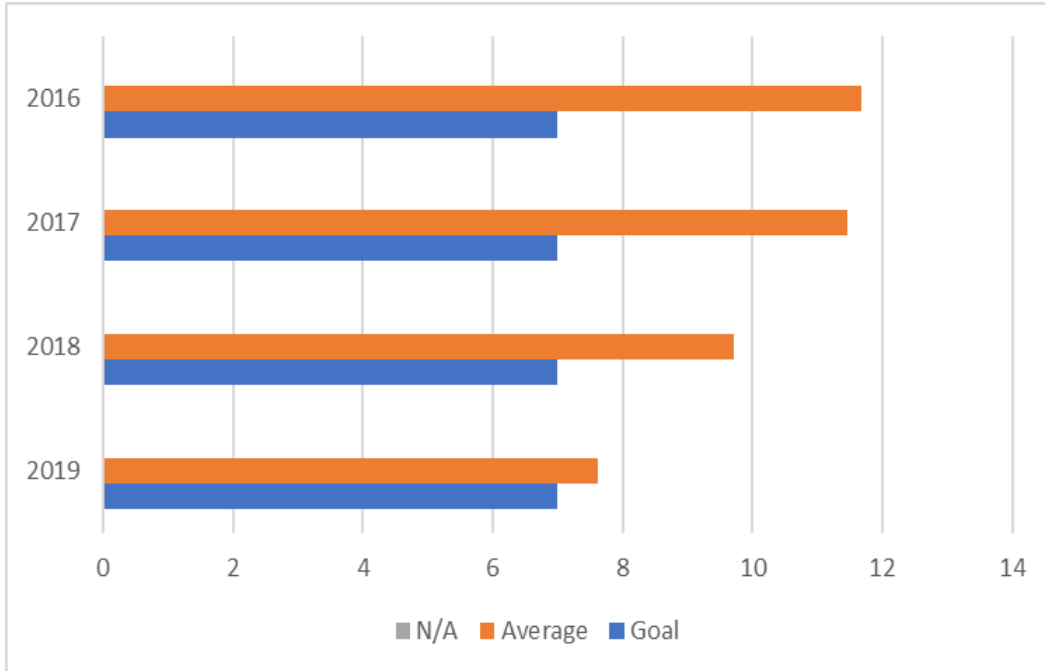
complaint will then be routed to the assignment queue to be assigned to a Compliance Officer.

- The supervisor or Compliance Manager will notify the Compliance Officer that a complaint was assigned for inspection. The Compliance Officer must contact the complainant within 24 hrs. and document it in the communication section of OSHA Express. If the Compliance Officer is unable to contact the complainant, an email will be sent requesting a return call. If the complainant does not respond in three days the Compliance Officer will recommend the file be administratively closed and copies of emails will be attached to the file.
- When contact is made, the Compliance Officer will explain the complaint process and obtain the following information from the complainant using the established Compliance Officer Complaint Processing Questionnaire (Appendix A): The questionnaire will be used to document the hazard, how workers are exposed to the hazard, location of the hazard, equipment and materials used, description of process/operation involved, frequency of task, how long conditions existed, is management aware, work shifts, personal protective equipment provided and used, how many employees are exposed to the hazard, unions. For health hazards, the Compliance Officer will obtain the following information from the complainant: Test results use to determine employee exposure levels to hazardous substances,

engineering controls in place, administrative or work practice controls, symptoms caused by exposure to hazardous substances.

- After obtaining information from the complainant the Compliance Officer will update the complaint if necessary and conduct the inspection within seven working days of date received.
- Compliance Officer will submit a complaint response that will be reviewed by the supervisors and Compliance Manager.
- The complaint response and Complaint Process Survey will then be mailed to the complainant by the Administrative Coordinator.

OSHA's Strategic Plan has a goal of initiating an on-site complaint inspection within seven working days. In 2016, complaint inspections were initiated within 11.67 days, in 2017, complaint inspections were initiated within 11.47 days, in 2018, complaint inspections were initiated within 9.72 days, and in 2019, complaint inspections were initiated within 7.62 days.



Implementation Plan

Obstacles such as introducing new procedures to Compliance Officers conducting complaint inspections, requiring Compliance Officers to contact the complainant within 24hrs of assignment date and, not having pertinent information are present. If there is an issue contacting the complainant within 24hrs, the Compliance Officer will document this in the communication section of OSHA Express and send an email to the complainant requesting a returned call. If the Compliance Officer does not receive a call within three days, they must recommend the file be administratively closed by the Administrative Coordinator. When contacting the complainant, if the Compliance Officer is unable to get pertinent information related to the complaint, the Compliance Officer must contact their supervisor or supervisor to determine the proper course of action.

If there is an issue with initiating the investigation within seven days of the date received, the Compliance Officer must document it in the communication section of OSHA Express and contact their supervisor or the supervisor on duty. Due to implementing new procedures, the Compliance Manager, supervisors, and Compliance Officers have been put on notice that future procedures will require the Compliance Officers to contact the complainant prior to conducting an inspection. Procedures will be introduced and a process flow diagram will be provided to the supervisors and Compliance Manager during the supervisor's meeting April 2020. The following week, the procedures and a process flow diagram will be provided to Compliance Officers during the staff meeting. At that time, I will explain the reason for change and how it should improve consensus between our customer (complainant) and the Compliance Officer, ensure validity of the violation or violations in the workplace, reduce the incompliance rate, and improve customer service. I will share current data collected and explain how data will be used to track improvement.

Compliance Officers will be responsible for contacting complainants, supervisors will be responsible for ensuring contact is made. To begin integrating these procedures, Senior Compliance Officers will began contacting complainants in June 2020. The supervisors will evaluate the process for the first month to determine if there are any issues or necessary changes needed. After the first month of implementing procedures, all Compliance Officers will began contacting the complainants. Supervisors and the Compliance Manager will meet monthly to discuss the implementation of procedures and address any issues. Supervisors will be in direct communication with Compliance Officers weekly to address any immediate issues needing attention. A complaint process survey will be provided to the complainant to address

issues involving the complaint process. The Compliance Manager and supervisors will be responsible for reviewing the surveys and addressing issues. A process flow diagram (Appendix C) and Complaint Processing Questionnaire (Appendix A) will be maintained on OSHA's Q drive for Compliance Officers and supervisors. Supervisors and Senior Compliance Officers will be available as a resource for any issues or questions regarding new procedures.

Evaluation Method

The process will be evaluated using data from the survey (appendix B), which will help identify if SCOSHA is meeting the 7-day response goal. Compliance Officers will also be surveyed to see if they feel the new process is working. The info gathered during the evaluation period will be used to make necessary adjustments or changes.

(Appendix A)

Compliance Officer Complaint Processing Questionnaire

1. What is the hazard?
2. How many employees exposed to the hazard?
3. How are workers exposed?
4. Location of the hazard?
5. Equipment and materials (i.e. chemicals) being used, the process or operation involved?
6. Frequency of task and how long conditions existed?
7. Injuries?
8. Number of shifts and shift hours?
9. PPE provided and/or requirements?
10. Union/Employee Representative?

For Health Hazards

11. Employee exposure results to hazardous atmospheric conditions?
12. Engineering controls/administrative or work practice controls in place?
13. Symptoms or illness due to exposure?

(Appendix B)

Complaint Process Survey

1. Were you contacted by the Compliance Officer prior to complaint inspection being conducted?
2. Were you informed of your employee rights and SCOSHA's complaint process?
3. Were all hazards addressed and/or corrected?

(Appendix C)

Process Flow Diagram



