Workers’ ES&H Rights and Responsibilities

**Brief**

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**BRIEF**

**Policy Summary**

Berkeley Lab’s Workers’ Environment, Safety & Health (ES&H) Rights and Responsibilities policy defines workers’ rights to participate in ES&H activities and to have access to ES&H records and information; and describes workers’ responsibilities for understanding and following ES&H requirements.

**Who Should Read This Policy**

All Laboratory employees and non-employees

**To Read the Full Policy, Go To:**

The POLICY tab on this wiki page

**Contact Information**

Safety Compliance Program Manager
EHS Division

**Policy**

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**POLICY**

**A. Purpose**

The Worker Environment, Safety & Health (ES&H) Rights & Responsibilities policy at Lawrence Berkeley National Laboratory (Berkeley Lab) defines workers’ rights to participate in ES&H activities and to have access to ES&H records and information; and describes workers’ responsibilities for understanding and following ES&H requirements. Specific worker rights are guaranteed by federal law in the DOE Worker Safety and Health Program rule, 10 CFR 851. These rights are implemented through the ES&H Manual (PUB-3000) and other safety documents.
B. Persons Affected

All employees and non-employees at Berkeley Lab

C. Exceptions

None

D. Policy Statement

1. Workers at Berkeley Lab have the right, without reprisal, to:
   a. Participate in activities related to the ES&H Program, including exercising all workers’ rights, listed in D.2.a through h below, on official time.
   b. Be notified when monitoring results indicate they have been overexposed to hazardous materials
   c. Observe the exposure monitoring or measurement of hazardous agents, and to be provided with the results of their own exposure monitoring
   d. Express their concerns related to worker safety and health
   e. Decline to perform an assigned task because of a reasonable belief that the task poses an imminent risk of serious physical harm or death, coupled with a reasonable belief that there is insufficient time to seek effective redress through normal hazard reporting and abatement procedures
   f. Stop work if there is an imminently dangerous condition

2. Workers have the right to have access to:
   a. Department of Energy (DOE) safety and health publications
   b. Documents describing the Berkeley Lab Worker Safety and Health Program, such as the Worker Safety and Health Program (PUB-3851) and the ISMS
   c. Safety and health standards, controls, and procedures applicable to Berkeley Lab as identified in such documents as the EH SS Manual and the Chemical Hygiene and Safety Plan
   d. The Worker Protection for DOE Contractor Employees poster that informs workers of their rights and responsibilities
   e. Results of inspections and accident investigations
   f. Limited information on any record-keeping log (OSHA Form 300) subject to Freedom of Information Act requirements and restrictions
   g. DOE Form 5484.3 (the DOE equivalent of OSHA Form 301, Injury and Illness Incident Report) that contains the employee’s name as the injured or ill worker
   h. A worker representative authorized to accompany the DOE Director or authorized representative during the physical inspection of the workplace for the purpose of aiding any inspection. When no authorized worker representative is available, the DOE Director or authorized representative must consult, as appropriate, with workers on matters of worker safety and health.

3. Every worker at Berkeley Lab is responsible for:
   a. Ensuring his or her own safety and for promoting a safe and healthful workplace and community
   b. Following ES&H-related work instructions. If work instructions cannot be followed safely as presented, or if they present a new hazard, workers must notify the appropriate individuals and assist, as appropriate, with modifying the work instructions.
   c. Understanding and participating in the Berkeley Lab ES&H goal of performing all work safely and in a manner that strives to protect employees, affiliates, visitors, subcontractors, the public, and the environment from hazards
   d. Collaborating with other workers to determine the best way to achieve the ES&H goal in conformance with Laboratory requirements
   e. Using appropriate resources at his or her disposal
   f. Asking for any help necessary (such as assistance from technical, administrative, or craft services) to ensure a safe work environment and reduce environmental impact while performing his or her broader set of job responsibilities
   g. Bringing existing or previously unrecognized hazardous conditions and opportunities for improvement to the attention of his or her immediate supervisor
   h. Notifying his or her work supervisor immediately, and obtaining appropriate transportation to Health Services, if he or she is injured or becomes ill as a result of a work-related activity or an accident

E. Roles and Responsibilities
Laboratory Director (and the Chain of Command)

- Establish written policy, goals, and objectives for the worker safety and health program
- Use qualified worker safety and health staff (e.g., a certified industrial hygienist or safety professional) to direct and manage the program
- Assign worker safety and health program responsibilities, evaluate personnel performance, and hold personnel accountable for worker safety and health performance
- Provide mechanisms to involve workers and their elected representatives in developing worker safety and health program goals, objectives, and performance measures, and in identifying and controlling hazards in the workplace
- Provide workers with access to information relevant to the worker safety and health program
- Establish procedures for workers to report, without reprisal, job-related fatalities, injuries, illnesses, incidents, and hazards; make recommendations about appropriate ways to control those hazards; and provide for prompt response to such reports and recommendations
- Provide for regular communication with workers about workplace safety and health matters
- Establish procedures to permit workers to stop work or decline to perform an assigned task because of a reasonable belief that the task poses an imminent risk of death, serious physical harm, or other serious hazard to workers in circumstances where the workers believe there is insufficient time to use normal hazard-reporting and abatement procedures
- Inform workers of their rights and responsibilities using appropriate means, including posting the Worker Protection for DOE Contractor Employees poster in the workplace

Employees

Must comply with the requirements of the ES&H Program

F. Definitions/Acronyms

None

G. Recordkeeping Requirements

None

H. Implementing Documents

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<tr>
<td>07.01.003.000</td>
<td>ES&amp;H Core Policy</td>
<td>Policy</td>
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<tr>
<td>PUB-3140</td>
<td>Integrated Environment, Safety &amp; Health Management Plan</td>
<td>Plan</td>
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<tr>
<td>PUB-3851</td>
<td>Berkeley Lab Worker Safety and Health Program</td>
<td>Program Document</td>
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I. Contact Information

Safety Compliance Program Manager
EHS Division

J. Revision History

<table>
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<tr>
<th>Date</th>
<th>Revision</th>
<th>By whom</th>
<th>Revision Description</th>
<th>Section(s) affected</th>
<th>Change Type</th>
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<tr>
<td>11/12/2014</td>
<td>1.2</td>
<td>W. Wells</td>
<td>Editorial changes during three-year review</td>
<td>Contact Information, A. Purpose</td>
<td>Minor</td>
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<tr>
<td>9/7/2012</td>
<td>1.1</td>
<td>W. Wells</td>
<td>Revised to correspond with PUB-3851</td>
<td>All</td>
<td>Minor</td>
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<tr>
<td>1/2/2012</td>
<td>1</td>
<td>W. Wells</td>
<td>Re-write for wiki</td>
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Document Information

DOCUMENT INFORMATION

Title: Workers' ES&H Rights and Responsibilities

Document number: 07.01.003.000

Revision number: 1.2

Publication date: 11/12/2014

Effective date: 11/10/2011

Next review date: 11/12/2017

Policy Area: General Policy — ES&H

RPM Section (home): ESH

RPM Section (cross-reference): PUB-3000 Chapter 1; RPM Chapter 7

Functional Division: EHSS

Prior reference information (optional)

Source Requirements Documents

- Contract 31, Appendix I, Environment, Safety and Health Standards for LBNL
- 10 CFR 851, DOE Worker Safety and Health Program

Implementing Documents

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