

CHAPTER X

DISCRIMINATION COMPLAINTS

- A. Scope. This chapter sets forth general guidelines for handling discrimination complaints under ' 396-8(e) of the Law and ' 12-51-11(d). Specific procedures for conducting discrimination complaint investigations are contained in the Discrimination Manual.
- B. Responsibilities.
1. Administrator. The administrator shall have overall responsibility for the investigation and disposition of discrimination complaints and will ensure that the appropriate DOSH official is assigned to investigate the complaint.
 2. Administrative and Technical Support (ATS) Branch Manager/Supervisory Investigator (SI). Under the supervision of the administrator, the SI is responsible for the implementation of policies and procedures, and for the effective supervision of discrimination investigations.
 3. Compliance Branch Managers. Each compliance branch manager is responsible for notifying the SI of any discrimination complaint received by their staff.
 4. Investigator. Under the direct guidance and general supervision of the SI, the investigator shall:
 - a. Conduct investigations and fact-finding studies in the field concerning complaints of alleged discrimination under ' 396-8(e).
 - b. Refer to the Discrimination Manual for specific procedures for conducting the investigation.
 5. Compliance Officers. Compliance officers are responsible for:
 - a. Notifying employers in closing conferences that discrimination against employees exercising their rights under the Law is prohibited, and
 - b. Expeditiously notifying the branch manager of discrimination complaints which are received in the field.
- C. Form of Complaints. Complaints alleging employee discrimination in violation of ' 12-51-11(d) may be either written or oral and can be made to any DOSH official. Receiving officials shall screen complaints to determine if alleged safety or health hazards merit inspection. (See Chapter IX, A.3.d.(2))
1. Oral Complaint. Any DOSH official receiving an oral discrimination complaint shall:
 - a. Record on either the HIOSHL-7 or OSHA-82 Form the name, address, and telephone number of the complainant and the nature of the alleged complaint.
 - b. Forward the HIOSHL-7 or OSHA-82 form to the SI for screening and administrative processing.

- c. The branch office receiving a discrimination complaint by phone should ensure all pertinent information regarding the complaint is recorded on the telephone log.
 - 2. Written Complaints. If a written discrimination complaint is received by any branch office, it shall be sent immediately to the SI for screening and administrative processing.
- D. Investigation Procedures. The investigation, administrative processing and final disposition of all discrimination complaints received by DOSH officials shall be in accordance with the specific procedures contained in the Discrimination Manual.

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