Chapter 4

REFERRAL

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Chapter 4

REFERRAL

Policy Statement: It is the policy of the Division of Occupational Safety and Health (DOSH), also known as Cal/OSHA or the Division, to document information about unsafe or unhealthful workplace conditions which come from various sources, and to make referrals within DOSH and to other government agencies.

Purpose: This policy is intended to set forth procedures for DOSH team members to understand the scope of DOSH's authority and to ensure workers' health and safety within those defined boundaries by making appropriate referrals between units within DOSH, within the Department of Industrial Relations (DIR), or to other government agencies when it is not within DOSH's jurisdiction.

Authority: DOSH will administer this policy in compliance with all applicable laws, rules, and guidance:

- California Labor Code, Sections 6309, 6315, 6423, 6425 and 6430
- California Code of Regulations, Title 8, Sections 344.51 and 344.52
- Applicable DIR-DOSH Directives and Special Emphasis Programs, including Heat Illness Prevention Special Emphasis Program
- Applicable Federal OSHA Adopted Directives and National Emphasis Programs

Definitions:

1. **Referral**

   A referral is the notification of alleged safety and/or health hazards, based on the source of the information.

   a. If the source of the information is a representative of a government agency, the source is considered as a formal complainant, and the matter must be processed accordingly as a complaint. Refer to Policy and Procedures (P&P) Chapter 2: *Complaint Intake and Processing* for further details.

b. If the source of the information is an attorney, health or safety professional or union representative, who has a representational relationship with a named employee at the place of employment about which the complaint is made, the source is considered as a formal complainant, and the matter must be processed accordingly as a complaint. Refer to Chapter 2 for further details.

c. Information about a potentially hazardous workplace condition originating from a non-governmental organizational entity, like print or electronic news organizations, must be categorized as a referral.

2. **DOSH Referral Forms**

DOSH referral forms are used by DOSH to record the report of alleged, including but not limited to, unsafe working conditions, unsafe work practices, and/or health and safety violations of Title 8 of the California Code of Regulations (8 CCR) at a place of employment.

3. **Referral Inspection**

A referral inspection is an on-site inspection of an employer's workplace/place of employment that is conducted by a DOSH inspector.

4. **Companion Referral, Complaint or Accident**

If a complaint or accident or referral inspection is scheduled or has begun at an establishment and a referral that would generally be investigated by telephone/fax/email is received, or another referral with the same and/or additional alleged unsafe hazards in the workplace, that referral may be scheduled for inspection as a companion to the complaint or accident or referral and added to the existing inspection.

5. **Serious and Nonserious Violation**

A complaint is deemed to allege a serious violation if DOSH determines that the complaint charges that there is a realistic possibility that death or serious physical harm could result from the actual hazard created by a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use in a place of employment. All other complaints are deemed to allege nonserious violations.

6. **Imminent Danger**

A referral alleging there is a hazard or danger which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of the danger can be eliminated through regular enforcement procedures from the actual hazard created by a condition that exists, or from one or more practices, means,

methods, operations, or processes that have been adopted or are in use in a place of employment and for health hazards, exposure to toxic substance or other health hazard must cause harm to such a degree as to shorten life or be immediately dangerous to life and health (IDLH), or cause substantial reduction in physical or mental efficiency or health, even though the resulting harm may not manifest itself immediately.

EXAMPLE: Employees in an excavation five (5) feet or deeper without shoring or sloping; employees working at a trigger height without personal fall protection; employees working in close proximity to overhead electrical lines; and employees working in confined spaces with oxygen levels below 19.5%.

7. **Duty Officer for the Day**

   A trained employee within DOSH's Enforcement Branch assigned to carry out the tasks of conducting complaint intakes for the day.

8. **Designee**

   An employee authorized to act on behalf of the District Manager and/or Senior Industrial Hygienist Supervisor in their absence.

Procedures:

I. Referral Processing

A. General

Referrals must be evaluated by the District Manager (DM), Senior Industrial Hygienist Supervisor (SIHS) and/or an authorized designee, which is herein referred to as DM/SIHS/Designee, in accordance with this policy and Section (§) 6309 of the California Labor Code (Lab.).

B. Confidentiality: Identity of Complainant

Labor Code § 6309(c) mandates that "the name of a person who submits the division a complaint regarding the unsafe condition of an employment or place of employment shall be kept confidential by the division, unless that person requests otherwise."

Unless the complainant requests otherwise, DOSH must follow these steps to protect the confidentiality of the complainant's identity:

1. DOSH does not provide employers or any other person with any information that would allow them to identify the complainant.

2. DOSH must keep confidential any documents that contain the name of the complainant (e.g., Cal/OSHA Form 7: *Notice of Alleged Safety and Health Hazards* and letters to the complainant).

3. DOSH must not send correspondence to the complainant's work address.

C. Response to Referrals

DOSH's response to a referral takes a variety of forms, ranging from an inspection to a response by letter, depending upon the complaint, the nature of the hazard and the abatement response of the employer. Referrals received must be evaluated promptly by the DM/SIHS/Designee to determine whether an on-site inspection or off-site letter investigation will be conducted. See Chapter 6: *Off-site Letter Investigations* for conducting off-site letter investigation.

DOSH must prioritize investigations of reports of accidents involving death or serious injury or illness and complaints that allege a serious violation over investigations of referrals that allege a nonserious violation.

II. Referral Intake

The primary goal of the referral intake process is to collect detailed, accurate information of a referral to facilitate triage, inspection, investigation, and/or referral to the appropriate agency.

A. Completion of the Cal/OSHA Form 90s

The assigned Duty Officer for the day must:

1. Complete referrals on the appropriate referral forms, which are the following:

   a. Cal/OSHA Form 90: *Referral Report*,

   b. Cal/OSHA Form 90B: *Field Referral to Bureau of Investigations*,

   c. Cal/OSHA Form 90L: *Labor Camp Housing Referral*, and

   d. Cal/OSHA Form 90M: *Medical Unit Services Referral*.

2. When taking a referral by phone or in-person, write down all alleged hazard information provided by the caller/person onto the appropriate referral form (Cal/OSHA Forms 90, 90B, 90L and/or 90M).

3. Attach any documents, photographs, emails and/or recordings received from the person/caller via email, letter, fax, hand delivery, etc. to the appropriate referral form.

4. Review the alleged hazard condition or practice and record the potentially applicable Labor Code and/or Title 8 sections on the appropriate referral form for management review and evaluation.

5. Contact the person/caller, if contact information is available, when essential information is not contained in the document or the information provided is too vague, for clarification or additional available information.

6. Research, review and print the employer's DOSH history for management review from the federal OSHA website. Print out and attach the employer's DOSH history to the appropriate referral form.

7. Check OSHA Information System (OIS) for any closed, and active/open on-site inspections and/or offsite letter investigations. Print out and attach any of these inspections and/or investigations to the appropriate referral form.

   NOTE: Analyst personnel can conduct the intake of referrals, but only after they have been trained on how to accurately perform such tasks and have been determined by DOSH Management, after an appropriate training period, to take referrals competently.

B. **Notification to Management of Complaints**

The Duty Officer must provide the completed referral form to DM/SIHS/Designee for evaluation and processing on the same day.

Imminent Danger: The Duty Officer must immediately notify the DM/SIHS/Designee of an imminent danger referral allegation, as defined in the *Definitions* section of Chapter 2.

C. **How to Conduct a Referral Intake Interview**

1. When communicating with a person/caller reporting/referring a concern of unsafe or unlawful conditions or practices, the Duty Officer for the day must do the following:

   a. Answer any questions the referring party may ask to the best of their ability or knowledge.

b. Explain the scope of DOSH's authority:
    i. DOSH has jurisdiction over nearly all workplaces in California, protecting workers from unsafe and unhealthy conditions.

    ii. DOSH enforces the state's occupational safety and health regulations, including inspections, citations, and fines.

    iii. DOSH provides free on-site and off-site assistance to employers and workers to help them improve safety and health programs.

c. Explain the scope of other governmental agencies' authority, if any complaint items pertain to other agencies, such as Labor Commissioner's Office (LCO, formerly known as Division of Labor Standards Enforcement [DLSE]), Division of Workers' Compensation (DWC), or Pesticides.

2. The assigned Duty Officer for the day must conduct any referral intake interview as follows:

    a. Be patient, courteous and professional.

        i. Thank the person/caller for coming forward and assure them that a fair, impartial evaluation of their inquiry will be taken once the intake is completed.

        ii. Actively listen without interruption.

    b. Document conversation clearly, correctly and thoroughly.

        i. Thoroughly and accurately record and complete the appropriate referral form.

        ii. Clearly and legibly document the allegation(s) at the workplace or place of work, including hazard item(s) that fall outside DOSH's jurisdiction, such as no lunch breaks, no overtime pay, no workers' compensation insurance, and no contractors.

    c. Provide clear communication and explanation.

        i. Use simple language. Do not use jargon.

        ii. Ask clear, open-ended questions and follow up with specific questions to fill in gaps.

        iii. Tailor questions to the industry.

d. Submittal of Completed Referral Form.

i. Health referrals must be sent to the SIHS/Designee and safety complaints to DM/Designee for evaluation and determination of what action(s) need to be taken.

ii. When a referral alleges both safety and health hazards, it must be sent to both DM/Designee and SIHS/Designee, who will work together to evaluate the complaint and determine what action(s) to take.

III. Referral Evaluation and Assignment

The DM/SIHS/Designee must:

- Evaluate each referral and other available information, and exercise professional judgment to decide if an on-site inspection, off-site letter investigation, referral to another agency or no enforcement action is warranted/required.

- Thoroughly document in detail on the appropriate referral form the reasoning for situations where no on-site inspection will be conducted and ensure that the information is entered in the OIS.

- Promptly consult with respective Regional Manager (RM) when determining that there are no resources available to timely conduct an on-site inspection in response to the referral.

  NOTE: When the referral does not provide essential information, or it is too vague to evaluate, an attempt by the DM/SIHS/Designee or Duty Officer must be made to clarify the allegations.

A. Determining Referral Priorities and Response Time

1. ***Inspection Priority 1*: Immediately on the same day upon receipt of an imminent danger referral**

   a. Every reasonable effort must be made to investigate all the **imminent danger referrals** on **the same day** that the complaints are received.

   b. When an on-site inspection of an **imminent danger referral** cannot be conducted immediately, DM/SIHS/Designee may make telephonic

contact with any source, including the employer who controls the workplace containing the imminent danger, to verify the nature and extent of the hazard and to require that corrective steps be taken immediately to protect the health and safety of employees.

When telephonic contact is made with any employer who controls the workplace containing the imminent danger***, such contact will be considered as Advance Notice and procedures pertaining to Advance Notice in Chapter 7: Inspection Procedures must be followed***.

2. ***Inspection Priority 2*****: Three (3) working days for a serious violation**

   If a decision is made to inspect, the inspection must take place as soon as possible, but no later than three (3) working days after receiving a referral charging a serious violation.

3. ***Inspection Priority 3*****: Fourteen (14) calendar days for a non-serious violation**

   If a decision is made to inspect, the inspection must take place as soon as possible, but no later than fourteen (14) calendar days after receipt of a referral charging a nonserious violation.

4. ***Off-site Letter Investigation*****: Three (3) working days after receiving a complaint**

   If a decision is made to conduct an off-site letter investigation, the investigation must take place as soon as possible, but no later than three (3) working days after receipt of a referral. See Chapter 6 for conducting off-site letter investigations.

B. **Determining Whether to Conduct a Referral Inspection, Off-site Letter Investigation, or No Inspection**

1. **Referral Inspections**

   Under certain circumstances such as, but not limited to, those described below, **an on-site inspection must be performed**.

   Basis for an on-site referral inspection:

   a. Allegations of imminent danger situations.

   b. Allegations of serious hazards.

c. Permanently disabling injuries or illnesses, related to hazards apparently still in existence, or have occurred.

d. Significant history of non-compliance.

e. Referral by sister agencies, including, but not limited to Labor Commissioner's Office and Employment Development Department.

f. Establishment covered by local or national emphasis program.

g. If a referral is received by the district office about a worksite, and the employer is on the High Hazard Unit (HHU) programmed planned inspection list, the referral must be referred over to the HHU for an on-site comprehensive inspection.

h. If a referral is received by the district office about a worksite, and in the professional judgment of the DM/SIHS/Designee, Regional Manager, Assistant Deputy Chief of Enforcement, or Deputy Chief of Enforcement an on-site inspection is required.

i. If a referral is received by the District Office about a worksite, and the employer is in Agricultural Industry, the referral may be referred over to the Agricultural Unit for an on-site comprehensive inspection.

2. **Off-site Letter Investigation**

   If the referral does not meet the criteria for initiating an on-site inspection, but meets the criteria for an off-site letter investigation, the DM/SIHS/Designee must follow the procedures in Chapter 6 for off-site letter investigations.

3. **No Inspection**

   Basis for no inspection:

   a. The referral is not within DOSH's jurisdiction.

   b. The referral is too vague and lacks essential information to evaluate.

C. **Assigning Referral to Compliance Personnel for On-site Inspection**

1. The DM/SIHS/Designee must timely assign a Safety Engineer and/or an Industrial Hygienist to conduct an on-site inspection of the establishment/place of business and provide the time by which the on-site inspection must be initiated.

   NOTE: When the DM/SIHS/Designee determines they do not have the resources available to timely conduct an on-site inspection in response to the referral, they must notify their Regional Manager, who will identify if there are additional resources within the region.

   If no additional resources are available within the region, the Regional Manager must work with the Assistant Deputy Chief of Field Enforcement on a plan of action. DM/SIHS/Designee must implement the option(s) authorized by the Regional Manager and approved by Assistant Deputy Chief of Enforcement Branch.

2. Compliance personnel assigned a referral for an on-site inspection must follow all applicable procedures set forth in the compliance policy and procedures manual and directives based on the nature of the referral.

D. **Assigning Referral to Compliance Personnel for Off-site Letter Investigation**

The DM/SIHS/Designee must assign a Safety Engineer and/or an Industrial Hygienist to conduct an off-site letter investigation of the referral, base the selection on the inspector's experience with, including but not limited to, the particular industry or operation involved in the referral. The compliance or analyst personnel must follow the procedures in Chapter 6 for conducting an off-site letter investigation.

IV. OIS Entry of Referral

After receiving the completed DOSH referral form, DM/SIHS/Designee must ensure that all referral information on the form is timely entered into OIS within no later than one (1) business day.

A copy of the DOSH referral form must be given to the compliance personnel assigned to conduct an investigation or generate a letter response.

A copy of all referral forms which are either received by or sent from the District Office must be filed in the employer's case file or in a separate file, when no inspection or letter to the employer is planned.

V. Referrals from Non-Governmental Organizational Entities to DOSH Enforcement

When the District Office receives information about a potentially hazardous workplace condition which originates from a print or electronic news media report, or other non-governmental organizational entities, the DM/SIHS/Designee must first determine if DOSH has jurisdiction over the workplace containing the potentially hazardous condition.

If DOSH has jurisdiction, DM/SIHS/Designee must assign a compliance personnel to document information about the hazardous condition on the Cal/OSHA Form 90: *Referral Report* as a referral.

NOTES:

- When DOSH receives information about an occupational fatality, injury, or illness, which originates from a print or electronic news media report, the DM/SIHS/Designee must first determine if DOSH has jurisdiction over the workplace and complete a Cal/OSHA Form 36: *Accident Report*. See Chapter 3: *Accident Report*.

- Examples of print and electronic news media referrals include newspaper or magazine articles or photographs or news items reported over radio or television stations.

VI. Referrals within DOSH

A. **DOSH Enforcement Referrals**

If compliance personnel observe a hazard which is present in a workplace, e.g., visible from the street or highway, compliance personnel must conduct an inspection of the hazard and categorize the inspection as a referral on the Cal/OSHA Form 1 and also complete a Cal/OSHA Form 90.

NOTE: If the DOSH Safety Engineer or Industrial Hygienist who observes the hazard is unable to conduct the inspection at the time of observation because of the need to perform another inspection assignment, the safety engineer or industrial hygienist must immediately notify DM/SIHS/Designee of the hazard. The DM/SIHS/Designee must then complete a Cal/OSHA Form 90 and assign the inspection to other compliance personnel.

B. **Intra-Cal/OSHA Enforcement District Office Referrals**

If, during the course of an inspection or investigation, the inspecting compliance personnel determine that compliance personnel from a discipline different from their own, e.g., safety or industrial hygiene, are needed to conduct a separate inspection, the requesting compliance personnel must complete a Cal/OSHA Form 90, stating the reason(s) for the referral to compliance personnel of another discipline and submit it to the DM/SIHS/Designee for approval and assignment.

C. **Intra-Divisional Office Technical Assistance Referrals**

During the course of an inspection or investigation, compliance personnel may need the on-site assistance of personnel from another administrative unit within DOSH who have technical expertise which is needed to conduct the inspection or investigation. If such expertise is needed, compliance personnel must notify their DM/SIHS/Designee of the need for technical assistance. If approved, the DM/SIHS/Designee must contact the manager of the office at which the person whose technical assistance is needed to request assistance. A Cal/OSHA Form 90 does not have to be completed when requesting intra-Division technical assistance.

D. **DOSH Enforcement District Referral to the Medical Unit**

1. Cal/OSHA Form 90M: *Medical Unit Services Referral*

   If, during the course of an inspection or investigation, compliance personnel determine that the on-site assistance of Medical Unit personnel is needed, compliance personnel must complete a Cal/OSHA Form 90M and submit it at the earliest opportunity in the course of the inspection to the DM/SIHS/Designee for approval prior to forwarding it to the appropriate Medical Unit Office.

   NOTES:
   - When making a referral to the Medical Unit, enter S 7 MEDICAL under Optional Information (Item 42) on the Cal/OSHA Form 1.

   - Telephonic or personal contact with Medical Unit personnel is recommended prior to making a Cal/OSHA Form 90M but is not required.

2. Grounds for Referral to the Medical Unit for On-site Assistance

   a. Serious exposure or illness related to a physical agent, e.g., asbestos.

b. Serious exposure or illness related to a chemical agent, e.g., lead poisoning.

c. Serious exposure or illness related to a biologic agent, e.g., bloodborne pathogens or tuberculosis.

d. Serious injuries resulting from exposure to risk factors for cumulative trauma disorders.

e. Serious health problems associated with indoor air quality.

NOTE: When making a referral to the Medical Unit for serious health problems resulting from an indoor air quality complaint, an IAQ Medical Unit Referral Form must also be sent to the Medical Unit. See Chapter 30: *Agricultural Safety and Health*.

f. Other serious health-related issues.

E. DOSH Enforcement District Referral to Bureau of Investigations

1. Function

The function of the Bureau of Investigations (BOI) is to conduct criminal investigations and to refer the results of such investigations when appropriate to a city attorney or district attorney for necessary action.

2. Scope of Work

a. The BOI must investigate accidents involving violations of a standard, order, or special order, or Section 25910 of the Health and Safety Code (pertaining to substances containing asbestos), in which there is:
   i. A serious injury to three (3) or more employees,

   ii. Death, or

   iii. A request for prosecution by a DOSH representative.

NOTE: The BOI must analyze the circumstances surrounding the violation to determine whether the conduct is sufficiently aggravated to fall within the scope of Labor Code § 6423, 6425 and other penal statutes.

b. The BOI must review an inspection report whenever a serious violation has resulted in a serious injury or exposure.

c. The BOI may investigate cases in which the BOI finds criminal violations have occurred.

3. Referral to BOI

a. Cal/OSHA Form 90B: *Field Referral to Bureau of Investigations* (BOI)

If compliance personnel become aware that there are conditions which may constitute criminal violations, compliance personnel must refer the case through the District and Regional Managers to the BOI by completing a Cal/OSHA Form 90B attaching copies of all pertinent inspection documents including the Cal/OSHA Forms 1, 1A, 1B, 2, 7, 36 and 170.

NOTE: All requests for immediate BOI assistance must be made by telephone or fax to the nearest BOI Unit Office.

b. Grounds for Referral to BOI

i. Serious willful violations involving death or bodily impairment (Labor Code § 6425).

NOTE: Procedures found in P&P C-36 require that the BOI be informed of incidents resulting in one or more fatalities or a serious injury, illness or exposure.

ii. Knowing or negligent serious violations involving exposure to toxic materials or serious injury (Labor Code § 6423[a]).

iii. Repeated violation which creates a real and apparent hazard to employees (Labor Code § 6423[b]).

iv. Failure or refusal to abate violative conditions within the time established for correction, which failure creates a real and apparent hazard to employees.

v. Destroying, defacing, removing, obstructing or "working over" an Order Prohibiting Use where a substantial hazard to employees exists (Labor Code § 6326).

vi. Submission of a fraudulent statement of abatement (Labor Code § 6430[c]).

vii. When compliance personnel believe that conditions constitute a criminal violation.

VII. Referrals to Other Governmental Agencies

A. DOSH Enforcement District Referral to a Federal, State or Local Government Agency

When DOSH personnel receive information about a potentially unsafe workplace condition(s) and/or practice(s) under the jurisdiction of a federal, state or local government agency, the DOSH personnel must document information on the Cal/OSHA Form 90: *Referral Report* and immediately submit the form to management for review and approval. If approved, the referral must be sent to the appropriate governmental agency.

B. DOSH Enforcement District Referral to Labor Camp Housing

1. Every employer operating a labor camp under the provisions of the California Employee Housing Act must obtain a valid permit issued by the Department of Housing and Community Development or by a local governmental agency authorized to issue such permits by the Department. The employer must either post or have available a valid and current permit.

2. Cal/OSHA Form 90L: *Labor Camp Housing Referral*

   a. Compliance personnel may receive complaint(s) alleging potential violation of labor camp housing, during duty day assignment, an onsite inspection, or any other event. Compliance personnel must record such complaints on a Cal/OSHA Form 90L for management review.

      NOTE: The Cal/OSHA Form 90L must be sent to the nearest Area Office of the California Department of Housing and Community Development.

   b. If, during an inspection or investigation, compliance personnel observe any housing hazards, or lack of a valid permit, at a labor camp, they

must complete and submit a Cal/OSHA Form 90L for management review.

C. DOSH Enforcement District Referral to Labor Commissioner's Office

1. California Labor Commissioner's Office has jurisdiction over employers and employees within California to enforce labor laws regarding wage and hour disputes, retaliation, and workplace safety. Its authority includes adjudicating wage claims for things like unpaid overtime and meal breaks, investigating retaliation complaints, and inspecting workplaces for violation of Labor Laws.

2. DOSH compliance personnel may receive complaint(s) alleging potential violation of labor laws under LCO's jurisdiction, during duty day assignment, an on-site inspection, or any other event. Compliance personnel must record such complaints on a Cal/OSHA Form 7 for management review and processing. Should the DM/SIHS/Designee decide that the matter needs to be referred to LCO, DOSH compliance personnel must be directed to complete and submit a Cal/OSHA Form 90: *Referral Report* to DM/SIHS/Designee for review and approval prior to sending to LCO.

   Any of the following complaints are under LCO's jurisdiction:

   a. Any complaint concerning discrimination under Labor Code § 6310 of the California Occupational Safety and Health Act by employees under the Division's jurisdiction.

      NOTE: Complaints must be filed with LCO within one (1) year of the discriminatory action.

   b. Any complaint concerning an employee's refusal to perform work under Labor Code § 6311 by employees under the Division's jurisdiction.

   c. Any retaliatory threats, both direct and indirect:

      i. Retaliation generally means subjecting employees to adverse action or otherwise discriminating against them for engaging in a protected activity, such as reporting a workplace safety violation.

      ii. Immigration-related threats are a form of retaliation by employers, and some examples of these threats may include:

- Contacting ICE, also known as “immigration,” “la migra,” “immigration authorities,” or “border patrol.”

- Making threats, such as “ICE will find you,” “Immigration has your address,” “I’ll call immigration on you,” or “You’ll never be allowed back in this country.”

- Instructing other employees to anonymously report an employee to ICE, sending text messages threatening arrest if the worker tries to collect wages or participate in DOSH proceedings or investigation.

- Asking inappropriate immigration-related questions during any of DOSH’s processes, including investigation, conference, or hearing.

- Threatening DOSH that if the worker does not withdraw the complaint, the employer would contact ICE.

- Directing threats against co-workers, family members, or other members of the household or community.

1) Such actions are aimed at intimidating workers into not reporting workplace safety and health issues, refusing to participate or preventing DOSH from moving forward with an effective inspection and investigation. Under California law, immigration-related threats in retaliation for exercising a right are unlawful.

2) The role of any DOSH team member who acquires information regarding an immigration-related retaliatory threat is to complete the appropriate referral to LCO using Cal/OSHA Form 90, which the DM/SIHS/Designee must review and approve prior to sending to LCO.

3) Referrals should be made even when there is no specific worker involved, the worker is unaware of the threat, the worker cannot be reached, or the worker does not wish to participate in an investigation into the immigration-related retaliatory conduct or does not want DOSH to investigate such conduct.
4) If the worker cannot be reached or the worker does not wish to proceed or participate in an investigation, a referral should still be made to LCO.

NOTE: DO NOT threaten to report or state, “I have to report this,” simply fill out the form and make the referral.