



# Weekly Safety Meeting

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## Health and Safety vs. Whistleblower Complaints

Workers may find themselves in a situation that they feel the need to report to OSHA. Maybe their employer has not done anything about a safety violation they pointed out, or maybe a worker was injured on the job, and is being denied workers compensation. Whatever the reason, whether it be an unsafe environment, an on-the-job injury, or retaliation or backlash from an employer, workers have the right to file a complaint with OSHA. A worker may think it is necessary to file a Safety and Health Complaint, a Whistleblower complaint, or both.

OSHA has a QuickCard about how to determine which workplace complaint to file, and details on what will be required of you a Safety and Health complaint vs. a Whistleblower Complaint. This card is called "Filing a Workplace Complaint-Choosing the Right One" and can be found here:

<https://www.osha.gov/sites/default/files/publications/OSHA4410.pdf>

## A Few Differences - Health and Safety vs. Whistleblower Complaints

### Filing Anonymously

On the OSHA QuickCard, a Whistleblower complaint shows an X by "File your complaint anonymously". For a Safety and Health Complaint, there is a checkmark by "File your complaint anonymously." This means that a Whistleblower Complaint cannot be filed anonymously but a Health and Safety Complaint can.

### Unsafe Conditions

Unsafe conditions should be reported as a Health and Safety complaint, and not a whistleblower complaint. Working conditions can be found out by an OSHA Inspection and affect everyone, not only the whistleblower.

### Retaliation for Raising a Concern

Retaliation or threats include verbal/written threats, being fired, receiving less pay, or having your hours cut/shift changed to a worse one. This affects an individual who is singled out by the employer and made to feel threatened or punished because he/she raised a safety or health concern. This should be a Whistleblower Complaint, not a Health and Safety Complaint.

### Statutes of Limitation for Different Issues

Statutes are laws that pertain to specific industries, substances, modes of transportation and consumer products, to name a few. There are statutes about Water/Air Pollution, Safe Containers,

and Transit Systems. There is a statute of limitations by which the complaints must be filed after an incident occurs.

For a Safety and Health complaint, a complaint must be within 6 months, and for a whistleblower complaint, it must be within 30-180 days, and that can vary by statute.

OSHA administers over 20 whistleblower statutes with varying time limits for filing. The time frame begins when the adverse action occurs and is communicated to the employee.

For more information on filing a Health and Safety complaint, visit OSHA's Worker Rights and Protections page: <https://www.osha.gov/workers> Or, call 1-800-321-OSHA.

For more information on filing a Whistleblower complaint, visit the U.S. Department of Labor's page about OSHA's Whistleblower Protection Program: <https://www.whistleblowers.gov/>

***MAYBE IT'S TIME TO TAKE A STAND...HELP PROTECT YOURSELF AND OTHERS!***

