Weekly Safety Meeting

Whistleblower Protection

A "whistleblower" is a person who informs about illegal, unsafe, or unhealthy activities that another person, group, company, or organization is doing.

The Occupational Safety and Health Administration (OSHA), has a Whistleblower Protection Program that enforces the provisions of more than 20 laws protecting employees from retaliation for reporting workplace concerns, hazards, or violations.

OSHA Whistleblower protections extend to laws and statues concerning workplace safety and health, and many other areas. Each statute that OSHA enforces has a specific time frame in which a complaint can be filed.

Some protected areas include aviation, commercial motor carriers, consumer products, environmental findings, financial reform, food safety, health insurance reform, motor vehicle safety, nuclear issues, pipelines, public transportation agencies, railroads, maritime topics, securities, taxes, antitrust and anti-money laundering. Each of these has a specific statute related to it that details what qualifies to be protected from reporting as a whistleblower.

As an example, for a commercial motor vehicle worker to be covered by the Surface Transportation Assistance Act (STAA), a complaint must be filed within 180 days. Also, to be covered under the act, the vehicle must meet one of three requirements: it weighs over 10,000 lbs., be designed to transport more than 10 passengers, OR transport materials must be deemed hazardous. Then, as a worker, if you are covered under STAA, your employer MAY NOT discharge you for 1) filing a complaint related to a motor vehicle safety or security rule; 2) cooperating with federal safety or security investigations; OR 3) providing information to officials regarding an accident or incident that led to injury, death, or property damage.

In all covered cases, private-sector employees throughout the US and its territories who suffer retaliation because of occupational health and safety are covered by section 11(c) of the OSH Act. In additional, they are also covered by State Plans.

Examples of Retaliatory Actions

Retaliation is an adverse action against an employee under one of the more than 20 laws and statutes protecting whistleblowers. Retaliation can involve several types of actions, including:

- Firing or laying off;
- Demoting;
- Denying overtime or promotion;

- Disciplining;
- Denying benefits;
- Failing to hire or rehire;
- Intimidating or harassing;
- Making threats;
- Reassigning to a less desirable position or affecting promotion prospects;
- Reducing pay or hours;
- More subtle actions, such as isolating, ostracizing, mocking, or falsely y accusing the employee of poor performance;
- Blacklisting (intentionally interfering with an employee's ability to obtain future employment);
- Forcing a constructive discharge (quitting when the employer makes working conditions intolerable due to the employee's protected activity); and
- Reporting the employee to the police or immigration authorities.

Filing a Complaint

An employee can file a complaint by visiting or calling their local OSHA area office, sending a written complaint or filing one online. To contact an OSHA area office, employees should call 1-800-321-OSHA (6742). To file an electronic complaint, go to: www.osha.gov/whistleblower/WBComplaint .

Results of the Investigation

If OSHA determines that retaliation in violation of the OSH Act has taken place, the Secretary of Labor may sue in district court. If no retaliation is determined to have occurred, the complaint will be dismissed. Under the whistleblower laws, the employer may be forced by OSHA to rehire the dismissed worker, pay back lost wages, or other compensatory actions.

For Further Information

For more information on laws relating to whistleblowing, go to http://www.whistleblowers.gov/.

DO WHAT'S RIGHT…EVEN IF YOU HAVE TO FIGHT!

Safety Meeting Sign-In Sheet

Supervisor:	Subject:
Location:	Date:
Conducted By:	Trainer Signature:

Name (print clearly)	Signature	Comments / Safety Concerns / Training Requests