

IMMINENT DANGER

INFORMATION AND GUIDANCE ON IMMINENT DANGER SITUATIONS

Imminent Danger is any conditions or practices in any place of employment, in which a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the danger can be eliminated through applicable regulatory enforcement procedures.

Serious physical harm means physical injury which creates a substantial risk of death, or which causes death or serious prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.



Examples of Imminent Danger

- Entering a trench 4 feet deep or greater with the potential for a cave-in.
- Contact with a live, exposed electrical wire.
- Entering a Permit-Required Confined Space with an IDLH (Immediately Dangerous to Life and Health) atmosphere.



Recognizing the presence of imminent danger with health hazards is more complicated than recognition for most physical hazards. For a health hazard, exposure to the toxic substance or other 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, though the resulting harm may not manifest itself immediately.

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WHAT TO DO IN AN IMMINENT DANGER SITUATION

Under certain circumstances you may have the right to refuse a task that places you in imminent danger.

All of the following must apply.

- There is a reasonable fear of death or serious physical harm & you refused the task in good faith.
- You informed management & asked that the imminent danger hazard be corrected.
- You have no other option (management refused to correct the hazard or refused to assign you to another task).
- There isn't time for the PESH / OSHA complaint process to correct the hazard.

If you are directed to perform a task that places you in imminent danger, and the above conditions are met, your proper refusal to perform that imminent danger task is a protected activity. CSEA will always defend members exercising their rights.

If you must refuse an imminent danger task, take the following steps:

1. **Report the imminent danger hazard to your supervisor**, "I feel that doing (describe the activity that puts you in imminent danger) could lead to serious physical harm or my death. I am not refusing to work; I just want to be safe from imminent danger. Is there another task I can be assigned to until the proper precautions can be put in place for me to complete this task safely?"
2. **Notify CSEA**, If the supervisor dismisses your concern, immediately notify your local CSEA leadership. If you are unable to contact your local leadership, contact the nearest CSEA region office (on back). If your supervisor still expects you to perform the imminent danger task:
3. **Remain**, While remaining in the work area and willing to work in general, "I can not perform the (assigned task) as presently directed, I'm still happy to do anything else."
4. **Notify PESH or OSHA**, Do not risk your life if your employer still expects you to perform any task that places you in imminent danger. Public sector members call (844) SAFE-NYS (723-3697) and report the hazard to the Public Employees Safety and Health Bureau (PESH). Leave a detailed message if directed to a voice mail box. Private sector members call (800) 321-OSHA (6742).

You most likely will be threatened with discipline. Properly refusing an imminent danger task is a protected activity. CSEA members that are disciplined or punished for exercising their right to refuse an imminent danger task will be defended by CSEA. CSEA Region offices have Labor Relations Specialists & Occupational Safety and Health Specialists that can assist you. Contacting (844) SAFE-NYS will prompt a PESH review & document that you took appropriate action. If you are punished for exercising these rights, file a PESH discrimination claim within 30 days of the retaliatory action.

**All imminent danger situations should be reported to the PESH Bureau or OSHA,
don't forget to call 844-SAFE-NYS or 800-321-OSHA.

For more information and resources visit:

www.cseany.org/safety



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Knowledge is power—but collective action saves lives.

At CSEA, transforming knowledge into action is central to our mission of protecting workers. When hazards and close calls are documented and reported, they can be addressed before they cause harm. That's how we prevent injuries and illnesses—by making sure problems don't get ignored. Your voice and vigilance are essential. Now more than ever, we need your help to ensure every workplace is safe, healthy, and accountable.

THE LIFE YOU SAVE COULD BE YOUR OWN!