



ILA-USMX JOINT SAFETY COMMITTEE

OSH Circular 2018-05 (16 April 2018)

Complaints Filed With OSHA

Over the last few months, the ILA~USMX Joint Safety Committee (JSC) has been approached on several occasions by both management and labor interests, with questions about how best to proceed in filing and responding to complaints that are filed with OSHA. **Our advice:**

While the JSC cannot officially argue against the lodging of an occupational safety or health-related complaint with OSHA, we urge all ILA members and their Local Unions to utilize that option as a very last resort; when all else fails. The historical experience, is that our particular industry's labor and management components can generally resolve most OSH controversies by themselves, locally; without governmental involvement.

Each ILA~USMX port has established a local Joint Safety Committee. Those Committees are made up of representatives of labor and management who are tasked with maintaining fair, honest and protective occupational safety & health conditions at all operations within those local ports. If a particular OSH issue cannot be resolved at the pier/terminal level, it is the responsibility of the local Joint Safety Committee to hear the arguments, research the aspects of the issue and to provide guidance in reaching a clear, consistent and fair solution.

Should it ever be the case wherein the local Joint Safety Committee cannot, for whatever reason, resolve any particular OSH issue, it is that Committee's responsibility to refer that issue to the Coastwide Joint Safety Committee. We will then deal with the matter, and help the local port committee resolve it in a non-political, legally consistent and equitable matter; with only our industry's best interests and the OSH of all its members being considered.

So, if you've got an OSH issue, take it to your local Joint Safety Committee and let them do their work. The Coastwide Joint Safety Committee is always available to them for the purposes of advice, consultation, guidance and research.

In the case of OSHA complaints that have already been filed or are in process, that agency has published a whole chapter within its Field Operations Manual (FOM) that provides an almost-biblical version of how OSHA must handle complaints; on a step-by-step basis. Employers or employees caught up in that web, will find this link useful:

[OSHA FOM \(2016\)](#)

Once the file opens, please refer to Chapter 9 (Page 9-1)

Got an OSH-related question? Write to the JSC at: blueoceana@optonline.net

Working Together For The Benefit Of All

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